

DEBATES

IN THE

LEGISLATIVE COUNCIL OF CEYLON,

On Friday, August 28, 1925.

Pursuant to adjournment the Honourable the Members of the Legislative Council met at the Council Chamber at 2.30 P.M. this day.

PRESENT:

- THE HONOURABLE SIR JAMES PEIRIS, KT. (COLOMBO TOWN, SOUTH),
VICE-PRESIDENT.
- THE HONOURABLE COLONEL H. W. HIGGINSON, C.B., D.S.O., A.D.C.,
OFFICER COMMANDING THE TROOPS.
- THE HONOURABLE MR. E. B. ALEXANDER, C.M.G., ACTING COLONIAL
SECRETARY.
- THE HONOURABLE MR. L. H. ELPHINSTONE, K.C., ATTORNEY-GENERAL.
- THE HONOURABLE MR. H. W. CODRINGTON, ACTING CONTROLLER OF
REVENUE.
- THE HONOURABLE MR. W. W. WOODS, TREASURER.
- THE HONOURABLE MR. F. A. STOCKDALE, C.B.E., DIRECTOR OF
AGRICULTURE.
- THE HONOURABLE MR. N. H. M. ABDUL CADER (SECOND MUSLIM
MEMBER).
- THE HONOURABLE SIR PONNAMBALAM RAMANATHAN, KT., K.C.,
C.M.G. (NORTHERN PROVINCE, NORTHERN DIVISION).
- THE HONOURABLE MR. L. MACRAE, DIRECTOR OF EDUCATION.
- THE HONOURABLE MR. T. Y. WRIGHT (EUROPEAN RURAL MEMBER).
- THE HONOURABLE MR. W. DURAISWAMY (NORTHERN PROVINCE,
WESTERN DIVISION).
- THE HON. MR. D. H. KOTALAWALA (PROVINCE OF UVA).
- THE HONOURABLE MR. E. W. PERERA (KALUTARA REVENUE DISTRICT).
- THE HONOURABLE MR. A. C. G. WIJEYEKON (NOMINATED UNOFFICIAL
MEMBER).
- THE HONOURABLE MR. E. J. HAYWARD, C.B.E., V.D. (COMMERCIAL
MEMBER).
- THE HONOURABLE MR. W. L. KINDERSLEY, GOVERNMENT AGENT,
CENTRAL PROVINCE.
- THE HONOURABLE MR. C. W. W. KANNANGARA (SOUTHERN PROVINCE,
WESTERN DIVISION).
- THE HONOURABLE MR. N. J. MARTIN (SECOND BURGHER MEMBER).
- THE HONOURABLE MR. J. STRACHAN, DIRECTOR OF PUBLIC WORKS.
- THE HONOURABLE MR. W. T. SOUTHORN, PRINCIPAL COLLECTOR OF
CUSTOMS.
- THE HONOURABLE MR. M. T. AKBAR, K.C., SOLICITOR-GENERAL.

- THE HONOURABLE MR. K. BALASINGHAM (NOMINATED UNOFFICIAL MEMBER).
- THE HONOURABLE DR. J. F. E. BRIDGER, PRINCIPAL CIVIL MEDICAL OFFICER.
- THE HONOURABLE MR. A. CANAGARATNAM (NORTHERN PROVINCE, SOUTHERN DIVISION).
- THE HONOURABLE MR. C. E. VICTOR COREA (COLOMBO TOWN, NORTH).
- THE HONOURABLE MR. C. H. Z. FERNANDO (NORTH-WESTERN PROVINCE, WESTERN DIVISION).
- THE HONOURABLE MR. H. R. FREEMAN (NORTH-CENTRAL PROVINCE).
- THE HONOURABLE MR. T. B. JAYAH (THIRD MUSLIM MEMBER).
- THE HONOURABLE MR. H. M. MACAN MARKAR (FIRST MUSLIM MEMBER).
- THE HONOURABLE MR. G. E. MADAWALA (NORTH-WESTERN PROVINCE, EASTERN DIVISION).
- THE HONOURABLE MR. A. MAHADEVA (WESTERN PROVINCE, CEYLON TAMIL).
- THE HONOURABLE MR. A. F. MOLAMURE (KEGALLA REVENUE DISTRICT).
- THE HONOURABLE MR. A. H. E. MOLAMURE (RATNAPURA REVENUE DISTRICT).
- THE HONOURABLE MR. F. A. OBEYESEKERE (SOUTHERN PROVINCE, CENTRAL DIVISION).
- THE HONOURABLE MR. I. X. PEREIRA (FIRST INDIAN MEMBER).
- THE HONOURABLE MR. S. RAJARATNAM (NORTHERN PROVINCE, CENTRAL DIVISION).
- THE HONOURABLE MR. D. S. SENANAYAKE (NEGOMBO DISTRICT).
- THE HONOURABLE MR. M. M. SUBRAMANIAM (TRINCOMALEE REVENUE DISTRICT).
- THE HONOURABLE MR. S. R. MOHAMED SULTAN (SECOND INDIAN MEMBER).
- THE HONOURABLE MR. V. S. DE S. WIKRAMEANAYAKE (SOUTHERN PROVINCE, SOUTHERN DIVISION).
- THE HONOURABLE MR. G. A. H. WILLE (FIRST BURGHES MEMBER).
- THE HONOURABLE SIR J. THOMSON BROOM, KT. (EUROPEAN URBAN MEMBER).
- THE HONOURABLE MR. W. A. DE SILVA (CENTRAL PROVINCE, URBAN).

MR. J. A. MAYBİN, *Clerk to the Council.*

Papers laid.

THE HON. THE ACTING COLONIAL SECRETARY :—I lay on the table, Sir, the following papers :—

- By-law made by His Excellency the Officer Administering the Government in Executive Council under section 18 (2) (j) of "The Vehicles Ordinance, No. 4 of 1916," for the town of Mihintale in the North-Central Province.
- By-laws made by the Kalutara Urban District Council under sections 164 and 168 (12) of Ordinance No. 11 of 1920 regarding the market area.
- By-laws made by the Sanitary Board of the Mannar District under section 27 of "The Housing and Town Improvement Ordinance, No. 19 of 1915," regarding residential areas.
- By-law made by the Municipal Council of Colombo under section 27 of "The Housing and Town Improvement Ordinance, No. 19 of 1915," regarding dangerous trades.
- Statements showing the Local Board towns and Sanitary Board towns in which Village Tribunals have jurisdiction.

Notice of Motions.

THE HON. SIR J. THOMSON BROOM, Kt. (European Urban Member):—I give notice, Sir, that at the next meeting of Council I will move the following resolution:—

That Government do disclose its loan policy in view of the fact that the proceeds of the 1922 loan are now exhausted, and also that large loan works are now in hand and are far from completion.

The Hydro-Electric Scheme.

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member):—I give notice, Sir, that at a subsequent meeting of Council I will move the following resolution:—

That the Government be pleased to appoint an Advisory Board in connection with the Hydro-Electric Scheme, as asked for in the debate on the scheme in this Council which took place on January 24, 1924.

Questions.

THE HON. THE VICE-PRESIDENT:—I understand that the answers to only three questions are ready.

Village Tribunals.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District):—I rise, Sir, to ask—(1) Will the Government be pleased to state in which of the towns in Ceylon Village Tribunals have been established besides Batticaloa and Trincomalee? (2) Will the Government be pleased to state the number of civil and criminal cases instituted by the residents of the Trincomalee town in the Village Tribunal after its establishment there in the year 1924? (3) Is the Government aware of the fact that the chief headman (Vanniah) of Koddukulam pattu has also been appointed President of the Village Tribunals for that division which was until recently in charge of two chief headmen, one being in charge of the Western and the other Eastern Division, with a separate President of Village Tribunals; and whether it does not consider it against public interests to invest one and the same person with revenue and judicial duties which were discharged by three different persons in the past?

THE HON. THE ACTING COLONIAL SECRETARY:—(1) A statement giving the desired information is tabled.

(2) The figures up to July 22 were: civil, 99 cases; criminal, 90 cases.

(3) Yes. The arrangement was sanctioned by Government. Prior to 1924 the revenue duties in Koddukulam East were performed by an Udaiyar acting as chief headman, and in Koddukulam West by a Korala acting as chief headman. The President of Village Tribunals had jurisdiction over the whole Trincomalee District. The revenue duties of the whole division are now performed by a Vanniah assisted by an Udaiyar in Koddukulam West and a Korala in Koddukulam East. The Vanniah also performs the duties of President of Village Tribunals in his division, and the President of Village Tribunals discharges these duties in the other two divisions of the district. The arrangement is reported to be working satisfactorily.

Judicial Work in Trincomalee.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District):—I rise, Sir, to ask—In view of the marked increase of work in the criminal and civil courts in Trincomalee, and in consideration of the growing importance of the town and the desirability of the revenue officers devoting more time and attention to the needs and development of the district, will the Government be pleased to relieve the Assistant Government Agent and his Office Assistant of their judicial duties and appoint a senior officer unconnected with revenue duties to attend exclusively to judicial work?

THE HON. THE ACTING COLONIAL SECRETARY:—Government has given careful consideration to the question of providing a separate judicial officer for Trincomalee, but is satisfied that the amount of work in the Trincomalee courts is not sufficient to justify such an appointment.

The question of appointing a Cadet to the Trincomalee Kacheheri in order to relieve the Assistant Government Agent and his Office Assistant of part of their routine duties and to give them further time to devote to duties of a more important nature has been noted for consideration when a Cadet is available.

The Estate Duty Ordinance.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District):—I rise, Sir, to ask—In view of the pecuniary loss sustained by the widows of public servants who are called upon to pay estate duty on the capitalized contributions made by their husbands to the "Widows' and Orphans' Pension Fund," on their death, which contributions are in reality donations for their benefit, will the Government be pleased to take steps to amend "The Estate Duty Ordinance, No. 8 of 1919," so as to exempt the "Widows' and Orphans' Pension Fund" from its operation?

THE HON. THE ACTING COLONIAL SECRETARY:—The question was raised recently at a meeting of the Select Committee on the Budget for next year, and Government promised to consider the possibility of granting some relief in the matter referred to. No further statement can be made for the present.

The Road Ordinance.

THE HON. THE ATTORNEY-GENERAL:—I beg, Sir, to move that "An Ordinance to amend the Road Ordinance, 1861, and the Road Ordinance, 1861, Amendment Ordinance, 1884," be read a second time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded, and the motion was agreed to.

The Bill was read a second time.

THE HON. THE ATTORNEY-GENERAL :—I move, Sir, that the Council do go into Committee to consider the Bill clause by clause.

Council in Committee.

The Clerk read clause 1, which was agreed to.

The Clerk read clause 2, which was agreed to.

The Clerk read clause 3, which was agreed to.

The Clerk read the preamble, which was agreed to.

The Clerk read the title, which was agreed to.

THE HON. THE ATTORNEY-GENERAL :—I beg to move, Sir, that the Council do now resume.

Council resumed.

THE HON. THE ATTORNEY-GENERAL :—I move, Sir, that the Bill be read a third time and do pass.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded, and the motion was agreed to.

The Bill was read a third time and passed.

The Ceylon Railways Ordinance.

THE HON. THE ATTORNEY-GENERAL :—I beg, Sir, to move that " An Ordinance to amend the Ceylon Railways Ordinance, 1902," be read a second time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded, and the motion was agreed to.

The Bill was read a second time.

THE HON. THE ATTORNEY-GENERAL :—I beg to move that the Council do go into Committee to consider the Bill clause by clause.

Council in Committee.

The Clerk read clause 1.

THE HON. MR. A. MAHADEVA (Western Province, Ceylon Tamil) :—I should like to ask a question. Is it permissible, after an Ordinance is passed, to add anything to it. I see a blank in clause 1, where the number of the Ordinance should be. The previous Ordinance too was passed with a blank.

THE HON. THE ATTORNEY-GENERAL :—It has always been the practice, I understand, in this Council to do that. It is rather convenient. The short title of each Ordinance bears a consecutive number, which cannot be known till the Ordinance is passed. I do not think there is legal authority for what is done at present, but it has been the practice of the Council.

THE HON. MR. G. A. H. WILLE (First Burgher Member) :—Until the time for the Governor's assent to an Ordinance it cannot be numbered.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :— Before the Governor assents to it the Council passes it, so that nothing can be added.

THE HON. THE VICE-PRESIDENT :—We will follow the usual practice.

The clause was agreed to.

The Clerk read clause 2, which was agreed to.

The Clerk read the schedule, which was agreed to.

The Clerk read the preamble, which was agreed to.

The Clerk read the title, which was agreed to.

THE HON. THE ATTORNEY-GENERAL :—I beg to move that the Council do now resume.

Council resumed.

THE HON. THE ATTORNEY-GENERAL :—I beg to move that the Bill be read a third time and do pass.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded, and the motion was agreed to.

The Bill was read a third time and passed.

Report of the Select Committee on the Budget.

THE HON. SIR J. THOMSON BROOM, KT. (European Urban Member) :—I rise, Sir, to a point of order. I appended my signature yesterday to the report of the Select Committee on the Budget subject to a proposed motion in Council, but I do not find a copy of the report with my signature. I understood that the report of the Select Committee was to be discussed item by item to-day, but I find that the report is not before us now. I asked the Honourable the Vice-President yesterday, and he replied that the report would be before the House to-day.

THE HON. THE VICE-PRESIDENT :—I did not.

THE HON. SIR J. THOMSON BROOM, KT. (European Urban Member) :—If I may intimate to the House the motion which I propose to move, it is this: "That a copy of the resolution numbered 2 on the first page of Select Committee's Report as passed without dissent by the Unofficial Members, together with the copy of the reply thereto from Government, be forwarded to the Secretary of State for the Colonies." I give notice of that motion, Sir.

Official Designations of the Principal Civil Medical Officer, &c.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) :—I beg to move, Sir, the second reading of "An Ordinance to alter the official designations of the Principal Civil Medical Officer and other officers of the Medical and Sanitary Services." In moving the first reading of this Ordinance I went very fully into the objects and reasons. Since that date the Select Committee

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of this Council which dealt with the Budget has accepted the principle involved in this Ordinance. I therefore think it unnecessary at this stage to say anything further, and I therefore move that the Bill be read a second time.

THE HON. MR. W. T. SOUTHORN (Principal Collector of Customs) seconded, and the motion was agreed to.

The Bill was read a second time.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) :—I move that the Council do go into Committee to consider the Bill clause by clause.

Council in Committee.

The Clerk read clause 1, which was agreed to.

The Clerk read clause 2.

THE HON. THE ATTORNEY-GENERAL :—I have one or two minor amendments to propose, and I think the most convenient course would be if I moved the amendment in the following form—That section 2 be re-numbered 2 (1) and (2). The amendment is intended merely to include, not only the expression Principal Civil Medical Officer, but also any expression intended to designate that officer. In some Ordinances this is not stated definitely, and I therefore propose that (1) should read as follows:—"Where in any written law made before the commencement of this Ordinance there occurs the expression 'Principal Civil Medical Officer,' or any expression intended to designate that officer, there shall be substituted therefor the expression 'Director of Medical and Sanitary Services,' and where in any such written law there occurs the expression 'Assistant Principal Civil Medical Officer' or 'Deputy Principal Civil Medical Officer' or any expression intended to designate either of those officers, there shall be substituted therefor the expression 'Deputy Director of Medical and Sanitary Services.'"

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded, and the amendment was agreed to.

THE HON. THE ATTORNEY-GENERAL :—I also propose the following new sub-section (2): "Where in any written law made before the commencement of this Ordinance reference is made, by whatever form of words, to the Government Medical or Sanitary Departments, there shall be substituted therefor the expression 'The Department of Medical and Sanitary Services.'"

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded, and the amendment was agreed to.

Clause 2 as amended was agreed to.

The Clerk read clause 3, which was agreed to.

The Clerk read clause 4, which was agreed to.

The Clerk read the preamble, which was agreed to.

The Clerk read the title, which was agreed to.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) :—I move that the Council do resume.

Council resumed.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) :—I move that the Bill be read a third time and do pass.

THE HON. MR. W. T. SOUTHORN (Principal Collector of Customs) seconded, and the motion was agreed to.

The Bill was read a third time and passed.

Leave to Muslims to attend Jumma.

The following motion stood in the name of the Hon. Mr. T. B. Jayah (Third Muslim Member) :—

That in the opinion of this Council Muslims in the Public Service be granted leave on Fridays between noon and 2 P.M. to enable them to attend Jumma.

THE HON. MR. T. B. JAYAH (Third Muslim Member) :—I have no objection to my motion being deferred.

The motion was accordingly deferred.

Railway Extension to Tangalla.

The following motion stood in the name of the Hon. Mr. V. S. de S. Wikremanayake (Southern Province, Southern Division) :—

That in the opinion of this Council the Government should proceed with the railway extension to Tangalla without further delay.

THE HON. THE ACTING COLONIAL SECRETARY :—His Excellency the Officer Administering the Government has decided that the future railway policy of this Island should await the consideration of Sir Hugh Clifford. With the increasing motor bus traffic, it has become increasingly difficult to definitely decide what the future railway policy of this Island should be.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) :—As I mean to go on with my motion some day, I do not mind moving it to-day.

I shall first of all go into the history of this railway extension to Tangalla. The railway extension as far as Matara was taken up by sections, and after it was completed the question of extension to Hambantota was considered. In 1894 or 1895 a survey was made as far as Gandara and estimates were prepared, and Sessional Paper XII. of 1895 was issued. It will, therefore, be seen that so long ago as 1895—thirty years ago—it was considered necessary or advisable to go on with the extension further south. Later on other extensions less important were taken up, and this proposal was more or less shelved.

Subsequently, the survey for the extension to Hambantota was authorized in September, 1921. A survey was made and a report and estimates prepared, and the latter were sent to the Colonial Secretary by the Chief Construction Engineer on May 28, 1923. Subsequent to that the question of extension to Nintavur was considered, and money voted for it on December 13, 1923. The report and estimates were sent to the Colonial Secretary by the Chief Construction Engineer on November 11, 1924.

The Finance Committee of the last Council considered this matter on February 21, 1924, and decided in favour of the extension to Tangalla. The official minutes of the meeting are rather interesting, and I shall, therefore, proceed to read them:—

The question of undertaking the extension of the railway either from Matara to Tangalla or from Batticaloa to Nintavur was next considered. The General Manager of the Railway and the Chief Construction Engineer, Railway Extensions, were present and assisted in the discussion. The Chairman stated that the reason why Government now brought up the question of the extension of the railway was the fact that the Imperial Government offers financial assistance. If the members were of opinion that the work should be undertaken in the near future, the present was the most opportune time to do it. He accordingly, in the first instance, put to the meeting the question as to whether any railway extension at all should be undertaken now. This was answered in the affirmative, 18 members voting in favour of it. The Chairman then stated that the Government could agree to one only of the two railway extensions mentioned being taken in hand now. The question of which one should be chosen was then put to the meeting, and the Committee decided in favour of the extension from Matara to Tangalla.

It was, therefore, the opinion of the last Council that the extension to Tangalla should have preference to the extension to Nintavur.

What happened subsequently? In Sessional Paper VII. of 1925, in which is embodied the report and estimates of the railway from Batticaloa to Nintavur, there is a letter from the Colonial Secretary to the Chief Construction Engineer dated March 26, 1924, as follows:—

With reference to the Colonial Secretary's letter No. 18 of January 21, 1924, and connected correspondence regarding the extension of the railway from Batticaloa to Nintavur or Matara to Hambantota, I am directed to inform you that His Excellency the Governor in Executive Council has ordered that although the construction of each of the two railways was considered desirable, no further extension of the railway should be undertaken at the present time.

It is strange that just after one extension was turned down and the other accepted by the Finance Committee that letter should have been written on behalf of the Government, thus shelving both extensions.

To go back to the official minutes of the meeting of the Finance Committee which voted in favour of the extension to Tangalla, it was thought very desirable that one of the extensions should be taken up. In fact, it was stated that "the present was the most opportune time to do it," because financial assistance was promised by the Imperial Government. Has the promised financial assistance been availed of? I mention this because there is a feeling in the minds of some that as soon as the Government was defeated in connection with the extension to Nintavur, it decided that the Tangalla extension should be shelved. Another fact that makes one feel that that is the correct interpretation of the matter is that on April 3, 1925, Government asked the present Select Committee for a vote of Rs. 57,000 for the purpose of acquiring land for the Nintavur extension. It was asked as a supplementary vote, and I fail to see why it was asked as a supplementary vote. What was the urgency for it? It appeared as if it was an attempt to give priority to the Nintavur extension. On that day the representatives in this Council of the three districts of the Southern Province

addressed a protest to His Excellency the Officer Administering the Government, one or two sentences of which I should like to read :—

The survey of the extension to Tangalla was completed as early as June, 1923. Unlike the extension to Nintavur, the extension from Matara has been sanctioned We trust that when the Government contemplates the appropriation of moneys for the acquisition of necessary land for railway extension, it will be pleased to appropriate even *pari passu* for the two extensions.

When the Select Committee discussed this matter, it was decided by a very large majority that the extension to Tangalla should have preference over the extension to Nintavur. Honourable Members will see, therefore, that it was the opinion of both the Finance Committee of this Council and also of the previous Council that the Tangalla extension should have priority.

So much with regard to the history of the proposed railway extension to Tangalla. Now, with regard to the reason why the extension should be proceeded with. I need hardly mention that the extension will improve the district. The people are clamouring for it. Petitions and memorials have been sent up asking for it, but nothing has been done up to date. I shall also show that the extension will be a very paying one. The report of the Construction Engineer shows that this extension will be a paying one from the very start. This is what he says in his Sessional Paper : "The line from Matara to Tangalla appears to be a sound proposition, which will give return on capital expended from the date the line is opened for traffic." To this report is attached a letter from the Director of Food Production, Mr. E. B. Denham, in which he says :—

I agree with the Chief Construction Engineer that the extension of the railway from Matara to Tangalla or Beliatta would be a paying proposition. It would run through a well populated and cultivated area The lands in this area are already very fully cultivated, but there is room for considerably more garden cultivation. Beliatta is an important market and centre for agricultural produce, which is brought there from all parts of West Giruwa pattu.

The proposed line passes through Dondra, Gandara, Kottagoda, Dikwella, Walasmulla, and Beliatta. At Dondra there is not only a market, but a fair is held annually, which attracts a very large number of pilgrims, who, I have no doubt, will take advantage of this extension. The other stations have all important markets, especially the market at Beliatta, which is very large and which is visited by thousands of people, and to which the produce of West Giruwa pattu is brought and carted to Galle, Colombo, and so on. Records of our courts would show that a large amount of business is done with Colombo. Besides the markets, there is the important consideration of cultivation. The extension of the line will certainly encourage paddy cultivation in my district. From the answer to the question put by me yesterday, it was gathered that the Hambantota District has an extent of 29,278 acres under paddy. A large quantity of this paddy is transported to Matara in carts. If there is a railway the people will certainly take advantage of it.

Then, again, there is the Walawe left bank scheme in course of construction. When it is completed, thousands of acres will, without delay, be brought under paddy cultivation, and that paddy too would be transported to Matara. The facility afforded by a railway will be a great inducement to the people to cultivate paddy.

Schemes like the Minneriya and Kalawewa have failed, but, as I said before, in the district which I represent there are a large number of people eager to take up paddy, and to prove that they are so is the answer given to my question yesterday, showing how many acres have been brought under paddy recently, namely, nearly 4,000 acres within the last four years.

Apart from paddy, there is the citronella oil industry which is carried on to a very large extent both in Matara and Tangalla, and with regard to this too the Government supplied us with figures yesterday. There are 21,000 acres in citronella in the Matara District, and 11,880 in the Tangalla District, and since January, 1923, over 4,000 acres have been opened up with citronella in these two districts. These figures show that the people of the district are industrious, and that they are trying to do all they can in the matter of cultivation. There is, further, the cotton industry. If Honourable Members will look at the Year Book of the Department of Agriculture, they will see that in 1924 1,500 acres were opened up in cotton, and it is stated that this year cotton seed for an extent of 3,027 acres was distributed. According to reports of the Director of Agriculture cotton experiments have been very successful, and I have no doubt that the people will be ready to open up further land if only the facilities are afforded to them.

There is also the salt industry. Large quantities of salt are produced in Hambantota. In recent years, it is true, there has been a falling off in production, but that was due, according to reports of Government, to the weather. I, however, think that the falling off should be attributed to the fact that the people were not prepared to start work at the moment they should have started. A large quantity of this salt which has to be exported to Colombo and other places by steamer is sure to find its way to the railway if the extension is carried to Hambantota. I am not sure whether I am right, but I am given to understand that when the extension to Batticaloa is completed, the subsidy given to the Ceylon Steamship Company by Government will be stopped. That will fall as a blow to Hambantota.

To deal now with passenger traffic. Tissa once a year attracts thousands of pilgrims, the approximate figure I would put at 20,000. I have no doubt that these will take train. Then there is the Kataragama festival, which also attracts a very large number of pilgrims. They will all, I have no doubt, make use of the train. There is also the Mulkirigala festival, of which perhaps very few Honourable Members have heard. It has one of the oldest shrines in the Island, built before the birth of Jesus Christ. That temple too attracts a large number of pilgrims.

Finally, the cry of unemployment is being raised everywhere. In many ways the extension of the railway further south will give relief to a large number of unemployed. I should now like to quote a statement of Sir William Manning, our late Governor. Sir William Manning said :—

As the Director of Agriculture pointed out, though rice may be grown in certain areas, and though villagers may have surplus supplies which they can dispose of, they are not encouraged to do so, because they are unable to move the supplies to the nearest market. If you want to encourage the rice grower to grow rice sufficient not only for his own requirement, but also for sale, then you must also give him encouragement to do so by providing him with means of transport.

In order to encourage food production, therefore, this extension should be pushed on as early as possible, and I appeal to all Honourable Members interested in food production to vote in favour of this motion.

As to how the money is to be found, I leave that to the Government. Either a loan might be raised to take up both this and the Nintavur extension, or the surplus balance might be made use of. We voted Rs. 2,000,000 to the Irrigation Department for this year, but I think that by the end of the year there will be a surplus of Rs. 1,000,000 from this department only. The surplus at the end of this year would be very large. I do not see why we should not start these new extensions, which will pay from the very start, with the surplus balance. In this connection I should like to quote again from the statement of Lord Carnarvon. In 1886 Lord Carnarvon informed Governor Robinson that "it was needless to require the Ceylon Government to accumulate surplus balances, and that the local Legislature should be allowed at once to devote any surplus either to the remission of taxes which press upon an enterprise or industry, or to the more rapid construction of such public works as are calculated to develop the resources of the Island, or in any other way calculated to produce immediate advantage." I submit that this is an occasion where we might make use of the surplus balance, because the extension will pay from the very start.

THE HON. MR. A. CANAGARATNAM (Northern Province, Southern Division) :—I have great pleasure, Sir, in seconding the motion. I do not consider this to be a parochial need because it is brought forward by a Provincial Member. When a Provincial Member introduces a motion which touches the Province which he represents it is said by some that it is a parochial need, and that it, therefore, does not deserve the same consideration that some need in Colombo or its neighbourhood does. We should get rid of that idea. As in the human body every limb must be strong and healthy if the body is to function satisfactorily, so too must all the districts in the Island be well supplied in regard to their needs for the Island to be prosperous. I, as a Member of this Council representing a division of the Northern Province, say that I am deeply interested in the extension of the railway to Tangalla, which is one of the southernmost parts of the Island. We are interested in every part of the Island, and we therefore wish to see easy communication being established between all parts, so that we may have the facilities to study the needs of the various places and help to develop the districts that need development, and the people of the various districts may emulate each other in order to attain progress. In fact, we should adopt it as a general policy to bring about the progress of the remotest parts of the Island. I consider Tangalla to be an important district which should have been placed within easy communication a long time ago.

The bus and lorry, which are supposed to have come into competition with the railway, do not, I think, obviate the need for a railway. Railway communication is more permanent, and I do not think that the bus and lorry can serve the same purpose as the railway. The railway serves not only passengers but also goods. Although His Excellency the Officer Administering the Government thinks that the competition between the bus and the railway is so keen

that we should give more careful consideration to the future railway policy of the Island, I do not think that the competition is so great as to make it necessary to postpone the construction of this extension, especially as we see that the bus traffic is of quite a different type to the railway and serves quite a different purpose.

In Ceylon, of course, the railway must be prepared to meet the competition of the bus, but in India, where railway fares are very cheap, this problem does not arise. It, therefore, devolves on the Railway Department here to take measures to meet the bus competition. I believe the honourable the mover of the motion said in the earlier part of his speech that there was competition between the extension to Nintavur and the extension to Tangalla, but I was glad to hear during the closing part of his speech that he ignored that competition and suggested that both lines should be taken up at the same time. I do not think that there is any difficulty in taking up both lines. They are both short lines. In regard to the Construction Department, the Government yesterday had to admit that it had disappointed them as much as it had disappointed the Unofficials; but a Select Committee is going into the matter of wrong estimates, when everything will be sifted and, perhaps, the department overhauled.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—I should like to offer a few remarks on this motion. I feel that if further railway extension is to be undertaken, this line should be the first to receive attention; but at the same time I am not convinced that railway extension should be undertaken in future by Government. Railway construction by Government may have been necessary some time ago; when there were no other facilities for transport, or when transport facilities were not so cheap as they are to-day. But to-day, with other transport facilities cheaper than the railway, I think it is best that we should inquire closely into the matter before we decide to extend the railway.

Although my honourable friend the mover of the motion suggested that the extension to Tangalla might be undertaken with the surplus balance, I do not think it is right that anything like the construction of a railway should be undertaken from the general revenue. I have always felt that any expenditure that would benefit future generations should be paid for by future generations as well, and the only way this can be done is by undertaking these works on loan funds. If a loan is to be raised for a work of this nature, it will have to be ascertained whether the railway will pay, not only the working expenses, but also the interest on the money borrowed.

We know the enormous cost to this Colony of opening railway lines. Some of us feel that this cost could be reduced; but at the present moment we know what we have to put up with, and with that experience can we ask Government, before any plans and estimates are prepared, to start this extension. I certainly feel that we should go into the matter more carefully, and find out whether this line will pay, not only the working expenses, but the interest on the capital expenditure.

The next point I should like to consider is whether motor transport should not be encouraged. When I listened to the Message of His Excellency the Officer Administering the Government, I was certainly disappointed to hear His Excellency's remarks

with regard to competition between motor buses and the railway. It seems to me that Government is inclined to discourage motor traffic. That would not be desirable at all. I am inclined to think that motor traffic should be encouraged. It has to be remembered that the motor bus business is carried on by local men; that the money is put into it by small capitalists; that it gives employment to a large number of people; and the transport is cheap and quick. I, therefore, see no reason why we should try to discourage it. I am not against the railway extension to Tangalla, and I will not vote against it; but I would ask Honourable Members to go into the matter carefully before they ask Government to undertake this expenditure.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—I do not think I can allow this motion to be put to the House without saying a few words in view of the remarks from the Honourable Member for the Negombo District. It is significant that some of us fail to see the workings of the Government mind. Not many weeks ago the question was put to us whether we should not vote a sum of about Rs. 56,000 for the acquisition of land for the Nintavur railway. The Tangalla extension is one to which the Government and the country has been committed for a number of years, and though the majority of the Unofficial Members of this Council have decided that priority should be given to the Tangalla scheme, the Government puts forward a proposal for an extension in another direction. My honourable friend for the Negombo District must, therefore, realize that the present attitude of Government is to shelve a delicate situation. They are enamoured of extensions in certain directions, and feel like dropping others to which their predecessors were committed. My honourable friend must, therefore, admit that this "pilot star" of the Government is a lesser luminary leading us towards false principles. There is not and there must not be any competition between roads and railways. Road extension and railway extension must go on till all purposes have been served. I referred during the Budget debate to the "pilot star" which Mr. John Ferguson gave the Government, namely, that "there shall be no finality to railway extension till every revenue town is linked up with the Island system." The Honourable Mr. Canagaratnam told us that this is not a parochial need, and that like the human body all districts of the Island had to be kept well served if the Island as a whole was to prosper. The railway system forms the arteries which give food and nourishment to the whole Island. Our produce must be taken into other districts and must give life to the whole Island. Our main arteries are the railways, and our lesser arteries the roads. Our lesser arteries are totally insufficient to serve the needs of the producers—both big and small. It is, therefore, the duty of Government, not only to continue to strengthen our lesser arteries and to maintain them in good condition, but also to see that there shall be no finality to railway extension till every revenue town is linked up with the Island system.

In regard to this particular extension to Tangalla not many words are necessary to prove its necessity. One of the principles the Government looks to is whether a line will be remunerative. I do not think the Government joins issue with the people on this point. The Government are advised by their own officials that from the

moment this railway is constructed it will be remunerative. It is not necessary to pause to consider whether the line will be remunerative to the extent of covering both maintenance charges and interest on the capital sum invested. I say that railway extensions should not be undertaken on the will-it-pay policy. It is because they should be undertaken on that policy that the money is provided from loan funds.

We ask for only Rs. 182,000 for acquiring the land. The line has been surveyed. The honourable the mover of the motion asks that Government should take early steps to construct this extension. One of the early steps would be the acquisition of the land up to Tangalla. I have had occasion to point out to the Honourable the Acting Colonial Secretary why there is need for the early acquisition of land. And then as regards the money. Why cannot a temporary loan be given from surplus balances, the money to be duly replaced later on? I earnestly ask Government not to devise methods of shelving important principles. The principle which should govern railway extension has been enunciated, and I hope that principle will be accepted by every member of the Government and every member of this Chamber. In full confidence that the principle of this motion and the necessity for giving practical effect to it will appeal to Honourable Members, I leave the motion in their hands.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—I do not desire to give a silent vote on this motion, especially after the remarks of my honourable friend for the Negombo District. The railway extension to Tangalla was promised thirty years ago, and if my honourable friend will refer to Sessional Paper VII. of 1924, he will find that the Government is not rushing into this business. As to whether the railway will pay or not, I shall read what the Chief Construction Engineer himself says: "The line from Matara to Tangalla appears to be a sound proposition, which will give return on capital expended from the date the line is opened for traffic." My belief is that this proposed extension is an illfated one. It has been promised times without number, a survey has been made, and estimates have been prepared, and yet preference has been given to other extensions. The Maho-Trincomalee-Batticaloa railway was started on an estimate of Rs. 9,000,000. That estimate went on increasing to such an extent that it compelled, I think, the Member for the Low-country Products Association to ask for a Commission. A Commission was not then allowed, and it was only yesterday that a Commission was promised—at the tail end, after Rs. 20,000,000 have been spent.

It has been urged that the extension to Nintavur should be undertaken if the Batticaloa railway is to be made a paying proposition. It is for that reason, I believe, Government is anxious that the Batticaloa-Nintavur line should have precedence over the Tangalla line. In fact, it is possible to prove it. When the Tangalla line could not be postponed any longer, verbal instructions were issued to Mr. Cole Bowen, the Chief Construction Engineer, on January 11, 1924, to make a report on the Nintavur extension. It must have taken Mr. Bowen two days to get there, and when there, in conjunction with Mr. Brayne, he drew up a report dated January 18. I ask, how was it possible for anybody to make a

report on 28 miles of railway within three or four days. In his report Mr. Bowen says that the railway will pay, that construction will be easy, and so on.

In connection with the Tangalla extension, the survey was started on September 14, 1921, estimates were drawn up, and a lengthy report written. All that took about two years to compile, and yet the Government has been anxious to give the extension to Nintavur the preference. As regards the advisability of opening the line to Tangalla, and the justice of doing a good turn to the people of Tangalla and Hambantota, the Honourable Member for the Southern Province, Southern Division, has put his case very strongly. In the district which he represents there are the largest and most extensive paddy fields; there are also the coconut, fibre, fishing, brick-making, and citronella oil industries. There are numbers of ancient and historic shrines, important pilgrimages to which thousands of people resort annually. If it is the policy of any enlightened Government to open out the country, then we must have roads and railways. If this railway is opened as far as Hambantota, the steamship service will not be necessary. I have great pleasure in supporting the motion.

THE HON. THE ACTING COLONIAL SECRETARY:—I am sure that His Excellency the Officer Administering the Government will read with great interest the debate that has taken place on this motion, but at the same time I cannot possibly hold out any hopes that he will immediately sanction a vote being put forward for this extension. What he would certainly say is that he would not wish to commit his successor, Sir Hugh Clifford, to projects of such a large nature. The project will not cost Rs. 180,000, but about Rs. 4,000,000, and one has to consider from where this money is to come. The other day in Select Committee we voted Rs. 1,000,000 on new roads, and that was only part of the policy to spend Rs. 5,000,000 on new roads. I do not think that Honourable Members can say that Government is neglecting either roads or railway construction.

His Excellency the Officer Administering the Government is appointing a Transportation Committee or Commission to go into the whole question of transportation—whether by road or rail or water—and it is very necessary that there should be such a Commission. It has been stated that there is no competition between buses and lorries and the railway. There is a certain amount of competition, and to that extent our coaching traffic on the railway has been affected. So far we have not been able to see any real effect on goods traffic, but in other countries where railways are private concerns, and where profits and losses are ascertained, the railway companies have found that traffic in goods by means of lorries and buses is a very serious competition which they have to face.

This project of the extension to Tangalla will, no doubt, go before the Transportation Committee as one of the numerous projects of the Island. The Committee will consider the matter as a whole, and be able to submit a valuable report to Sir Hugh Clifford on his arrival.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division):—It was said by the Honourable the Acting Colonial Secretary that the extension of the railway line

to Tangalla does not mean an expenditure of Rs. 180,000 but an expenditure of Rs. 4,000,000. But even this does not make it a large project. The appointment of a Committee or Commission is usually resorted to when it is desired to postpone a project. This project has been considered by Government, and it cannot be said by anybody that it will not be a sound investment. The amount of freight which the railway will carry will be large; but the only fear of Government is the bus competition. I do not think that that will affect us very much. In the case of passenger traffic it will affect us only a very little. A man travelling to Colombo from Hambanto or Tangalla will prefer to travel by train, because the bus service is inconvenient, and there is so much of dust to be encountered. Besides, a man travelling a long distance usually carries a certain quantity of luggage or produce, which he cannot bring by bus, and he will therefore have to use the railway.

As regards lorry traffic, I do not think even that will be much of a competition. Then, there was another fear brought forward, namely, that there might be mismanagement because there has been gross mismanagement in regard to the Batticaloa railway.

THE HON. THE ACTING COLONIAL SECRETARY :—I must protest against the use of the words "gross mismanagement."

THE HON. THE VICE-PRESIDENT :—It is only the Honourable Member's opinion. It is not a reflection on anybody.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) :—The fact that the estimate has risen from Rs. 9,000,000 to Rs. 20,000,000 either means that there has been gross mismanagement or gross incompetency.

THE HON. THE ACTING COLONIAL SECRETARY :—I must interfere and defend people who are not here and cannot, therefore, make their defence. The increase of the estimate was due to a considerable number of additions having been made to the works provided for in the original estimate.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) :—The additions will bear a very small proportion to the major works. The mismanagement is by Government which is represented here.

THE HON. THE VICE-PRESIDENT :—Is it necessary to go into the question of the Batticaloa line?

THE HON. MR. E. W. PÉRERA (Kalutara Revenue District) :—“Gross mismanagement” or even “gross dishonesty” are terms that might be used with regard to a public department.

THE HON. THE VICE-PRESIDENT :—I have already ruled to that effect.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) :—I shall leave it at that, but my point is that there can be no mismanagement with regard to the Tangalla railway. There will be no difficulties with regard to labour. The line is a short one. It will run through a country

where there will be a large number of people who will see the work being done, and there therefore need be no fear that the Construction Department will mismanage the work.

THE HON. THE VICE-PRESIDENT:—I will put the motion to the House. Those in favour of it say "Aye," those against say "No." (After a pause) I think the "Ayes" have it.

THE HON. THE ACTING COLONIAL SECRETARY:—Divide.
Council divided as follows:—

Ayes—28.

The Hon. Mr. N. H. M. Abdul Cader (Second Muslim Member).

The Hon. Sir Ponnambalam Ramanathan, Kt., K.C., C.M.G. (Northern Province, Northern Division).

The Hon. Mr. T. Y. Wright (European Rural Member).

The Hon. Mr. W. Duraiswamy (Northern Province, Western Division).

The Hon. Mr. D. H. Kotalawala (Province of Uva).

The Hon. Mr. E. W. Perera (Kalutara Revenue District).

The Hon. Mr. A. C. G. Wijeyekoon (Nominated Unofficial Member).

The Hon. Mr. E. J. Hayward, C.B.E., V.D. (Commercial Member).

The Hon. Mr. C. W. W. Kannangara (Southern Province, Western Division).

The Hon. Mr. N. J. Martin (Second Burgher Member).

The Hon. Mr. A. Canagaratnam (Northern Province, Southern Division).

The Hon. Mr. C. E. Victor Corea (Colombo Town, North).

The Hon. Mr. C. H. Z. Fernando (North-Western Province, Western Division).

The Hon. Mr. H. R. Freeman (North-Central Province).

The Hon. Mr. T. B. Jayah (Third Muslim Member).

The Hon. Mr. H. M. Macan Marcar (First Muslim Member).

The Hon. Mr. G. E. Madawala (North-Western Province, Eastern Division).

The Hon. Mr. A. Mahadeva (Western Province, Ceylon Tamil).

The Hon. Mr. A. F. Molamure (Kegalla Revenue District).

The Hon. Mr. F. A. Obeyesekere (Southern Province, Central Division).

The Hon. Mr. I. X. Pereira (First Indian Member).

The Hon. Mr. S. Rajaratnam (Northern Province, Central Division).

The Hon. Mr. M. M. Subramaniam (Trincomalee Revenue District).

The Hon. Mr. S. R. Mohamed Sultan (Second Indian Member).

The Hon. Mr. V. S. de S. Wikremanayake (Southern Province, Southern Division).

The Hon. Mr. G. A. H. Wille (First Burgher Member).

The Hon. Sir J. Thomson Broom, Kt. (European Urban Member).

The Hon. Mr. W. A. de Silva (Central Province, Urban).

Noes—12.

The Hon. the Officer Commanding the Troops.

The Hon. the Acting Colonial Secretary.

The Hon. the Attorney-General.

The Hon. the Acting Controller of Revenue.

The Hon. the Treasurer.

The Hon. Mr. F. A. Stockdale, C.B.E. (Director of Agriculture).

The Hon. Mr. L. Macrae (Director of Education).

The Hon. Mr. W. L. Kindersley (Government Agent, Central Province).

The Hon. Mr. J. Strachan (Director of Public Works).

The Hon. Mr. W. T. Southorn (Principal Collector of Customs).

The Hon. Mr. M. T. Akbar, K.C. (Solicitor-General).

The Hon. Dr. J. F. E. Bridger (Principal Civil Medical Officer).

Declined to Vote—1.

The Hon. Mr. D. S. Senanayake (Negombo District).

THE HON. THE VICE-PRESIDENT :—The motion is carried.

Handcuffing of Unconvicted Prisoners.

The following motion stood in the name of the Hon. Mr. C. E. Victor Corea (Colombo Town, North) :—

(1) That the present system of handcuffing unconvicted prisoners without reasonable cause be abolished.

(2) That the present invidious distinction observed in our jails between "European" prisoners and "native" prisoners be abolished; or, in the alternative, that Ceylonese prisoners be given the option of demanding the special diet prescribed for European convicts.

(3) That all convicted prisoners who are suffering from diseases reported incurable by the medical officers concerned, and who are actually bedridden, be released.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :—I would ask the permission of the House to withdraw the second and third parts of my motion, because the Hon. Mr. Jayah, who is seconding the motion, and I are making further investigations, and it may be necessary, when further information is obtained, to put those parts of the motion in a different form. I will therefore confine myself to the first part of the motion.

THE HON. THE VICE-PRESIDENT :—I take it that the House consents to the motion being restricted to the first part.

Council agreed.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :—I move the first part of my motion, feeling sure that it would commend itself, not only to my Unofficial colleagues, but also to the members of the Government. I believe that among the many excellent institutions possessed by the fortunate inhabitants of the British Isles, one of the most admirable is the system of criminal law and the principles upon which that law is administered. In that happy land, I believe that every man—be he the meanest beggar or an oft-convicted tramp who has nowhere to lay his head—is presumed to be innocent until he is convicted. In this Island it seems to be otherwise. It is quite possible in the present circumstances for the most respectable man to be handcuffed, and, whether handcuffed or not, any man who is chafged with any offence is looked upon with suspicion or as a convicted man. Many Honourable Members of this Council will remember that some years ago even an English

gentleman of the highest respectability, a Minister of the Christian religion, and a Principal of one of the foremost educational institutions in this Island, was put into the dock like any common felon because he was charged with having used his cane rather too severely on one of his pupils.

In regard to handcuffing, not many years ago in the Police Court of Chilaw I was roused to indignation by the sight of respectable villagers being handcuffed and marched out of the court because they had come unprepared to give bail. The charge, as far as I can remember, was a very trivial one. They had been called upon to give bail, and being unable to find that bail they were forthwith handcuffed and marched a distance of about half a mile to the gaol. I appealed to the Police Magistrate to intervene on behalf of those people who, were they not so unsophisticated, would have saved themselves from the indignity by paying something to the chief clerk or those who took charge of them. The Police Magistrate thought that the matter was beyond his jurisdiction, and that it lay entirely with the Fiscal.

Quite recently this incident was recalled to my mind. I happened to be defending a wealthy villager who was charged in the Police Court of Chilaw with being in possession of some lamps that had been stolen some time ago from a temple or church. The man was discharged without being called upon for his defence. In the course of the trial it transpired that he had been charged with the offence because he had put in an application for a vacant post of registrar. It appears that there were eleven candidates for the post, and some of them having reason to believe that my client, who was a *vel-vidane*, had the best chance of getting the appointment, entered into a conspiracy to damage his reputation. They first threw some lamps into the adjoining garden, got the headman and a police constable to assist them, and went into my client's house and arrested him, handcuffed him, and marched him away. The constable was forced to admit in cross-examination that no resistance was offered, the accused having been quite willing to accompany him. Well, my client was marched through the streets of his village when his mother intervened and by giving the constable some money saved her son from further indignity.

These are the circumstances which made me bring this motion before this Honourable House. I need not dwell at length on the evils of the system. I feel sure that in no other country is this sort of thing tolerated. In no other country will a man, until he is convicted or until a *prima facie* case is made out against him, be treated in this manner. The system is pernicious in the extreme. It tends to degrade a man and to make him lose his self-respect, and I am sure that those of us who respect people, who have some self-respect, will see the advisability of doing away with this system.

THE HON. MR. T. B. JAYAH (Third Muslim Member) seconded.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General) :—
Sir, the motion as it stands on paper is as follows:—"That the present system of handcuffing unconvicted prisoners without reasonable cause be abolished." The motion as it is worded recognizes the fact that there are circumstances in which persons should be handcuffed, when they are dangerous, truculent or violent, and when they might take advantage of the fact that they are not

handcuffed to effect their escape, and not only of effecting their escape, but of injuring either themselves or those who are making the arrest. Honourable Members will remember the recent case, which ended in four men being sentenced to death as the result of two constables being stabbed at Wellawatta. The constables had rounded up the four men to see whether there was any truth in the charge that they had broken into a house. While the hands of one of the men were being tied up the constables were attacked, and two others who were there were killed, and the four men were sentenced to death. But my honourable friend in his speech says a different thing.

If my honourable friend meant by his remarks that an unconvicted prisoner should be presumed to be innocent, and that, therefore, in every case where an unconvicted person is arrested he should not be handcuffed, it only shows his ignorance of the law. The law in every civilized country, especially in England, makes provision for the handcuffing of unconvicted persons, not because there is a presumption that they are innocent or guilty, but for the simple reason that the person making the arrest is responsible that the prisoner does not escape from lawful custody, and that he does not cause injury to others or to himself. That is the reason why handcuffs are used, and my honourable friend will see it if he refers to section 28 of the Code.

I have extracted from an English judgment the following:—
 “With reference to handcuffing, the law undoubtedly is that police officers are not only justified but bound to take all reasonable and requisite measures to prevent escape and injury on the part of the prisoner, taking into consideration the character of the man and the nature of the charge against him.” That is the test, and the person making the arrest must consider the responsibilities he has on his shoulders, and he is the only one to decide whether handcuffing is necessary or not. If a police officer resorts to handcuffing maliciously the law provides the remedy, and what is more efficacious, the aggrieved person should report the matter at once to the higher authorities. If my honourable friend had brought the matter he referred to to the notice of the authorities at once—not a long time after—I am certain that it would have been thoroughly investigated. A person who abuses his rights will be dealt with most severely.

My honourable friend is wrong in saying that there is an established system of handcuffing unconvicted prisoners always. There is no such system at all. It is a pure matter of the common law which is to be found in all civilized countries. My honourable friend knows it, because he has heard of prisoners turning violent and running amok. I have known prisoners in Colombo escaping from custody and stabbing everyone they met right and left.

Another point which I wish to bring to the notice of this House is this. The question of using handcuffs does not arise in every case. They are only used in cases of the more serious crimes, that is, when a person has been brought to court charged with a non-bailable offence, or where a person has failed to give bail. It is only in such cases that handcuffs can be used by the prison authorities or the police. I therefore ask the House not to look at the matter from the point of view of my honourable friend, who says that just because a person is unconvicted he should not be handcuffed. The test is what I have indicated to Honourable Members. The law has laid it down that the matter of handcuffing must be left to the discretion of the officer concerned, who alone is responsible.

I may also say that the handcuffing of violent persons is a safeguard against themselves. Prisoners of a certain type, if they are not handcuffed, may suddenly pick up a stone and throw it at somebody, or they may try to escape. Whenever a legal rule is applied, it must not be looked at from one point of view only. My honourable friend looked at this matter only from the point of view of indignity. I ask this House to look at the matter from the broader point of view, and to consider the risk that will be run in accepting his motion as now stated.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :— It is because I expected this sort of argument from Government that I worded my motion in the way it stands at present. When I referred to the presumption that all people whose guilt has not been proved are to be considered innocent, I did not intend to say that all people who are remanded should be taken without handcuffs. My position is that even the most respectable people, under the present system, are liable to be handcuffed and disgraced by officers of the law. My honourable friend the Solicitor-General says that there is no such system. That is because he is ignorant of what is going on in this country. He only knows of what is going on in the metropolitan courts. I who have had experience of other courts know that in every case where a man is remanded the Fiscal's officers use the handcuffs. I am sure that the Honourable the Second Burgher Member, who frequently acts as a judicial officer and must have seen instances of what I have related, will bear me out. All I want to do is to safeguard respectable people and innocent people from being disgraced in this manner. I have not the slightest objection to habituals and desperadoes being handcuffed ; but what I say is that there is a system according to which the most innocent and inoffensive people are being handcuffed, and it is to guard them from this indignity that I have brought forward this motion. I agree with all the Solicitor-General said about the risks that might be run in the case of a desperate person ; but I was not referring to such cases at all. That is why I put in the words " without reasonable cause."

THE HON. THE TREASURER :—I wish, Sir, to rise to a point of order. I object to being asked to vote one way or the other on the motion as it now reads, because there is no system of handcuffing unconvicted prisoners without reasonable cause.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :—I rise to a point of order, Sir.

THE HON. THE VICE-PRESIDENT :—The Honourable the Treasurer is speaking to a point of order.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :—I rise to a point of order on that point of order.

THE HON. THE VICE-PRESIDENT :—There is no doubt that Honourable Members will find it difficult to vote on the motion as it now stands. Will the honourable the mover of the motion make it more explicit by altering it? Perhaps if he makes it to read " No unconvicted persons shall be handcuffed without reasonable cause " I believe the motion will be accepted.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :—It is a distinction without a difference. However, I do not mind amending the motion to read: “Unconvicted persons should not be handcuffed without reasonable cause.”

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General) :—I have no objection to the motion as it is now worded.

THE HON. THE VICE-PRESIDENT :—The amended motion has been accepted by Government.

Motions Postponed and Withdrawn.

THE HON. THE VICE-PRESIDENT :—We will now adjourn for tea.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :—I should like to move that my motion be postponed for another date.

The postponement of the motion was agreed to.

THE HON. MR. S. RAJARATNAM (Northern Province, Central Division) :—So far as I am concerned, the first motion, namely, the one about railway rates, has been pressed so much by the Unofficial Members, and Government has been considering it, that I should like to withdraw it. With regard to the next two motions, I would beg of the House to allow me to introduce them after the local option rules have been introduced into this House. With regard to the fourth motion standing in my name, I find that His Excellency the Officer Administering the Government has been touching on it in his Address to this Council. I have also had a conversation with the Director of Education on the subject, and he tells me that he has introduced the subject as one for the school-leaving examination. I have asked him to extend it to every class. He agrees with me that it is an advisable course. I therefore wish to withdraw that motion. With regard to the last motion standing in my name, I have discussed that too with the Director of Education. He tells me that he is revising the Codes, and that he is trying to introduce some of the ideas that have been brought out in this motion. In view of this, I will withdraw that motion also.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District) :—I mentioned yesterday that with the leave of the House I would bring up my motion at a later meeting.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :—I am pressing my motion, Sir.

Council adjourned for tea.

On resuming—

Apothecaries, on Retirement, to Practise Medicine and Surgery.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :—Sir, I have the honour to submit the motion which stands in my name, and I do so with confidence that it will receive sympathetic consideration at the hands of both the Unofficials and Officials. The motion I submit is: "That in the opinion of this Council apothecaries who joined the Medical Department prior to the proclamation of the Medical Registration Ordinance, No. 2 of 1905, should be permitted, on retirement, to continue to practise medicine and surgery, subject to such restrictions and safeguards as the Ceylon Medical Council may consider necessary." The subject of my motion is nothing new. It has come before this Council several times from 1905. When it first came up in 1905, even the Official Members joined hands with the Unofficial Members to ventilate the disabilities that apothecaries suffered from. The Principal Collector of Customs of the day took up cudgels on behalf of the apothecaries and unregistered practitioners.

In 1908 the Government thought fit to bring forward an amendment of the Ordinance No. 2 of 1905, the necessity for it being that the Government themselves considered that the restrictions they themselves had imposed on apothecaries who were not qualified to practise medicine and surgery prevented Government from placing at the disposal of rural districts the medical assistance that they were bound to provide. The Government, therefore, came before Council in 1908 with a proposal that "Notwithstanding anything in this Ordinance, it shall not be unlawful for the following persons to practise medicine and surgery for gain :—

"(a) Any Government apothecary actually employed in the Public Service as an apothecary.

"(b) Any estate dispenser appointed by a superintendent to an estate or group of estates with the approval of the Principal Civil Medical Officer, but only during the time that he is so employed."

Those two classes were removed from the disability that the Government had imposed. This amendment was by Ordinance No. 36 of 1908.

A debate arose on that occasion, and every Unofficial Member drawn from every community and creed, including the General European Member, took part in it. I always have occasion to honour the General European Member of that day, for no one has shown greater justice and fair play and done more for the people of the country than he. I have no doubt that we still have those qualities in our midst. Well, an attempt was made by the Unofficials to remove disabilities from other apothecaries as well. Argument after argument was introduced, but in spite of it all the Government vote prevailed.

We come to the next stage in the history of the matter. In 1916, another champion of the people, who is still with us, brought forward a motion which had the acceptance and strong support of every Unofficial Member. On July 12 of that year he made an exhaustive exposition on the subject of his motion. He went to India for parallel illustrations to point his argument. He proved

from the words of Indian officials the case he was putting forward ; he pointed out the need of the rural districts, and showed that in India they considered the inferior grade of medical practitioners superior to some of the quacks who practised medicine. With regard to the latter, they are only *au fait* in some particular branch of the Ayurveda.

There is an admitted necessity in the rural districts for a larger number of inferior grade medical practitioners. It has to be remembered that there are thousands and tens of thousands who cannot afford for every trifling ailment to seek a highly qualified practitioner and pay his fees. Sometimes there are illnesses of long duration, like enteric fever and dysentery, when the family of the patient have even to sell their property and obtain the services of a good practitioner on even one occasion. In cases like this the treatment has to be carried on for thirty or forty days, and it is not within the reach of the rural population to pay anyone but an inferior medical man to continue that treatment. The Honourable Mr. Balasingham's motion, which was to enable all apothecaries to practise medicine and surgery, was turned down.

I come on this occasion before this Council with some of the delicate portions of the Honourable Mr. Balasingham's motion robbed of their difficulties. I only seek, in trying to help our rural population, to afford apothecaries who joined the Medical Department prior to 1905 the opportunity of practising. I have restricted the scope of my motion. I do not deny the claims of other apothecaries who joined subsequently. An empirical knowledge will do, I say ; for even an empiricist is bound to have sufficient knowledge to enure to the benefit of the rural population. At the debate in 1908 the then Colonial Secretary, Sir Hugh Clifford, said " being unable to have the whole loaf, we have to content ourselves with half." The motion which the Honourable Mr. Balasingham brought forward in 1916 required all apothecaries to be given the facility to practise. The motion which I bring before this Assembly to-day is, not to ask that all apothecaries be registered, but that only those who joined the Medical Department prior to 1905 should be allowed, when they retire from Government service, to eke out a meagre livelihood in the evening of their days.

I have not seen a single argument adduced in the debate of 1916 which justifies the Government in withholding the concession asked for. A variety of reasons were adduced. I have before me the reasons put forward by Sir Allan Perry and Dr. Rutherford on various occasions, but I shall deal with them in due course, indicating now, in the first place, what the provisions are which stand between the apothecaries and the facilities which I seek for them. By section 13 sub-section (1) of the Ordinance No. 2 of 1905 " No one not on the Medical Register of the United Kingdom, published under the Medical Acts—as per section 12—shall be registered as medical practitioner unless he produces a certificate from the Council of the Ceylon Medical College ;" and by sub-section (3) " Council regulations approved by Government in Executive Council would define what diplomas and certificates will be entertained by the Council of the Medical College."

Now, Sir, the disability under which apothecaries find themselves to-day is the result of this sub-section (3) of section 13 of the Ordinance of 1905. A simple amendment to the regulations which the Ceylon Medical Council have issued as a result of exercising their power

under sub-section (3) of section 13 will meet the requirements of my motion. I will deal with the practical solution of the difficulty of apothecaries in due course.

The difficulties which presented themselves to the Government of the day in 1908 are seen in Hansard, page 281, of 1908. Sir (Mr. then) Hugh Clifford admitted that "the amending Ordinance is necessary on the ground of expediency." The Government of the country defended that amending Ordinance to allow Government apothecaries to practise medicine and surgery for gain on the ground of expediency. Sir Hugh Clifford also said "this Ordinance merely enables us in certain circumstances to make use, under the supervision of a properly qualified medical man, of an apothecary who is not qualified." What is the substance of this supervision? It was only an excuse. I do not think that the Medical Department of to-day will deny that this supervision is an imaginary, illusive thing, and that no such thing as "supervision" exists in practice. The only thing which might be called supervision is the visit of a Provincial Surgeon to a dispensary on two or three occasions a year for the purpose of his report. A document which I hold in my hand clearly shows that a doctor's visit of inspection is not concerned with the medical treatment by an apothecary serving the Government. It is in connection with the stock of drugs in the dispensary, and the state of the dispensary. It does not deal with the treatment indulged in by the apothecary. If, therefore, there is any different supervision to this which I have indicated, I trust the P. C. M. O. will inform us of what it consists. I want no mere theory. I want to know what is the actual course pursued on a visit to a dispensary by the Provincial Surgeon. The sole argument urged in 1916 was this supervision, and it was also stated that Government Agents inspect and have the right to inspect Government dispensaries. Is there anything to prevent similar inspections taking place in rural districts, in the event of this disability being removed from apothecaries whom the Ceylon Medical Council may consider fit and qualified to practise when they retire from Government service?

One of the other difficulties which presented itself to the Government of the day was that this would be a retrograde step. Dr. Rutherford on page 141 of Hansard of 1916 is reported to have said that it will be a "retrograde step." Also "that there will be no control over them." He thought he had control over them while they were in the Government service. He also thought that there will be "incentive to leave the service." But that does not operate in the case of men who have served for twenty years. He had no control over them he said. I leave the necessary control to be decided by the Ceylon Medical Council. I will presently submit the different kinds of restriction and control which I will suggest to the Ceylon Medical Council. I am able to make a gift of these to the P. C. M. O. from the apothecaries on behalf of whom I am speaking to-day. They are willing to submit themselves to those restrictions.

The Government has also argued that poor people receive free attention at dispensaries. There are a large number of cases known to us where the patient is prevented from going to the dispensary and where the dispenser or apothecary has to go to the patient. Another difficulty which Dr. Rutherford tried to make out was that apothecaries in charge of dispensaries are the only apothecaries allowed to prescribe, and that they have a limited

list of drugs and a limited number of prescriptions. I am told on good authority that there are apothecaries in sole charge of stations ; I know that they are in sole charge of hospitals, and that if a District Medical Officer is in the district, he does not exercise any control or supervision over them ; and that there is not essentially a limited list of drugs and a limited number of prescriptions. We know that apothecaries prescribe the most modern drugs, and that their prescriptions have to be dispensed at Millers or Cargills in Kandy. Yet the then P. C. M. O. said he would be able to know the kind of drugs to be prescribed, because Dr. Rutherford made the excuse that "Supposing apothecaries who are not under control are allowed to prescribe, I could not tell what drugs they were using."

Sir (then Mr.) Reginald Stubbs said in 1916 : "Are we prepared to sacrifice the reputation which Ceylon now possesses in regard to its medical school ?" He was then thinking of the prestige of the Ceylon Medical College. The Government did not think of prestige when they had their own necessity. We have met with that excuse very often—the sudden discovery that the prestige of some individual or institution will be lost. Mr. Stubbs went on to say that "The Government apothecary is restrained by the fear of getting into trouble if he goes wrong, and by the definite instructions given him." The Ceylon Medical Council can give definite instructions to the apothecaries who, I trust, will be allowed the licence to practise. As for the reason "Is restrained by the fear of getting into trouble if he goes wrong, and by the definite instructions given him—" cannot similar restraint be imposed on men whom the Medical College Council licenses ? Cannot they be licensed on an annual fee? If they can be, and are, they will fear that they will lose their licence if they misconduct themselves. Then, on pages 147 and 148 of Hansard, Mr. Stubbs said this : "Speaking the other day to the Honourable Member who proposed the motion, I suggested that there might be some way by which these apothecaries could be restricted to dealing with matters with which they are qualified to deal. I thought that there might be some possibility of a geographical restriction. I said 'Would it not be possible to recognize an inferior brand of qualifications by which the Medical Council might give a man a licence to practise within certain limits where there are no qualified medical officers at all ?'" Was there any reason why this should not be ? And how came it that the Colonial Secretary was not able to do something for these men ? Because he suddenly discovered that these apothecaries did not seek to prescribe in certain rural areas but that they must needs practise in towns. I make another gift to the P. C. M. O. The apothecaries are prepared to restrict their activities within such geographical limits as may be prescribed by the Ceylon Medical Council. The desire of these apothecaries is not to come into competition with medical practitioners who have spent much of their time and substance in getting qualifications. They seek to eke out an existence in the evening of their days in rural areas. Is that claim unfairly based ? It is bare justice that these apothecaries ask for. They joined the department prior to 1905. The disabilities were introduced in 1905, and the regulations were proclaimed in 1906. Do they not suffer a grievance ? They say : "We joined the department hoping to do something for ourselves and our families in the latter part of our

lives. Why should legislation be brought in to operate retrospectively against us?" I make bold to say that nearly every one of these apothecaries who joined the department prior to 1905 will be able to come before the Director of Medical and Sanitary Services with at least two certificates from qualified medical practitioners showing that they are competent to practise medicine and surgery without any danger to public health.

Now, I will deal with the possible restrictions that may be imposed upon apothecaries who may be granted the licence. I have already mentioned the fact that the apothecaries are prepared to restrict their activities to rural areas—away from Municipal towns and away from Local Boards and Sanitary Boards. I ask this Council to give an honest opinion whether, when so restricted, the activities of these apothecaries will be a danger to the public or to medically qualified practitioners. Next, the apothecaries are prepared to produce before the Ceylon Medical Council certificates from two qualified medical practitioners to prove that for ten years and more they have been doing that class of work which is entrusted to the apothecary in sole charge of a station. Next, the apothecaries are prepared to take out an annual licence for a fee. This is a restraint which I suggest is ample to meet the fears of the Principal Civil Medical Officer of 1916. Next, the apothecaries are prepared to submit to inspection of their dispensaries and their books. Next, they are prepared to keep a record of the treatment they give their patients.

This is going far beyond what the Ceylon Government to-day expects of its apothecaries, because none of these requirements is now fulfilled. The danger to public health and to the lives of people is far greater to-day under the practice allowed to Government dispensers and estate dispensers. None of those dispensers furnishes a record of the treatment given by them to their patients. The restrictions which I have enumerated are those which I have been asked to submit, and they are restrictions which the apothecaries are prepared to submit to if my motion is accepted.

The practical solution of the present difficulty is a simple one. If we look at the regulations passed by the Ceylon Medical Council for the registration of medical practitioners, we see that the power exercised under Ordinance No. 2 of 1905, section 13, before December 31, 1907, was by regulations (a), (b), (c), (d), and (e). Regulation (e) required a man to have practised medicine and surgery for gain for ten years. There were men who had served for nine years and some days, others for seven years and eight years, but they could not obtain the benefit of provision (e). My motion seeks to benefit those men who on December 31, 1907, had not practised medicine and surgery for ten years. Is it fair that twenty years after the passing of this regulation these men should still be penalized? In what other country save in the Straits Settlements is a similar disability imposed? There is no other country. I therefore submit that to the regulations (a), (b), (c), (d), (e) there should be added (f), to read as follows:—

(f) In the case of apothecaries who entered Government service prior to the proclamation of Ordinance of 1907, the Ceylon Medical Council may register them as licencees allowed to practise medicine and surgery on their furnishing satisfactory proof that they practised medicine and surgery for a period of over ten years, and on their producing certificates from two Government medical practitioners.

This simple addition will enable those men who could not avail themselves of the previous provision to qualify themselves, when they retire from Government service, to practise medicine and surgery for gain. These men have for between twenty and twenty-five years acquainted themselves in an empirical fashion with the requirements of the rural population. Are they not much better than some of the quacks who practise in the rural districts? I ask the Government to view my motion sympathetically, and I submit it to the House in full confidence that it will be accepted unanimously.

THE HON. MR. C. H. Z. FERNANDO (North-Western Province, Western Division):—I rise, Sir, to second the motion proposed in such a lengthy but admirable speech by the Honourable Member for the Southern Province, Central Division. After his remarks I feel that I have very little to say on the subject, but I shall attempt to emphasize just one or two points which he has brought out. The English Medical Acts did not penalize the practice of medicine and surgery by any person for gain. Those Acts were copied in the Ceylon Acts of 1905. It transpired in the debate in 1916, when the Ceylon Government attempted to introduce this provision into the Bill that the English Medical Council opposed its introduction and the Secretary of State too, in the first instance, opposed it, but ultimately the wishes of the doctors in Ceylon prevailed and the Secretary of State yielded.

I feel that my honourable friend has not gone far enough in this motion. I feel that he should have asked that as in India no penal provisions should attach against any person practising medicine and surgery for gain; but, showing wise statesmanship, perhaps in the hope of getting the Official vote, he has introduced the resolution in a modified and restricted form. I hope that this motion, introduced with such moderation, will meet with the unanimous approval of the whole House.

In 1908 exception was made in the case of apothecaries and estate dispensers. To use the words of the Honourable the Burgher Member at the debate in 1916: "I fail to see why what is sauce for the apothecary goose in office should not be sauce for the apothecary gander when he goes out of office furnished with a stock of practical experience." As for estate dispensers, we know what they are like. We know that they are nothing more than bottle washers. They usually start as hospital orderlies or coolies to the estate dispenser. These men are given full opportunity to cure or kill the thousands of coolies who go to them.

The apothecaries, on whose behalf an appeal is being made to-day, have very wisely consented to submit themselves to a number of restrictions, some of them fairly humiliating; and I hope that this circumstance would induce the Ceylon Medical Council, which is to-day not entirely a nominated but a nominated and elected body, to view this motion, which I am sure will be passed unanimously by this House, sympathetically. I have much pleasure in seconding the motion.

THE HON. MR. A. CANAGARATNAM (Northern Province, Southern Division):—I feel that the honourable the mover of the resolution has placed too many restrictions on the apothecaries

whom he wishes to allow to practise under the Ordinance. He says that the apothecaries are willing to undertake not to practise in the towns. I do not see why such a restriction should be imposed on them. I should like the necessary permission to practise to be given to apothecaries without any restriction whatever as to area. Of all the restrictions mentioned, I think this is the most absurd, because there is no reason why a distinction should be drawn between the town area and the rural area. I heartily support the motion, although I do not see any reason for all the restrictions mentioned.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) :—Sir, if the result aimed at by this motion is to be obtained it will involve the amendment of Ordinance No. 2 of 1905—an Ordinance to provide for the registration of medical practitioners in Ceylon. There must have been some object in introducing that Ordinance, and the reason which I put forward is that it was introduced to raise the standard of the medical practitioner in this country. All my colleagues, both Official and Unofficial, are, I am sure, proud of the medical practitioners of Ceylon. Those medical practitioners, according to this Ordinance, have to reach a certain standard, a very high standard as a matter of fact, of education and culture. They have to reach that standard before they can begin their professional training. After that they come before the Medical Council of the Colony, which has to approve of all medical qualifications, and get their authority to practise their profession.

Many of my colleagues belong to the profession of the law, and I am sure that all of them would rise and strongly protest against inferior practitioners being allowed to practise in courts of law—even in the lower courts of law—and plead. The worst that can happen to the client of such an illegitimate legal practitioner is the loss of his case, but in the case of a medical practitioner something more serious may happen if he is not properly trained. This Ordinance was introduced to raise the standard of medical practitioners in Ceylon, and also for the equally important purpose of protecting the individual who goes to a registered medical practitioner for the purpose of treatment.

When this Ordinance was introduced, the interests of the apothecaries who might be injured by the passing of it were considered, and they were allowed a certain time in which to apply to become registered practitioners under the Ordinance. A considerable number of such apothecaries availed themselves of the privilege. I acknowledge that that privilege was given only to apothecaries who could show that they had ten years' experience. An apothecary who had practised for only nine years could not be registered. The Honourable Mr. Obeyesekere says that he is only asking for a concession to be granted to apothecaries who were in the employ of the Medical Department prior to the date of the proclamation of the Ordinance. I am quite sure that if that is allowed you would have persons who became apothecaries after that date also asking to be included, and there will be no limit to it.

As regards the number of persons who will be affected by this motion, I have the figures of the apothecaries who joined the Government medical service prior to April 1, 1906. There are 101 still employed, and of those 26 have availed themselves of the

privileges of this Ordinance, and they are registered medical practitioners. In addition to those 101, there are 40 persons who joined prior to that date, and have retired from the Medical Department and are on pension. Of those 40 pensioners, 28 have availed themselves of this Ordinance and are registered as medical practitioners. Therefore, we have over 100 persons that we know of who would come under this motion and get the benefit of it if it is accepted. In addition to these, there are a certain number of apothecaries who have been discontinued or have resigned and who are not receiving pensions.

There is another series of figures which I wish to bring before the House. The present number of registered medical practitioners on the Medical Register of Ceylon is 660, inclusive of fully qualified medical men and registered apothecaries. Of these 660, 148 possess the apothecaries' certificate. It is quite clear, therefore, that if 100 are added to this number we will be adding a considerable percentage to the total of persons who are only semi-qualified. I do not suppose that anyone would put forward the argument that these apothecaries through mere empirical knowledge are as good as those medical men who have passed through the Medical College here. The maximum training for an apothecary is two years, and the maximum training for a medical man is five years, although only a very few get their qualification in less than six years. It has to be remembered that once a man's name is put on the Medical Register of Ceylon no distinction of any kind, legal or otherwise, can be made, and an apothecary will be on the same footing as an M.D. of London or an F.R.C.S. of England.

Honourable Members of the Council have repeatedly pressed for the employment of more, and more medical men, and they have also drawn the attention of the House to the fact that certain places which have hitherto been under the care of an apothecary should be placed under a medical practitioner. I want Honourable Members to realize that it is becoming more and more important that qualified medical practitioners shall take the place of the apothecaries, who, however good they may be, cannot possibly be considered to be equal to fully qualified men.

The difficulty that arises over this matter is due—I confess it as head of the Medical Department—to the fact that Government has been in the past compelled to make use of apothecaries for lack of qualified men. But as the years go by and we get more and more men qualifying, we may look forward to the time when fewer and fewer apothecaries will be found in Government service in charge of stations, and more and more fully qualified men doing the work. That is what we are aiming at. Why should not the people living in country districts have the services of fully qualified men? One of the points raised during the debate was that these apothecaries would be quite willing to have it laid down where they should practise. But, as the Honourable Mr. Canagaratnam pointed out, why should the people in the country have to be treated by unqualified men? My own idea is that if these men were on the Medical Register, it would be impossible to limit their practise to country districts, and that they would gravitate to towns where more practise can be obtained. I also do not see how the department can have control over them.

The honourable the mover of the motion also said that when this matter was debated on previous occasions, Government speakers,

whether belonging to the Medical Department or not, had put forward the point of supervision, and he stated that when a Provincial Surgeon inspected a dispensary, all he did was to look through certain books and inquire after the stock of medicines. As a matter of fact, one of those books gives the list of persons who attend the dispensaries, and the apothecary is required to put down his diagnosis of the disease. The other day I visited several dispensaries, looked at the books, and saw the nature of the diseases the patients who attended had been suffering from and the diagnosis made by the apothecary. So far as private patients are concerned, the apothecary has to put down the diagnosis and also to write in the book the prescription he has given. There is, therefore, some supervision and some control over the work of these apothecaries.

Honourable Members of this Council know what the medical profession of Ceylon is, and I do beg of you not to put on the Medical Register men of the status of apothecaries, and allow them to be considered the equal of fully qualified medical men.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) :—I had intended to give a silent vote on this motion, but after the arguments raised by the Honourable Dr. Bridger, I feel constrained to say a few words. One of the arguments raised is that if we allowed these men to practise, there would be a very large number of apothecaries who entered Government service after April 1, 1906, who would apply to get themselves registered. But the motion is very distinct. It refers to those who joined the Medical Department prior to that date, for the reason that those men joined at a time when there was not this distinction, and that it is not right and proper that the regulation should have a retrospective effect on them. I therefore submit that those who joined after the Ordinance came into operation cannot expect to get themselves registered, and that argument of the Principal Civil Medical Officer therefore falls to the ground.

With regard to the argument that we should substitute qualified doctors for apothecaries, I do not think that will carry weight with anybody who knows the Island thoroughly. There are 482 medical establishments in the Island, of which 368 are in charge of apothecaries. Is it possible within ten years to replace these apothecaries by qualified doctors? I submit that it is not. Take the Southern Province, for instance. There are 62 establishments, of which 50 are in charge of apothecaries. How many years will it take to replace even these apothecaries with qualified doctors? These apothecaries are in rural areas; they have the right of practising medicine, and they attend to villagers. Then, why should not these apothecaries who joined the department before this restriction came in have the same privilege?

There was another argument that was used, namely, that a large number of us are lawyers, and that we would resent an inferior class of people practising law. That is not an argument. The apothecaries who joined before the Ordinance came into operation and whose names have been registered as qualified to practise and those who joined prior to April 1, 1906, but have not been registered have passed the same examination, and they should be entitled to the same privileges. Further, these men whom the motion will affect have had large experience in the department. I have great pleasure in supporting the motion.

THE HON. MR. S. RAJARATNAM (Northern Province, Central Division) :—I rise, Sir, to move an amendment. I find that the motion which my honourable friend has placed before the House will benefit only about 100 apothecaries. My amendment is to delete the words "who joined the Medical Department prior to the proclamation of the Medical Registration Ordinance, No. 2 of 1905." If those words are deleted there will be no distinction between apothecaries who joined before the Ordinance came into operation and those who joined after. The motion, with my amendment, refers to apothecaries after they have retired from service. An apothecary usually joins the service when he is 25 or 30 years of age, and he does not retire until he is 60. This motion will not help those who are dismissed or those who are made to resign. Therefore, there will be only a limited number of old men who will be in a position to register. What is the harm of registering these old and experienced men?

Even among fully qualified medical men there are those who are competent and those who are incompetent. Even so is the case of apothecaries, among whom there are some who have gained large experience and are able to be of help to the people. I do not think the higher medical branch will suffer as a result of the men on whose behalf I speak being allowed to practise. If the higher medical branch is composed of men of very superior qualities, as is being claimed on their behalf, they should not be afraid of the competition of apothecaries. The result can only be the survival of the fittest. The present medical men have formed a ring. We should not encourage them to continue it at the cost of the people.

Granting for the sake of argument that there is this so-called superiority and inferiority, cannot the Ordinance be amended in such a way as to permit of the introduction of grades. We have so many grades in Government departments, and there are so many distinctions, that I fail to see why there should be any difficulty in amending Ordinance No. 2 of 1905 to permit of the application of grades in the Medical Department. The amendment of the Ordinance should be an easy matter for the Attorney-General, who within twenty-four hours got three amending Ordinances passed by this Council.

The only other point that we have to consider is in connection with what the Hon. Dr. Bridger told us, and that is, that we will be admitting too many into the profession. The population of the Island is four and a half million, and for the sake of 660 medical practitioners should these four and a half million of people be denied the benefit of medical assistance? Are we not extending the teaching of first aid because we value its usefulness? Besides, these apothecaries who are willing to be registered and graded, can be brought under supervision, and they might even be examined before they are allowed to practise. An ordinary test might be applied—not such a test as for the F.R.C.S.—to find out whether the men have a sufficient knowledge of medicine to go into the country and treat the people. I move my amendment.

THE HON. THE VICE-PRESIDENT :—Does any Honourable Member second the amendment? (After a pause.) The amendment falls to the ground.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District):— I am in sympathy with this motion, Sir, but I am sorry that it has been so hampered. I would wish to have it more elastic. I came to this House, not with the intention of speaking, but of merely showing my sympathy with the motion and saying Aye. I am, however, constrained to say a few words as a result of the analogy which the Hon. Dr. Bridger has seen fit to draw to-day. He told us that most of us belong to the profession of law, and he asked us whether we would tolerate the inclusion of the junior branch of the profession into the senior.

THE HON. THE VICE-PRESIDENT:—The Honourable Member did not draw a distinction between the two branches of the legal profession.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District):— The analogy which he drew was the same. He asked us to realize that the senior branch of the legal profession is equal to the branch of the medical profession which is composed of qualified doctors, and—

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer):—No, no.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District):— I stand corrected and shall not pursue the subject further. However, if that was the analogy which he wished to draw, it was unfortunate. Another unfortunate matter which the Principal Civil Medical Officer mentioned was that this Ordinance was proclaimed on an ominous day—April 1, 1907. Perhaps the dissatisfaction which exists is due to its having been proclaimed on that day. I hope that we shall amend the Ordinance, and that it will be proclaimed on some other day.

I may say that none of the arguments of the Hon. Dr. Bridger have convinced me that we should not give our votes in favour of this motion. The Principal Civil Medical Officer told us that there are 660 medical practitioners on the register, and he asked us whether we are going to burden the register with still more. If the population of the Island were divided by the number of medical practitioners, we find that there is one medical practitioner to every 7,000 souls. If another 100 practitioners were added, the proportion would be one to every 5,000 or 6,000.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer):—The 100 additional men would be unqualified.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District):— I do not see why they should be called unqualified. However, are 700 or 800 medical practitioners too many for this Island?

One reason, we were told, for passing this Ordinance of 1905 was that it was for the protection of the people of this country. The protection of the people of the country will be all the greater if we have more medical men. We were also told that it would be a serious thing to take all these men into the service because they are not properly trained. These men have been in the Government

service ever since 1905, and they have, therefore, had a training and experience of twenty years. Having had that training, I do not think that they can seriously be called untrained men. From personal experience we know that we sometimes do prefer apothecaries to qualified doctors, for the reason that the qualified doctor has just passed out while the apothecary has had years of experience. I, therefore, heartily support the motion of my honourable friend the Member for the Southern Province, Central Division, but express my regret that it is not more elastic.

THE HON. MR. G. A. H. WILLE (First Burgher Member) :—I take a very practical view, Sir, of the motion that has been brought forward by the Honourable Member for Matara, and I desire to say just a few words to show my sympathy with it. I am glad that the amendment proposed by the Honourable Member for the Northern Province, Central Division, had no seconder, because that amendment, as well as the remarks made by the Honourable Member for the Northern Province, Southern Division, showed that both of them had lost their usual sense of caution. The Honourable Member for the Matara District has shown very wise statesmanship in bringing forward this motion with many safeguards, because it is a very practical matter, and there are very many practical considerations to be taken into account.

I am sorry that I could not appreciate what was said by the Hon. Dr. Bridger, because I do not think that he looked at the matter from a sufficiently practical point of view and realize that there was a real want in this country which the motion brought forward by the Honourable Member for Matara is intended to supply. The Principal Civil Medical Officer attempted to draw an analogy between the law and medicine. That illustrates the wisdom of looking at things from the point of view of practical expediency, and I will, therefore, quote a section that appears in the Notaries Ordinance. It is section 6, and runs as follows: "The Governor in Executive Council may grant a warrant empowering a person of good character and repute and full age, who shall pass such an examination as the Governor shall prescribe, to practise as a notary in any area where, from the paucity of duly qualified notaries, it is expedient, with a view to the convenience of the inhabitants thereof, to relax the ordinary rules as to the qualifications of a notary."

That seems to supply a guiding principle in dealing with a matter of this kind. If the Government thinks it so necessary to relax rules in order to meet the convenience of rural inhabitants where the execution of deeds is concerned, surely it is still more necessary that Government should relax the rules laid down for medical practitioners in order that the people living in outlying parts may receive some medical attention where none is now available.

THE HON. MR. A. CANAGARATNAM (Northern Province, Southern Division) :—What are "outlying parts"?

THE HON. MR. G. A. H. WILLE (First Burgher Member) :—I thought that the honourable the mover of the motion suggested to the Principal Civil Medical Officer that he might license apothecaries to practise where there is a paucity of medical men,

and I do not, therefore, think that it is necessary for me to outline what is an outlying district. We all desire to maintain the standard of the learned professions, and nobody wants to lower the standard of the medical profession or the legal. The question is whether there are doctors who are prepared to go to the outlying districts where the people are without the benefit of medical aid whatsoever. That is the great, practical point which I wish the Government to consider in dealing with this motion. We know as a matter of fact that there are thousands of men who when they get ill are unable to have recourse to a duly qualified man, because that duly qualified man is too far away. Then, why should not these unfortunate people have the benefit of some experienced apothecary? The Honourable Member for Kegalla just mentioned that there are times when even educated people prefer to be treated by an apothecary rather than by an inexperienced medical man. It is that practical need which, I think, this resolution is intended to supply.

The Honourable Member for Matara has, as I said before, very wisely restricted the scope of his motion. He does not want—I do not think any of us want it—to let loose a whole flood of apothecaries on the community, but I understand that there are no less than about 80 men who joined the department before 1905, and whose services, I think, would be extremely useful to the rural population. Further, this resolution is so framed as to enable the Principal Civil Medical Officer to frame regulations, to bring in an amendment of the Ordinance which will enable him to frame regulations which will give him all the safeguards he requires. On the analogy of the notaries who are authorized to practise in certain districts, he might license experienced apothecaries to practise only within a limited area, and, as the Honourable Member for Matara suggested, these licences might be renewed from year to year. Looking at the resolution from this point of view I think it is a most reasonable one.

I have, from my place in Council, when the occasion arose, advocated even the prosecution of the Ayurvedic system of medicine. I did so because I thought that the bulk of the population cannot have recourse to Western practice. The Honourable Member also referred to these apothecaries as those who should not be deprived of the chance of earning a livelihood when they have retired. I do not lay stress on that argument. I look at the matter from a broader point of view—the needs of the bulk of the population. The motion is so elastically worded—although some Honourable Members have commented on its restrictions—that it gives room for the Principal Civil Medical Officer to amend the Ordinance in such a way as to meet the object aimed at.

THE HON. MR. N. J. MARTIN (Second Burgher Member):—It is admitted, Sir, that many of these apothecaries are now working, and, in fact, doing excellent work; and I cannot, therefore, understand why the Medical Department should object to license them. All that this motion asks is that those apothecaries who joined the department prior to 1905 should be granted a licence to practise medicine and surgery. I have great pleasure in supporting the motion.

THE HON. THE ACTING COLONIAL SECRETARY:—I am inclined to support the Principal Civil Medical Officer. When the estimates of the Medical Department were before the Select

Committee, Honourable Members from the various districts asked that apothecaries should be replaced by medical officers. That shows that apothecaries do not give such general satisfaction as some Honourable Members tried to make out to-day. I believe there were four or five cases where Honourable Members in Select Committee asked that medical officers should be appointed to stations where only apothecaries are at present. The best way to discourage students from becoming doctors is to let loose all over the country well over 100 apothecaries to do the work which students who join the Medical College will be expected to do in the coming years.

It is perfectly true, as the Honourable Dr. Bridger pointed out, that the apothecaries we have in dispensaries are supervised, and if they really give satisfaction then they may be registered as medical practitioners with the approval of the Principal Civil Medical Officer.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer):—They cannot be.

THE HON. THE ACTING COLONIAL SECRETARY:—I stand corrected. I took it that with the approval of the Principal Civil Medical Officer an apothecary could practise for gain. Under the circumstances, however, I think it is much better to encourage qualified men to come forward than to allow every apothecary who joined the department prior to 1905 to practise medicine and surgery.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—Sir, in connection with the remark that we should not let loose 80 apothecaries on the public, I should like to state that last year the number of cases treated in hospitals was 1,077,443, while the number of cases treated by dispensers was 1,407,000.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer):—Might I ask from where the Honourable Member got those figures?

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—From the Blue Book.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer):—Does it not say in dispensaries?

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—I do not know. In the Uva, Sabaragamuwa, and Western Provinces a larger number were treated in hospitals than by apothecaries. Honourable Members will find in the Ordinance No. 2 of 1905 that the only people who are allowed to practise without this licence are vedaralas and those employed by Government. There is absolutely no restriction against unqualified

vedaralas killing people, but in the case of these apothecaries who wish to serve the people after they have retired they are to be denied a licence, although while in Government service they were allowed to kill people. If the restrictions which the honourable the mover of the motion is trying to impose are introduced, I am afraid some of the apothecaries may cry out "Save us from our friends." I do not think that there should be any further restrictions than those which now exist.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :—I am encouraged after listening to the Honourable the Acting Colonial Secretary, because I see that the Government looks through a glass, darkly, and that they are obscure in their vision. They do not understand what the people are asking for; they do not understand that justice must be done to a deserving class of people. In 1908 expediency justified the then Government. I ask the Government of to-day to let expediency fly past and to do justice. Expediency sufficed the Government of 1908, will not justice suffice the Government of 1925? I am merely asking that in rural districts where the masses are seeking medical facilities, they should be granted them by the Ceylon Medical Council taking steps to bring under safeguards and restrictions about a hundred apothecaries who joined the department prior to 1905 on the Medical Register.

If Honourable Members will look at section 22 of the Ordinance of 1905 they will see the following :—"The Council, on being satisfied that any lady belonging or attached to any missionary body or society possesses the requisite knowledge and skill for the medical treatment of women and children, may grant permission to such person to practise medicine and midwifery as a woman medical missionary as regards the treatment of women and children, but not otherwise." The qualification I suggest is that two qualified medical practitioners should give certificates to these apothecaries stating that they have practised medicine and surgery for ten years before they be allowed to practice on retirement.

THE HON. THE VICE-PRESIDENT :—I will now put the motion to the House. Those in favour of it say Aye, those against it say No. (After a pause.) I think the Ayes have it. Does the Honourable the Acting Colonial Secretary want a division?

THE HON. THE ACTING COLONIAL SECRETARY :—No.

THE HON. THE VICE-PRESIDENT :—The motion is carried.

Standing Committee to examine Public Works Department Estimates, &c.

The following motions stood in the name of the Hon. Mr. D. S. Senanayake (Negombo District) :—

That a Standing Committee of this Council be appointed to examine the estimates prepared by the Public Works Department and the expenditure of moneys voted by this Council for public works.

Flat Rate for Rubber Estates.

That in view of the Secretary of State sanctioning a maximum flat rate of 500 pounds per acre of rubber in Malaya as from August 1, 1925, this Council do request Government to take immediate steps to obtain the sanction of the Secretary of State for a similar flat rate in Ceylon for all rubber estates that are now assessed on a flat rate of 320 pounds per acre.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—I do not know whether it is necessary for me to speak on these motions. If Government is willing to accept them I will formally move them.

THE HON. THE ACTING COLONIAL SECRETARY:—Government is willing that a Sub-Committee of the Finance Committee should be appointed to examine any estimates

THE HON. MR. D. S. SENANAYAKE (Negombo District):—I am satisfied.

THE HON. THE ACTING COLONIAL SECRETARY:—Government is willing that a Sub-Committee of the Finance Committee be formed to revise any estimates of the Public Works Department and to act as a Consultative Committee to advise as to the relative importance of proposals for new public works other than roads and as to the order of priority in which they should be submitted for consideration with the estimates.

THE HON. THE VICE-PRESIDENT:—Government accepts the first motion.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—With regard to the next motion ?

THE HON. THE ACTING COLONIAL SECRETARY:—I informed the Honourable Member for Negombo District that the recommendations of the Select Committee, together with the views of the Ceylon Planters' Association, the Ceylon Estates' Proprietary Association, the Low-country Products Association, and the Rubber Restriction Board, which have been typed and are being circulated in the Executive Council, are awaiting further consideration. Among the various recommendations and proposals is a proposal that estates that have been assessed at 320 pounds should be reassessed and that no maximum should be fixed, but that the Rubber Restriction Board should make an assessment on acreage. That proposal will be very carefully considered in a very short time by the Executive Council.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—As the Executive Council is considering the matter, the motion might stand over. I hope that effect will be given to this recommendation before the next quarter.

The Society for the Prevention of Cruelty to Animals.

THE HON. SIR J. THOMSON BROOM, KT. (European Urban Member):—I ask, Sir, “That the permission of this Council be granted to me to introduce ‘An Ordinance to incorporate the Ceylon Society for the Prevention of Cruelty to Animals.’”

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member), seconded, and permission was granted.

Adjournment.

THE HON. THE VICE-PRESIDENT:—That completes the business for the day. Council will now adjourn *sine die*.