

The State Council of Ceylon.

No. 36.

July 30, 1942.



DEBATES

SESSION OF 1942.

CONTENTS:

	PAGE
Supplementary Estimate, 1941-42: Exceptional Defence Expenditure	1327
" Technical College "	1329
Mr. P. de S. Kularatne: Transfer to Executive Committee of Education	1329
Leave of Absence: Mr. K. R. Natesa Iyer	1329
National Museums Bill	1329
Indian Immigrant Labour (Amendment) Bill	1329
Loan Board (Amendment) Bill	1329
Stamp (Amendment) Bill	1330
Local Authorities (Postponement of Elections) Bill	1331
Railways (Amendment) Bill	1331

PRINTED BY ORDER OF THE GOVERNMENT OF CEYLON

AT THE

CEYLON GOVERNMENT PRESS, COLOMBO.

1942.

J. N. A 16210-175 (8/42)

"Copy" received : August 20, 1942.

Proof sent : September 2, 1942.

Proof returned : September 8, 1942.

Published : September 10, 1942.

STATE COUNCIL OF CEYLON.

Thursday, July 30, 1942.

The Council met at 2 p.m., Mr. SPEAKER [THE HON. SIR WAITIALINGAM DURAISWAMY] in the Chair.

PAPERS TABLED.

(Leader of the State Council): Eight Supplementary Estimates for 1941-42.

(Minister of Labour, Industry & Commerce): Order No. 23 dated July 20, 1942, made by the Minister of Labour, Industry and Commerce under section 4 (7) (a) of the Food Control Ordinance (Chapter 132), and published in the *Gazette Extraordinary* No. 8,972 of July 21, 1942.

PETITIONS.

Dr. A. P. de Zoysa (Colombo South): I present a petition from Hettiarachige Elias Perera of Nugegoda.

NOTICES OF MOTIONS.

Mr. D. Wanigasekera (Weligama): I give notice of the following motions:

(1) That in view of the alarming increase in the price of cotton goods, this Council is of opinion that immediate steps should be taken to control the price of cotton goods.

(2) That in order to ensure an abundant supply of fish during this period of acute food shortage, this Council is of opinion that Government should establish a system of Naval Patrol to give adequate protection to fishermen.

I also propose to move to suspend the relevant Standing Orders to enable me to move these motions at the next sitting of the Council.

Mr. D. M. Rajapaksa (Hambantota): I give notice of the following motions:

(1) That this Council is of opinion that the New Buddhist School at Kahawatta in the Hambantota District be taken over by Government at an early date.

(2) That this Council is of opinion that the Temple School at Taraperiya in the Hambantota District be taken over by Government, as the Reverend Founder of the School is finding it difficult to cope with the rapid increase in numbers and as he desires the Govern-

[Note.—An asterisk (*) against the name of a Member indicates that his remarks have not been revised by him.]

ment to make adequate provision in buildings, equipment, &c.

†SUPPLEMENTARY ESTIMATES, 1941-42.

The following item stood upon the Orders of the Day:

The Leader of the State Council to submit for the approval of the Council the Supplementary Estimates† set out in this item, to present to the Council the reports of the Board of Ministers on such estimates, and to move the Council into Committee to consider the same:

(Chief Secretary.)

(1) Supplementary Estimate, 1941-42.

Head Part IV., Loan Fund Expenditure.

Sub-head 2, Exceptional Defence Expenditure.

Amount: Rs. 9,111,149.

Nature of Service: To meet payment of part of Ceylon's Defence contribution to the United Kingdom Government for the defence of Ceylon for the current financial year.

Observations of the Chief Secretary.

With the concurrence of the Board of Ministers the whole question of the Defence contribution has been under correspondence with the Government of the United Kingdom with a view to radical revision. It has been tentatively agreed to pay an annual lump sum of Rs. 27,000,000 as defence contribution for the period from October 1, 1941, to the Armistice, to cover this Government's share of all expenditure on the defence of Ceylon by the Navy, Army, and Air Force. The sum includes the cost of the Ceylon Defence Force, which becomes an Imperial commitment, but not the cost of the Ceylon Naval Volunteer Force, which is to remain a liability of this Government. Each Government is to pay the other for goods, services, and rent of buildings, but no charge will be made for the use of vacant Crown land required by the Forces except expenses consequential on vacation. This lump sum contribution includes the Military contribution payable under the provisions of the Defence Contribution Ordinance (Chapter 294). The Ceylon Government will remain liable for pensions and gratuities to members of the Ceylon Defence Force in accordance with existing

† Supplementary Estimates (2) to (14) not reproduced.

regulations. Funds amounting to Rs. 17,888,851 have already been provided for:—

	Rs.
(a) Military contribution ...	4,000,000
(b) Lands and buildings for Garrison ...	998,670
(c) Ceylon Defence Force ...	12,890,181
	17,888,851

Supplementary provision is now required for the balance sum of Rs. 9,111,149 necessary to make up the total contribution of Rs. 27,000,000 for the current financial year.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Chief Secretary. The Board of Ministers approves.

The Hon. Sir D. B. Jayatilaka (Leader of the State Council): I submit for the approval of the Council the Supplementary Estimates set out in this item, present to the Council the reports of the Board of Ministers on such Estimates and move the Council into Committee to consider the same.

In Committee—

MR. SPEAKER presided as Chairman.

The Hon. Mr. C. H. Collins (Acting Chief Secretary): Sir, I rise to move the Supplementary Estimate standing in my name. Before I do so, however, I would like to call attention to Standing Order 34 (2) and take notice of the presence of Strangers in the House. The reason for doing so is because this item is one of the Defence votes, and when we discuss Defence votes it is thought desirable that we should be in Secret Session. I therefore call attention to the presence of Strangers.

The Chairman: Does the Hon. the Acting Chief Secretary move that the Sitting be in Secret Session?

The Hon. Mr. Collins: Yes, Sir.

***Mr. B. H. Aluwihare (Matale):** If Strangers are going to be ordered to withdraw, they should go out of even the passages.

The Chairman: They must go out, and the doors should be closed.

***Mr. Aluwihare:** What about the Stenographers?

The Hon. Mr. Collins: I think it is usual for the Stenographers to remain.

Mr. H. E. Newnham (Nominated Member): What about the publication of the proceedings in HANSARD?

The Hon. Mr. Collins: I believe the practice is that a record is kept for future reference, but the proceedings are not published in HANSARD.

The Chairman: The proceedings will not be published in HANSARD. That is the practice in the House of Commons.

Mr. Susanta de Fonseka (Panadura): I believe numbered copies of the report of the proceedings are given to the Members of the House of Commons.

The Chairman: The Stenographers will report the proceedings but they will not be published in HANSARD.

***The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** There are a number of Peons present.

The Chairman: I think they must also withdraw.

Question. "That Strangers be ordered to withdraw, and that the discussion on Supplementary Estimate (1) be held in Secret Session," put, and agreed to.

Strangers withdrew accordingly.

The Sitting was in Secret Session from 2.12 p.m. until 5.28 p.m., and was then resumed in Public Session.

The Council having resumed—

MR. SPEAKER took the Chair.

Committee report progress; to sit again.

The Hon. Sir D. B. Jayatilaka: I move, Sir, that Supplementary Estimate (1), passed in Committee, be approved.

Question put accordingly, and agreed to.

Supplementary Estimate (1) was approved.

BUSINESS OF COUNCIL.

Mr. Speaker: We shall now take up unopposed business.

***The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands):** What about the other Supplementary Estimates?

Mr. Speaker: They will be taken up to-morrow.

***The Hon. Mr. G. E. de Silva (Minister of Health):** I shall not be able to be present to-morrow, and I would appeal to the House to allow me to take up some of the items standing in my name.

Mr. Speaker: Only unopposed business can be taken up.

TECHNICAL COLLEGE.

***The Hon. Mr. C. W. W. Kannangara (Minister of Education):** I move,—

This Council resolves in terms of Article 39 (1) of the Ceylon (State Council) Order in Council, 1931, that rule 24 of the rules prescribed by the Governor under the said Article and published in Gazette No. 7,858 of June 5, 1931, be amended in Column II, and in Column III, thereto by the addition, to the respective items relating to the Executive Committee of Education, of the item set out hereunder:—

Item to be added in Column II.
Ceylon Technical College Department

Corresponding item to be added in Column III.
Principal, Ceylon Technical College.

This matter has already been approved by the Council. It is a formal matter.

Question put, and agreed to.

MR. P. DE S. KULARATNE: TRANSFER TO EXECUTIVE COMMITTEE OF EDUCATION.

***The Hon. Mr. Kannangara:** I move,—

That Mr. P. de S. Kularatne, Member for Balapitiya, be transferred from the Executive Committee of Health to the Executive Committee of Education.

***Mr. Aluwihare:** I want to ask the Minister a question. Once, I remember, the Hon. Minister in the course of a speech cried, tore his hair—and his cloth—about managers and principals of schools being in the Education Committee. Now he proposes that another manager be transferred to it!

***The Hon. Mr. Senanayake:** The item is being opposed.

***Mr. Aluwihare:** I am not opposing it. I am only reminding the Minister of what he said on a previous occasion.

Question put, and agreed to.

LEAVE OF ABSENCE: MR. K. R. NATESA IYER.

The Hon. Mr. G. E. de Silva: On behalf of the Hon. Minister of Labour, I move,—

That Mr. K. R. Natesa Iyer, Member for Hattton, be granted leave under Article 15 (f) of the Ceylon (State Council) Order in Council, 1931, to absent himself from the sittings of the State Council from July 18, 1942, till September 1, 1942, on the ground of ill-health.

Question put, and agreed to.

NATIONAL MUSEUMS BILL.

***The Hon. Mr. Kannangara:** On behalf of the hon. Deputy Speaker and Chairman of Standing Committee "A", I present,—

The report of Standing Committee "A" on the Bill intituled "An Ordinance to provide for the establishment and maintenance of National Museums in Ceylon, and to declare the Colombo and Kandy Museums to be National Museums."

INDIAN IMMIGRANT LABOUR (AMENDMENT) BILL.

The following item stood upon the Orders of the Day:

The Chief Secretary to move,—

That the Bill intituled "An Ordinance to amend the Indian Immigrant Labour Ordinance", be now read the first time.

Observations of the Financial Secretary.

All payments will be made from the Immigration Fund and no Government money is involved.

Report of the Board of Ministers.

The financial implications are as stated in the Observations of the Financial Secretary. The Board of Ministers approves.

The Hon. Mr. Collins: I rise to move that the Bill intituled "An Ordinance to amend the Indian Immigrant Labour Ordinance", be now read the first time.

Question put, and agreed to.

Bill read the first time.

LOAN BOARD (AMENDMENT) BILL.

The following item stood upon the Orders of the Day:

The Financial Secretary to move,—

That the Bill intituled "An Ordinance to amend the Loan Board

Ordinance", be now read the first time.

Observations of the Financial Secretary.

The Bill is intended to facilitate the work of the Loan Board and to clear up certain doubts as regards the meaning of the existing law. There are no financial implications.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Financial Secretary. The Board of Ministers approves.

The Hon. Mr. H. J. Huxham (Financial Secretary): I rise to move that the Bill intituled "An Ordinance to amend the Loan Board Ordinance", be now read the first time.

This Bill deals with a number of small matters of administration.

***Mr. Aluwihare:** Will he explain the small matters, Sir?

***The Hon. Mr. Bandaranaike:** As he is required to do by the law!

The Hon. Colonel J. L. Kotalawala (Minister of Communications & Works): They are so small that they cannot be explained!

The Hon. Mr. Huxham: Sir, this Bill consists of one Clause dealing with the treatment of securities when mortgage bonds are released. Another Clause deals with the contributions payable to Government towards the expenses of the establishment of the Board.

***Mr. Aluwihare:** How much?

The Hon. Mr. Huxham: These are two small matters which have arisen in the course of administering the Loan Board Ordinance, and these amendments are very desirable in the interests of the smoother working of that institution.

Question, "That the Bill be now read the first time", put, and agreed to.

Bill read the first time.

STAMP (AMENDMENT) BILL.

The Hon. Mr. Huxham: I move that the Bill intituled "An Ordinance to amend the Stamp Ordinance", be now read the first time.

This Bill is connected with the amendment of the Notaries Ordinance which is to be introduced by the Minister of Labour, Industry and Commerce, and affects the Stamp Ordinance. The purpose of the Bill is that where adhesive stamps are used in payment of stamp duty due upon any deed or instrument, the stamp should be cancelled by the person first executing or acknowledging the deed or instrument. As the House is well aware, under the present system deeds are often signed without the proper stamps being provided, and it is thought very desirable to require that the stamps be affixed when the first signature is placed to the instrument.

Question put, and agreed to.

Bill read the first time.

LAND REDEMPTION BILL.

Mr. Speaker: Item 23.

Mr. Newnham: I oppose this item.

***Mr. H. F. Parfitt (Nominated Member):** I oppose this item to make sure that we have the first reading in a full House.

***The Hon. Mr. Senanayake:** Considering that it is opposed by the two European Nominated Members, I think the Bill will go through without any trouble.

LOCAL AUTHORITIES (POSTPONEMENT OF ELECTIONS) BILL.

***The Hon. Mr. Bandaranaike:** I shall move the first reading now and take up the other readings to-morrow.

***Mr. Aluwihare:** But the footnote says that the Hon. Minister will move all three readings on the same day.

Mr. Speaker: He is not going to do that to-day.

***Mr. Aluwihare:** Then he must give fresh notice.

***The Hon. Mr. Bandaranaike:** No, I shall move only the first reading.

Mr. Speaker: Yes.

***The Hon. Mr. Bandaranaike:** I move that the Bill intituled "An Ordinance to enable the term of office of members of Municipal Councils, Urban Councils and Village Committees to be extended during the continuance of the present emergency", be now read the first time.

This is a very small Ordinance to take a power which does not exist now. It is merely to take the power to extend the life of certain local bodies, when the need arises, only during the time of emergency. — With regard to Village Committees, that power exists in the Village Communities Ordinance and this year it has been exercised by the extension of the life of Village Committees whose elections were due this year for one year. That was done for the simple reason that elections were due in April and May and it was impossible to make arrangements for the elections merely in view of the bombing, and so on, that took place. There is no such power in the Municipal Councils and Urban Councils Ordinance and the situation arises in the case of certain of these bodies in which elections are due this year that they have to take certain steps at certain specific times unfortunately starting about April and May, such as to revise and make new voters lists, and so on, which were not taken.

It does not mean that the power will be exercised even if it is taken. But occasions will arise when legally the power must be there for the Governor or someone to extend the life of a local body in view of the emergency. Otherwise, as the law requires, certain steps will have to be taken which may not be possible in an emergency.

I move that the Bill be now read the first time.

Question put accordingly, and agreed to.

Bill read the first time.

RAILWAYS (AMENDMENT) BILL.

The following item stood upon the Orders of the Day:

The Minister of Communications and Works to move,—

That the Bill intituled "An Ordinance to amend the Railways Ordinance", be now read the first time.

Observations of the Financial Secretary.

The present maximum legal rate for conveyance of goods by railway is 59 cents a mile for every ton, but it has been found necessary to impose new rates with a maximum of 71 cents. The Bill proposes that the maximum legal rate shall be increased from 59 to 80 cents.

The Bill has no direct financial implications as it is merely permissive.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Financial Secretary. The Board of Ministers approves.

The Hon. Colonel Kotalawala: I move that the Bill intituled "An Ordinance to amend the Railways Ordinance", be now read the first time.

The maximum rate that can be levied for the conveyance of goods on the railway has been fixed, by paragraph 1, occurring under the heading "Goods" in the Schedule to the Railways Ordinance, at 59 cents a mile for every ton. The highest rate prescribed by the rules at present in existence is 58½ cents, and it has been decided to raise the rate for conveyance of goods by 20 per cent. This Bill will amend the Schedule to the principal Ordinance so as to enable such rates to be increased.

***Mr. Aluwihare:** Why do the Observations say that 50 cents is the amount?

The Hon. Colonel Kotalawala: That is the amount according to the Ordinance.

***Mr. Aluwihare:** But the Hon. Minister said just now that it was 58½ cents.

The Hon. Colonel Kotalawala: That is the present charge.

Question, "That the Bill be now read the first time", put, and agreed to.

Bill read the first time.

The Hon. Colonel Kotalawala: May I move the second reading now?

Mr. Speaker: No, it is opposed.

URBAN COUNCIL BY-LAWS.

The Hon. Mr. Bandaranaike: I move,—

That the by-laws made by the Batticaloa Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

Question put, and agreed to.

The Hon. Mr. Bandaranaike: I move,—

That the by-laws made by the Batticaloa Urban Council under sections 166 and 170 (13) of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

Question put, and agreed to.

The Hon. Mr. Bandaranaike: I move,—

That the by-laws made by the Beruwala Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

Question put, and agreed to.

The Hon. Mr. Bandaranaike: I move,—

That the by-laws made by the Gampola Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

Question put, and agreed to.

The Hon. Mr. Bandaranaike: I move,—

That the by-laws made by the Kotte Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

The Hon. Mr. Bandaranaike: I move,—

That the by-laws made by the Panadure Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

Question put, and agreed to.

The Hon. Mr. Bandaranaike: I move,—

That the by-law made by the Puttalam Urban Council under section 61 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

Question put, and agreed to.

The Hon. Mr. Bandaranaike: I move,—

That the by-law made by the Weligama Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 8,965 of July 10, 1942, be not disallowed.

Question put, and agreed to.

POISONS, OPIUM AND DANGEROUS DRUGS: REGULATIONS.

The following item stood upon the Orders of the Day:

The Minister of Health to move,—

That the following regulation made by the Executive Committee of Health

under section 78 of the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 172), be approved.

Regulation.

The First Schedule to the Poisons, Opium and Dangerous Drugs Ordinance is hereby amended in Part II thereof, by the insertion, immediately before the words "Phenolphthalein and all preparations containing phenolphthalein", of the following:—

"Para-aminobenzenesulphonamide; its salts; derivatives of para-aminobenzenesulphonamide having one or both of the hydrogen atoms of the para-amino group substituted by other radicals; their salts".

***The Hon. Mr. G. E. de Silva:** I move the motion standing in my name.

Mr. Newnham: Will the Hon. Minister kindly read out the regulation?

***The Hon. Mr. G. E. de Silva:** The regulation reads as follows:

The First Schedule to the Poisons, Opium and Dangerous Drugs Ordinance is hereby amended in Part II thereof, by the insertion, immediately before the words "Phenolphthalein and all preparations containing phenolphthalein", of the following:—

"Para-aminobenzenesulphonamide; its salts; derivatives of para-aminobenzenesulphonamide having one or both of the hydrogen atoms of the para-amino group substituted by other radicals; their salts".

Mr. Newnham: We have not had any explanation about it.

***The Hon. Mr. G. E. de Silva:** This is a kind of poison.

Question put, and agreed to.

ADJOURNMENT.

The Hon. Sir D. B. Jayatilaka: I move that Council do now adjourn till 10 A.M. on Friday, July 31, 1942.

Question put accordingly, and agreed to.

Adjourned accordingly at 5.50 P.M. until 10 A.M. on Friday, July 31, 1942.