



DEBATES

SESSION OF 1942.

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STATE COUNCIL OF CEYLON.

Wednesday, August 19, 1942.

The Council met at 10 a.m., MR. SPEAKER [THE HON. SIR WAITIALINGAM DURAISWAMY] in the Chair.

NOTICES OF MOTIONS.

Mr. H. de Z. Siriwardana (Negombo) :
I give notice of the following motions :

(1) That this Council is of opinion that steps should be taken by Government to prevent sea-erosion in various parts of the Island, the cost thereof to be borne by the Central Government.

(2) That this Council is of opinion that immediate steps should be taken to prevent the serious erosion now taking place along the foreshore at Negombo.

(3) That this Council is of opinion that the Toppu-ela and the Koota-ela in the Negombo District be cleared immediately to enable the field owners of Toppuwa, Welihena, Etgala and Obberiya to cultivate their fields this year.

(4) That this Council is of opinion that Toppu-ela irrigation works be undertaken at an early date to prevent the fields being damaged by flood water of the Maha-oya and to enable field owners to irrigate their fields.

I also give notice that I shall move the suspension of the relevant Standing Orders to enable me to move these motions at an early date.

**MR. SUSANTA DE FONSEKA
(MEMBER FOR PANADURE) :**
**COMMISSION IN CEYLON
NAVAL VOLUNTEER
FORCE.**

Mr. Susanta de Fonseka (Panadure) :
Before you proceed to the next item on the Agenda, I rise to bring to your notice and to the notice of the House a letter I have received from His Excellency the Governor in which the Governor, on account of certain statements made by me on the Floor of this House, has taken certain action against me. Have I your permission, Sir, to read the letter?

Mr. Speaker: Yes.

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

Mr. Susanta de Fonseka: The letter is as follows :

Queen's House,
Colombo, August 14, 1942.

Sir.—I have been informed, and have had the information verified to my satisfaction, that wearing the uniform of a Paymaster-Lieutenant of the Ceylon Naval Volunteer Force you yesterday made the following remarks in the course of a speech in the State Council.

Then follows the quotation from my speech [MEMBERS: Read it].

This is the quotation :

"I, for one, feel very humiliated that in a war in which we were never consulted we should be led like dumb cattle to the slaughter. It is bad enough that this country should be converted into a battle field without the consent of the people; it is bad enough that our Constitution should be left to the tender mercies of a dictator, most properly, mind you, but when we are called upon after all those wrongs also to vote a sum of money for a purpose like this, ignoring the other circumstances, I think it is time that we should cry a halt."

His Excellency the Governor proceeds to say in his letter,—

"Those remarks are incompatible with your holding of my Commission in the Ceylon Naval Volunteer Force, and in exercise of the power vested in me by Section 8 of the Naval Volunteer Ordinance, I hereby dispense with your services therein. You will therefore cease forthwith to wear the uniform of that Force. The Commanding Officer is being informed accordingly.

Yours faithfully,
A. CALDEGOTT,
Governor."

This letter is addressed to: "Susanta de Fonseka, Esq., M.S.C."

You will notice, Sir, that the action taken by His Excellency the Governor is as a result of a speech made by me on the Floor of this House, and that the letter too has been addressed to me in my capacity as a Councillor.

In this connexion I submit that a situation has been created which is unsatisfactory and uncertain for all Members of this House. I ask you for your guidance as to what steps should be taken to clarify the position in the interests of all concerned.

The Hon. Mr. D. S. Senanayake (Acting Leader of the State Council) : Sir, a matter of importance has been brought to your notice. I should like to have an opportunity of consulting the Board of

[The Hon. Mr. Senanayake.]

Ministers and asking them whether they would agree to a Select Committee of this House going into the question and making a report. I have had no opportunity of meeting them on that point, and would, therefore, ask you, before you give guidance in the matter, Sir, to allow me time to consult the Board of Ministers, if my action is approved by you. If the Board of Ministers agree to it, a motion will be placed before the Council for the appointment of a Select Committee to report on the question.

Mr. Speaker: Not to consider whether the Board of Ministers will give their approval to the appointment of a Select Committee, but merely to obtain their formal approval of a motion for the appointment of a Select Committee?

The Hon. Mr. Senanayake: Under our Standing Orders, unless the Board of Ministers agree to the appointment of a Select Committee, no Member can move for the appointment of a Select Committee.

Mr. Speaker: Yes, I myself think that this is a matter of some importance, as it deals with the relation of Members of Council to an Ordinance. What has been suggested by the Hon. Acting Leader of the House seems to be very appropriate, and the matter should be referred to a Select Committee so that it may go into the matter carefully and report to the House. We can deal with the question after that.

***Mr. B. H. Aluwihare (Matale):** We agree with the procedure that the Hon. Acting Leader means to follow, but I think it necessary, in the interests of everybody, and especially in the interests of this House, that the initiative should be yours and there should be no mistake about it but that on a question of this kind it is your desire to adopt the suggested procedure—

Mr. Speaker: It is practically mine. It is the Hon. Acting Leader's suggestion—I am of the same opinion—that we should follow the procedure adopted by the House of Commons in the case of Mr. Sandys. In that case, the matter was referred to a Select Committee to report on the substance of the complaint made by the Member concerned.

Dr. A. P. de Zoysa (Colombo South): Before—

Mr. Speaker: There need be no debate on the matter now—

Dr. de Zoysa: I have a suggestion to make, but if you do not want to listen to me, Sir, I shall not proceed.

I want to make a suggestion, and that is that you should take it upon yourself to write to His Excellency the Governor and find out whether by his letter or by the action he has taken he means to interfere with the privileges of this House with regard to freedom of speech. [Interruption.]—If it is shown that the Governor does not intend to interfere with our privileges, we are making a fuss over nothing.

Mr. Speaker: What is the next item?

MORATUWA SOCIAL SERVICE SOCIETY INCORPORATION BILL.

Mr. T. Amarasuriya (Moratuwa): I wish to move an urgent motion—

Mr. Speaker: What does the Hon. Acting Leader say?

The Hon. Mr. Senanayake: I have no objection. Both the hon. Member for Nuwara Eliya (Mr. Abeygunasekera) and the hon. Member for Moratuwa (Mr. T. Amarasuriya) have asked me whether I would raise any objection to their moving certain motions, which will not take much time. I would not raise any objection.

Mr. Speaker: Does the hon. Member move that the House do give him permission to move the motion now?

Mr. T. Amarasuriya: Yes.

***Mr. S. Samarakkody (Narammala):** Am I to understand that the decision arrived at yesterday that we should proceed with Government business to-day is to be rescinded?

***The Hon. Mr. G. E. de Silva (Minister of Health):** No.

***Mr. Samarakkody:** There is an important motion standing in my name on the Agenda. Will the Hon. Acting Leader agree to that motion being taken up

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Mr. Speaker: That question can be decided afterwards. The hon. Member might speak to the Hon. Acting Leader about it. Does the House agree to the hon. Member for Moratuwa taking up the third reading of the Moratuwa Social Service Society Incorporation Bill now?

Members: Aye.

Mr. T. Amarasuriya: I move that leave be granted to me to move the third reading of the Bill intituled "An Ordinance to Incorporate the Society known as the Moratuwa Social Service Society."

Question put accordingly, and agreed to.

Mr. T. Amarasuriya: I move that the amendments made by Standing Committee "B" in the Bill intituled an Ordinance to incorporate the Society known as the Moratuwa Social Service Society be taken into consideration.

Question put, and agreed to.

Amendments made by Standing Committee "B" accepted; and Clauses 1, 2, and 8, as amended, ordered to stand part of the Bill.

Mr. T. Amarasuriya: I move that the Bill be now read the third time and passed.

Question put accordingly, and agreed to.

Bill read the third time, and passed.

SUNDRIES DEPOTS FOR KANDY.

***Mr. E. W. Abeygunasekera (Nuwara Eliya):** I would like to be allowed to move the motion standing in my name on page (2) of the Addendum to the Orders of the Day. This is a very important motion, about which I have already seen the Civil Defence Commissioner. I beg of the Hon. Minister of Labour, Industry and Commerce to take action immediately. The motion is as follows:

That this Council is of opinion that immediate steps should be taken either by the Food Controller or by the Commissioner of Civil Defence to cause depots for sundries to be opened at Kandy to enable the Village Committees and others to purchase the necessary essential commodities for the consumption of the rural population.

Motion ordered to be referred to the Executive Committee of Labour, Industry and Commerce, under Standing Order

† APPROPRIATION BILL, 1942-43.

Pursuant to order, the Council resolved itself into a Committee of the whole House further to consider in detail the Bill intituled "An Ordinance to make provision for the Public and Railway Services and the Electrical Undertakings for the financial year 1942-43, to authorise the payment by way of advance out of revenue of moneys required during that financial year for specified purposes, and to provide for the refund of such moneys to Revenue", the Draft Estimates of the Revenue and Expenditure of the Island for the financial year 1942-43 (Second Print tabled on July 10, 1942), and the amendments to those Estimates tabled on August 13, 1942.

In Committee—

MR. SPEAKER presided as Chairman.

SCHEDULE I.

Head 4, Audit Office—(contd.)

Sub-head 1 was passed without amendment.

Sub-head 2, Travelling, Rs. 32,500.

Amendment moved [*Financial Secretary*]:

Increase provision by a sum of Rs. 750.

Amendment agreed to.

Sub-head 2, as amended, was passed.

Sub-heads 3 to 5 were passed without amendment.

Head 4, as amended, was passed.

Head 5, Chief Secretary.

Sub-head 1, Personal Emoluments, Rs. 271,396.

Amendment moved [*Chief Secretary*]:

ADDITIONAL STAFF FOR EMERGENCY SERVICES.

Increase salary provision of Requisitioning officer (Class I, Grade II, C. C. S.) from Rs. 19,500 to Rs. 23,250, and make consequential amendments.

Mr. R. Sri Pathmanathan (Mannar-Mullaivivu): I would like to make a few observations under this Head, especially in regard to the relationship that exists between the Public Services Commission,

† For the Observations of the Financial Secretary and the Report of the Board of Ministers, see HANSARD of July 10, 1942.

[Mr. Sri Pathmanathan.]
of which the Chief Secretary is the Chairman, and the Executive Committees, in the matter of appointments. I would like to relate to you, as briefly as possible, the facts of the particular case which I have in mind.

The Executive Committee of Labour, Industry and Commerce called for applications for the post of Secretary to the Trade Commissioner in Bombay; and several applications were forwarded to the authorities concerned. We selected one person from among the members of the Public Service who had applied. For the sake of convenience and for obvious reasons, I would like to call him, "Signora," to use racing parlance. He was unanimously selected by our Executive Committee for appointment, although the selection did not fall to the liking of the three gentlemen on the Public Services Commission, whom I might call the Anglo-Saxon Witenagamot: there is one Gaelic gentleman—I beg your pardon. On our side we had four full-blooded Dravidian gentlemen, one Anglo-Saxon and one Sinhalese.

Sir, we unanimously selected "Signora". But unfortunately that selection did not fall to the liking of the modern Witenagamot on the other side; they selected another man. I would like to call him "Fanny". I do not know the reason why they selected him. We unanimously selected "Signora". We went to the paddock and examined the horses that were to run, and found "Signora" having perhaps a better mane, stronger legs. Also a most important factor which we had in mind in selecting this gentleman for appointment was this: he was very good in Indian languages—in Urdu, Gujerati and other languages—which was a very necessary qualification for the purpose of appointment; so we unanimously selected him. There was no difference of opinion whatsoever; we unanimously selected him. All the different races which form our "Oriental Committee" selected that particular horse because we thought that he would run best, as he would stand the Indian climate, he would be able to eat Indian food, and also in his case there was what, in our opinion, was a very important factor, which you sometimes see advertised for in the *London Times*, namely that he was a free

bachelor with no wife to support, which we considered was a very important qualification, because we had heard that living in Bombay was very expensive, that the rental of flats was very high, and so any officer going there would get into debt.

But, unfortunately, the Witenagamot selected another animal. Educationally both were equal—both were B.Sc's (London)—and both were competent. We inquired from the Head of Department—in this matter he is the chief person, because it was under him and under the Ministry that this gentleman would have to work—and the Head of Department made out his own selection list. Both the gentlemen were on that selection list: No. 1, Fanny; No. 2, Somebody else, and No. 3, Signora.

I do not know what the superior wisdom of this Witenagamot is. We were the people under whom this officer would have to work, and we felt that he was the best man. I believe there is a minute made by Governor Stanley, when he went into the whole question of the Donoughmore Commissioners' recommendations, to the effect that if an Executive Committee unanimously selects an individual, that individual should be appointed unless there were very strong reasons to the contrary. In this case I would like to ask why they should reopen this transaction. I would ask the Witenagamot: "Was there fraud, and have the Members of the Executive Committee received *baksheesh*?" What is the superhuman reason that made the Witenagamot turn down our advice? I cannot understand it.

I admit that the Governor has the power to appoint whomever he likes. But the position of the Executive Committee in these circumstances becomes very farcical. Let them then make all these appointments, and not send these matters to us and waste our time. We spent nearly half an hour, which we could have spent on other business, in making our selection. But as it was a very important post and there was some trouble with regard to the rice business, we thought that he was the best man to send; and we unanimously selected him.

What I am racking my brains to find out is why this particular gentleman should have been selected by the European body as against the selection of a

native body of shrewd men, which included one Anglo-Saxon, a Nominated Member, who was also of the same opinion and who said, "Oh, yes, this man seems to have all the necessary qualifications". So I have been racking my brains to find out the reason why they turned down our selection, and I do not think I have found any good or valid reason why our selection should have been turned down by the Witenagamot.

Sir, we all have failings; human nature is such. We may sometimes have clerks working under us for several years, and we might like to give them a push up. But we took a very impartial view in this case. There were the people who came before us; and our Minister, as well as the Executive Committee, thought of the work that had to be done in India. The appointment was exclusively under the Ministry, and we were the best judges as to the requirements.

In this connexion, I have read the Donoughmore Report, and I would like to place one or two points before the Witenagamot. On page 139 of the Report, the learned Commissioners say this—and I attach very great importance to what they say—namely, that the discretion should be vested in the Executive Committee.

"It has been designed, not with a view to hampering the discretion of Ministers or their Executive Committees and Heads of Departments, but with the object of assisting them, in submitting their recommendations to the Governor, to preserve a continuity of policy in all matters of personnel, irrespective of changes in the composition of the Committees or of the Council."

I say, that the Witenagamot have not honoured that recommendation in this case in the spirit in which the Donoughmore Commissioners made it. We do not seek to hamper them. They too have the interests of the Public Services at heart, and we ourselves are interested in the working of our Departments. I think their action is an interference with our duty, as Members of the Executive Committee. As things go on, the position will become farcical.

There is another reference to this question on page 140 of the Report, which is *apropos*:

"In the case of appointments of class (c) the responsibility for submitting a recommendation to the Governor will rest with the Minister and the Executive Committee concerned."

So it was our duty to give the Governor or the Public Services Commission the best in us. We did so honestly, we did so sincerely, without any reservation at all, in this case. In fact, I did not know any of the applicants. They were total strangers to me, and we made the recommendation to the best of our conscience. We are Orientals. We know the Oriental mind. We know how it works. We know what is required. The Witenagamot are Anglo-Saxons, with one Irishman on it. I do not know how they work. They would have different reasons from ours, and I would like to submit to you, Sir, and to the Council that in this instance our judgment should have had greater weight with the authorities than the opinion of the three wiseacres sitting on the other side. So I would ask the Chief Secretary why our recommendation was set aside, when it had been unanimously made by us.

I also remember, there was a minute by Sir Gracme Thomson who went into this question very, very fully and explained the purpose for which appointments were referred to the Executive Committee. Sir, when the decision of the Executive Committee is unanimous—the decision of men of different Oriental races and one Anglo-Saxon—there must be some strong reason for upsetting it. So, I think, a reversal of that opinion was not fair by us and by the man concerned. I say that a transaction of this nature can be reopened if there has been fraud, but in this case no fraud has been alleged, either in fact or in theory.

Therefore, I submit that cases of this nature should not recur, because it is bad for the public morale to have these things done as these three gentlemen like. I do not know that they have the powers of a giant, but is it right to use the power of a giant in a democratic country in a gigantic way? That is the plain question I ask. The true test of responsibility is, when you are placed in a responsible position, how would you treat those who are your subordinates who expect fair treatment?

In this instance, Sir, my Committee and I honestly feel that the Public Services Commission have not done their duty in revising our decision. Therefore,

[Mr. Sri Pathmanathan.]

I would ask the Chief Secretary, in all earnestness, to give us the reasons for their action, not to say, "We refuse to give the reasons. These appointments are our business and we do what we like". That is not democratic Government. Neither are we fighting for such a Government. I simply submit these suggestions to the Witenagamot.

Mr. R. S. S. Gunawardana (Gampola): This is not the first occasion when the Public Services Commission has differed from an Executive Committee. I personally do not think that appointments should be in the hands of an Executive Committee or in the hands of the Public Services Commission as it is at present constituted. It is an important matter. We are talking now of Cabinet responsibility, sometimes of National Governments. The Public Services are a very important factor, and I think it is necessary to have an absolutely independent Public Services Commission. Even before the whole question of Reforms is discussed, this is a matter where the Board of Ministers should take action and secure the appointment of a Public Services Commission which would be independent of the Services and of this Council.

The present position is this: the three Officers of State themselves are Heads of Departments, and in the ordinary course they come into contact with various Public Servants. You cannot prevent their having their likes and dislikes. Each Officer of State is entitled to think that a particular officer is the very best man in the circumstances for a particular job, and he proceeds to examine the question therefore, human nature being what it is, with a particular bias in that officer's favour, and he does not know the virtues, to my personal knowledge, of the other applicants for the same post. The result is that very often a man who has absolute merit is overlooked on account of this fact. There is no denying it. It is no good saying that the Officers of State are paragons of virtue and are not influenced even subconsciously by these considerations; they are bound to be influenced. That is why I say that even the Executive Committee should not have a part in these matters, because the charge may be brought that political pressure was responsible for a certain appointment.

In these circumstances, it is no good blaming the Public Services Commission for making a particular appointment. The vital point is that the Constitution of the Public Services Commission itself is sufficiently important for us to take action immediately. This is not the only case; I know there are a number of similar cases where we feel that manifest injustice has been done.

So I trust the Board of Ministers, while they are talking of Cabinet responsibility, will take immediate steps to see that an independent Public Services Commission is appointed.

***Mr. S. Abeywickrama (Udugama):** There is a more important matter than the appointment of the Secretary to the Trade Commissioner. One fine day, we read in the newspapers that a Mr. Amesley de Silva had been appointed Trade Commissioner in Bombay. I would like to know whether that appointment was brought before the Executive Committee of Labour, Industry and Commerce by the Minister, and what the recommendation with regard to that post was, because it is universally felt in the country that a gentleman of that type was not well-suited to discharge the responsibilities of a Trade Commissioner. Who selected him? What are his educational qualifications? Especially at a time when important investigations are going on with regard to a big scandal—the rice scandal—we should have an able man as Trade Commissioner. I should like to have a reply from the Minister as to whether his action was endorsed by the Executive Committee or whether he selected the gentleman in question on his own.

Mr. Susanta de Fonseka (Panadure): Before the Hon. the Chief Secretary replies, I would like to know whether he wishes to reply now to the points which have already been raised, because I want to raise a question on an entirely different matter.

Mr. Dudley Senanayake (Dedigama): It would be better, I think, for the Chief Secretary to reply to the questions that have been raised already.

The Hon. Mr. R. H. Drayton (Chief Secretary): Mr. Chairman, so far as the Public Services Commission is concerned,

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we must take the situation as we find it under the Constitution at the moment. The Commission have not an easy task—I suppose everyone will admit that—and there is bound to be disagreement with some of the recommendations that they make.

But I should like hon. Members to examine rather carefully the actual words used by the hon. Member for Mannar (Mr. Sri Pathmanathan). He spoke about the Executive Committee selecting a person for appointment and being overruled by the Public Services Commission. Now, what is the position? First of all, the hon. Member must accept it as it exists just in the same way as the Public Services Commission must. The Executive Committee are asked for their recommendation. So also are the Public Services Commission: they are asked for their recommendation. Neither do the Executive Committee nor do the Public Services Commission make the appointment. The views of the Executive Committee and the views of the Public Services Commission are before the Governor at the time that he makes the appointment.

There may be an *honest* difference of opinion between the Executive Committee and the Public Services Commission. I lay emphasis on the word "honest". The hon. Member seems to think that because the Public Services Commission may not agree with the view of the Executive Committee, the Public Services Commission hold the view that the recommendation of the Executive Committee was not honest. The Public Services Commission recognize the fact that there may be an honest difference of opinion between themselves and the Executive Committee. If there is such a difference of opinion and the Public Services Commission definitely feel that the Executive Committee were wrong, is it autocracy, is it a denial of democracy, as the hon. Member stated, for the Public Services Commission to put their view before His Excellency the Governor as well as the view of the Executive Committee? Is it not right that both opinions should be put before the Governor? Is it not wrong for the Public Services Commission, when they honestly differ from the view of the Executive Committee, to keep silent

about their view in the matter? I think it must be so. When the position is fully realized, I think hon. Members will agree that there may be an honest difference of opinion, in which case both opinions should be put before the Governor: he then decides between them.

Now, with regard to the particular case referred to by the hon. Member, he has been very scrupulous to avoid any reference to names and has adopted the metaphor of races. I should like to put before the House the facts, as I recollect them, without giving away details and without putting anyone in any embarrassing position. I am speaking from recollection. I did not know that the hon. Member was going to raise this question. I think my recollection is right.

The person who was recommended by the Director of the Department concerned was not the person recommended by the Executive Committee. The person recommended by the Executive Committee was considerably junior to the person recommended by the Head of the Department. The case came before the Public Services Commission and they could not see any obvious reason why the junior should be preferred to the senior. They, therefore, referred the matter back to the Executive Committee, in accordance with usual practice, that is to say, in accordance with the recommendation of the Donoughmore Commissioners, to which the hon. Member himself referred. What ultimately happened, I am unable to say. I do not know what happened next. It may be that the ultimate decision was taken at a time when I was not on duty.

I would like to draw the attention of the Council to this fact, that the Public Services Commission did what was required to be done. They also have to take into account any acts of injustice done to Civil Servants themselves. If a man is to be passed over, they must have good reasons before assenting to his being passed over. If they are in any doubt on the question, they refer the papers back and get the view of the Executive Committee. They consider the question again and then perform their duty, in exactly the same way as

[The Hon. Mr. Drayton.]
the Executive Committees do, by making their recommendation to the Governor. The Governor has the views of all the parties concerned before him—the original recommendation of the Director, the recommendation of the Executive Committee, and the recommendation of the Public Services Commission.

It seems to me that that procedure cannot be challenged on the ground that it is unfair. But it may well be that the ultimate decision may be regarded by quite a large number of people as the wrong decision. That is quite possible, but so far as the Public Services Commission are concerned, they have done what it is their duty to do.

I am afraid I cannot enter into the question of whether there ought or there ought not to be another form of Public Services Commission. That is a very big question. As I said when I began to speak on this question, as far as the Public Services Commission are concerned, they must take the position as they find it.

One specific question was put to me by the Hon. Member for Udugama (Mr. Abeywickrama), and that was with regard to the appointment of the Acting Trade Commissioner in Bombay. He asked whether the Minister and his Executive Committee were consulted before the appointment was made. I know that the Minister was consulted, but whether the Minister consulted his Executive Committee I cannot say.

***Mr. Abeywickrama:** Will the Minister of Labour answer the question I asked—whether the Executive Committee was consulted in regard to that appointment?

***The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry & Commerce):** On the point raised by the hon. Member, I should like to say that there has been no appointment made to fill the post of Trade Commissioner in India. We have only made an acting appointment.

***Mr. Abeywickrama:** An acting appointment is also an appointment.

***The Hon. Mr. Corea:** As far as I know, acting appointments are never put before the Executive Committees

when they are made from within the service. Unless a new man is to be brought down from abroad for a post, acting appointments are never put before Executive Committees. The Chief Secretary consulted me on the matter, and I was able to spare an officer who was working in one of my Departments. I concurred in the acting appointment made by the Chief Secretary.

There is only one other point that I should like further to refer to. It arises on the question asked by the hon. Member for Mannar (Mr. Sri Pathmanathan) and it was not touched upon by the Chief Secretary. There was one factor which was not specifically mentioned by the Chief Secretary. It is true that, in that particular case, the Head of the Department recommended, in the first instance, the officer who has now been appointed, but he said that any other officer on his list would be equally suitable in his opinion. He picked out this particular officer from his list, but the Executive Committee selected the other person almost entirely—other things being equal—on the language qualification. The candidate selected by the Executive Committee was able to speak many Indian languages, such as Urdu, Gujarati and certain other languages. We thought that, as Secretary at Ceylon House in Bombay, it would be of great advantage to have a person who had a knowledge of Indian languages, and who could make use of that knowledge from the day he set foot in India.

We discussed the matter with the Director. We told him that although he had recommended Mr. So-and-so, we thought the other officer better because of his knowledge of Indian languages. We asked the Director whether he would agree to the selection of that officer for the post, and we also asked whether the appointment of that officer to that post would prejudice the work of his Department. Although he had himself selected someone else, he thought that any one of the officers on his list would be suitable. So, we selected the other candidate who knew certain Indian languages. That was a point that was not brought before the Committee.

***Mr. Abeywickrama:** I should like to know from the Minister whether that is the latest case—

The Chairman: What did the hon. Member call it—the latest what?

***Mr. Abeywickrama:** Ruse.

The Chairman: Ruse? I do not know whether that is the proper word to use. That cannot be allowed.

***Mr. Abeywickrama:** I withdraw it, Sir.

I do not know whether that is the latest device adopted by the Minister. Why should we speak about the Secretary, about the lesser fry, when there is the Trade Commissioner himself, the question of whose appointment did not come before the Executive Committee? I know this person. He was not in Government Service. He was taken on only the other day as Assistant Secretary to the Hon. Minister of Labour. He was at one time the Manager of the Tourist Bureau, and then he was taken on by the Ministry of Labour in an acting capacity. Now he is the Trade Commissioner in Bombay, having replaced a Class I., Grade I., Civil Servant. The allegations against the Trade Commissioner are still being inquired into; that Trade Commissioner has returned to the Island on orders, and the Hon. Minister fills his place by appointing an acting man without consulting his Executive Committee.

The Hon. Minister said that it was desirable to have an officer with a knowledge of Indian languages to transact business for this Government, but the man who has been appointed as Acting Trade Commissioner is not an Indian and no expert knowledge of Indian languages can be claimed by him. I cannot understand why dark alleys are made use of in the matter of appointments. I cannot understand why the Public Services Commission who, the Chief Secretary said, were so concerned in the matter of appointments, that they even upset the recommendations of the Executive Committee in the case of the appointment of the Secretary to the Trade Commissioner, approved the appointment of the Acting Trade Commissioner, a man with no qualifications at all for the post. There is something wrong somewhere if acting appointments are made in this way. They are all important appointments. When a Minister wants one of his men to hold a responsible post, he will appoint that man to that post in an acting capacity without consulting his Executive Committee.

In our Executive Committee we are consulted when acting appointments are to be made. I think it is up to the Members of that Executive Committee to take up the question with their Minister. I shall advert to that point again on the votes of the Ministry of Labour, Industry and Commerce.

Mr. S. Natesan (Kankasanturai): We cannot subscribe to the Constitutional heresy propounded by the Hon. Minister of Labour, Industry and Commerce that acting appointments need not be referred to the Executive Committee.

***Mr. B. H. Aluwihare (Matale):** Cannot we finish the other point first and then take up the second point?

Mr. Natesan: I disagree with the view expressed by the Hon. Minister of Labour, Industry and Commerce that acting appointments need not be referred to Executive Committees. This is the first time that I have heard of such a procedure. In Committees other than the Executive Committee of Labour, Industry and Commerce acting appointments are invariably referred to the Members for their approval. I think the Hon. Minister of Labour, Industry and Commerce is under the impression that he is vested with some extraordinary powers under the Emergency Regulations. I believe he thinks that all these things are permitted in the abnormal state of affairs now prevailing.

With regard to the other point raised by the hon. Member for Mannar (Mr. Sri Pathmanathan), the Chief Secretary referred to the Constitutional position and elucidated the duties of the Executive Committee and of the Public Services Commission in making recommendations to the Governor as regards appointments. I should like to ask the Chief Secretary whether the reference made by the hon. Member to a minute made by Sir Graeme Thomson is correct, that where there is a unanimous decision on the part of an Executive Committee in regard to an appointment, the decision of the Executive Committee should be followed. I want to know whether there was actually a minute made to that effect.

I want to raise this point as a matter of convention. Of course, there is the Constitution, but even if there is a written Constitution, it is possible to have

[Mr. Natesan.]
a certain convention, especially in matters where Executive Committees are concerned. If the recommendations of an Executive Committee, especially when such recommendations are unanimous, are to be treated as mere scraps of paper, it is no use asking an Executive Committee to consider appointments and make recommendations. There is more importance attached to Executive Committees functioning under this Constitution.

I should like to know from the Chief Secretary whether there was a minute of the kind referred to by the hon. Member for Mannar (Mr. Sri Pathmanathan), and, if so, why that instruction was not followed in this instance. I understand that the candidate recommended by the Executive Committee had one important qualification, an indispensable qualification for the post—that fact was actually confirmed by the Minister of Labour, Industry and Commerce—namely, that he possessed a knowledge of Urdu and some other Indian languages. A person should have a knowledge of Indian languages if he is expected to transact business in India. For a person who is expected to live and work in India, it is a disqualification not to have a knowledge of Indian languages.

***Mr. Aluwihare:** In this instance, you get one of the reasons why people blame the Constitution. It is not, however, the Constitution that is to blame; it is the utter lack of a spirit of co-operation between the various authorities.

The hon. Member for Mannar (Mr. Sri Pathmanathan) grumbled that the selection made by his Executive Committee had not been approved, and the Chief Secretary merely put the blame on the Governor.

The Hon. Mr. Drayton: No.

***Mr. Aluwihare:** He said that the Governor was the appointing authority.

The Hon. Mr. Drayton: I deny that I put the blame on the Governor.

***Mr. Aluwihare:** Anyway, he put it on the Governor. He said, "He, and not I". He said that the Public Services Commission merely exercised their rights under the Constitution.

The whole point of the situation is that the Ministers and their Executive Com-

mittees should be able to follow the policies they adopt; and to follow the policies they adopt in a most important matter, they should be able to choose the men they want. Take the Department of Irrigation. Very nearly seven years of the life of this Constitution was wasted in a quarrel between the Hon. Minister of Agriculture and Lands and the Head of the Irrigation Department—[*Interruption*]: Anyway, the Head, for the time being. The Hon. Minister of Agriculture and Lands could not, at any particular moment, enforce co-operation from the Head of the Department.

In this case, the Executive Committee, to carry out its policy, chose its man. The Hon. Minister gave us a good reason—things apparently were equal—and this man knew certain Indian languages. I think people who have been in India will realize that a knowledge of Indian languages is an overwhelming qualification, because in India, unlike in Ceylon, everybody does not speak English; you have to approach people through their own languages. I should have thought that a knowledge of Indian languages was an overwhelming qualification. But it is interesting to see the approach of the Public Services Commission to the subject, how the Public Services Commission approached it—not whether somebody had overwhelming qualifications, but merely whether some other senior Civil Servant had been passed over without sufficient cause. The Public Services Commission is rather intent on safeguarding the rights of Civil Servants.

The Hon. Mr. Senanayake: No; the Civil Service.

***Mr. Aluwihare:** I know. The Hon. Chief Secretary used the words "Civil Servant" in the sensible way, meaning servants of Government. The Public Services Commission is concerned with safeguarding the rights of Civil Servants, whereas the Executive Committee is concerned with choosing the best man to carry out its policy. When the Executive Committee says, "Well, this is the best man", the Public Services Commission turns round and says, "Well, what reason have you to pass over this other man". So you will see how there is this constant conflict between the rights of the Civil Servant and the efficiency of administration.

Now, the difficulty could very well have been overcome if the Hon. the Chief Secretary or his Deputy or someone else or a Member of the Public Services Commission had done what the Donoughmore Commissioners have said that they should do, and that is to attend a meeting of the Executive Committee and discuss the position with the Executive Committee. I ask the Hon. Minister now whether any member of the Public Services Commission or the Hon. the Chief Secretary or his Deputy attended a meeting of the Executive Committee and discussed the matter with them. No. Therefore, without discussion, without any effort at reaching an understanding by meeting and talking the matter over, there were two contrary recommendations sent to His Excellency the Governor. So far as His Excellency was concerned, I suppose what appeared before him on paper was the original recommendation of the Head of the Department, not the result of the subsequent discussion when the Hon. Minister put the matter to the Head of the Department.

The Officers of State must realize that it is the business of the Executive Committees to carry out their policy and choose their men. Their business is only to interfere when some grave injustice is being done; they cannot interfere when the Executive Committee chooses a man who for special reasons they consider the best person for executing a job. The fundamental weakness is that the Public Services Commission, as the Hon. the Chief Secretary has stated, is concerned with guarding against injustices being done to Civil Servants. I took down the words of the Hon. the Chief Secretary. Those were his words—"the function of the—"

The Hon. Mr. Drayton: One of the functions.

***Mr. Aluwihare:** "One of the functions is to prevent an injustice being done to Civil Servants". And here he was discussing this case in relation to the facts before us. I think, in these cases, the method of discussion with the Executive Committee is best. I do not see why the Hon. the Chief Secretary did not, in this particular case, attend a meeting of the Executive Committee.

The Hon. Mr. Drayton: May I correct the hon. Member who spoke last on one or two questions of fact on which he is asking the Committee to form an opinion?

I want to point out that the recommendation of the Executive Committee came to the Public Services Commission with no reason given whatsoever as to why one person who was definitely junior to the person recommended by the Head of the Department should be preferred to the person who was senior and was recommended by the Head of the Department.

Mr. Sri Pathmanathan: Why should they recommend?

The Hon. Mr. Drayton: Furthermore, there was no reason given why the person recommended was regarded as being suitable for this appointment. So that, as far as the Public Services Commission was concerned, this was the position on the papers, that a junior person was to be preferred to a senior, contrary to the recommendation of the Head of the Department, for no reasons given. That is the way in which the papers came. Thereupon the Public Services Commission referred the matter back saying, "Why is this being done? Why do you make these recommendations, which seem to be open to the criticism that you are permitting someone who is very junior to be appointed over someone who is senior?" Up to that point the Public Services Commission was right. I think all hon. Members of the Council will agree to that.

It has been suggested that either the Public Services Commission or a Member of the Public Services Commission should attend an Executive Committee meeting when the question of an appointment was going to be discussed by the Executive Committee. I very much doubt whether that is right and proper. It is the Public Services Commission as a whole which is concerned with this matter. Nowhere can I find it suggested by the Donoughmore Commission that it is a right of one member of the Public Services Commission to appear before an Executive Committee when an appointment is going to be discussed.

***The Hon. Mr. G. E. de Silva (Minister of Health)**: Was it not done before?

The Hon. Mr. Drayton: I do not think that it has ever been done before.

***Mr. Aluwihara**: It was done in our Committee.

The Hon. Mr. Drayton: It has certainly not been done as a rule.

I would ask hon. Members to look at the actual passage quoted by the hon. Member for Mannar (Mr. Sri Pathmanathan) from the Donoughmore Commissioners' Report laying down what, in their view, is the right line for the Public Services Commission to take. It is laid down in detail; but it is not suggested for one moment that the Public Services Commission or a Member thereof should go and discuss these questions with an Executive Committee. It proceeds on the basis that the recommendation of the Executive Committee will be supported by reasons; that it will be in writing; that there will be a reference back if the Public Services Commission do not feel disposed to support the recommendation of the Executive Committee. Therefore, the reasons will be on the paper, and it will come back from the Executive Committee again with further reasons and all these papers will be before the Governor when he decides the matter. The last sentence of the relevant passage reads:

"On receipt of the reply from the Minister or Officer of State the papers would be submitted to the Governor, who would decide the matter according to his discretion or submit it, with his recommendation, for the decision of the Secretary of State."

That is what is laid down in the Donoughmore Commission's Report as to the procedure to be followed; it was strictly followed in this case, and my short experience on the Public Services Commission is that we have always taken that line. If we feel that we cannot support the recommendation of the Executive Committee, we refer the matter back, and there is no doubt that all the papers are before His Excellency when he decides the matter.

Now, whether or not there is a minute in existence to the effect suggested by the hon. Member for Mannar (Mr. Sri Pathmanathan), that the unanimous recommendation of an Executive Commit-

tee means that the Public Services Commission cannot express an opinion to the contrary, I do not know. But I do know that if there were such a minute in these terms one would be faced with a problem of reconciling that minute with the passage in the Donoughmore Commission's Report. That passage undoubtedly is the basis of an unbroken practice of the Public Services Commission ever since it has existed.

The Hon. Mr. D. S. Senanayake (Acting Leader of the State Council): I do not wish to say anything about the merits of the case that has been brought forward in this House. There is just one thing that I would like to mention now. I believe we are emphasizing too much the part played by the Public Services Commission. As it is, the Public Services Commission have been formed on the recommendation of the Donoughmore Commission. The functions of the Public Services Commission are not in accordance with the recommendations at all; they differ. Their status is different from what it was to be. But, at the same time, I do not think we should try to raise the position of the Public Services Commission to that of a body that has final authority to decide anything. I merely rose to point out this fact.

From the criticism it looked as if all the speakers were trying to put all the blame on the Public Services Commission for what they did, or for the opinion they expressed. I certainly say that if a mistake has been made it is not the Public Services Commission or their opinion that has to be questioned but the decision of the Governor and the Governor alone. As far as we are concerned, we should ignore the Public Services Commission; they are not there to advise us; we do not want their advice. They are there to advise the Governor, and if the Governor takes their advice and his action is wrong, well then he should be blamed.

There was a phrase of the Hon. the Chief Secretary which I did not like; it was, "We send the papers back to the Minister to ask him for the reasons of the Executive Committee". They have no right to do that. They have a right to give their reasons why they differ from the recommendations of the Executive Committee, and then there is the right of

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the Committee to give reasons and make their representations to the Governor. The Public Services Commission is not a body which can question the right or the reasons of any Committee. After all, I believe the Hon. the Chief Secretary never meant what he said.

But, at the same time, we have to be very particular about this matter. We are all, by sort of common consent, raising the status of the Public Services Commission to what it is not. They can have their own opinion; we cannot ask them to act according to our opinion. At the same time, when they hold an opinion which is different from that of the Committee, they have to express it and say, "Our opinion differs from yours and for these reasons". Then the Executive Committee have the right to express their opinion for the consideration of His Excellency the Governor, and it is the Governor alone who has to decide the matter. We must not question the Public Services Commission as regards their opinion. We must not say—

The Hon. Mr. Drayton: The Executive Committee.

The Hon. Mr. Senanayake: Yes. What I mean is that we should not question the members of the Public Services Commission as to why they hold a certain opinion. After all, as far as we are concerned, they are a body required by the Governor and not by us. If anyone has made a mistake, it is the Governor who should be blamed.

There is another matter that I would like to mention here. I have always felt when an important departure has been made from the recommendations of the Donoughmore Commission that the Constitution-makers in Ceylon or anywhere else have done the greatest harm in so far as the smooth working of the Constitution is concerned. I believe the Donoughmore Commission proposed that the first recommendation for an appointment should be sent by the Head of the Department to the Minister, but in the framing of the Order in Council the Head of the Department was taken away from the Minister and it was provided that the recommendation should be sent to the Public Services Commission. That is an unfortunate change. Members of the

Public Service are birds of the same feather. The Head of the Department and they are all Public Servants, and their combining together and going to the Governor may influence him and even make it difficult for the Governor to arrive at a correct decision.

As far as the Public Service is concerned, I believe these appointments are not necessary as under present-day conditions all the senior men who were put into different positions because of their reputations and their capacity to administer have been found wanting. These things have to a large extent been falsified owing to the present emergency. In fact, the difficulty in getting these seniors to do anything except under exceptional circumstances would be quite sufficient for them to see what sort of people they have propped up.

I do not want to say anything about the merits of the case in question, but I only rose to show the relative positions and bring to the notice of the House the unsatisfactory arrangement of Public Servants being separated from the Minister and his Committee. Unfortunately, some people think even now that the Committees or Ministers should have nothing to do with appointments. How on earth are they going to get these people to do the work? I cannot understand it. It is no use trying to make the Public Service too independent of the people who have to control them. That is what I feel about the matter.

With regard to what the hon. Member for Matale (Mr. Aluwihare) said, that we have had members of the Public Services Commission coming to Committee meetings, I may explain that, it is not members of the Public Services Commission but the Chief Secretary who has a right to attend meetings; and he happens to be a member of the Public Services Commission. He is there as Chief Secretary and not as a member of the Public Services Commission.

The Hon. Mr. Drayton: If I might mention one point, it will accelerate progress. There is no difference of opinion between the Hon. Acting Leader and myself in regard to this particular question of the form of reference back by the Public Services Commission to the Executive Committee. It is obvious that

[The Hon. Mr. Drayton.]

the actual form of reference back must depend on the facts of a particular case but the object is to explain to the Executive Committee why the Public Services Commission find difficulty in supporting their recommendation. There is no doubt on that point. The actual wording of the letter depends on the facts of a particular case, but that is the object. It is not to question the Executive Committee. It is merely to say, "Well, our difficulties in accepting your recommendations are these. Can you explain away our difficulties?" That is the sole object.

The Hon. Mr. Senanayake: Yes, I know that.

***Mr. Aluwihare:** The point I want to make is this. The Chief Secretary receives a recommendation from the Executive Committee. [MEMBERS: No!] It is useless trying to divide the Chief Secretary into multiple parts and saying that a part of his mind speaks as Chief Secretary, and another part of it speaks as the Chairman of the Public Services Commission and what not. The thing is, the man as a whole is Chief Secretary and Chairman of the Public Services Commission and acts as a whole and not in parts; at least his mind does not.

Taking that position into consideration what we are concerned with is efficient co-operation. Take this particular case. The Executive Committee gave no reasons. So the Chief Secretary says that he wrote a letter. When a letter is written, it is a very formal matter. There is no life in the wretched thing. You see the letter. You often misunderstand what the writer has said and then you sit down, and in return draft a "stinker" and send it. The whole procedure takes a number of days, and what is more, you lose your temper to such an extent in the process of drafting the reply, that it takes you a few days to cool down.

What I say is, for Heaven's sake talk things over. You work in the same building; you have a telephone, and you have the power of attending the meeting. That power was not given to you for fun. If you have not the time, the actual provision is that you can send

even your Deputy—the Chief Secretary or his Deputy is entitled to attend a meeting. It is more or less to know the spirit of the recommendation and the reasons of the Executive Committee and to establish contact. That is the authority, but I think it is insufficiently used.

This Constitution is always coming up against the rocks because there is not that mind and that action which help to bring about co-operation. There is not sufficient discussion. If you look at some of the files in our Ministry you will find that most of the reports could have been avoided if the man had taken up the telephone and had a conversation. I will give you one instance. The vote, as regards drinking water for Minneriya, although it was provided in the Estimates, was not released for 3 years because there was some formal deficiency in the wording of the Sub-head. So the Treasury said, "Let us pass letters up and down for 3 years." Then, at last, someone took the telephone and spoke to the Deputy Financial Secretary, I think it was, and within half an hour the money was released for wells in Minneriya. That is exactly what is happening everyday. This is a case in point.

***Mr. S. Samarakkody (Narammala):** The Chief Secretary in his explanation disclosed a very important fact, and that is that when the Public Services Commission differs from the views of the Executive Committee, all the recommendations are sent to the Governor and the Governor makes his own appointment. Is there any instance known to the Chief Secretary where the Governor has disagreed with the Public Services Commission and accepted the recommendations of the Committee? [MEMBERS: Yes.] I am glad that that position is quite clear.

The other point is that in this particular case it appears that the Head of the Department recommended or chose one man and sent in another list of four or five who he thought were equally suitable. The point is this: I want to know whether there is some consultation between the Head of the Department and the Public Services Commission over and above the head of the Executive Committee? Is it customary for the Head of

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the Department to call on the Chief Secretary as Chairman of the Public Services Commission, and explain, "This is the man I want. Somehow or other get this man; otherwise I cannot run my Department"? Is there any such collaboration or custom, because the whole spirit of the criticism is that there is lack of co-operation?

Whatever the Constitution may be, it is true that the Public Services Commission can ignore the recommendation of the Executive Committee and make independent recommendations. We do not dispute that. The spirit of the Constitution is that of collaboration and co-operation. That is the only point I wish to raise, and I would ask the Chief Secretary where there is such collaboration and co-operation?

***The Hon. Mr. G. E. de Silva:** I should like to ask the Hon. the Chief Secretary one question with regard to these appointments and the functions of Executive Committees. The people who are primarily responsible for the good government of this country are the seven groups and if anything goes wrong everybody will hold the representatives of the people responsible for bad government. Sir, every time a recommendation is made by an Executive Committee unanimously, I take it that they do so after due consideration.

Now, His Excellency the Governor and the Public Services Commission must realize that the one most important guiding factor which everybody is concerned with is that of the good government of the country. If there are seven men who are elected by the people and who have been placed in responsible positions to administer certain functions, and if the Public Services Commission and the Governor do not endorse the opinion of those seven men, then the whole machinery must break down. I have found that to be true.

The Public Services Commission has a Secretary, who happens to be a Civil Servant. Now, Civil Servants are so terrified of the Public Services Commission that if you tell them on the phone to do something they say, "No, Sir, I cannot do it. I must go according to procedure". If these people do some thing like that, half the difficulties, half

the expenditure and half the clogging of the working of the machinery of Government will be done away with. If you do away with red tape and can take up the phone and get work done, things would be much better. Fortunately, the war has brought that system into practical use. We now find that some of the most eminent Civil Servants, who had been placed in positions of importance and trust, have failed, and failed miserably.

***Mr. Samarakkody:** Ceylonese?

The Hon. Mr. G. E. de Silva: Whether they be Ceylonese or European—I am not going to make any discriminatory statements—the fact is that we could not carry on the Government at a time like the present with them.

I take it that His Excellency the Governor and others will consider this point, that if the seven groups are responsible for the administration of certain Departments, their recommendations, when they are unanimously made, must be implemented.

Dr. A. P. de Zoysa (Colombo South): According to the Hon. Ministers of Agriculture and Lands and of Health some eminent Civil Servants have failed and failed miserably. Do they believe and really think that the seven Ministers have succeeded and succeeded gloriously? If the war has revealed one thing, it is the failure of these Ministers, the sad failure, the miserable failure of the Ministers.

But there is a Constitutional question before us. For the good government of this country, for the good government of any country, the Civil Service is essential. When a recommendation has to be made, or a person selected, I think the most important person concerned is the Head of the Department. It is not that I say that invariably Heads of Departments show 100 per cent. success. They make mistakes. But the Head of the Department is the person best fitted to make a recommendation because he knows the nature of the person recommended and what may be expected of him. These Executive Committee Members are ignorant of the knowledge of the officer which the Head of the Department possesses.

[Dr. de Zoysa.]

There was a time when I was of the same view as some Members—when I thought that the Public Services Commission was not useful—but having gone through the experience I have had, I feel that it is a blessing, because in ninety per cent. of the cases which come before a Committee—I am speaking for myself—we are canvassed. We cannot sometimes come with an open mind into the Committee Room and decide a matter. There is canvassing going on. I do not think that in the Public Services Commission there is that canvassing. I believe they are above that, and they are independent to make their own recommendations.

Besides, if you scrap the Public Services Commission, what will be the result? The groups, as they are called—the Executive Committees or Ministers—will make their own recommendations, and with every change of Government you will have to change the Civil Service to some extent. That will be a great danger. The permanency of the Civil Service and the obtaining of the best men, independent of politics or of the Ministers or Committees, is a great thing. Sir, supposing a Head of Department feels that he has not that independence and he must always be dependent on the Minister and his Committee, it will be a sad state of affairs for this country.

I feel that the Public Services Commission can be a good check when sometimes objectionable recommendations go to them. But I believe there are certain cases where, I thought, the Public Services Commission's recommendations were also wrong. That is my personal opinion. Anyway, I do not think that they are a useless body and that they cannot function independently and for the benefit of Government. Personally, I should like to see two Public Services Commissions, one where the Ceylonese are concerned—a European Public Services Commission—and the other where the Europeans are concerned—a Ceylonese Public Services Commission. If that is done, I think a good deal of trouble could be avoided.

In matters which come before us, I must admit that there have been very many cases where no opportunity was given to us to bring an independent view to bear on a matter. Therefore, I say

that the opinions of the Head of the Department, of the Executive Committee and of the Public Services Commission are necessary, but, as suggested by the hon. Member for Matale (Mr. Aluwihare), there should be as much co-operation as possible.

Again, we cannot expect co-operation when they differ. There should, therefore, be a principle laid down for the guidance of the Governor in making his decision in the best interests of the country. There have been cases where, in spite of the recommendation of the Public Services Commission, the Governor has made appointments on the recommendation of the Executive Committee. I do not, therefore, think that we are quite justified in making these accusations against the Public Services Commission. I do not say that the Public Services Commission have always been right, but I think these accusations have been wrongly made.

Mr. T. B. Jayah (Nominated Member): I am afraid the hon. Member who has just sat down has entirely misconceived the situation. He spoke as if the Executive Committees ordinarily do not discharge their duties in a responsible manner. He spoke of the objectionable decisions arrived at by Members of the Executive Committees; he spoke of the superior knowledge possessed by Heads of Departments and he also spoke of the unhealthy influence exercised by Heads of Departments over the Members of the Executive Committees. The important matters referred to by the hon. Member for Mannar (Mr. Sri Pathmanathan) are beside the point. What we are concerned with here is whether when a particular Executive Committee has unanimously recommended a particular candidate, the Public Services Commission are justified in ignoring the unanimous recommendation of that Executive Committee.

It was pointed out by the hon. Member for Mannar and the hon. Member for Kankasanturai (Mr. Natesan) that the candidate selected by the Executive Committee was preferred because of his knowledge of Indian languages. That point has not been met by the Hon. the Chief Secretary. He has not told us why that important qualification which was considered essential by the Executive Committee was not taken into consideration.

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Here was a candidate who had himself been selected by the Head of the Department and who, in the opinion of the Executive Committee, was superior to the first candidate, specially because of his knowledge of the Indian languages. Why was that particular aspect of the matter not considered by the Hon. the Chief Secretary?

I do not think we are justified in saying that the Public Services Commission acted *ultra vires* in this matter. It is just possible that they were within their rights, but in a matter like this, where the recommendation of the Executive Committee was unanimous, I think we should more or less follow the convention that was referred to by the hon. Member for Mannar, that is, that where a recommendation is unanimous the Public Services Commission should give effect to that recommendation.

The Chairman: I think this matter has now been sufficiently debated.

Mr. Sri Pathmanathan: I wish to say a few words in reply. When the Head of the Department came before us, we asked him definitely, "Do you consider the officer who has been chosen fit to hold the appointment?" He said that the officer was fit to hold the appointment. We also questioned him on the point of languages: "Did you test this officer's knowledge of languages?" and he said, "Yes." We called in the Indian Leather Expert and he questioned the candidate as to his knowledge of the languages, and the Leather Expert said, "I have a very high opinion of the way in which he spoke those languages". When the Chief Secretary referred this matter back, we again stressed the point that we had selected the officer concerned because of his knowledge of Indian languages. He had, therefore, that recommendation before him when he made his recommendation to the Governor.

I cannot understand the arguments of the Chief Secretary, except that he may belong to the school of philosophers in ancient Greece who were called Sophists. He may walk in a toga and a pair of sandals along the corridors of ancient Athens with his Aristoteles next to him, and discuss the matter with him. The Hon. the Chief Secretary said that this other officer was senior in the Public Service—that is what he said

when he began his speech—and that we have to consider the fact that the person recommended was junior; that, therefore, they were unable to recommend the man for appointment. That is a question which should not have been raised at all. You will remember that when Mr. Hore-Belisha was a Minister he tried to get rid of the brass hats, and he eventually found it difficult to break down the tradition. In this particular case, too, the tradition of the Civil Service has been practically the same. The Chief Secretary says that the man could not be recommended for the post. Then how was he promoted over the heads of other Civil Servants? It was because the Governor thought him to be superior to the other Civil Servants. But when it comes to another man, he brings in his sophistic argument, an argument of the School of Sophists, which apparently is not a reality but just the reverse. I cannot understand that argument at all.

Again, he says, "Oh, there was an honest difference of opinion". That is exactly another sophistic argument. When some people are in a difficulty, they somehow try to get out of it by saying, "There has been an error of judgment". But I would prefer an honest and a plain reason which will go down with the House. The statement of the Hon. the Chief Secretary reminds me of Throgmorton Street solicitors who, when accepting a brief, would say, "You have a very good case", when in reality it is not so. It is all a legal quibble.

In the interests of justice and good government, therefore, I should like to see greater co-operation between the Public Services Commission and ourselves. This sort of thing should not take place any more. I want to express my great resentment at this sort of thing. We have unnecessarily wasted a great deal of time over this matter, and finally the result is this, "We have the power; we will lose that power in a gigantic way".

Mr. Susanta de Fonseka: I want to raise another point. It is about immigration. There used to be a Head for Immigration, but this year there is no such Head in the Estimates; so that I am compelled to raise this matter on the Chief Secretary's vote.

I am at the moment concerned with the number of refugees who have arrived

[Mr. de Fonseka.]
 in Ceylon, who have temporarily, at least, made Ceylon their home and have opened up a number of cafes and other shops. I, for one, do not for a moment say that Ceylon should be closed to refugees. At a time like the present, I think, we must accord hospitality to them. But at the moment I am anxious to know what action the Chief Secretary proposes to take when the war is over and when things have come back to normal, to ensure that these people will not remain in this country, or if they do remain, under what conditions they will be allowed to remain in this country? I am only concerned with that point. Otherwise, before long we will have another problem similar to the Indian problem arising in Ceylon.

The Chairman: Does it not come under Sub-head 6?

Mr. Susanta de Fonseka: I looked up Sub-head 6. It deals with destitute immigrants and repatriation. I do not want to bring this up under that Sub-head.

The Hon. Mr. Drayton: I gather that the hon. Member is not concerned about the question of whether these cafes and other businesses that are said to have been opened by people who are not a part of the permanent population in Ceylon should or should not be opened; he is only concerned with the question of what is going to be done about these people when the war is over—are they going to be allowed to remain or are they not going to be repatriated? I am not aware, Mr. Chairman, off-hand, of the number of people involved—whether it is a matter of scores or whether it is a matter of hundreds, or even the countries from which they are supposed to have come. It is not a problem that has been brought to my notice. It may have been brought to the notice of some other Ministers. It has been brought to the notice of the Minister of Local Administration, whose Department is concerned with the licensing of these establishments. It is not a matter which has been brought to my notice; therefore, I am unable at the moment to give any information on that point.

Mr. Dudley Senanayake: I should also like to raise a rather important point as regards Government labourers and the

question of trade unions. I believe the Chief Secretary is aware of the history of the trade unions. The present position is that Government labourers are prevented from forming any trade union whatsoever.

The position before April, 1942, was that the Public Services Regulations visualized two forms of associations: first, the Government Public Servants' Association, pure and simple, under which Public Officers could form an association of their own for discussing conditions arising out of their service. In the case of daily-paid employees they were, however, given the right of forming trade unions or becoming members of trade unions, but the formation of such trade unions entailed a certain restriction; that is, the permission of the Chief Secretary was necessary.

Before the formation of a Public Servants' Association, all the office-bearers had to be Public Servants; no outsiders could be members of such associations, and therefore it was thought that it was presumably in the best interests of the daily-paid labourers that they should be allowed to form trade unions of their own for the purpose of the betterment of their conditions. But, unfortunately, a particular union was saddled with illegal restrictions.

This matter was taken up in relation to a trade union which was formed by the Ratmalana workers. This trade union was registered as long ago as 1935, and in view of a certain circular sent out by the Chief Secretary's Department, they had to obtain his permission before the formation of the union. The contention at that time was that no such permission was necessary, that under the Public Service Regulations daily-paid labourers could be members of a trade union. But as late as April of this year, this regulation was amended by that defining "daily-paid labourer", and under that definition only casual employees of Government could form trade unions. The normal permanent Government Servant could not belong to a trade union.

I feel that this matter is very serious, in view of the fact that the more Government Departments we have—with the industrialization of this country, particularly by the Ministry of Labour, Industry and Commerce there will be

more Government Departments—the number of Government labourers will increase very considerably, and the percentage is bound to increase.

By this amendment we prevent these labourers from forming their own trade unions, which are essential for the betterment of their conditions. To-day, the position is that only a temporary labourer or casual labourer can be a member of a trade union, and he must in the alternative be a member of a Public Service Association, with the following restrictions:

"The sanction of the Chief Secretary is necessary for the formation of the association. The objects of the association and the names of the Office-bearers must be forwarded to the Chief Secretary, even before the Office-bearers are elected. Copies of the minutes of meetings should be sent to the head of the department, and complete lists of members should be submitted to the head of the department. Meetings are not open to the Press and accounts should not be given to the Press. Non-Public Servants should not be appointed as Office-bearers."

That is the position. I do want the Board of Ministers and the Chief Secretary seriously to consider the impotence to which Government labourers would be reduced if they are definitely prevented from forming trade unions for the betterment of their conditions. That is the position now, and that has been achieved by an amendment of the Public Services Regulations in April, which prevents them from forming their own trade unions.

The Hon. Mr. Drayton: Mr. Chairman, the position is as described by the hon. Member, but I do wish to clarify it in some respects if you will permit me.

The casual labourer, as the hon. Member describes him, is a person who is not entitled to any kind of benefit under the Pension Minute or any other similar provisions. He is not a worker who is employed on a daily wage from day to day and employed continuously. He is simply, as the expression implies, employed to-day and perhaps not to-morrow. There are, of course, a very considerable number of such persons who are employed directly by various Government Departments.

There is, as the hon. Member has stated, no objection to their forming trade unions, by which is meant belonging to any trade union that they think

fit. Quite obviously it does not concern the Government whether they belong to a trade union or whether they do not. If there is a trade union to which they wish to belong they can belong to it. But they obviously cannot belong to any of those associations, to which the hon. Member has referred, which are formed within Government itself and whose members must be Government Servants defined in a very wide sense. Government Servants for the purpose of these associations, include everyone from the person who holds a pensionable office down to the man who is employed at a daily rate of pay but who is not a casual labourer in the sense in which I defined it.

I am sure the hon. Member agrees with that description of the position. As far as those associations are concerned, the Public Services Regulations at the moment limit membership to persons who are Public Servants in that sense. That is to say, no casual daily-paid labourer could join such an association. On the other hand, a casual daily-paid labourer can join any trade union.

A point which, I think, the hon. Member made was this, that it is wrong to exclude from Government associations which can be formed under the Public Services Regulations any labourer who is employed by the Government. That is one point.

Mr. Dudley Senanayake: That is not my point.

The Hon. Mr. Drayton: Then I give way for the hon. Member to explain.

Mr. Dudley Senanayake: The point I wish to make is this: ordinary permanent labourers of the Government are prevented by this amendment from being members of a trade union; and I oppose that.

The Hon. Mr. Drayton: I was coming to that point. He also objects to daily-paid labourers, not including in that phrase a casual daily-paid labourer but including a person who is employed on manual work continuously at a daily rate of wage—he objects to such persons being unable to join an ordinary trade union, that is to say, the same trade union that casual daily-paid labourers could join. He objects to that. He

[The Hon. Mr. Drayton.] thinks that it ought to be possible for the daily-paid labourers who are regarded as continuously employed by the Government and are entitled to various benefits under the Pension Minutes by way of gratuities, and so on, after a certain length of service—he thinks, that such persons should be able to join an ordinary trade union where the office-bearers would not be Public Servants. He thinks that such persons should be entitled to do that. They cannot do it admittedly under the Public Services Regulations as they stand.

It is quite correct to say that these associations within the Government must be limited to Government Servants and the officers must be Government Servants, and therefore trade union officers, persons who may be officers in other trade unions, cannot be officers of these Government associations.

Those are the hon. Member's objections. He suggests that the point should be considered as to whether Public Services Regulations should be amended. The point is now under consideration by the Board of Ministers.

***The Hon. Mr. Corea:** I just want to say one word. I am in entire agreement with the hon. Member for Dedigama (Mr. Dudley Senanayake) with regard to the point he raised. I think it is grossly unfair to these labourers who are just outside the category of so-called casual labourers but who hold definitely temporary appointments, although it might be called permanent because they are ensured work every day, that they should not be allowed to reap the benefits of the Trades Unions Ordinance. I think it is a curtailment, a very serious curtailment of the liberty which these people are entitled to.

What amazes me sometimes is that the whole policy of the Secretary of State for the Colonies seems to be to spread the trade union movement by every possible encouragement, and here we discourage these people from forming trade unions. I just mention that because the point was raised. But I do not propose to develop it now, and I would ask the hon. Member for Dedigama (Mr. Dudley Senanayake) to leave the matter at that for the time being.

because I have raised the question already and put that view before the Board of Ministers. The matter is under consideration now, and I suppose some decision would be reached; and the matter could be taken up according to the decision that is reached.

***Mr. Aluwihare:** Now, there is that Assistant Archivist, the person who was temporarily appointed a long time ago and who is in danger of getting a pension through permanence. We were assured last year or the year before that in a year this post would become unnecessary. How is it that we are going on with this good lady?

The Hon. Mr. Drayton: Mr. Chairman, the position is that her five-year agreement expired on 26th February this year. The work that she has done in regard to the records in Colombo will be completed by the end of this year. The work, as hon. Members know, is the collating and indexing of the Dutch records in Colombo. The collating has been done and the index is in the hands of the Printer; she expects to complete the proof and see the thing through the Printer by the end of this year. The period of engagement has, therefore, been extended by one year from 25th February last; it is hoped that the work in Colombo will be completed by that time.

At the same time she has not done any work on the records either at Galle or Matara; the Historical Manuscripts Commission are, I believe, making a proposal that she be allowed to undertake that work. But no such proposal has yet reached me and, as things stand at the moment, her period of engagement expires in February of next year: Hence the provision made in the Estimates before the House to-day.

***Mr. Aluwihare:** I should like to ask the Hon. the Chief Secretary how this period was extended by a year and who found the money for it. I should like to know that first, because you cannot get ladies from abroad at public expense.

The Hon. Mr. Drayton: I can only make the assumption that the hon. Member, I am sure, makes when he appears in other august buildings, namely

that everything was rightly done. I cannot go further than that because I do not know what formalities were taken in order to extend this period of engagement by one year.

Mr. G. A. H. Wille (Nominated Member): It is a technical omission if at all that the question of the continuance of her employment was not brought up before the Council. But I think the continuance of her employment can easily be justified. [Interruption]: I say that there is good reason for the continuance of her services even if there has been an omission with regard to bringing the matter before the House. You will see when the matter is gone into that her continuance in service is fully justified.

***Mr. Aluwihare:** That is not the point. I wish to know what legal authority there is for this continuance and for the inclusion of provision for this person in the Budget. I know nothing about it, and apparently the Chief Secretary knows nothing about it. May I suggest that we put this off for the afternoon session? It is now 2 minutes to 12.

The Chairman: The sitting is suspended till 2 P.M.

Sitting accordingly suspended until 2 p.m. and then resumed. MR. DEPUTY SPEAKER [MR. SUSANTA DE FONSEKA] in the Chair.

The Chairman: Any further questions on Head 5, Sub-head 1?

***Mr. Aluwihare:** May I have an answer to my question about that lady, Sir?

The Hon. Mr. Drayton: Mr. Chairman, at the adjournment I was unable to give the hon. Member the information he wished to have regarding the circumstances preceding the extension by one year of the contract of employment with the Assistant Government Archivist. I said at that time that I hoped that I could make the presumption that everything had been rightly done. I have since made inquiries and found out that that presumption is correct. Everything was rightly done.

It was a case of the extension of an agreement for employment in a non-pensionable office, and the question whether the original agreement should be extended was decided in May, 1941; the procedure followed was the procedure which was then required, namely, that the proposal for extension should be referred to the Board of Ministers, with the recommendation of this one of the Officer of State concerned, and that it should then be forwarded to the Governor with the recommendation of the Public Services Commission. Both the Board of Ministers and the Public Services Commission recommended an extension of one year, and the Governor accepted that advice.

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***Mr. Aluwihare:** Is it not the rule that when you extend the agreement of a non-Ceylonese there should be a March Resolution?

The Hon. Mr. Drayton: No, Mr. Chairman. At that time that was not the rule. If the hon. Member will recollect, the date was May, 1941, and the procedure at that time was the procedure that is described, and it was followed in this case.

Hon. Members will recollect that, in November last year, a motion was moved in this Council by the hon. Member for Kandy, as he then was, namely, the present Minister of Health, to the effect that March Resolutions should be required in this case and in others. But that was not the procedure in force at the time when this agreement was extended, and effect has not yet been given to that resolution of the State Council. The matter is under consideration by the Board who have yet to decide what advice they will tender to the Governor on that resolution.

***Mr. Aluwihare:** Has not the Board of Ministers yet acted on a resolution passed some time last year? Will the Hon. Acting Leader of the House tell us what he is doing? The backbencher who moved the resolution is now in the Board. Will he answer?

The Hon. Mr. Senanayake: As has been pointed out by the Chief Secretary, this extension was made before the resolution of the Member for Kandy was passed. After the resolution was accepted by the House, no appointments of this nature have been made without reference to the Council. Apart from the question

[The Hon. Mr. Senanayake.]
of any representations which the Board of Ministers may make on the resolution, we are adhering to the resolution as far as it goes.

***Mr. Aluwihare:** Till a final decision is arrived at on the resolution and we are informed will the procedure be that Ministers will come to the House always?

The Hon. Mr. Senanayake: Yes.

***Mr. Aluwihare:** That is not the end of the matter.

In regard to the extension for next year, I would like to ask the Chief Secretary whether there are now sufficient Ceylonese have not been trained. There has always been some man on the training list, and we have been asked to provide his salary. Even this year there is probably some man under training. In a footnote to the details of this Sub-head we are told:

"The Class II. clerk who was in training in Archives work has been appointed Assistant Government Archivist."

I presume that he is now capable of doing this work, because last year he was able to speak Dutch like a Dutchman—so the Chief Secretary said. Now this year, I presume we are going to have another man in training. Is this lady to be continued in service or is a young man to be appointed in her stead?

Mr. H. W. Amarasuriya (Galle): One of the conditions of the contract entered into with Miss Jurriaanse by the Government was that she should train an officer during the period of her contract. Has that training been carried out? If not, she has failed to fulfil this part of her contract, and we should seriously consider whether she should continue in service. I would like to know whether that part of the contract has been honoured by this lady.

Mr. Wille: Apart from the question of training, there is so much work to be done that there is justification for this lady continuing in service here for several years. Only those who have gone to the Archives Office and seen the work done by her can appreciate—[A MEMBER: Has she trained an officer?] She has, but the volume of work still to be done is great. This lady has had special

training in Holland and she has expert knowledge. It would be to our advantage to keep her here for a long time yet in the interests of historical research.

Mr. H. W. Amarasuriya: Has this lady done the training part of her work?

The Hon. Mr. Drayton: To the best of my knowledge, she has.

On the question of any further extension, as I explained this morning, I am awaiting a recommendation from the Historical Manuscripts Committee as to what they think ought to be done. That has not reached me yet. I believe that recommendation is on the way. When it comes, it will be dealt with in the usual way. The first thing that will happen will be that I shall have to make up my mind whether I should recommend any form of extension and, if so, how long an extension, to the Board of Ministers. That will be the first step. It has not yet been taken.

Mr. Wille: Just a word more. This lady has been engaged in cataloguing the Colombo documents. It will be a few months before she finishes that work. Then there will be the documents in Galle and Matara, and it is of great advantage to us that she should continue this work.

Mr. H. W. Amarasuriya: I brought to the notice of the Chief Secretary some time ago that there are a very large number of Ceylonese living in Territories occupied by the enemy, and they have been cut off altogether from their dependants in Ceylon, to whom they used to send monthly allowances. I know of several cases where such dependants are now living on private charity.

I would like to know what is the policy of this Government with regard to these people who have no other source of income apart from the monthly allowances they used to receive from their breadwinners in Malaya and other countries now in the hands of the enemy. What is the policy of this Government towards these people whose present plight is due to conditions quite beyond their control? I submit that it is the duty of this Government to see that some form of subsistence allowance is granted to them until the war is over.

The Hon. Mr. H. J. Huxham (Financial Secretary): The position regarding the unfortunate people of whom the hon. Member has been speaking is the subject of a memorandum which I have placed before the Board of Ministers, asking whether in their view this Government should do something to help them.

Amendment agreed to.

Sub-head I, as amended, was passed.

Sub-heads 2 to 8 were passed without amendment.

Sub-head 9, Repatriation of Destitute Immigrants, Rs. 15,000.

***Mr. Aluwihare:** You will remember, Sir, that last year and the year before there were two or three Constitutional crises on the Indian question. Now, suddenly, the Indian question seems to have lost all its importance. The question was important and is of continuing importance because of the position immigrants are to occupy in this country.

There may be questions that will have to be settled with the Indian Government but there is one outstanding fact as a result of the negotiations and it is that there is a certain number of the immigrant population that we have to accept as Ceylonese. Once that fact has emerged, it is essential for us in the non-Tamil-speaking parts of the country to try and absorb this population into the general population. Some steps must be initiated by the Government to facilitate that absorption, and I feel that the first thing is to create points of contact.

At present, the Indian population and the Sinhalese population in that area have no point of contact at all, not even in language. In view of the fact that we shall have to accept a certain number of the Indian immigrant population as Ceylonese, and in view of the fact that owing to the war that number is everyday increasing, I think the person in charge of immigration must take the trouble at least to teach the people the language of the country. Why are not any steps taken in that line? So long as they do not even know the language, they are going to form another community within our country.

I would ask the Chief Secretary whether he or the Board of Ministers is paying any attention to that aspect of the question. At present we are faced with the danger of having to extend nationality rights to the destitute immigrants without having considered them to have contacts, even in the matter of language with the permanent population.

Mr. H. W. Amarasuriya: What is the present position with regard to the negotiations on Indo-Ceylon relations? The House will remember that certain Bills were drafted and we nearly had a Constitutional crisis—

***Mr. Aluwihare:** We had three Constitutional crises.

Mr. H. W. Amarasuriya: What is the present position? Has the matter been indefinitely postponed till after the war? Has any further progress been made with regard to that matter?

The Hon. Mr. Senanayake: With regard to that matter, I believe the House is aware that during the pendency of this war all negotiations or all action has been suspended. That is by agreement. Both sides have agreed to it, and I believe some time ago we informed Council of that decision.

Mr. H. W. Amarasuriya: Does that mean that there is free movement of people between India and Ceylon now?

The Hon. Mr. Senanayake: There has never been free movement of people between India and Ceylon.

***Mr. Aluwihare:** Sir, that is only part of the question. It means that the number of persons whom we are bound to admit as Ceylonese will increase. Are we not taking up the other part of the matter that lies in our hands? Surely, we should establish points of contact between these people and the permanent population, so that we have community of interest; and that can best be established by language contact. Just at present, the Indians cannot speak Sinhalese, and there is no chance of a common interest being created.

Mr. H. W. Amarasuriya: Except by inter-marriage.

***Mr. Aluwihare:** Unfortunately, the hon. Member has married twice. I would like to have an answer to my question from anybody who can give an answer.

The Hon. Mr. Senanayake: With regard to this matter, there is just one point that I would like to mention here. The question taken up by this Government was the citizenship of those Indians who are here to-day in Ceylon. There was definitely the view expressed by the people in Ceylon that we cannot absorb the whole Indian population here and that only a limited number could be absorbed. Now when that question and the method of absorption and who are to be absorbed—when all these things are not decided yet, for us to take steps as if the whole lot of Indians are to be absorbed would be to take steps in the direction that was not contemplated at the time these negotiations were started.

But I am entirely in agreement with my hon. Friend that if people are to be citizens of Ceylon it would be a very good thing for them to know the languages of Ceylon. I certainly feel that not only is it a very good thing for Indians who know Tamil, which is one of the languages of the country, to learn Sinhalese, but I think it is a very good thing even for the Sinhalese, who do not know Tamil, to learn Tamil.

But at the present moment I do not agree that we should start educating the Indians so that we may give them further inducement to settle down here, when there has been no final decision on the subject reached yet.

Sub-head 9 was then passed without amendment.

Sub-heads 10 to 13 were passed without amendment.

Head 5, as amended, was passed.

Head 6, Civil Service.

*Sub-head 1, Personal Emoluments,
Rs. 226,165.*

The Chairman: I find on the Official List of Amendments, "Head 6, Civil Service", but there is no actual amendment given.

***Mr. Aluwihare:** Sir, may we know how many members of the Civil Service have been seconded as Heads of other Departments, and how many appointments there are in Grade I. of the Civil Service? I think the cadre of the Civil Service has a certain number of posts: Class I., Grade I.; Class I., Grade II.; and the rest are in Class II. and Class III. As a result of seconding certain officers to various Departments, the number of appointments in Grade I. have been increased. I would like to know what the extent of that increase is.

The Hon. Mr. Drayton: The hon. Member is referring to a point which I think was raised at a similar stage in the debate on last year's Budget. The actual cadre of Class I. is 21. The number of officers last year who were drawing the salary appropriate to that Class was, I think, 26 or 27. It is now 24. There has, therefore, been a reduction, as it were, in the supernumerary strength by three since last year; it is hoped that that reduction will continue until the number of officers coincides precisely with the cadre.

***Mr. Aluwihare:** It is your intention to bring it down, is it?

The Hon. Mr. Drayton: That is so.

Sub-head 1 was then passed without amendment.

Head 6 was passed without amendment.

Head 7, Clerical Service.

*Sub-head 1, Personal Emoluments,
Rs. 50,500.*

Amendment moved [*Chief Secretary*]:

Make amendments to the Schedule attached to these two Heads (Heads 6 and 7) consequent on the additions to, and changes in the, Civil and Clerical Service cadres under other Heads, shown in this list of amendments.

***Mr. Aluwihare:** Could you please read out the amendments, because there are two sets of amendments?

The Chairman: Part I. It is only to make amendments to the Schedule attached to the Head.

***Mr. Aluwihare:** May we ask that the Ministers be requested to read out these amendments?

The Chairman: Will the Hon. the Chief Secretary read out the amendment as it appears on the amendment sheet, Page 1, Part 1?

The Hon. Mr. Drayton: I do not think this is an amendment in itself. It is a note of warning, as it were, because it reads as follows:

"To make amendments to the schedule attached to these two Heads consequent on the additions to and changes in the Civil and Clerical Service cadres under other Heads, shown in this list of amendments."

Now the amendments shown under other Heads will presumably be taken up when those other Heads are reached, and, in accordance with the decision taken, it will be either necessary or unnecessary to make an amendment under Head 6 or Head 7.

So I think it would only be confusing if I were to read out all the amendments now, because no debate, as I understand it, takes place on those amendments now.

***Mr. Aluwihare:** Then may we leave these amendments to the end, because we do not know what we are passing?

The Hon. Mr. Senanayake: There is no alteration in what you have passed. This is the schedule.

The Hon. Mr. Drayton: You are not passing it.

The Chairman: Amendments may be necessary after dealing with other Heads. It is only a warning, as the Chief Secretary stated. At this stage there are no amendments before the House.

Sub-head 1 was then passed without amendment.

Head 7 was passed without amendment.

Head 8, Ceylon Naval Volunteer Force.

*Sub-head 1, Personal Emoluments,
Rs. 11,575.*

The Hon. Mr. Drayton: Mr. Chairman, I am aware that the Board has been requested by the hon. Member for Panadura (Mr. Susanta de Fonseka) to make

a statement as to the policy of organizing the Ceylon Naval Volunteer Force, and since the hon. Member is not in his seat, he cannot ask that that statement be made now. It would be only fair to him that I should make it.

The hon. Member put it to the Board of Ministers that there should be a definite line of policy laid down in regard to the first appointment of officers in this Force, and he expressed to the Board the view that, except where technical qualifications were required, the rule adopted in regard to the selection of officers for first commissions should be that, if suitable Ceylonese applicants sought commissions in this Force, they should be preferred to non-Ceylonese applicants. He also expressed the view that in the past, there had been an agreement that the ratio of Ceylonese to non-Ceylonese officers should not fall below fifty per cent. so far as Ceylonese officers were concerned, and he thought that this agreement had been broken.

Now, may I just explain the position to-day is? The actual position so far as the strength of the mobilized officers is concerned, up to the time when I received the last return, which was a matter of two or three weeks ago, was that sixty-two per cent. of the mobilized officers were Ceylonese and thirty-eight per cent. were non-Ceylonese. So that the position to-day, so far as the ratio is concerned, is that, whatever may have happened during the last two or three years when the ratio may have been different, there are to-day more than fifty per cent. of the mobilized officers in that Force who are Ceylonese.

On the question of the ratio, I read with care the various debates that have taken place on this point during the course of the last four or five years, and the position appears to me to be that, when the Force was being formed, there was an appreciation of the fact that it would be necessary to have both Ceylonese and non-Ceylonese officers. At one time it appeared that there was a general opinion that some ratio should be fixed. But from later developments, particularly the debate which took place on August 31, 1939, it appeared that the general opinion was not so exercised in regard to the ratio as in regard to the question of getting the best man, and whether the choice of the best man

[The Hon. Mr. Drayton.]

should be limited to Ceylonese or whether the best man should be chosen from both Ceylonese and non-Ceylonese.

My impression from reading these papers is that the general opinion was that every effort should be made to make this Force a Ceylonese Force with no fixed ratio but with the general understanding that, unless the worst happened, the number of Ceylonese officers should not be less than fifty per cent. Now, that has been the policy in regard to the officering of this Force in the last few years.

There is no doubt that every effort is being made to give as much specialist training within the Force to officers, petty officers and ratings as has been possible. Petty officers and ratings have been sent to undergo specialist courses; the actual number of officers sent, I think, is about eight. A considerable number of petty officers and ratings have been sent to specialist courses, and it is a matter for gratification to all who are interested in the Force that, so far the persons sent from this Force to undergo a specialist course, in particular, the petty officers and ratings, have done exceptionally well. As a matter of fact, I am right in saying that the last batch sent consisted of six and they occupied the first six places in the course they attended.

This attitude towards petty officers and ratings in the Force is reflected in the fact that, among the Ceylonese officers holding commissions in the Force at the moment, there are, I think, four who started in the Force as ratings and were ultimately granted commissions from within the Force itself. I would suggest that that in itself indicates a very real desire on the part of the authorities concerned to do all that they can to build up this Force from within and make it what it is described to be, namely, the Ceylon Naval Volunteer Force.

On the question of choice of officers, we are concerned at the moment with the problem of what is to be the policy regarding the choice of an applicant for a commission. As Members will have observed, the Government has recently approved the appointment of a Selection Board for the Ceylon Naval Volunteer Force in the same way as he has approved the appointment of a Selection

Board for officers of the Ceylon Defence Force.

The problem with which we are faced is, what is going to be the principle on which that Board is to function in future? It will be admitted, of course, that one has to take into account educational qualifications, character, personality and other general matters of that sort in making a selection; for example, whether the man is likely to be a good officer in the sense that he will respond quickly to training. It is admitted that it is unlikely that he will in any way be immediately trained for the task that he would have to perform as an executive officer. He will merely be someone within the ages of 18 and 30. Those are the age-limits within which applicants must fall. One will be concerned, in the first instance, in trying to determine whether a person has the general qualities which will make him a good officer; whether he will quickly respond to the training which he will need and which will be given him either in the Force or in specialist courses. The greater the aptitude one thinks he has for acquiring the knowledge that he will have to acquire, the more likely is one to choose him for a commission.

The proposal, as I understand it, is that provided there is a Ceylonese applicant who reaches the minimum standard in regard to those general matters that I have mentioned, namely, educational standard, character, personality, etc., the Selection Board will be bound to recommend him without considering the applications from any non-Ceylonese. It is in that sense that the Board of Ministers considered the representation made to them, and I think they took it in the right sense, that is to say, assuming that there is a non-Ceylonese who not merely attains that minimum standard in regard to those various matters but considerably exceed the qualifications of his Ceylonese competitor, the Board would not be in a position to consider his application. It was in that sense that the Board of Ministers considered the representations made to them on this point.

There is obviously another point of view, namely, that, whatever might be the attitude that should be taken on this matter in peace-time, during war-time one must take the best man that

one can get, whether he be a Ceylonese or not, with this qualification, so far as officers in the Ceylon Naval Volunteer Force are concerned, that he is a British subject and has spent a certain period of residence in Ceylon. One could not, acting on that principle, fill vacancies in the commissioned ranks by people who had no period of residence in Ceylon and, therefore, no connexion therewith. It is not possible to do that because of the provisions of the Ceylon Naval Volunteer Force order itself.

I must repeat that there is the other point of view, that in time of war one must seek the best men available. Why does one say that? For the reason I have already indicated, that one wants as an officer a man who will reach a state of efficiency at the earliest possible moment and not one whom one will have to train from the beginning and who, in consequence, will take a longer time to train.

Those two considerations are, I suggest, of considerable importance during war-time. One may have someone who may not, in any sense of the word, be a trained or experienced seaman but is a person who has considerable association with the sea and one who has spent his youth playing about in small boats or motor boats, or whatever they may be. If he has those other qualifications, he may become a fully efficient officer to whom one could entrust any task at an earlier date than would be the case with the competitor who is without any of that experience and who has to start from the figure "0".

Again, taking the question of the educational standard, the proposition put was that if there was a Ceylonese who reaches the minimum educational standard and is satisfactory on the other points that the Selection Board will have to consider, character, etc., he will have to be accepted, but he may be a much more difficult man to train than the other person with greater intelligence. Therefore it will take a longer time to make him a really efficient officer on whom one could place full responsibility.

Those two considerations have to be set, I think, against the other consideration, namely, that this was intended to be a Ceylonese Force. The Board of Ministers took the view that it should be a Ceylonese Force and in the circumstan-

ces that I have described, when you take both Ceylonese and non-Ceylonese applicants, if there is a Ceylonese applicant who satisfies the minimum educational and general qualifications, he should be accepted and arranged for by the Ceylonese Selection Board.

I referred this question to the Government, since the granting of commissions rests with him, and he has the complete point of view, the point of view which I have just described, namely, that in time of war one must get the best man available, regardless of race in the fighting services, for the reason which I have given.

I may be asked why I think it is going to make a considerable amount of difference to the composition of the Force. It is impossible for me to give a positive answer to that question, but I would put forward for the consideration of this Council that the number of commissions issued with the grant of first commissions. The applicants must be within the age-limits, namely, 18 and 30. The number of potential applicants in Ceylon to-day who are non-Ceylonese and within this age group must, I think, be quite small. That is obviously so.

I have carried the matter as far as I can carry it. If I have in any way misrepresented the point of view of the Ministers, I am sure they will correct me. But I do not think I have.

***Mr. Aluwihare:** There is a little more surely to be said on this question. The Hon. the Chief Secretary said that these were times of war and that we have to get the best men into the fighting services. That is granted. There are warships about; and could not the Royal Navy take some of our men into their ships and train them? We have a miserable little ship or two and we spend Rs. 28,000 on this Force, whilst we spend Rs. 27,000,000 on the Imperial Garrison. Could they not do us a good turn by recruiting a few of our men into the Royal Navy and training them during the war? Has that question been considered? I should like to put that question to the Chief Secretary. If it has not been done, would he and the Board of Ministers be prepared to put the matter to the Commander-in-Chief?

The Hon. Mr. Senanayake: With regard to that question, at one time we considered whether it would be to our advantage or to the advantage of the Navy—or to our mutual advantage—to transfer our corps.—[*Interuption*]. It may be. I do not know why my hon. Friend thinks that this is a bit of a joke. When we consider that our recruits were able to secure the first 6 places—

***Mr. Aluwihare:** No; we have only one ship.

The Hon. Mr. Senanayake: Even with one ship, we secured 6 places. We might feel that there is something in our men and that they may be of use. But at the same time that arrangement did not come off, or we had not the opportunity of the Royal Navy taking our people on and training them. That arrangement, perhaps, was not suitable and I do not know, although it may be to our advantage to have our people trained at this time; whether there is the personnel here to train them. The personnel here are engaged in other work. That is one point that I would like to clear up.

With regard to the other point, the Hon. the Chief Secretary has explained the position taken up by His Excellency the Governor and the Board of Ministers. I do not think I need add or try to over-emphasize any difference of view that existed. Of course, the question has been fully explained.

***Mr. Aluwihare:** I do not know about it, but the other day I was travelling by train and I met a most interesting Frenchman who had been recruited into the English Navy without the amalgamation—

The Hon. Colonel J. L. Kotalawala (Minister of Communications & Works): Born of a French mother.

***Mr. Aluwihare:** Cannot some of our men be recruited into the English Navy? After all, apparently the English Navy is not confined to Englishmen or to British citizens.

The Hon. Mr. Senanayake: I did not know that the question was with regard to the English Navy. I thought it was with regard to the C.N.V.F. Certainly, I have not the slightest doubt that if my hon. Friend wishes to inquire whether

the Royal Navy just now requires recruits, we might be able to find some from Ceylon; that might be done.

***Mr. Aluwihare:** It is not a question of whether the English Navy requires recruits. The only point is whether the British Navy would be able to accept some of our recruits so that, at the end of the war, we shall have the advantage of their training. That is the only point. Could not the Hon. Minister take up that matter?

The Hon. Colonel Kotalawala: All right; we will take it up.

The Hon. Mr. Senanayake: The only difficulty is this: whether I take it up or my hon. Friend takes it up, we are in the same position, because we have nothing to do with the British Navy. I am sure that if my hon. Friend, with his keenness, takes the matter up with the British Navy, he will have a better chance of success than I.

***Mr. Aluwihare:** After all, there is a Naval Commander-in-Chief. Surely, the Hon. Minister can take the matter up with more success.

The Hon. Mr. Senanayake: We can inquire.

***Mr. Aluwihare:** The point is that this Government should make the inquiry.

Sub-head 1 was then passed without amendment.

Sub-heads 2 to 8 were passed without amendment.

Head 8 was passed without amendments.

Head 9, Defence Expenditure.

*Sub-head 1, Defence Contribution,
Rs. 27,000,000*

Mr. H. W. Amarasuriya: With regard to Sub-head 1, you will find an explanatory note: "Includes contribution payable under Chapter 294"

The Hon. Mr. Drayton: I am afraid I cannot hear what the hon. Member is saying.

The Hon. Mr. Senanayake: He was just reading to himself.

Mr. H. W. Amarasuriya: There is the following explanatory note:

"Includes contribution payable under Chapter 291, Vol. VI., Legislative Enactments."

Speaking on the Budget, I commented on this matter and inquired how much of the Rs. 27,000,000 the Ministers would normally consider as our Defence contribution to the Imperial Government. We are told that during a time of war they have come to some arrangement with the Imperial Government to pay a sum of Rs. 27,000,000. The point is how much out of the Rs. 27,000,000 would the Imperial Government be entitled to under the law. I want to know why the Hon. Ministers have not put that item down separately; also the additional amount. The difference between the total contribution and the contribution that is already payable under the law must be put down separately.

The Hon. Mr. Senanayake: My hon. Friend will realize that it is not possible, at this time, for us to indicate what the total of the Military expenditure would be, for the simple reason that we do not know what forces will be stationed here and what other requirements it would be necessary to meet. We cannot say that we have to pay such-and-such an amount according to the Ordinance. There is this fact, that we are liable to pay $9\frac{1}{2}$ per cent. of our revenue as Military contribution.

Mr. H. W. Amarasuriya: Normal?

The Hon. Mr. Senanayake: I do not know what normal and abnormal revenue is. But I believe it is the revenue which is considered normal. If our revenue is Rs. 160,000,000, we have to give $9\frac{1}{2}$ per cent. of that. That is not all. We will have to bear the expenses. Of course, we will have to pay $9\frac{1}{2}$ per cent. if that happens to be less than 75 per cent. of the total expenditure of a Garrison. I might say that we are not in a position to state what the total expenditure of the Garrison is going to be, and I can tell you that we do not know what the strength of the Garrison in Ceylon is. Even if we know it, we are not in a position to come out with it. So in those circumstances, to give my hon. Friend all that information might result in my being somewhere else instead of in this House.

I think when there is all this difficulty, perhaps it would be much better to come to an arrangement which will relieve us of all these obligations and the provisions of the law and pay a lump sum and discharge our liability.

As far as our liability is concerned you will find that we have to pay $9\frac{1}{2}$ per cent. of our revenue. It will certainly come to more. I need not indicate the figure, but my own impression is that it is much more. We have to put up buildings; we have to provide garrisons; we have to maintain a volunteer force. I think the British Government have realized that the defence of Ceylon is the defence of the Empire, and they must bear a good proportion of the expense in defending Ceylon.

Mr. H. W. Amarasuriya: Do I understand the Acting Leader of the House to say that this sum would exclude the cost of the acquisition of land, and salaries and other expenses?

The Hon. Mr. Senanayake: It includes all expenditure, except the value of Crown land given over. If it is Crown land or waste land, it has to be given over free. They will have to pay for other services; they will not be entitled to any free services.

Mr. H. W. Amarasuriya: Speaking on the Budget, the Hon. Leader said:

"It might, therefore, well be expected that the full $9\frac{1}{2}$ per cent. of the revenue in the Estimates for 1942-43 should come to Rs. 16,000,000; but that does not discharge our liability in full. The law compels us to provide from Ceylon funds all lands and buildings which may be required by the Garrison. If a wide view is taken of the meaning of "Garrison", it can be left to the House to imagine what that liability is likely to be. On top of this, we are liable for the cost of the Ceylon Defence Force. That cost was estimated at Rs. 11,000,000 per annum when the Estimates for 1941-42 were framed. Since that date, not a month has passed without some addition to the cadre of the Force proving to be necessary. On the present arrangement, the expenditure on the Force for 1942-43 might well be nearer Rs. 20,000,000 than Rs. 15,000,000. In the light of these figures the contribution of Rs. 27,000,000 cannot be regarded as excessive."

The Hon. Leader went on in that strain. According to the Observations appended to the Estimates—I refer to the document that was circulated:

"An offer made by the Ceylon Government of a lump sum contribution of Rs. 27,000,000 per annum until the armistice has been accepted by

[Mr. H. W. Amarasuriya.]

the Imperial Government who will undertake all Active Defence Measures, with the exception of those connected with the Ceylon Naval Volunteer Force. The cost of Passive Defence (*i.e.*, Civil Defence) will continue to be borne by the Ceylon Government."

I raised this question because I find that out of the sum of Rs. 20,000,000 that was voted by us some time ago, a sum of over Rs. 1,750,000 has been spent on acquiring land.

The Hon. Colonel Kotalawala: Do not touch on that secret memorandum.

Mr. H. W. Amarasuriya: I am not quoting from a secret document. I am quoting certain figures—

The Chairman: The hon. Member can quote from documents.

Mr. H. W. Amarasuriya: Out of the Rs. 20,000,000, over Rs. 1,750,000 has been spent for such purposes as acquisition of land.

The Hon. Mr. Senanayake: Do you like to have an explanation? It might save your breath.

Mr. H. W. Amarasuriya: We were told that the amount voted this year would be a contribution to the Imperial Government to cover all expenditure, including acquisition of land, and so on. But this additional sum of practically Rs. 3,500,000 has been spent, out of the money that has been voted during the financial year, on the acquisition of land. I would like to have an explanation from the Hon. Minister.

The Hon. Mr. Senanayake: With regard to this matter, a certain procedure has been adopted for the purpose of appropriating land for Military purposes. It is different from the procedure that is adopted by us in acquiring land. What they do is this. They requisition the land, take it over, and then pay the rent. Settlement is arrived at at a later date. But if it is considered desirable that instead of requisitioning land, that land should be acquired then, of course, it is outside the procedure that is adopted by the Military. We acquire land when it becomes necessary for our purpose, and that method suits us better.

Supposing land is required for an aerodrome, we acquire the land; and they

pay compensation. In paying compensation you must take into consideration the income that was derived from the land. All those matters must be taken into consideration when payment is made at the end of the period. If we consider it much more desirable to acquire land instead of requisitioning it, that is, if we do not pay more than the land is worth, then of course we can adopt that policy.

There is another point that I would like to mention to my hon. Friend. There may be in the item mentioned by him other payments made by us for settlement. In certain instances, Sir—I do not know whether it has been done in this instance—it may become necessary for the Civil Government even to pay in advance money that may be recovered from the Imperial authorities only later on. Supposing a person's land is taken possession of, it may so happen that it will take a long time for the Military authorities to make payment. We have even now complaints of the Military authorities taking possession of land and not compensating the owners either by way of other land or money.

Military procedure may be a long-drawn-out procedure, but we feel that it is not fair that our citizen should be made to suffer to such an extent; and we, Ministers, even at the expense of our having to advance the money, try to make things less hard for them. Therefore we may utilise that money sometimes in making advance payments which are to be recovered afterwards. That does not mean that all the money will be sent.

Mr. H. W. Amarasuriya: I quite appreciate the attitude taken up by the Ministers, but I would like to know whether the land is vested in the Ceylon Government.

The Hon. Mr. Senanayake: I believe I made it clear that if land is acquired, it is vested in the Ceylon Government.

***Mr. Abeywickrama:** With regard to acquisition by the Military, I have a complaint to make. I know of two or three villages that have been taken over by the Military. The Military adopt two methods of taking over property;

one is by acquisition, and the other by requisition. Properties that are acquired are surveyed, valued and money is paid for them. But there are cases where the Military have served notice on whole villages and the properties have not been acquired but requisitioned and the people not paid compensation for the last five months.

Large and substantial buildings have been taken over by the Military and soldiers are living in those houses. Doors and windows have been removed and pigeon-cots are being constructed with them. Where there are double-doors, one is removed for constructing pigeon-cots and the other is utilized as a house door.

Sir, in the area I am referring to—the Chief Secretary knows the area—there are about 400 houses that have been taken over by the Military for occupation and not a cent has been paid up to date by way of compensation. These poor people who had cattle, and so on, of their own had to leave within twenty-four hours of their receiving notice. That does not form part of the acquired area. The position is very anomalous. The village called—[A MEMBER: That is in that document]. I hope the names will be omitted from HANSARD and the newspapers. [Interruption]. All right, in my constituency—is that also to be omitted?

The Hon. Mr. Senanayake: No.

***Mr. Abeywickrama:** This is a genuine complaint.

I am not obstructing the Military, but the Military have taken over two or three villages in Ceylon and not a cent has been paid to those concerned, as compensation. Is that fair? This happened five or six months ago. I spoke to the Government Agent and he says that the Military instructions are so vague and they are received so late that he himself does not know what the procedure to be adopted is. About 2,000 or 3,000 people have had to evacuate.

I want the Hon. the Chief Secretary to expedite payment as these people also have a fear—and that fear is growing among the village population—that their properties have simply been taken over and that no money will be paid. I think any assessments made will have to be

revised, and a generous assessment made as compensation for loss of normal village life in that particular village. The people had cattle and certain fields in which they used to feed the cattle, they had poultry and vegetable plots. When they go into the interior where they are given an acre of Crown land, they lose all these things. All these matters must be taken into consideration and a liberal assessment made in requisitioned areas. I am speaking of payments made for acquisition. But with regard to requisition, they must be as liberal as possible, as we are liberally contributing to the war by getting into debt in this Island. Therefore, the Government must be liberal in giving these people compensation.

I want this matter attended to within two or three weeks because the people have suffered for the last five or six months. I hope the Chief Secretary will treat this matter as urgent and obtain for these people compensation.

Mr. Samarakkody rose.

The Hon. Mr. Drayton: I would like, if convenient, to reply to that particular matter.

***Mr. Samarakkody:** I want to deal with the same point.

The Hon. Mr. Drayton: I would like to reply to that particular case to which I know the hon. Member was referring, if I might do so. It will not take me one moment.

As the hon. Member said, that particular problem has two parts, one, in regard to land which is to be acquired, and the other in regard to which actually the difficulty is that there has been no decision yet as to whether it is to be acquired or requisitioned.

In regard to the acquired land, the information that I have accords with the information given by the Hon. Minister, namely, that in practically all cases advance payments have been made. The actual figures that I have before me show that, in regard to acquired land, advance payments have been made in 1,758 cases out of 1,800. I would like to mention the figures because they have some significance in relation to the whole problem of requisitioned land and acquired land.

[The Hon. Mr. Drayton.]

There are, in this particular case, only some 1,800 separate interests to be considered, but, in regard to the other part of the land to which the hon. Member referred, there are in fact 2,500 separate interests to be considered. The hon. Member's information that no payments had been made may have been quite recent information, I admit, but it is not the most recent information, because I am getting a weekly return of the payments made in that particular area and in other areas; and the position eleven days ago was that 515 advance payments had been made in that area in which there are 2,500 separate interests concerned. Very considerable progress is being made. It is very recent, I admit, since progress was made, but for the last four weeks there has been very considerable progress made in making advance payments to these 2,500 proprietors of separate interests in that particular area.

Mr. Abeywickrama: There is another point. Might I inquire how these people are going to live? They had to leave their villages about six months ago, but the Military are still deciding whether they are to acquire the land or not. For six months the people have been without compensation. That is the position. How can a poor villager who has been eking a day to day existence, with rice rationing and all the shortages going on that are being experienced, exist for six months without compensation? Therefore, I hope the Chief Secretary will expedite payment as much as possible.

***Mr. Samarakkody:** I would like to ask the Hon. the Chief Secretary, in view of the fact that the Member for Udugama (Mr. Abeywickrama), in the course of his observations, mentioned the names of some villages, which, if published, would give considerable information to the enemy, and as he holds the office of A.R.P. Controller, whether the Chief Secretary proposes to report the hon. Member to the Governor and deprive him of that office?

Mr. H. W. Amarasuriya: I wish to mention another fact in regard to this matter. In these requisitioned areas practically the whole of the economic

life has been destroyed and crops as well as paddy cultivation have been abandoned. So that in assessing compensation the Valuation Department should take into consideration not only the loss of the houses of these people but also their occupations in life. It must also be taken into consideration that their normal vocations have been denied them altogether. In this area, I may say without any exaggeration, over 2,000 acres of paddy field have gone out of cultivation. There are rubber, cinnamon, coconut, and other economic crops. I do not think owners are allowed access to them, and they have lost all their income too.

I know that people, even in these requisitioned areas, even the other day, were being doled out small sums at the Kachcheri, and that is not the final stage yet, but I am in agreement with the hon. Member for Udugama (Mr. Abeywickrama) that there has been a very long delay and these poor people have been put to very great inconvenience.

Further, these requisitioned houses are practically collapsing, due to neglect, and the whole place is absolutely desolate. I would certainly ask the Chief Secretary to expedite this matter as much as possible.

With regard to this vote, I find a sum of Rs. 60,000 set apart for maintenance of detenues. I wonder whether this expenditure is really warranted.

***Mr. Aluwihare:** Which Head are you on?

Mr. H. W. Amarasuriya: Defence.

***Mr. Aluwihare:** Rs. 27,000,000?

Mr. H. W. Amarasuriya: Yes, a sum of Rs. 60,000—

***Mr. Aluwihare:** No; that is another Head.

Mr. H. W. Amarasuriya: Well, we shall then finish with this item.

***Mr. Aluwihare:** I wonder whether the Hon. the Chief Secretary is aware of what, I think, is the Indian practice in these cases of requisitioning. There, before people move out, they are paid something on account, because the Indian Government has realized that you are depriving a man of his total means of livelihood. I wonder if something like

that could be done. To give these people money six months afterwards is scarcely sufficient.

The Hon. Mr. Drayton: Mr. Chairman, there is a special allocation out of which payments are made to people who are required to move out of their properties at once and who have no other means of livelihood. Again, arrangements have been made in regard to persons whose houses are occupied under requisition, that interim payments be made to them on the recommendation, either of the Government Valuer or of the Government Agent concerned, pending a final settlement of the amount payable by way of rent in regard to requisitioned properties. As the hon. Member is aware, if one is proceeding with acquisition under our Land Acquisition Ordinance, it is always possible to make advance payments in anticipation of the final settlement.

So there are three sources from which speedy payments can be made. There is the payment of moving-out expenses to really indigent persons, who have no other source of livelihood and who are being required to shift immediately. Naturally, that course is taken only when it is absolutely necessary for it to be taken. There is the advance payment that can be made, either in respect of requisitioned property, or in respect of acquired property, pending the final settlement of the rent in the one case and the value in the other.

***Mr. D. Wanigasekera (Weligama):** I wish to remark that there is a great deal of waste in regard to Military expenditure. I know, for instance, that about 200 huts have been put up in my area, huts 20' x 50', made out of cadjan. For these huts they have paid as much as Rs. 800 each while ordinarily these would not cost more than Rs. 150 or Rs. 200 at the most; that is, they have paid the cost of these huts four times over.

Another fact that I would like to bring to the notice of the Hon. the Chief Secretary is this, that eggs, vegetables and other articles that are obtainable in the village have gone up in price. Fancy prices are being paid by the soldiers for these articles, with the result that there is a great deal of hardship caused to the villagers. I hope the Chief Secretary will consider that aspect of the question

and discover ways in which the soldiers could be supplied wherever troops are stationed.

Mr. T. A. ... would like to know whether the Military authorities would be prepared to pay for school buildings. The instance, a school building was requisitioned by the Military authorities and for what far as I am aware has not been paid.

Mr. H. R. ... Have these people who have been acquired properties to what should go, because the people are wandering to the North-Central Province.

***Mr. Abey ...** There is a gentleman who owns 120 acres and whose property is situated within the requisitioned area. Out of these 120 acres, 80 acres are under rubber and the authorities there are, I think, calling for tenders for tapping those trees. The curious thing here is that in spite of the owner volunteering to the Officer-in-Charge to observe the same conditions as those proposed when the trees are given out on contract to be tapped, he has been denied the privilege of doing the tapping. Under his very eyes his trees are being tapped by another man and the produce taken away. I feel that those little things require adjustment. If the rubber trees have to be tapped, why not give the owner of the land that opportunity? After all, the gentleman concerned is an old person and he is a very loyal subject, and he will never go against the Military authorities.

That is one case. With regard to coconut too, it is the same. Unfortunately it is the owners who are penalized. Under their very eyes they see others plucking nuts from their trees. That is the "most unkindest cut" of all. If the trees are uprooted then I can understand. That is because the Military wants the land. But here, not to be given the opportunity of tapping their own trees in spite of offering to tap them under the same conditions as or even stricter

[Mr. Abeywickrama.]
conditions than those proposed for the contractor is, I think a little too harsh. I hope the Chief Secretary will look into that matter.

Mr. Wille: My hon. Friend recently told us that he had only to send a note to his friend the Commander-in-Chief, to have grievances redressed.

***Mr. Abeywickrama:** These are little things, and I do not want to see the Commander-in-Chief belittled as a result of a person like the hon. Member trying to evoke laughter here.

***Mr. S. Vytilingam (Talawakele):** I want to raise a different point altogether.

The Chairman: If the hon. Member is coming to another point, will the Chief Secretary reply to the hon. Member for Anuradhapura (Mr. Freeman).

The Hon. Mr. Drayton: Mr. Chairman, I am afraid, I am unaware whether any advice has been given to these particular persons to whom the hon. Member has referred. It is hardly a matter that would come my way.

***Mr. Aluwihare:** Surely one of the Ministers should be responsible for it. If these people are turned out of their houses, some guidance must be given to them as to where they can go and live. The hon. Member for Anuradhapura said that some of these unfortunate people who had been ousted from Koggala had no place to live and that they had gone to the jungles of Anuradhapura to find a place to live. Surely somebody must be responsible for finding some land for these people in the Southern Province?

***Mr. Abeywickrama:** I can reply to that question. The Government Agent, Southern Province, has offered land within 8 miles of this particular area to any person who wants land and about 2,000 people have availed themselves of the offer. In the case of others, they have been attracted by the Minneriya scheme of the Hon. Minister, which is a progressive one, and they have gone there. It is not that they have no place to live, but that they want to share in the profits from Minneriya.

Mr. Vytilingam: I read in the newspapers some time ago a report to the

effect that a scheme was to be put into operation by which Military lorries when running empty would be made to transport goods from one Railway Station to another. I want to know whether that scheme has been put into effect and, if so, what success has been achieved by it? Even now I see Military lorries running empty.

The Hon. Mr. Drayton: I think that is a question that might be addressed to the Minister of Local Administration. He is concerned with motor transport; I am not.

***Mr. Samarakkody:** May I say one word? As far as the Kurunegala District is concerned, I myself have been able to take advantage of these Military lorries and have been able to transport some of the produce to Colombo. I think the scheme is working satisfactorily.

***Mr. Aluwihare:** Another point I want to take up with the Chief Secretary is that these Military lorries very often, when they knock a man down, do not stop to see whether he has been killed; they just go on. Could not instructions be given to these people, at least, to stop and see what has happened to the man they have knocked down? There was an instance, for example, in my constituency where one lorry knocked a man down and went on; then another lorry came along, and the driver looked at the man, laughed, and went on; and all the time the man was there injured lying on the road and crying to Heaven.

The Hon. Mr. Drayton: I am aware of the fact that the Military authorities have issued the most specific instructions in regard to the general conduct of Service drivers on the road very recently and they are continually pressing on the units concerned the necessity for observing them and also for observing the ordinary courtesies of the road.

***Mr. G. G. Ponnambalam (Point Pedro):** Would it be in order for me to raise the question of the requisitioning of privately-owned vehicles under this Sub-head?

The Chairman: The hon. Member can raise that point under Sub-head 3, Other Defence Expenditure.

The Hon. Mr. Drayton: There is only one point that I should like to make, if I may, and that is, nothing in regard to the requisitioning of privately-owned motor vehicles comes my way at all. It is in the hands of the Director of Transport, who is under the Minister of Local Administration. It really does not come my way. I will do what I can to help, but I am not sure that I will be able to answer any question on that point.

***Mr. Ponnambalam:** I appreciate that the requisitioning authority both for civil and military purposes is the Director of Transport, who is not directly under the Chief Secretary, but the connected question of compensation is raising a very big problem in the country and I would urge upon the Chief Secretary, or whoever the Minister concerned is, to look into the question because there have been a number of persons—

The Chairman: Would it not be better for the hon. Member to raise this matter under the votes of the Minister of Local Administration?

***Mr. Ponnambalam:** If you will bear with me, I am sure you will agree that the whole question is very elusive. The Minister, I know, will say that the Director requisitions vehicles but that he is not responsible for paying compensation; it is the Military who are responsible for it. I have seen quite a lot of correspondence on the subject, and I would ask your permission to deal with the question now. I should say this that whilst the Director of Transport is the competent authority to requisition vehicles for Defence or for other essential purposes, civil or military, the whole question thereafter seems to pass out of his hands.

Mr. Chairman, I am speaking of at least half a dozen cases of men owning one single bus on which they apparently have to depend for their livelihood and for the livelihood of their families. In one case, a man who owned more than one bus gave over one of his buses voluntarily to the Military, and compensation was not paid to him for months on end. In the case of those men who have to depend just on the earnings of one single bus, which has been commandeered, for maintaining themselves and their fami-

lies, they do not know what to do and ultimately after a few months of waiting the money which they receive to repay. That is the situation after three months past and a letter is received to the effect: "Your vehicle has been valued at, shall we say, Rs. 2000. Will you state whether you are prepared to accept this valuation or are you prepared to litigate?" The hon. Member's genius is responsible for the present situation, but, I do not think that if any person causes a great deal of dissatisfaction, this the attitude really should adopt to invite a poor villager who does not know the intricacies of the law, to not want to litigate. I would urge upon the Military authorities to take the matter up with the valuers on his behalf or the authorities. This clearly shows a lack of imagination but apart from that—

The Hon. Mr. Ponnambalam: Could the hon. Member say whether it was a Military officer or a Civil officer who wrote that letter, because, I think, it calls for some action? I do not want to know the name of the person. I only want to know whether it was a Military officer or a Civil officer.

***Mr. Ponnambalam:** Some of these people appealed to me, and I wrote to Mr. Tennison. I believe he is still the Secretary to the Director of Transport. He forwarded all those letters or incorporated them all in a letter to the various commands, as they call it, for the payment of compensation. Those letters that were written by them to the owners of lorries were sent on to me in which this phraseology was used, not in one case, but at least in half a dozen cases, to my knowledge—"Your vehicle has been priced at so many thousand rupees. Will you please state whether you are prepared to accept this money or do you want to litigate?"

That is not all. One poor man said, "Your ultimate valuation is grossly unfair, having regard to the fact that other people who had bought vehicles which, to my knowledge, were not in the same condition as mine, have had their commandeered vehicles valued at a higher figure. Would you, therefore, reconsider and give me something reason-

[Mr. Ponnambala.]
able?" Then they wrote this letter:
"There was a clerical error in the figure
quoted in the last letter. Please note
that the valuation is reduced by
Rs. 1,000. Will you accept that, or will
you choose to litigate?"

Mr. Chairman, I am not trying to draw
on my imagination; in fact, I did not
want to intervene in the discussion to-
day as I am not feeling well. But really
this is becoming absolutely a menace.
These people have for months no means
of earning their livelihood. The only
capital which they had and which they
had invested in the bus or other vehicle is
not forthcoming to them; and the condi-
tions created are appalling. I must
say that just as the Chief Secretary is
in a difficulty about answering this ques-
tion, the authority responsible for it is
the most elusive authority. I must con-
fess that the Director of Transport, both
Mr. Nelson and Mr. Tennison, are very
helpful, but they are helpless.

Therefore, in the interests of Defence
and of Government, this sort of gratuit-
ous dissatisfaction of the people ought
to be discouraged. Can anybody reply
to that question or give me any infor-
mation whatsoever? You see how elusive
the authority is in this House.

Mr. Dudley Senanayake: I should like
to raise another point, that is, whether
it is intended to carry out a scorched-
earth policy in Ceylon if the need arises,
and to what extent it is intended to put
it into effect? What types of property
will it affect? I should like to know
something about it.

The Hon. Mr. Drayton: I am afraid
that it will not be possible for me to
answer that question in the detail in
which the hon. Member wants it answer-
ed in open Council.

Mr. Dudley Senanayake: I merely
asked whether there is a proposal or not,
and I do not see any difficulty in answer-
ing the question, because the enemy is
not going to be helped by the fact being
divulged that there is a proposal to carry
out a scorched-earth policy. That can-
not be information of a nature which
would be of use to the enemy by any
means. I can understand the desire not
to acquaint the House with these facts

if they are going to be of value to the
enemy, but I do not see how they are
going to be of value to the enemy.

I ask this question because I under-
stand that this policy was so drastically
carried out in Burma that most places
are absolutely desolate just now as a re-
sult of it; and I wish to know whether
our country would be made to suffer the
same consequences.

The Chairman: The Hon. the Chief
Secretary states that he is not prepared
to reply to that question at a public
sitting of this House.

***Mr. Samarakkody:** May I ask the
Board of Ministers whether they have
agreed to any scorched-earth policy,
whether they have given their blessing
and approval to such a policy. I would
like the Hon. Acting Leader of the House
to give us some information.

The Hon. Mr. Senanayake: Sir, if the
answer given by the Chief Secretary to
the question whether there will or there
will not be a scorched-earth policy pur-
sued here is that he cannot reply to the
question at a public sitting of the Coun-
cil, how can I say whether the Board
have consented or not to such a policy?
Whether I reply in the affirmative or in
the negative, I would be giving a secret
away. I do not like to be "caught"
by giving a reply to the question.

***Mr. Samarakkody:** The reply given
by the Chief Secretary is that he is not
prepared to state the facts in open Coun-
cil. We are entitled to have a reply to
our question. You can clear the Gal-
leries, if necessary, to enable the Chief
Secretary to give his reply.

Mr. Dudley Senanayake: The matter
is of such great importance that I would
like to know whether we should not go
into secret session, because the position
taken up by the Chief Secretary is that
he cannot divulge the information in open
Council.

The Hon. Mr. Senanayake: If there
are any matters of such importance on
which information is desired, I would
suggest that after the discussion of these
Estimates we have a secret session. But
I do not think it would be convenient off

and on to go into secret session merely to obtain some information that could be made available to Members.

The Chairman: I will make a note of what the hon. Member has stated, and if at the conclusion of the discussion of this vote the hon. Member wishes to press for a secret session, then the House can consider the matter.

The Hon. Mr. Senanayake: Why I suggest that it would be better to have a secret session after the Chief Secretary's votes are finished with is that it would then give the public an opportunity of having information on other matters. Once we clear the Galleries and have a secret session, the public would not know when they should come back.

The Chairman: May I suggest that we continue the discussion on Sub-head 1, and if there are points which require to be discussed in secret session, we could defer that Sub-head and go on to Sub-heads 2 and 3 and then come back on Sub-head 1 in secret session, and having discussed the matter we could pass the vote in public session.

***Mr. Aluwihare:** The difficulty in regard to this vote is that all the details are marked "Secret." The memoranda are marked not merely "Secret" but "Most Secret." This is the only Sub-head under which details are not supplied. Therefore cannot we finish the only other Head under the Chief Secretary, namely, Head 10, and come back to Head 9 and have the Galleries cleared for a secret session? Or we can postpone the whole question for some other day.

The Hon. Mr. Senanayake: Does the hon. Member suggest that this Sub-head be deferred for consideration at a secret session?

***Mr. Aluwihare:** But Sub-head 2 is most secret; Sub-head 3 is also most secret. Everything is most secret.

The Hon. Mr. Senanayake: After all, the information that is given is most secret. But if any further information is required, it would not be the information that has already been given but information that has not been given. So if we could know what information is

required, we could find whether we to go into secret session.

***Mr. Aluwihare:** That is a difficult argument. If the hon. Minister says all, what we have to do is to get the information that has been given. If any discussion we require, we can have information given and we can go on. I do not mind if the hon. Minister marks "Most Secret" merely to give a little flourish, and I may write it in red ink merely to make it feel more important. I do not mind that if these memoranda are really secret we treat them as such. I do not think we can ask any more and under these Sub-heads without that information that should not be disclosed.

The Chairman: Any further question on Sub-head 9? I have noted the point raised by the hon. Member in regard to (Mr. Dudley Senanayake).

Mr. D. M. Rajapansa (Hambantota): In regard to this matter, Sir, I know that Military personnel went down South and did some borings at most of the bridges. They even went to some of the big tank bunds and indulged in digging holes, perhaps to destroy the bunds at some given moment; and I believe the Assistant Government Agent, Hambantota, interfered and told the Military officials that the surest way of alienating the sympathy of the people was to destroy these tank bunds, and he advised them not to do so; they then left the place. That is the information that I have. It is not secret, and it is a matter that is known to every person.

***Mr. Ponnambalam:** Now that the Hon. Minister of Local Administration is here, can we have some information with regard to the commandeering of motor vehicles by the Military?

The Chairman: The hon. Member will have to repeat the question.

***Mr. Ponnambalam:** I am not quite well, Sir.

The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration): If I have an indication as to the points on which the hon. Member desires information, I can give it.

The Chairman: The point made by the hon. Member was in regard to the delay in the payment of compensation by the Military authorities. I said that in certain cases the Military authorities have written to the owners of private motor vehicles which have been commandeered inquiring whether they are prepared to accept a specified sum as compensation or whether they want to litigate. Those are the actual words, I understand, which are used in the letters written to the owners of vehicles. And in view of the unsatisfactory state of affairs existing at the present moment in regard to this matter, the hon. Member wishes that the Minister would take up the matter with the Military authorities and see that no such delay takes place and no such stupid letters are addressed.

***The Hon. Mr. Bandaranaike:** I have not seen the letters to which the hon. Member has referred and I am, therefore, not in a position to judge whether they were stupid or otherwise. But on the general question, I would like to say that this matter was raised some time ago and I took it up on that occasion, with the result that the haphazard requisitioning of vehicles has ceased. As a matter of fact, the requisitioning of buses and lorries by the Military authorities has almost ceased now. In other words, there will be very little necessity for further requisitioning of motor vehicles for the fighting forces, though I must say that it is becoming necessary to requisition vehicles for civilian needs.

***Mr. Ponnambalam:** I am only referring to vehicles requisitioned by the Military.

***The Hon. Mr. Bandaranaike:** Well, Sir, it can be taken as correct that the requisitioning of motor vehicles by the Military has now almost ceased and it will not take place in the future, unless of course some urgent need arises when I take it a vehicle here or a vehicle there may be commandeered. But the policy of requisitioning vehicles in fifties and hundreds has ceased because I think the Military are satisfied—I have tried my level best to satisfy them—on the point that no further vehicles can be spared from civilian use. Far from giving fur-

ther vehicles to the Military, we are trying to get back some of the vehicles taken over by them.

On the question of the delay in making payments by the fighting forces, for lands, buildings, vehicles and other things requisitioned by them, the matter has been taken up by the Board with the fighting forces authorities, and the Chief Secretary has been entrusted with the task of seeing, through the Government Agents, the requisitioning officers, that when anything is requisitioned, land, buildings or anything else, prompt payment is made. There were a large number of complaints on that point, and we have made arrangements now to see that as prompt payment as possible is made.

With regard to the third point that seems to have arisen, namely, that some letters have been written asking the owners whether they would accept a certain sum, or if not, whether they are prepared to litigate, I really do not know the facts. In the case of lands and buildings it is our own people who assess the value; it is the Government Valuer who assesses lands and buildings. But, of course, that does not apply to motor vehicles. I am not aware whether inadequate sums have been offered for vehicles and whether the people have been asked to litigate if they do not want to accept the offer, because I have not seen the letters referred to. If my hon. Friend or anybody else who is interested in the matter will send me those letters, I will look into the matter. If I am convinced that the sum offered is not adequate, I might set up an authority to assess these vehicles. There are authorities in my department who can assess motor vehicles at reasonable market value. I shall be obliged if any letters that are received are sent on to me.

***Mr. Ponnambalam:** I shall certainly forward the letters which, I believe, are in my possession. It is entirely beside the point for the Minister to judge whether the sums offered are adequate or not. That might not give complete satisfaction to the owners of vehicles. What I say is that there is no competent Board which has been entrusted with this task. When a bright gentleman

from Headquarters, whether it is the Military or the Royal Air Force Headquarters, writes and says, "Your vehicle has been valued at so many thousand rupees; will you accept this sum or do you want to litigate?", he does not give the owner the opportunity of knowing with whom he has to litigate. That is the point I am trying to urge. I am rather sorry to find that no competent authority exists to whom this person can appeal. What is the purpose of litigating when the person does not know with whom he has to litigate? He has already been deprived of his vehicle for nine and ten months, and then he is told summarily, "Will you accept this sum or do you want to litigate?". It is a scandal.

***The Hon. Mr. Bandaranaike:** I do not see where the scandal precisely comes in. The difficulty is that when a vehicle is requisitioned, what is considered a fair price is offered to the owner, and if the price offered is not fair he must litigate. Precisely, to what Court he must go for litigation is not stated. Surely that is not a matter that creates a scandal.

With regard to the question of a Board to see whether these amounts are adequate or not, I may say that the requisitioning of vehicles is now being done through the Director of Transport, and his advice would no doubt be sought when a precise sum of money is offered. If there is any difficulty about that, I can go into the question whether the sum offered is some arbitrary figure fixed by some subordinate Military officer, or whether before the sum is offered reasonable steps are taken to see that a fair price is offered. I can inquire into that matter. That seems to be the only real point at issue.

The Hon. Mr. Drayton: May I clear up one point? The hon. Member for Point Pedro (Mr. Ponnambalam) is, I think, aware of the compensation regulations which deal specifically with the question of compensation for requisitioned motor vehicles. There are special regulations which deal with the question of compensation for requisitioned motor vehicles, and as the Hon. Minister of Local Administration has explained, if

there is a fair value, the owner must go and settle with a tribunal. This was announced in the *Gazette*. The tribunal has been set up to settle disputes arising from requisitioning special motor vehicles. It is a tribunal for special motor vehicles, namely, other than those regulations.

***Mr. Ponnambalam:** The Hon. Chief Secretary referring to the tribunal that was appointed a fortnight ago.

The Hon. Mr. Drayton: I cannot say when it was appointed.

The Chairman: The meeting was suspended till 4.30 p.m.

Sitting accordingly suspended until 4.30 p.m., and then resumed.

***Mr. Abeywickrama:** Under this Head I want to raise two other questions.

One is with regard to recruitment to the Military forces. Several instances have been brought to my notice where students between the ages of seventeen and twenty-one, who had been sent by their parents to Colombo to take up the Matriculation or other higher examination, have walked into the R. A. S. C. recruiting office, and, without knowing the implications of their action, have enrolled themselves. Later on, the parents heard about the enrolment and came to Colombo to see what had happened. They were directed to the R. A. S. C. camp and then confronted with the document containing the oath signed by the recruit. The boys are not allowed to go back to their homes. Some of them are under twenty-one years of age, but I understand that the Military rule is that a person above eighteen years of age can use his discretion and join the Forces, whatever his parents may say.

At one place in Galle, to which I had gone to collect some facts and figures about these happenings, I found the

[Mr. Abeywickrama a.]
whole household having as if they were in a funeral home. Everyone was crying over the fact that their "child" had joined the Army. What use boys of this type can be to the Army, I cannot understand.

***Mr. Iuwihare:** But it is the mothers who are crying.

***Mr. Abeywickrama:** For their children.

***The Hon. G. E. de Silva:** How can you avoid that?

***Mr. Abeywickrama:** Some of these recruits do not know when they are enrolled whether they are to serve overseas or within this Island. There are so many recruiting units, some recruiting for service in Ceylon, others for service abroad. Some of these recruits think that the R. A. S. C. operate in Ceylon, but it is not so. Most parents are reluctant to send their sons overseas.

I want the Chief Secretary to look into the matter. When a boy has joined a unit, without the consent of his parents, and not knowing the full implications of his action, if the parents want him back, he must be allowed to return home. [Interruption]. The European Nominated Member says, "No", but if he enrolls he can at least pull a trigger in this country—[Laughter]. I am saying this in all seriousness. I am not out to obstruct enrolment in the Forces. In fact, when the hon. Member for Galle (Mr. H. W. Amarasuriya) and myself addressed a public meeting at Galle, held to encourage recruiting for the Forces, the crowd was so large that the Police had to be called in to maintain order—[A MEMBER: To protect you?] To keep order. On the recruiting day the crowds assembled in such large numbers that the Police had to be called in to keep order [Interruption]—not order at the meeting.

When boys from distant places—100 to 200 miles from Colombo—are sent to Colombo and are enrolled overnight, without their knowing the full implications of their action, I doubt whether these boys will have the spirit to fight. They would feel that they had made a mistake. If it were for service within

the Island, it would be different, but the various units are described in abbreviated forms—"R.A.S.C.", and so on, and the boys do not know whether it is the R.A.S.C. or the R.A. that is retained for service in the Island or sent overseas. These boys merely go forward and say, "I want to join this Unit." [Laughter.] It may be very amusing to some Members who are not interested in the subject, to whom no representations have been made by parents; it may be amusing to Members who merely come into the House occasionally, but it is a matter of grave importance to us to whom very urgent representations have been made.

There is the case of one particular boy which is being investigated by the Officer Commanding. To-day the parents of the boy came to Colombo and saw the Minister of Communications and Works, and the matter is under investigation. It is the case of a boy of eighteen, who has joined the R.A.S.C. The parents are not allowed to speak to him. I went and saw the authorities, and they said, "An oath is an oath, and he cannot be allowed to leave." I asked the Adjutant to send for the boy and question him. "When you signed this oath did you know the implications of your action?" The boy replied that he did not know the implications of his action, and when he was asked, "Would you like to go home?" He replied, "Yes; I would like to go home. I did not tell my mother that I was going to join this unit. She is a widow and I have to look after her properties."

That is the position. It is no use blinking at facts and saying that because an oath was taken we cannot do anything in the matter. There is really no dearth of recruits for the Forces, but the wrong type of recruits are being enrolled. When a boy fails to pass an examination which he had been sent to take up in Colombo, he feels ashamed to return home and face his people, and in that mood walks into a recruiting office, where he is straightaway bound by an oath to serve overseas. The situation demands investigation by the Ministers and the Chief Secretary. A number of representations have been made on this point.

The period of training of these recruits, I believe, is some three or four months. It must be laid down that if within one

month of enrolment the parents of a boy or anybody else on his behalf make representations, the boy should be allowed to leave the Force, before any substantial expenditure has been incurred on his training. If, say, after having been trained for six months, and when the boy is about to be sent overseas, the parents of the boy go to the Harbour and say, " We cannot allow this boy to leave the country ", that would be an unreasonable request, but if within, say, five or six days of enrolment, the parents of the boy say that they want him back and if the boy himself wishes to leave, as there is no system of conscription in force in this country, he should be allowed to leave.

A boy might at one moment like to join the Army, and if a little later he realizes that he has committed a mistake in doing so without the consent of his parents, he should be allowed to leave. I do not mind any number of boys being recruited to the Forces, so long as they understand the full implications of their action. In the case of a boy on whose training the authorities have spent some money, and who is about to be taken overseas for active service, it would be unreasonable to ask that the boy be allowed to leave, but if the request is made by his parents within a week or ten days of enrolment the request must be considered favourably as a special case.

I would ask the Chief Secretary to investigate this particular point in regard to recruitment.

***Mr. Wanigasekera:** Do you want a probationary period?

Mr. Abeywickrama: If within two or three weeks of enrolment representations are made, not after the full period of training, the boy should be allowed to leave the Army.

I now wish to refer to the conduct of the Military authorities in the matter of the lighting regulations. Of course, the enforcement of lighting regulations is a function of the Ministry of Local Administration, but the conduct of the Military in reference to those regulations must be a responsibility of the Chief Secretary. I live in Colombo when the Council is in session and I find that certain houses are a blaze of lights, and they are occupied

by soldiers, the adjoining houses—the practically black native the enemy distinctions lit and the out when in

Why are the orders to enforce Mount Lavinia houses the room to a candles, but the houses the Military question of buildings, v hood are al safety in the not want t vities even who keep t happen to live in a quarters of a Military unit which is fully lit up, I too would suffer along with that unit. I do not want that situation created.

Regarding motor car lighting, when we drive along we suddenly find bright headlights of cars in the black-out area from Moratuwa onward. Here we are groping in the dark, crawling at two or three miles an hour on low gear, and suddenly we find cars tearing along at thirty and forty miles an hour with somebody wearing a Military cap seated inside.

I cannot understand all this. If the black-out is meant for the protection of the country from the enemy, all I can say is that it is not properly observed to-day; I regret to say it, but even to-day what I say can be verified. For instance, all the upstairs bungalows in a certain target area are well lit. On one side you find the Aerodrome and on the other the Railway Workshops. But the Deaf and Dumb School, which is an upstairs building and which never used to be so brightly lit up when the school was housed in the building, is now ablaze with light. It looks as if the voltage has been increased now, because I did not see so much light when the school was being carried on. I cannot understand it.

[Mr. Abeywickrama.]
Only we are penalized. I hope the Hon. the Chief Secretary will look into this matter.

We were given the assurance, at the beginning, that a great War Council was being constituted so that we might represent our views to them, but I do not know what has happened to that War Council. Now, the Board of Ministers and some other people are interested in this question. These are matters which we have to bring in all sincerity to the notice of the authorities, on the Floor of this House. We are in danger as a result of disregard of the black-out regulations. That is the point that we have to consider.

Mr. Natesan: Would the Chief Secretary reply to the hon. Member, as I wish to pass on to some other point?

The Hon. Mr. Drayton: Mr. Chairman, I have already conveyed to the Military authorities the views of the hon. Member in regard to enlistment in the Royal Army Service Corps of young persons without the consent of their parents. I will also convey to the Military authorities his views on the other two points that he has raised.

***Mr. Aluwihare:** Sir, may I know how the recruiting into the non-English-speaking units has gone? There were non-English-speaking units recruited; at least non-English-speaking members of the population were recruited to the Forces. May I know the number and how the training is going on?

The Hon. Mr. Drayton: I am afraid I could not give the particulars. I think the hon. Member is referring to a relaxation of the rule in regard to enlistment in the Ceylon Defence Force, namely, that a person enlisting should have a knowledge of English.

***Mr. Aluwihare:** There was recruiting of non-English-speaking people to the Ceylon Defence Force.

The Hon. Mr. Drayton: Yes, recently.

***Mr. Aluwihare:** I want to know how that recruiting has gone, the numbers

enrolled and how the training is going on, whether it has proved a success.

The Hon. Mr. Drayton: I have no information on that point, Mr. Chairman.

***Mr. Aluwihare:** Could he collect it some time at least?

The Hon. Mr. Drayton: I could attempt to get it.

***Mr. Jayah:** As regards the point raised by the hon. Member for Udugama (Mr. Abeywickrama), with regard to recruiting, I do not know whether the hon. Member has not overstated the case. I know of a number of young men who have joined the Royal Army Service Corps. They have to get the leaving certificate and a character certificate from the Principal of their school, and I do not think they go without the permission of the parents. Perhaps, the cases brought to the notice of the hon. Member may be different. I know some young men who have joined the Royal Army Service Corps and I understand they have had no trouble from their parents.

Mr. Natesan: I would like to have some information about the Civil Defence Estimates.

The Chairman: Will that not come under Sub-head 3, "Other Defence Expenditure"?

Mr. Natesan: May I have some information? I want to know whether that is the amount earmarked for Civil Defence.

I would also like to have some information about exactly what is being done in regard to the camps that were erected some time ago for evacuees—whether those camps are being used by anybody; whether any more camps are being put up. Also, I wish to know whether stirrup pumps have been supplied in sufficient numbers to target areas requiring them. I know, there are complaints made in Jaffna, for instance, that stirrup pumps have not been supplied in large numbers as required by the people there.

I would like to point out that there should be public shelters especially near market places. I was recently in Madras—some weeks ago—and I was very much impressed by the public shelters provided in the City. I would suggest that at least in market areas there should be public shelters constructed.

I wish to raise another question, Sir. I would like to know whether the Vice-Chancellor of the Ceylon University is still Deputy Civil Defence Commissioner, whether it is necessary that we should have an officer of that status as Deputy Civil Defence Commissioner.

The Hon. Mr. Drayton: Mr. Chairman, I thought we were still on Sub-head 1.

The Chairman: I thought the Hon. the Chief Secretary had no objection to the question being raised. I pointed out that it could be dealt with under Sub-head 3—

The Hon. Mr. Drayton: I am quite prepared to deal with some, if not all, those questions now. It is just a matter of order of business.

The Chairman: Then we will deal with that point on Sub-head 3.

***Mr. Aluwihare:** I would like to know the arrangement that has been come to with regard to the point raised by the hon. Member for Udugama (Mr. Abeywickrama). How is that information to be disclosed, and how are the remaining Sub-heads to be discussed?

The Hon. Mr. Senanayake: If all questions other than those relating to the secret document have been asked and disposed of, then we can go into secret session because at 5.30 we go on to other business. If there is nothing else then we can go into this question now.

The Chairman: Are there any further questions to be asked on Sub-head 1?

Mr. H. W. Amarasuriya: Yes, I wish to address one more question on Sub-head 1—whether the whole of the Rs. 27,000,000 is subject to scrutiny by the Auditor-General.

The Hon. Mr. Senanayake:

Mr. H. W. Amarasuriya: I take it that every item in the Budget will have to be examined by the Auditor-General before he comes to make his report. The Ministers had had the amount taken out of this Rs. 27,000,000 or whatever it is an outright grant.

The Hon. Mr. Senanayake: The whole amount is an outright grant.

Mr. H. W. Amarasuriya: I am sure that the whole amount is an outright grant. But if you read the Budget you will find that it is a lump sum contribution. That cannot be a lump sum amount that is not included in the contribution. That is one of the readings of the footnote.

***The Hon. Mr. G. E. de Silva:** The plain answer is that it is a lump vote.

The Chairman: This sum of Rs. 27,000,000 includes certainly more than the normal contribution under Loan.

Mr. H. W. Amarasuriya: That is, you are giving a new reading to it altogether.

The Hon. Mr. Senanayake: That reading is correct.

Mr. H. W. Amarasuriya: As I pointed out, in previous Budgets we had this amount either starred or with some other indication that the amount was not votable. Now, is this amount votable or non-votable? If it is non-votable, then it will not be subject to the scrutiny of the Board of Ministers, but if it is votable, my submission is that it should be subject to the scrutiny of the Auditor-General.

The Hon. Mr. Senanayake: May I answer that question? It is votable and it is subject to audit to this extent: to find out whether the Treasury has paid this amount or not; to see whether

[The Hon. Mr. Senanayake.]
the Financial Secretary has done his duty or not. The expenditure incurred by England is not subject to audit here.

The Hon. Mr. Fuxham: The hon. Member for Galle (Mr. H. W. Amarasuriya) is under a misapprehension in supposing that the Auditor-General does not check sums which are provided by other law. He checks those disbursements just as carefully as he checks sums provided in the Appropriation Ordinance. As regards the Rs. 27,000,000, as the Hon. Acting Leader said, it is a lump-sum grant, and if it is paid quarterly, as I expect it will be, then all that the Auditor-General will check will be four receipts for four quarterly payments.

Mr. H. W. Amarasuriya: Is this amount subject to any reduction by this Council?

The Chairman: Obviously. But the hon. Member will remember that on a Supplementary Estimate introduced about a month ago the Board of Ministers received the sanction of the House to make this annual contribution.

The Hon. Mr. Senanayake: One of the reasons why that Supplementary Estimate was brought here was to find out whether the House approved the action of the Board of Ministers, and when they approved the action of the Board of Ministers it was approved not for that year only but for the duration of the war; and I believe the war is still being carried on.

The Chairman: Any further questions on Sub-head 1? Then we will defer Sub-head 1 and go on to Sub-head 2 and dispose of that.

Further consideration of Sub-head 1 deferred.

Sub-head 2, Mobilization of Ceylon Naval Volunteer Force, Rs. 2,504,688.

***Mr. Aluwihare:** Will the Hon. the Chief Secretary tell us what question it is that we can raise under Sub-head 2 that is not "Most Secret"? The whole thing is marked "Most Secret". If I disclose an amount, I may be disclosing a secret. What is a secret and what is not? If I am allowed to ask questions

regarding the amounts provided and various other things, I am ready to ask them.

The Hon. Mr. Drayton: There is one thing that is as much a secret to me as it is to anybody else, and that is, what is the question the hon. Member feels disposed to put? I do not know it. All that I can say is—it seems probable but it will necessarily follow—that, if he asks a question which reveals the information given in that "Most Secret" memorandum, he will be inviting me to say, "I do not think you should pursue that matter".

On the other hand, we have already discussed a very important matter in regard to the Ceylon Naval Volunteer Force in open Council this afternoon. It was a matter which we obviously could, without any danger whatsoever to public security, in the widest sense of the term, discuss in open session. Much of that we could have discussed, I think, under Sub-head 2 of Head 9, although we discussed it under Head 8.

My own attitude, which I think the House will realize, is not to suggest that this House should go into secret session unless it seems to be apparent that it must. The question whether it should or should not go into secret session rests with the Council itself. Each Member knows the sort of question that he wants to ask, and I think he can form his own judgment as to whether it is a matter in regard to which I could give a detailed reply without transgressing obvious rules.

***Mr. Aluwihare:** I want to refer in my question to the figures disclosed here. Obviously these figures are secret. At least, so the Chief Secretary told us when he sent this memorandum to us.

The Chairman: Hon. Members have already asked several questions on Sub-head 1 to which answers have been readily given. If an hon. Member asks a question which in the opinion of the Chief Secretary should not be replied to in open session, I think he will so inform the House. That question will, of course, be noted down for the secret session. In the meantime, hon. Members can ask other questions.

Aug. 19, 1942]

Debates.

***Mr. Aluwihare:** Can one refer to these figures? Does the Chief Secretary not want us to refer to any figures or the services under this vote in open session? I just want to know that.

***The Hon. Mr. G. E. de Silva:** I think we have deferred Sub-head 1 for further discussion in secret session. The other three items may also be discussed in secret session. Whatever information hon. Members want will then be available; otherwise, we will be asking questions without knowing whether this Sub-head will be discussed in secret session.

The Chairman: It is open to a Member to move that we go into secret session.

The Hon. Mr. Senanayake: The only reason why I say that we may dispose of Sub-heads which do not involve information of a secret nature is because I feel that as much information as we could give without prejudice to the public safety should be given to the public. Such information should be made available to the public. If the hon. Member feels that no information should be given to the public and that everything should be discussed in secret session, I have no objection to his moving that the House do go into secret session.

The Chairman: Is any hon. Member moving that the House should go into secret session?

Mr. Dudley Senanayake: I take notice that Strangers—

Mr. Abeywickrama: On a previous occasion the hon. Member for Matale (Mr. Aluwihare) moved the House into secret session and it ended in nothing. The Chief Secretary read a letter from the Commander in Chief and said that he had nothing to add. I am afraid that if we go into secret session now, the same farce would be re-enacted. The Chief Secretary is bound to say that on the question of a scorched-earth policy, he has nothing to add to the information already given. I oppose the motion for sitting in secret session.

Mr. Dudley Senanayake: I take notice, Sir, that Strangers are present.

Question put, "That Strangers be ordered to withdraw."

THE CHAIRMAN: Having collected the voices declared that the "Ayes" had it.

***Mr. Abeywickrama:** Divide; by names, Sir.

The Chairman: The division will proceed under Standing Order 68.

***Mr. Abeywickrama:** May I know whether the Chair can use its discretion as to the manner in which the division should be taken?

The Chairman: It is entirely in the discretion of the Chair.

The Committee divided (under Standing Order 68): Ayes, 15; Noes, 4.

Strangers withdrew accordingly.

The Hon. Mr. Senanayake: I move that the further discussion of Head 9, Defence Expenditure, be held in Secret Session.

Question put accordingly, and agreed to.

The Sitting was in Secret Session from 5.04 p.m. until 5.28 p.m., and was then resumed in Public Session.

BUSINESS OF COUNCIL.

The Chairman: May I inquire of the Hon. Acting Leader, it being 5.30 p.m. now, whether the Council is to resume, or are we going to continue the discussion of the Estimates? [A MEMBER: Let us continue with the Budget.] Is that agreed to?

***Mr. Samarakkody:** May I ask the Hon. Acting Leader of the House to allow me to take up a motion of which I have given notice?

The Hon. Mr. Senanayake: Sir, the Committee stage of the Budget has not been interrupted for any reason except for a matter which will not take up more than two or three minutes. Although I would like to oblige the hon. Member,

[The Hon. Mr. Senanayake.]
I think his motion will lead to a great deal of discussion. I am sorry I cannot agree to it being taken up now.

***Mr. Samarakkod :** Can I take it up to-morrow at 5 o'clock?

The Chairman : The hon. Member can make an application to-morrow.

The Hon. Mr. Senanayake : At 5.30 P.M. to-morrow we do not mind any unopposed business being taken up.

The Hon. Colonel Kotalawala : The adjournment motion is moved at 5.30 P.M.

***Mr. Ponnambalam :** Might I say this: it was clearly understood that we concurred in the amendment of the Standing Orders and the introduction of the Emergency Standing Orders so that Private Members should have Wednesdays set apart for their business. But during the Committee stage of the Budget we have conceded that right, and I do hope the Board of Ministers will agree to the interruption of official business at 5.30 P.M. so that Private Members can take up their motions.

The Chairman : The hon. Member will appreciate that it was not a proposal made by the Hon. Acting Leader or any Member of the House, but it was an inquiry made by me of the Hon. Acting Leader.

***Mr. Ponnambalam :** I am referring to it because otherwise it will be utterly impossible for Private Members to have their motions taken up.

The Hon. Mr. Senanayake : If hon. Members want to resume, we do not mind it.

Mr. Dudley Senanayake : I have not finished.

***Mr. Aluwihare :** Can we go on to-morrow with this subject?

The Chairman : Obviously it will have to be in secret session to-morrow.

The Hon. Mr. Senanayake : If hon. Members like to go on till 6 P.M., I have not the slightest objection.

***The Hon. Mr. Bandaranaike :** The request came from the hon. Member for Narammala (Mr. Samarakkody): In any case the adjournment motion at 5.30 P.M. will not enable his motion to be taken up to-day. In that case we will go on with the Budget.

Committee to report progress, and ask leave to sit again.

The Chairman : The Council will now resume.

The Council having resumed—

MR. DEPUTY SPEAKER took the Chair.

Committee report progress; to sit again.

***Mr. Aluwihare :** I move the House into Committee again to continue the discussion of Head 9.

Mr. Deputy Speaker : I permitted a discussion, and it was obvious that the majority of hon. Members preferred that the Council should resume at 5.30 P.M.

RELEASE OF DETENUS.

***Mr. Samarakkody :** May I appeal to the Hon. Acting Leader again? Yesterday when we decided to allow Private Members' day to be utilized for Government business, we did so in the belief that the Board of Ministers would oblige us with half an hour or so for Private Members' motions. My motion is a very important one. As a result of the Budget being taken up, the only day (Wednesday) available to me is lost, and I cannot take up my motion even on the adjournment motion.

Mr. Deputy Speaker : There is no motion for adjournment.

***Mr. Samarakkody :** The adjournment motion is usually moved at 5.30 P.M.

Mr. Deputy Speaker : If there is no unopposed business. Normally that applies to Government business. There is

no objection, I take it, to Private Members' unopposed business being taken up at this stage.

Members: No! No!

Mr. Deputy Speaker: Is the hon. Members' motion one of the opposed items?

The Hon. Colonel Kotalawala: What is the motion?

***Mr. Samarakkody:** My motion reads as follows:

That in view of the apparent change of attitude of the British Government towards Russia and her political doctrines and as the British Government has given tangible proof of this change of heart by lifting the Ban on the Communist Party in India by releasing those Communists who were detained, this Council calls upon His Excellency the Governor to take immediate steps to release unconditionally the Members of the local Communist Party (Sama Samaj Party) and also pardon those Members who have escaped from Custody.

That is my motion, but I wish to make an application to have it amended in order to bring in another political party of which I have not made any mention and in respect of which you yourself have given notice of a motion subsequently. I did not have any intention of leaving out any particular party when I gave notice of this motion.

Mr. Deputy Speaker: The hon. Member wants to amend his motion and thereafter formally moves it for reference to a Committee?

***Mr. Samarakkody:** No, Sir. A report from anybody is not necessary.

Mr. Deputy Speaker: I am sorry I cannot allow it to be taken up to-day so long as there is unopposed business to be taken up.

***Mr. Samarakkody:** Then can I take it up next Wednesday?

Mr. Deputy Speaker: The House has already decided, I think, to give Government business precedence on that day.

***Mr. Samarakkody:** That is not to hold good for all time.

The Hon. Mr. Shanayake: The House has decided that all Wednesdays shall be utilized for discussion of the Budget. The only way to take up this motion on Wednesday is for the House to finish with the Budget before that day.

***Mr. Samarakkody:** Is it open to me to move a resolution of that nature?

The Hon. Mr. Shanayake: Not longer than months!

Mr. Deputy Speaker: I will now take up Private Member motions.

***The Hon. Mr. Bandaranaike:** There must be a motion for a Government.

Mr. Deputy Speaker: No. Unopposed business will be taken up now.

FOODSTUFFS: STABILIZATION OF PRICES.

Mr. Deputy Speaker: Motion (9): the hon. Member for Colombo Central. The hon. Member moves the motion formally, I take it.

***The Hon. Mr. Bandaranaike:** We do not know what the motion is.

Mr. Deputy Speaker: The motion is:

"That in view of the abnormal rise in the price of foodstuffs and other essential commodities this Council is of opinion that the prices of such commodities be stabilized to the pre-war level."

***Dr. M. C. M. Kaleel (Colombo Central):** Before I move that motion I would like it if the House will allow me to move the next one, which is very urgent. It is absolutely non-contentious.

Mr. Deputy Speaker: The hon. Member can move both motions formally and refer them to the Executive Committees.

***Dr. Kaleel:** Very well, Sir, I move,—

That in view of the abnormal rise in the price of foodstuffs and other essential commodities this Council is of opinion that the prices of such commodities be stabilized to the pre-war level.

Motion ordered to be referred to the Executive Committee of Labour, Industry and Commerce, under Standing Order 57.

RELIEF TO RATEPAYERS.

Dr. Kaleel: I intend to speak on this motion and there are other Members too who would like to speak on it.

Mr. Deputy Speaker: The hon. Member can always speak if he wants to after the report is presented. He can at this stage, if he so desires, formally move this motion.

***Dr. Kaleel:** Referring this motion to the Executive Committee would mean that it would take a very long time before the matter comes before the House again.

Mr. Deputy Speaker: Motion (10) will then stand down.

PRICE CONTROL OF COTTON GOODS.

***Mr. Wanigasekera:** I move formally,—

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.

Motion ordered to be referred to the Executive Committee of Labour, Industry and Commerce, under Standing Order 57.

FISHERMEN: PROTECTION BY NAVAL PATROL.

***Mr. Wanigasekera:** I move formally,—

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.

Motion ordered to be referred to the Executive Committee of Local Administration and to the Chief Secretary for report, under Standing Order 57.

NEW BUDDHIST SCHOOL, KAHAWATTA.

Mr. Rajapaksa: I move formally the following motion standing in my name:

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.

Motion ordered to be referred to the Executive Committee of Education, under Standing Order 57.

TEMPLE SCHOOL AT TARAPERIYA, HAMBANTOTA DISTRICT.

Mr. Rajapaksa: I move formally,—

That this Council is of opinion that the Temple School at Taraperiya in the Hambantota District be taken over by Government, as the Rev. Founder of the School is finding it difficult to cope with the rapid increase in numbers and as he desires the Government to make adequate provision in buildings, equipment, &c.

Motion ordered to be referred to the Executive Committee of Education, under Standing Order 57.

ADJOURNMENT.

The Hon. Mr. Senanayake: I move that Council do now adjourn.

Question put, and agreed to.

Adjourned accordingly at 5.40 P.M. until 10 A.M. on Thursday, August 20, 1942.