



D. C. R. G.
12 JAN 1943

DEBATES

SESSION OF 1942.

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STATE COUNCIL OF CEYLON.

Thursday, August 20, 1942.

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

PAPERS TABLED.

(Acting Leader of the State Council): Seven Supplementary Estimates, 1941-42.

(Minister of Labour, Industry and Commerce): Order made by the Governor under Section 2 (1) of the Government Gazette (Publication) Ordinance (Cap. 5).

† 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 9, Defence Expenditure—(contd.)

The Hon. Mr. D. S. Senanayake (Acting Leader of the State Council): I take notice, Sir, that Strangers are present.

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

Strangers withdrew accordingly.

The Hon. Mr. Senanayake: I move that the further discussion on Head 9 be held in Secret Session.

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

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

Question put according to order and agreed to.

The Sitting was in Secret Session from 10.02 a.m. until 12 p.m.

At 2 p.m. the Session was resumed in Public Session.

The Hon. Mr. Senanayake: Sir, before we proceed with the Budget in Committee, may I move that Council do resume so that I may move the motion that I mentioned yesterday and which I said I would bring up?

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

Question, "That Council do now resume," put, and agreed to.

The Council having resumed—

Mr. SPEAKER took the Chair.

Committee report progress; to sit again.

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

The Hon. Mr. Senanayake: I beg to move that a Select Committee of this Council be appointed to inquire into the statement made to the Council by Mr. Susanta de Fonseka, Member for Panadura, on August 19, 1942, and to report on the question whether a situation has been created which is unsatisfactory in view of the provisions of Section 2 of the State Council Powers and Privileges Ordinance, No. 27 of 1942.

I have the approval of the Board of Ministers for moving this motion.

The Hon. Mr. G. E. de Silva seconded.

Question put, and agreed to.

The Hon. Mr. Senanayake: I move that the Select Committee be composed of the following Members:

The Hon. Mr. J. H. B. Nihill, Legal Secretary (Chairman), Mr. T. B. Jayah, Mr. H. E. Newnham, Mr. B. H. Aluwihare, Mr. S. Samarakkody, Mr. G. G. Ponnambalam, and Mr. A. Ratnayake.

I have not had an opportunity of obtaining the consent of Mr. Newnham and Mr. Ponnambalam, but I think they will consent to serve.

The Hon. Mr. E. de Silva seconded.

Question put, and agreed to.

† 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 intitled "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 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 9, Defence Expenditure—(contd.)

The Hon. Mr. D. S. Senanayake: I take notice, Sir, that Strangers are present.

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

Strangers withdrew accordingly.

The Hon. Mr. Senanayake: I move that the further discussion on Head 9 be held in Secret Session.

Question put accordingly, and agreed to.

The Sitting was in Secret Session from 2.07 P.M. until 3.43 P.M. and was then resumed in Public Session.

Head 9, as amended, was passed.

Head 10, Coast Lights.

Sub-heads 1 to 3 were passed without amendment.

Head 10 was passed without amendment.

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

Head 17, Legal Secretary.

Sub-heads 1 to 5 were passed without amendment.

Head 17 was passed without amendment.

Head 18, Attorney-General.

Sub-head 1, Personal Emoluments, Rs. 226,636.

Amendment moved [*Legal Secretary*]:

(a) For item—	Rs.
9 Crown Counsel : 6 at £520—40—	} 114,428
£1,000	
3 at Rs. 6,540—	
420—12,000	
Substitute—	
9 Crown Counsel : 5 at £520—40—	} 105,968
£1,000	
4 at Rs. 6,540—	
420—12,000	

(b) Reduce amount provided for Bent Allowance from Rs. 14,625 to Rs. 13,845

(c) Reduce total amount asked for from Rs. 226,636 to Rs. 217,396.

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-heads 2 to 7 were passed without amendment.

Head 18, as amended, was passed.

Head 19, Legal Draftsman.

Sub-head 1, Personal Emoluments, Rs. 120,522.

Amendment moved [*Legal Secretary*]:

Delete the item Binder and substitute the following item:—

Record Keeper and Binder—	Rs.
Rs. 480—15—660 480	
Increase the total provision under the Sub-head from Rs. 120,522 to Rs. 120,583.	

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-heads 2 to 5 were passed without amendment.

Head 19, as amended, was passed.

Head 20, Public Trustee.

Sub-heads 1 to 7 were passed without amendment.

Head 20 was passed without amendment.

Head 21, District Courts.

Sub-head 1, Personal Emoluments,
Rs. 807,661.

Amendment moved [*Legal Secretary*]:

Colombo.

(a) Add the following items below Rent Allowance:—

“Additional Staff for Emergency Services”	Rs.
4 Clerks on daily pay at Re. 1.70 p.d. ...	2,122
1 Peon on daily pay at 75 cts. p.d. ...	281
Increase total of Personal Emoluments for this Court from Rs. 169,894 to Rs. 172,297.	

Hatton.

Rs.

(b) Add the following item below Peon:—

1 Labourer—Rs. 216—6—276 ...	216
Increase total of Personal Emoluments under this Court from Rs. 5,647 to Rs. 5,863.	

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-heads 2 to 5 were passed without amendment.

Head 22, Courts of Requests and Magistrates' Courts.

Sub-head 1, Personal Emoluments,
Rs. 500,045.

Amendment moved [*Legal Secretary*]:

Colombo (Magistrate's Court).

Add the following new item below Latrine Labourer:—

“Additional Staff for Emergency Services”

Rs.

1 Additional Magistrate (Crown Counsel) £520—40—£1,000 ...	15,000
Increase provision under Rent Allowance from Rs. 3,979 to Rs. 4,759.	
Increase total provision under Personal Emoluments of this Court from Rs. 63,075 to Rs. 78,355.	

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-heads 2 to 5 were passed without amendment.

Head 22, as amended, was passed.

Head 23, Village Tribunals.

Sub-head 1, Personal Emoluments,
Rs. 277,483.

***Mr. S. Natesan (Kankasanturai):** I want to refer to the dissatisfaction existing among the Clerks in the Village Tribunals. They are very poorly paid.

The House will remember that just a few days ago the Acting Minister of Home Affairs brought up a Supplementary Estimate to effect an improvement in the scales of salary paid to the Clerks working under Chief Headmen. In those Village Tribunals the work is very heavy; in fact, you find a large number of people resorting to these Tribunals for settlement of their cases, and these Clerks have to do nearly as much work as is done by Clerks in Magistrates' Courts. Some of them have good educational qualifications, and it is not fair that they should be given such poor salaries.

I would request the Legal Secretary to give his early attention to this matter and accord some relief to these poorly paid Clerks.

***Mr. Susanta de Fonseka (Panadure):** This question came up last year also, and the year before. Last year it was the Chief Secretary and the Financial Secretary who promised to give this matter their most earnest consideration and see whether relief can be granted.

The other day a Clerk of the Colombo Kachcheri, who had been doing Gansabhawa work, died after 18 years of service, and his widow and children are not entitled to any pension or gratuity—[*Interruption*]. Village Tribunals are Gansabhawas.

The Hon. Mr. Senanayake: That is a separate vote.

***Mr. Susanta de Fonseka:** Then it is all right.

The Hon. Mr. H. J. Huxham (Financial Secretary): The salaries of these Clerks now being paid are in accordance with the decision of this House on the 1934 salaries scheme. Proposals for a fresh salaries scheme are now before the Board of Ministers.

The Chairman: The matter is now being considered?

The Hon. Mr. C. W. W. Kannangara (Minister of Education): Yes.

Sub-head 1 was then passed without amendment.

Sub-head 2 was passed without amendment.

Sub-head 3, Stationery, Office Furniture and Office Requisites, Rs. 3,841.

Amendment moved [Legal Secretary]:

Include on account of "Special Expenses" the amounts shown below:—

Cost of Admirals.

			Rs.
G. A.,	Uva	3 admirals	225
A. G. A.,	Maricar	3 "	225
"	Kalutara	3 "	300
"	Kegalla	9 "	720
G. A.,	Sab.	4 "	400
A. G. A.,	Trincomalee	— "	20
A. G. A.,	Puttalam	4 "	400
G. A.	Kurunegala	11 "	1,100
"	Colombo	— "	961
A. G.	Matara	7 "	1,000
"	Hambantota	3 "	250
G. A.	Galle	8 "	640
"	Jaffna	4 "	360
A. G.	Matale	3 "	195
G. A.,	Batticaloa	13 "	770
"	Anuradhapura	7 admirals	510
G. A.,	Kandy	5 "	338

Increase provision under this sub-head from Rs. 3,841 to Rs. 12,280.

Amendment agreed to.

Sub-head 3, as amended, was passed.

Sub-head 4, Rent, Rs. 2,278.

Amendment moved [Legal Secretary]:

Rs.
Insert the following new item 7 below the
item "Puttalam and Chilaw:— 420"
Ratnapura 12
Increase provision of this sub-head from
Rs. 2,278 to Rs. 2,290.

Amendment agreed to.

Sub-head 4, as amended, was passed.

Sub-head 5 was passed without amend-
ment.

Head 23, as amended, was passed.

Head 24, Fiscals.

Sub-head 1, Personal Emoluments,
Rs. 391,515.

Amendment moved [Legal Secretary]:

Fiscal, S. P.

Under Matara add the following new item
below rent allowance:—

"Coat Allowance to 1 Process Server" Rs. 10.
Reduce provision for Clerks, Clerical Service,
from Rs. 10,252 to Rs. 9,184.
Reduce provision for Rent Allowance from
Rs. 1,495 to Rs. 1,441.
Reduce total provision under Personal Emolu-
ments for Southern Province from Rs. 64,411 to
Rs. 63,299.

Fiscal, E. P.

Under Batticaloa add the following new item
below Rent Allowance:—

"Coat allowance to 1 Process Server" Rs. 15.
Increase total provision under Personal Emolu-
ments for the Province from Rs. 25,710 to
Rs. 25,725.

Include Rs. 550 for an additional typewriter.

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-heads 2 to 10 were passed without
amendment.

Head 24, as amended, was passed.

Head 30, Financial Secretary.

The Hon. Mr. H. J. Huxham (Finan-
cial Secretary): I want to table the
amendments, a copy of which has been
placed before each member.

The Chairman: They cannot be tabled
in Committee. They must be tabled in
Council.

The Hon. Mr. Huxham: I will merely
move them when we come to the items.

The Chairman: Not in Committee.
The Committee will now report progress
and ask for leave to proceed.

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

The Council having resumed—

MR. SPEAKER took the Chair.

Committee report progress; to sit again.

The Hon. Mr. Huxham: I wish to table certain amendments under Head 32, Public Debt. A copy of the amendments has been circulated to Members.

Head 30, Financial Secretary.

Sub-heads 1 and 2 were passed without amendment.

Sub-head 3, Stationery, Office Furniture and Office Requisites, Rs. 390.

Amendment moved [*Financial Secretary*]:

Include Rs. 550 for an additional typewriter.

Amendment agreed to.

Sub-head 3, as amended, was passed.

Sub-head 4 was passed without amendment.

Head 30, as amended, was passed.

Head 31, Treasury.

Sub-head 1, Personal Emoluments, Rs. 385,563.

Amendment moved [*Financial Secretary*]:

(a) Include provision of Rs. 600 for a Clerk in Grade II. of the General Clerical Class.

(b) Under "Additional Staff for Emergency Services" include Rs. 600 against a new item "Overtime for a clerk for doing emergency work" and make consequential amendments.

(c) Include the following under "Additional Staff for Emergency Services":—

	Rs.
1 Defence Finance Officer (C.C.S.) Class II. Salary on scale £500—£400 and £50—£1,300	19,500
Rent allowance	1,560
1 Clerk, Class II. on scale Rs. 720—108—2,449	1,575
1 Clerk, Class III. on scale Rs. 600—42—1,398	768
Rent allowance	300
1 Peon temporary at 75 cents per diem	280

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-head 2, Travel and Conveying Treasury 7,000.

Amendment moved [*Financial Secretary*]:

Increase provision by a sum of Rs. 1,150.

Amendment agreed to.

Sub-head 2, as amended, was passed.

Sub-head 3, Stationery, Office Furniture and Office Requisites, Rs. 4,790.

Amendment moved [*Financial Secretary*]:

Include an additional sum of Rs. 1,750.

Amendment agreed to.

Sub-head 3, as amended, was passed.

Sub-head 4, Incidental Expenses, Rs. 1,750.

Amendment moved [*Financial Secretary*]:

Include an additional sum of Rs. 50, and a further sum of Rs. 300 for the construction of an incinerator and make consequential amendments.

Amendment agreed to.

Sub-head 4, as amended, was passed.

Head 31, as amended, was passed.

Head 32, Public Debt.

Sub-heads 1 to 8 were passed without amendment.

Sub-head 9, Home Defence Expenditure, Rs. 1,500,000—2½ per cent. Loan, 1945, Rs. 37,500.

Amendment moved [*Financial Secretary*]:

Delete Sub-head 9 and substitute the following therefor:

Home Defence Expenditure of 1942 and —2½ per cent. Cap. 289	Rs. 150,000
Loan, 1945	

Amendment agreed to.

Sub-head 9, as amended, was passed.

Sub-head 10, Home Defence Expenditure, Rs. 1,500,000—3 per cent. Loan, 1942—45,000.

Amendment moved [Financial Secretary]:

Delete Sub-head 10 and substitute the following therefor:

Home Defence Expenditure of 1942 and Rs. 2,500,000—3 per cent. Loan, 1949 Ordinance No. 2 of 1942 and Cap. 289 Rs. 57,500

Amendment agreed to.

Sub-head 10, as amended, was passed.

Sub-head 11, Home Defence Expenditure, Rs. 1,500,000—3¼ per cent. Loan, 1952, Rs. 48,750.

Amendment moved [Financial Secretary]:

Delete Sub-head 11 and substitute the following therefor:

Home Defence Expenditure of 1942 and Rs. 2,500,000—3¼ per cent. Loan, 1952 Ordinance No. 2 of 1942 and Cap. 289 Rs. 62,500

Amendment agreed to.

Sub-head 11, as amended, was passed.

Sub-head 12, Home Defence Expenditure, Rs. 500,000—3½ per cent. Loan 1962-67, Rs. 17,500.

Amendment moved [Financial Secretary]:

Delete Sub-head 12 and substitute the following therefor:

Home Defence Expenditure of 1942 and Rs. 8,000,000—3½ per cent. loan, 1962-67 Ordinance No. 2 of 1942 and Cap. 289 Rs. 230,000

Amendment agreed to.

Sub-head 12, as amended, was passed.

Sub-heads 13 to 17 were passed without amendment.

Sub-head 24, Expenses of Raising War Loan, Rs. 6,300.

*Mr. H. W. Amarasuriya (Galle): I would like to know how much has been raised.

The Hon. Mr. Huxham: Home Defence or War Loan? [A MEMBER: War Loan]. The total amount of War Loan raised is about Rs. 55,000,000.

Sub-head 24 was then passed without amendment.

Sub-head 25 was passed without amendment.

Head 32, as amended, was passed.

Head 33, Pensions.

Sub-head 1, Pensions, Gratuities, &c., Rs. 9,200,000.

Mr. G. A. H. Wille (Nominated Member): I wish to ask the Financial Secretary whether it is not proposed to grant pensioners some relief by way of a war allowance. During the last war pensioners received a war allowance, and now they feel the position very much, especially as—

The Hon. Mr. D. S. Senanayake (Acting Leader of the State Council): On a point of order. The hon. Member cannot propose an increase in expenditure.

The Chairman: He is not proposing an increase.

Mr. Wille: I am merely making a suggestion that pensioners who get less than Rs. 200 a month should be paid a war allowance. Pensioners during the last war received some relief. Widows, who receive pensions under the Widows' and Orphans' Pension Fund, are also clamouring that as the case of Government Servants has been considered, their case also should be similarly considered.

The Hon. Mr. Huxham: The matter has been carefully considered by the Board of Ministers which cannot see its way to grant any war allowances to pensioners at the present cost of living.

*Mr. S. Natesan (Kankasanturai): The Executive Committee of Education passed some amendments to the pension rules relating to teachers about six years ago, and those amendments were passed on to the Financial Secretary to be incorporated in the Amending Bill to be brought before the House. There has been inordinate delay in the matter of bringing the Bill before the House. I drew attention to the matter last year, and I was promised that something would be done early. A year has lapsed, and I have to bring up the same question again. The Financial Secretary might—

The Hon. Mr. Huxham: I think it would be extraordinarily difficult to trace something which is supposed to have happened six years ago. I wonder whether the hon. Member would give me the particulars, when I will certainly have the matter looked into.

***Mr. Natesan:** Does he want it done now? [A MEMBER: Later.] If he would give me an undertaking to have the matter brought before the House, I shall make representations.

The Chairman: Yes, the hon. Member might make his representations to the Financial Secretary.

Sub-head 1 was then passed without amendment.

Sub-head 2 was passed without amendment.

Sub-head 3, Pensions and Gratuities on Premature Retirement, Rs. 2,200,000.

***Mr. H. W. Amarasuriya:** I would like to know how many retirements have taken place during the current financial year.

The Hon. Mr. Huxham: How many altogether?

***Mr. H. W. Amarasuriya:** During the current financial year.

The Hon. Mr. Huxham: I am afraid I must have notice of that question.

Sub-head 3 was then passed without amendment.

Sub-heads 4 to 16 were passed without amendment.

Head 33 was passed without amendment.

Head 34, Widow and Orphans' Pensions Office.

Sub-heads 1 to 3 were passed without amendment.

Head 34 was passed without amendment.

Head 35, Exchange.

Sub-head 1 was passed without amendment.

Head 35 was passed without amendment.

Head 36, Current Allowances.

Sub-head 1, Personal Emoluments, Rs. 66,813.

Amendment moved [*Financial Secretary*]:

In the inner column for Class II., 1 at Rs. 900—120—2,820 substitute Class II., 2 at Rs. 900—120—2,820. For Class II., 2 at Rs. 720—108—2,448 substitute Class II., 1 at Rs. 720—108—2,448. For provision Rs. 10,087 substitute Rs. 10,586. For Rent Allowance Rs. 6,313 substitute Rs. 6,639.

Under "Additional Staff for Emergency Services" include provision for 2 Chief Assistant Shroffs on scale Rs. 1,500—60—3,100 provision Rs. 3,030.

Amendment agreed to.

Sub-head 1, as amended, was passed.

Head 36, as amended, was passed.

Head 37, Loan Board.

Sub-heads 1 to 3 were passed without amendment.

Head 37 was passed without amendment.

Head 38.—Government Stores.

Sub-head 1, Personal Emoluments, Rs. 222,207.

Amendment moved [*Financial Secretary*]:

Delete salary and provision of Government Storekeeper, Assistant Government Storekeeper, and Second Assistant Government Storekeeper and substitute the following:

	Scale.	Provision.
1 Government Storekeeper	.. £960	.. Rs. 14,400
1 Deputy Government Storekeeper	.. £800	.. Rs. 12,000
(a) 5 Assistant Government Storekeepers:		
1 on £400—25—550		
4 on Rs. 3,200—250—300—6,000		.. Rs. 23,000

(a) 3 for General Stores and 2 for Railway Stores.

Include provision (Rs. 600) for an additional Wharf Clerk.

Include provision the following under "Additional Staff for Emergency Services" :—

		Scale.	Provision.
		Rs. c.	Rs.
8 Temp	clerks	1 70 per diem	4,080
3	labourers	0 95 " " "	855
(a) 4	watchers	0 95 " " "	1,387
2	Cycle orderlies	0 95 " " "	570
1	Latrine labourer	0 90 " " "	270

(a) Includes 2 watchers for the barricades at Welisara.

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-head 2, Travelling, Rs. 1,380.

Amendment moved [*Financial Secretary*]:

Include an additional sum of Rs. 120 and a further sum of Rs. 285 for payment of commuted travelling allowance to the Magazine Keeper up to March, 1943.

Amendment agreed to.

Sub-head 2, as amended, was passed.

Sub-heads 3 to 9 were passed without amendment.

Head 38, as amended, was passed.

Head 39, Government Press.

Sub-head 1, Personal Emoluments, Rs. 449,856.

***Mr. H. W. Amarasuriya:** I would like to draw the attention of the Financial Secretary to the case of the Clerks employed in the Government Press. This question was taken up last year by the then Member for Colombo Central, and the Financial Secretary—

The Chairman: The sitting is suspended till 4.30 P.M.

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

***Mr. H. W. Amarasuriya:** Sir, when we adjourned for tea, I was speaking about the Clerks in the Government Press. Their case deserves special consideration. I believe that on a previous occasion the Hon. the Financial Secretary gave an undertaking in this House to the effect that their case would be considered. I believe the Government Press is a closed service. There are thirty-two Clerks in the service, and their emoluments have not been improved; although there has been an improvement

in the case of the General Clerical Service, no corresponding increase has been granted to them. I think their case is very much stronger, because the Government Press is a closed department.

In the Government Press there are a good many employees like Foremen, Proof Readers and mechanics who draw much more than its clerical staff. I would request the Hon. the Financial Secretary to review the case of the Clerks sympathetically and grant them relief at a very early date.

The Hon. Mr. Huxham: Sir, I have reviewed the position of the Government Press Clerical Service, and I am satisfied that they cannot fairly be treated on a par with the General Clerical Service. The Clerks in question are not required to pass any open competitive examination and they are not required to possess any particular educational qualification. Most of them came in on daily pay as Clerks or Apprentices, and in course of time worked themselves into this permanent clerical service.

I find that in the report of the Select Committee of this House on the Report of the Retrenchment Commission, the junior grade of these Clerks is rated with assistant clerks on the scale which appears in the Estimates. The Select Committee of this House considered that the present scale was adequate, and that they were not to be treated on a par with Class III. of the General Clerical Service.

***Mr. H. W. Amarasuriya:** Sir, these Clerks deserve special consideration. They are working in a closed department, and a good many of them have been employed for a number of years. I also understand that these Clerks are not entitled to overtime.

The Select Committee which reported on this matter recommended a scale of Rs. 480—1,200. In the case of the General Clerical Service, Class III., I believe the maximum goes up to Rs. 1,800; I think it is Rs. 600—Rs. 1,800. The Hon. the Financial Secretary should take a more sympathetic view of the case of the Government Press Clerks. I believe, on the last occasion, he gave an undertaking that he would come to this House for a supplementary vote to improve their salaries. I trust that the Treasury will place before this House a Supplementary Estimate for assigning improved salary scales to the Government Press Clerical Service at a very early date.

That was the undertaking the Hon. the Financial Secretary gave on the last occasion, and I see no reason why he should not honour that undertaking, because in the case of a good many of these clerks, if they are transferred to the General Clerical Service, they would perform their duties as efficiently as the members of the General Clerical Service itself. As I have already pointed out, this is a closed department; and these Clerks are not entitled to overtime. Besides, in the Press itself, there are others who are drawing very much better emoluments although the cost of living of these Clerks is very much higher than that of other grades of the subordinate staff of the Government Press.

***Mr. B. H. Aluwihare (Matale):** I would like to bring one matter to the notice of the Hon. the Financial Secretary. I do not think the Clerical Service salaries are actually fixed on the recommendations of the Select Committee. I believe, what has been followed is the recommendation of the Wedderburn Committee. So, if you follow the Wedderburn Committee for the one, why do you not follow the Wedderburn Committee for the other?

The Hon. Mr. Huxham: Because it did not deal with them. We do not follow that Committee as regards the Clerical Service of the Government Press because the Wedderburn Committee expressly stated that it was not dealing with the other clerical services but only with the General Clerical Service.

The point of the Hon. Member for Matale regarding the failure of Government to follow the recommendations of the Select Committee in the matter of the General Clerical Service does not apply in this case because in the report of that Select Committee, which I have before me, they recommend for Class III. a scale of Rs. 600—1,800. I think the only difference between that scale and the present one is a matter of increments and efficiency bars. I am for these Clerks in the Government Press the Select Committee recommends a scale of Rs. 480—1,200. So, as regards the minimum at any rate, the scale now in the Estimates follows the recommendation of the Select Committee.

Moreover, the Select Committee recommends that there should be a class of assistant clerks in the General Clerical Service drawing from Rs. 480—1,200—the scale now paid to the Government Press Clerks—and the chief difference between Assistant Clerks and others is to consist, firstly, in lower qualifications, and, secondly, in non-liability to removal. Both those considerations apply in the case of the Government Press Clerks.

As regards qualifications, I am told that many of them have nothing beyond a pass in the Standard VII. in English, and I do not see what claim those Clerks have to be put on a par with Clerks of the General Clerical Service, most of whom have passed the Matriculation if not higher examinations. As regards particularly able Clerks among them, I would point out that there are three Classes, and the maximum of Class I. goes up to Rs. 3,000, which I think is quite a good salary for a Clerk who enters the service not by competitive examination and without stipulations as to minimum educational qualifications.

***Mr. Aluwihare:** Sir, on another point in regard to the Government Press, I would like to know why the Government Press has ceased to issue the Sinhalese translation of the Penal Code. As a matter of fact, there are no vernacular translations—translations into Sinhalese or Tamil—of most of these Ordinances; and yet most of the people who are prosecuted are people who speak either Sinhalese or Tamil and no English at all. In the old days, the Government Press

[Mr. Aluwihare] did issue translations of these Ordinances, and particularly the translation of the Penal Code. I do not see why that is not done by the Government Press now.

The Hon. Mr. Huxham: The Government Press merely prints and issues at the request of various Departments of the Officers of State and the Ministers. I think I must ask the Hon. The Legal Secretary to consider whether the publications which the hon. Member mentions are necessary, and if so, to address me or the Government Printer with a view to reprinting these publications. I could not undertake to do so on my own.

***Mr. Aluwihare:** May I ask the Hon. the Legal Secretary why he has not made that demand from the Printer?

The Hon. Mr. J. H. B. Nihill (Legal Secretary): Why I have not made the demand?

***Mr. Aluwihare:** Yes, Sir—because the issue of the Penal Code and the various Ordinances in the vernaculars is essential. The Financial Secretary's grievance is that no order was received from the Legal Secretary. May I know why?

The Hon. Mr. Nihill: In the first place, I am not aware of the existence of the demand. That I will certainly address my mind to.

***Mr. Aluwihare:** Thank you.

Mr. Wille: The hon. Member might explain what purpose it will serve. For instance, take the English Penal Code: is there a copy in the house of anybody excepting a lawyer or a Judge? Who among the general public reads it?

***Mr. Aluwihare:** Simply because the English-speaking people are unintelligent, it does not mean that Sinhalese and Tamil-speaking people must follow suit.

Mr. Wille: I meant it seriously. I want the hon. Member to explain the purpose it will serve. I cannot understand it.

***Mr. Susanta de Fonseka (Panadure):** May I ask the Financial Secretary whether it is possible to issue to Members of this House copies of the revised edition of the Manual of Procedure and also the consolidated reprint of Defence (Miscellaneous) Regulations which was published very recently? Both documents are very useful to Members of this House, and I hope it will be possible to have those volumes issued to them.

The Hon. Mr. Huxham: I shall look into the matter, Sir.

***Dr. A. P. de Zoysa (Colombo South):** Sir, may I know whether the workmen in the Government Press are given all the concessions that workmen in other Departments enjoy? I am told that they do not get Railway Warrants and certain other concessions. Sometimes they have to work longer hours without extra remuneration. I would like to know whether the conditions of work are the same as in other Departments.

The Hon. Mr. Huxham: Sir, the workmen in the Government Press get the same concessions as other Government Servants of equal status.

***Dr. de Zoysa:** Are they given permission to contribute to the Widows' and Orphans' Pension Fund? And are they given concession tickets and Holiday Warrants?

The Hon. Mr. Huxham: Sir, no workman in the Government Press would be entitled to be a member of the Widows' and Orphans' Pension Fund, because that Fund or Scheme is restricted to pensionable officers, and workmen in the ordinary sense of the word are not pensionable officers.

Similar considerations would apply in the case of Holiday Warrants. They are not, as far as I am aware, issued to workmen in the ordinary sense of that term.

***Mr. S. Samarakkody (Narammala):** Some of these Linotype Operators, it is complained, sometimes suffer from lead poisoning as a result of the type of work they do. I wish to know whether in view of the dangerous occupation in

which they are engaged, any special allowance is paid to them on retirement, not only where there have been actual cases of lead poisoning but generally where people are occupied in so hazardous an occupation.

The Hon. Mr. Huxham: It seems to me rather an extraordinary proposition that a man who has worked in the Printing Office and whose health has not suffered should be given an additional pension. I do not see why that should be. If a workman or pensionable officer retires, and it is shown that his health has suffered from lead poisoning, he is given an additional pension.

***Mr. Samarakkody:** I know a particular case. A man retired quite a long time ago from the Government Press. He was asked to go before a Medical Board and the Board was of opinion that he should stand an operation, and reported to Government that if he stood an operation he would be fit for service. But the man did not like the idea of an operation. However, as Government insisted that he must, he underwent an operation, and about a month after that another Medical Board reported that he was not fit for further service. He was given only a paltry allowance which he has been drawing for some twelve years now. All his long service is disregarded and he is not entitled to a gratuity or anything like that. So, Sir, there are cases where special consideration must be shown.

***Mr. Aluwihare:** Sir, on this question of pensions, the Hon. the Financial Secretary put forward a scheme some time ago—I believe it was incorporated in that Select Committee Report—to cover people in Government Service who were not pensionable. Now, there was this question about these people in the Press. I wonder whether anything has been done for the execution of that scheme. How do matters stand?

The Hon. Mr. Huxham: Sir, the report of the Select Committee of which the hon. Member for Matale (Mr. Aluwihare) was Chairman has been under consideration in the Treasury and by the Board of Ministers for a year and a

half, and the Treasury has just succeeded in complying with the directions of the Board of Ministers regarding the salaries part of it; and even to reach that stage has meant tremendous overwork in the Treasury. The Establishments Section of the Treasury are now addressing themselves to the recommendations of the Select Committee other than salaries, and I trust that they would be dealt with as speedily as the present circumstances permit.

***Mr. Aluwihare:** But what I am saying is that these officers who are not pensionable have nothing to fall back on unless the scheme of the Financial Secretary is adopted. Actually, the scheme was one which the Financial Secretary recommended to the Committee; and the Committee having had the decency to adopt it, the Financial Secretary should have the decency to execute it.

Sub-head 1 was then passed without amendment.

Sub-head 2, Stationery, Office Furniture, and Office Requisites, Rs. 240.

Amendment moved [*Financial Secretary*]:

Increase provision to Rs. 995.

Amendment agreed to.

Sub-head 2, as amended, was passed.

Sub-head 3, Water Supply, Rs. 2,000

Amendment moved [*Financial Secretary*]:

Increase provision to Rs. 2,240.

Amendment agreed to.

Sub-head 3, as amended, was passed.

Sub-head 4, Labour, Rs. 60,250.

Amendment moved [*Financial Secretary*]:

Increase provision to Rs. 82,650.

Amendment agreed to.

Sub-head 4, as amended, was passed.

* Sub-heads 5 and 6 were passed without amendment.

Sub-head 7, *Incidental Expenses* Rs. 700.

Amendment moved [*Financial Secretary*]:

Increase provision to Rs. 4,390.

Amendment agreed to.

Sub-head 7, as amended, was passed.

Sub-head 8 was passed without amendment.

New Sub-head 9, *Lease of Machinery, Types and Presses of Buildings for Branch Government Press*, Rs. 14,400.

Amendment moved [*Financial Secretary*]:

Insert the following new Sub-head:

Sub-head 9.—Lease of Machinery, types, and rent of Buildings for Branch Government Press, Rs. 14,400."

New Sub-head 9 was passed.

Head 39, as amended, was passed.

Head 40, Department of Income Tax, Estate Duty and Stamps.

Sub-head 1, *Personal Emoluments*, Rs. 422,907.

***Mr. Aluwihare:** Cannot the Financial Secretary make a rule to the effect that Income Tax Assessors should accept your return if you swear that it is the word of a gentleman?

The Hon. Mr. Huxham: I think, Sir, that that might cost a few million rupees to revenue.

Sub-head 1 was then passed without amendment.

Sub-heads 2 to 7 were passed without amendment.

Head 40 was passed without amendment.

Head 41, Customs.

Sub-head 1, *Personal Emoluments*, Rs. 772,893.

***Mr. Aluwihare:** Can the Financial Secretary tell us now about the organiza-

tion of affairs in the Harbour? There is the Port Controller; there is the Principal Collector of Customs, and there is someone else. Can he please tell us how the Port is organized now?

The Hon. Mr. Huxham: I am glad to say that at the present time there are no dual functions. The Customs has been entirely separated from the Port Commission, and I am only concerned this time with the Principal Collector of Customs and the Customs staff. That staff deals with purely Customs matters, including, of course, warehouses, which are Customs warehouses, and has nothing to do with the Port as such.

The Chairman: The hon. Member should address that question to the Hon. Minister of Communications and Works.

***Mr. Aluwihare:** The Financial Secretary knows everything.

Then there is the Port Controller.

The Hon. Mr. Huxham: He is not under me.

***Mr. Aluwihare:** And there is the Principal Collector of Customs. What are the other Departments that have been split up?

The Hon. Mr. Huxham: The Minister of Communications and Works has under him the Chairman of the Port Commission, the Port Controller, the Harbour Engineer and the Master Attendant.

***Mr. Aluwihare:** Are they all Departments?

The Hon. Mr. Huxham: No. I think the organization is as follows. The Chairman, Port Commission, is at the top. As far as I am aware, the work under him is divided into three main sections: the Harbour Engineer is concerned with the engineering side of the Harbour; the Master Attendant is concerned with the Pilots and moving and berthings of ships; and the Port Controller's business is to see that the loading and unloading of ships proceeds properly.

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Sub-head 1 was then passed without amendment.

Sub-head 2, Travelling, Rs. 16,500.

Amendment moved [*Financial Secretary*]:

Increase provision by a sum of Rs. 200.

Amendment agreed to.

Sub-head 2, as amended, was passed.

Sub-heads 3 to 5 were passed without amendment.

Sub-head 6, Maintenance of Launches, Rs. 9,050.

Amendment moved [*Financial Secretary*]:

Increase provision to Rs. 14,800.

Amendment agreed to.

Sub-head 6, as amended, was passed.

Sub-heads 7 and 8 were passed without amendment.

Head 41, as amended, was passed.

Head 42, Miscellaneous Services.

Sub-head 1, Travelling Expenses of Public Officers on Transfer for Attending Examinations, &c., Rs. 40,000.

Amendment moved [*Financial Secretary*]:

Increase provision by a sum of Rs. 4,000.

Amendment agreed to.

Sub-head 1, as amended, was passed.

Sub-head 2 was passed without amendment.

Sub-head 3, Holiday Warrants, Rs. 150,000.

Amendment moved [*Financial Secretary*]:

Increase provision by Rs. 150,000.

Amendment agreed to.

Sub-head 3, as amended, was passed.

Sub-head 4, Electric Current to Government Departments, &c., Rs. 580, 205.

Amendment moved [*Financial Secretary*]:

(1) Increase apportionment 23, Police, by a further sum of Rs. 1,260 to provide for Port Security Section of the Police.

(2) Increase provision for apportionment 30, Forest Department, by Rs. 480 to Rs. 1,000.

(3) Delete provision under apportionment 41, Medical College, and 48, University College.

(4) Apportionment of Education. Substitute Rs. 4,980 for Rs. 10,200. Add Additional Apportionment, Ceylon Technical College, Rs. 5,220.

(5) Include new apportionment, Director of Transport, Rs. 300.

(6) Include new apportionment, Rs. 70, under Engineering Production Department.

(7) Include Rs. 400 under new apportionment, Secretary to the Minister of Communications and Works.

(8) Make any further alterations under this Sub-head which may be necessary in apportionments or in the total as a result of inclusion of provision for any new department in the Estimates.

Amendment agreed to.

Sub-head 4, as amended, was passed.

Sub-heads 5 to 7 were passed without amendment.

Sub-head 8, War Allowance, Rs. 7,250,000.

***Mr. S. Abeywickrama (Udugama):**

I should like to know from the Financial Secretary why officers working in certain Departments do not get the war allowance. Explaining the position on a previous occasion, he said that those Departments were only given grants by Government. For instance, Clerks employed by Chief Headmen are paid their salaries from the grants at the disposal of Government Agents, but those Clerks do not get the war allowance. The explanation of the Financial Secretary is that those grants have not been increased to permit of the payment of war allowance to these Clerks. It was the duty of the Financial Secretary to have brought into the scheme all persons who are making a living by serving Government, whether they are paid direct from revenue or from grants made to Government Agents. I want to know from the Financial Secretary why he has not remedied that state of affairs. Even a grant made is Government money. What is the use of the Financial Secretary trying to camouflage the issue?

The Hon. Mr. Huxham: The war allowance vote is used to pay war allowances to Government Servants. The Clerks employed by the Chief Headmen are not Government Servants. I do not

[The Hon. Mr. Huxham.]
 think the hon. Member could seriously expect me to take any initiative in the matter of the payment of war allowances to the Clerks under Chief Headmen by going round from man to man and asking all of them whether they would like to have some extra money to enable them to pay the war allowance to their Clerks.

***Mr. Abeywickrama:** The Chief Headmen do not pay their Clerks out of their own money out of money allocated for the purpose of the Government. Is that correct?

The Hon. Mr. Huxham: That is correct.

***Mr. Abeywickrama:** Then, it is correct to assume that those Clerks are Government Servants, because they are paid from Government funds. The Financial Secretary should increase the grants made to Government Agents in respect of the salaries of Clerks employed by Chief Headmen to permit of the payment of this allowance. I blame the Financial Secretary for not taking steps in the matter. Even now it is not too late to remedy that defect.

The Hon. Mr. Huxham: The hon. Member is aware, I think, that the matter is being remedied because from next year these Clerks are to be Government Servants and they would then receive the war allowance.

Sub-head 8 was then passed without amendment.

*Sub-head 9, Loss of Stores at Sea,
 Rs. 2,000,000.*

***Mr. Aluwihare:** I should like to inquire whether the figures to date indicate that it is more profitable for us to carry the loss ourselves than insure the stores? I believe the Financial Secretary told us some time ago that at that time it was more profitable to carry our own losses. What is the position now?

The Hon. Mr. Huxham: There is no question that if we have average losses or if luck is on our side—however one may put it—it will be more profitable for Government to carry its own risks; as I explained to the House when the matter was discussed previously, we had very bad luck in that several losses occurred

immediately after Government had decided to carry its own risks, which put the accounts on the wrong side at the very commencement. It was about square at the time of the raid in April, and I should say that a fortnight ago we were well over Rs. 1,000,000 on the right side. Unfortunately, since then we have had heavy losses, and I cannot say whether we are not Rs. 1,000,000 on the wrong side at the moment.

This is an account which must vary very largely from month to month and from week to week. But in view of the fact that Government is likely to import during the coming 12 months goods worth at least Rs. 120,000,000, the insurance premia payable would be about Rs. 7,000,000; and I think it is good business for Government to carry its own risks. The sum of Rs. 2,000,000, the estimate of the loss that may occur during the next 12 months, is a very modest amount in view of the fact that if we insure the goods the figure by way of premia would be about Rs. 7,000,000. Unless we are very lucky, I shall have to come to the House for supplementary provision; but unless we have very bad luck indeed the losses will not amount to the premia which we should otherwise have to pay.

***Mr. H. W. Amarasuriya:** The Hon. the Financial Secretary mentioned the figures Rs. 120,000,000. Does that include the value of foodstuffs Government imports?

The Hon. Mr. Huxham: Yes, Sir.

Sub-head 9 was then passed without amendment.

Sub-heads 10 to 12 were passed without amendments.

*New Sub-head 13, Allowances to Dependents of Government Servants and Government Pensioners in Territories Occupied by the Enemy,
 Rs. 15,000.*

Amendment moved [*Financial Secretary*]:

Insert the following new Sub-head:

13. Allowances to Dependents of Government Servants and Government Pensioners in territories occupied by the enemy.

New Sub-head 13 was passed.

Head 42, as amended, was passed.

**Head 43, Emergency Expenditure,
Rs. 1,000,000.**

***Mr. Aluwihare:** What has been the expenditure to date out of the money voted last year?

The Hon. Mr. Huxham: The sums paid out up to the end of July amounted, if I remember correctly, to about Rs. 8,000,000.

***Mr. H. W. Amarasuriya:** Rs. 16,500,000.

The Hon. Mr. Huxham: I think actual payments were in the neighbourhood of Rs. 8,000,000, but the liabilities amount to a further Rs. 5,000,000. The total payments, plus liabilities to the end of July, are about Rs. 13,000,000.

***Mr. Aluwihare:** Then, why did you put the liabilities for next year at Rs. 1,000,000?

The Hon. Mr. Huxham: Nearly all the matters dealt with under the block vote this year are now included under the separate Heads in the Estimates. We are asking Council to provide this sum of Rs. 1,000,000 only for urgent matters which may arise during the coming year.

***Mr. H. W. Amarasuriya:** But the statement of the Financial Secretary shows that the allocations come to Rs. 17,000,000.

The Hon. Mr. G. E. de Silva (Minister of Health): Those are allocations.

The Hon. Mr. Senanayake: Minus 25 per cent.

Head 43 was then passed without amendment.

**Head 44, Port Requisitioning Agent
(Emergency Department).**

*Sub-head 1, Personal Emoluments,
Rs. 21,173.*

***Mr. Aluwihare:** There is a Port Requisitioning Agent as well. I do not think the Financial Secretary mentioned him in his explanation made a while ago under another Head.

The Hon. Mr. Huxham: The officer had the duty, first, of dealing with the cargoes which were diverted to Colombo from ports further eastward which fell into enemy hands, and as a result of his activities the Island has been supplied with very valuable stores of all kinds of which we were in great need. His present duty is to see the manifests of all ships which arrive, and if a particular kind of goods is vitally necessary to this Government or to one of the Services, he has to take steps to see that the goods are diverted from the original consignee and come to the Government or the Service in question. In doing that he is controlled by a representative Committee.

His further duty, which is a very heavy one, is to deal with the claims of private parties in respect of all goods which have been requisitioned in the Harbour area since the commencement of the war. I do not know what the total of these claims are, but they are very large, and he has to carry on, on our behalf, the argument with the claimants for payment of claims which are often very elaborate and contentious, and do the best he can for us. I am confident that he is a very able officer and that he will save us a great deal of money.

***Mr. Aluwihare:** Does this officer come out of the cadre of our Civil Service, or is he another Malayan expert?

The Hon. Mr. Huxham: No, Sir. I moved a March Resolution, which this House approved, for the appointment of this officer. He was employed in a business concern in Colombo and was a member of the Ceylon Defence Force, when he was released from that Force with a view to taking up this appointment.

Sub-head 1 was then passed without amendment.

Sub-head 2, Travelling, Rs. 920.

Amendment moved [*Financial Secretary*]:

Increase provision by a sum of Rs. 131.

Amendment agreed to.

Sub-head 2, as amended, was passed.

Sub-heads 3 to 6 were passed without amendment.

Head 44, as amended, was passed.

Head 48, Ministry of Home Affairs.

Sub-head 1, Penalties and Emoluments, Rs.

***Mr. Aluwihare:** I want to raise this question of the handcuffing of prisoners. Handcuffing, Sir, can be very offensive and is unnecessary. The other day it was reported in the Press that the Mayor of Galle—

The Hon. Mr. G. E. de Silva: Ex-Mayor.

***Mr. Aluwihare:**—the ex-Mayor was brought handcuffed from the jail to the Courts.

***Mr. Abeyrakrama:** From Kandy to Galle, and from the Galle Station to the Court.

***Mr. Aluwihare:** Yes. There seems to be no limit to the stupidity of officers. The ex-Mayor of Galle simply would not run away if he could and he could not if he would—

The Hon. Mr. G. E. de Silva: Not even if he is asked to.

***Mr. Aluwihare:**—especially a man of that type. He has been imprisoned purely for a political offence. You do not want to go on insulting him.

I know, the Hon. Minister of Home Affairs is a little sensitive about these things. I do not know whose business it is, whether it is the Hon. the Legal Secretary's or the Home Minister's. Surely, some instructions must issue in this connexion

The Hon. Mr. A. Mahadeva (Acting Minister of Home Affairs): This matter was discussed in our Ministry at the instance of the permanent Minister, who felt definitely that handcuffing was not proper in these instances. But, unfortunately, the law as it stood prevented him from taking any action at the moment. In view of the regulations framed under the Prisons Ordinance, it is compulsory on the Inspector-General of Prisons to handcuff prisoners.

The Hon. Mr. G. E. de Silva: Compulsory?

The Hon. Mr. Mahadeva: Yes.

And we, in Committee, decided that that regulation ought to be altered in order to bring it into line with the main Ordinance itself which gives a discretion to the Inspector-General, whether a person should or should not be handcuffed when he is being removed. I believe the matter has been referred to the Legal Draftsman for drafting the necessary regulations. I must confess that every Member of our Committee is very annoyed that such a state of things should exist, and we have taken action at the earliest opportunity.

***Mr. Susanta de Fonseka:** I want to ask a question of the Hon. Minister. You will remember that some months ago it was reported in the papers that a man who had been brought under arrest to the Matara Police Station was removed in a very bad condition from there to the hospital where he was found to be dead.

The facts were I think, these. A man was arrested two miles away from the Police Station. He walked to the Police Station in the company of the Sub-Inspector, two Constables, and his son. His son was not allowed to enter the Police Station premises. A little later the son heard some loud cries of agony from his father, and wanted to enter the Police Station. All these are facts, and these facts transpired in Court. The son was not allowed to enter the Police Station. [Interruption.]. Is the matter still *sub judice*?

The Hon. Mr. Nihill: No, not at all.

***Mr. Susanta de Fonseka:** The son heard shouts a second time and wanted to enter the Police Station, but he was refused admittance. Shortly after that he saw his father being carried into a motor car, and removed to the hospital. It was revealed that before he was taken to the hospital he was found to be dead. The following day a post mortem examination was ordered and it was found that five of this man's ribs were broken and that the breast bone had pierced the heart.

For a long time the Police were unable to account for the way in which this man came by these injuries in the Police Station. The Police Magistrate passed very severe strictures on the Police. I believe mass meetings were held at

Matara and that several representations were made to the Home Minister. An inquiry of some sort was held ultimately and action was filed against the Sub-Inspector and two Constables.

At the time this man entered the Police Station, I believe there were four senior officers present, all of whom expressed total ignorance when questioned about the matter. They said that the man was not assaulted; that he entered the Police Station and fell down and was thereafter removed to the hospital. But the Doctors definitely held that the man could not have come by those injuries except as a result of a direct assault. I believe that later the Assistant Government Agent, Matara, in writing up his diary, strongly condemned the action of the Police and said that to his knowledge the people of Matara had lost all confidence in the Police. Up to now a public inquiry has been demanded. The facts have not as yet been ascertained.

I forgot to mention that the Sub-Inspector and the two Constables were prosecuted and later discharged for want of evidence.

The Hon. Mr. C. W. W. Kannangara (Minister of Education): The Sub-Inspector proved an *alibi*.

***Mr. Susanta de Fonseka:** Yes, Sir. The accused were acquitted. But the Police Magistrate stated that he was convinced that the Police were suppressing evidence. I want to know what action has been taken by the Hon. Minister of Home Affairs to investigate this matter, to find out how this man came to be assaulted, and how it was that evidence was not forthcoming, especially when the incident took place at a time when three or four senior officers were in the Police Station.

The Hon. Mr. Mahadeva (Acting Minister of Home Affairs): I am aware, Sir, of the great uneasiness that has been caused in the public mind by the instance which has been just related by the hon. Member for Panadura (Mr. Susanta de Fonseka). It is true that the Police charged the Inspector of Police and a Police Constable in the Magistrate's Court on the evidence that was led before them. The Magistrate, I think, dis-

believed the evidence and discharged the accused.

But that was not satisfactory enough from the public point of view, as explained by the hon. Member. A man was assaulted in the Police premises, and in consequence of injuries received he died, and in order to find out the actual circumstances relating to this incident His Excellency the Governor is prepared to appoint a Commission to go into all the facts of the case. The papers are now with me, and under the terms of reference of the Commission remain to be drafted.

***Mr. Aluwihare:** I want to bring another matter to the notice of the Hon. Acting Minister. At the Balapitiya by-election—I saw the reply myself—the hon. Member for Balapitiya (Mr. Kularatne)—

The Hon. Mr. Senanayake: He was the candidate for the Balapitiya seat.

***Mr. Aluwihare:** Now Member; then candidate. Some people attempted to assault him and the hon. Member for Gampola (Mr. R. S. S. Gunawardana) was also in the car at the time. [A MEMBER: That may be the reason]. Sir, he complained to the Police. What did the Police write and tell him? They said, "Will you point out the assailants, and we will prosecute. Unless you point them out, we can do nothing".

Well, the Police are there to make investigations and find out things. If someone comes and stabs me from behind, surely it is no answer for the Police to tell me, "You identify the assailant". Suppose it was a murder on a lonely road. When the man is murdered, the Police will stand by the body and say, "On resurrection day, when you identify your assailant, we will act".

The point here is, that it looks very much as though in that case the Police simply did not want to do anything, that they did not care anything about it.

The Hon. Mr. G. E. de Silva: They took the other side.

***Mr. Aluwihare:** I would like to know from the Hon. Acting Minister of Home

[Mr. Aluwihare
 Affairs—[*Interrupt* he has
 finished his couve what steps he
 has taken in this I do not know
 whether the hon. Member for Balapitiya
 (Mr. Kularatne) has brought this matter
 to his notice, but I know that he has
 complained of it to the Inspector-General
 of the Police. I should like to know what
 the Acting Minister is doing about it.

The Hon. Mahadeva: I shall make
 inquiries. We have not had official
 intimation as fact before.

The Hon. G. E. de Silva: I would
 like to say that there are some things
 which have to be done by the Police with
 regard to the proper administration of
 justice in this country, especially in
 murder cases. From my long experience
 I can say that in most cases, where the
 Police are accused, they simply charge
 an innocent man and fabricate evidence.
 When such a case goes before a Magis-
 trate, the Magistrate holds that the case
 is false and discharges the man.

The Hon. Mr. Senanayake: This is a
 Minister!

The Hon. Mr. G. E. de Silva:
 Whether I am a Minister or not, it does
 not matter. I want justice done. As
 long as I am a citizen, I do not care
 whether I am a Minister or not; I will
 not tolerate these things as I know that
 they are happening now. I want the
 Hon. Minister to take notice of cases
 like the one mentioned.

When there is a charge of murder, and
 especially when the Police are accused
 of doing various things, a Crown Counsel
 must be sent to prosecute. These things
 must be taken into account. The Police
 themselves ought not to be allowed to
 prosecute, as that will not satisfy the
 people. They say that the Police are
 suppressing evidence and that we are
 not taking any steps to remedy matters.
 I am, therefore, asking the Hon. Acting
 Minister to consider the question that
 when such cases occur there must be an
 independent, impartial person to prose-
 cute. That person can sift the evidence,
 and if he feels that sufficient evidence
 has not been obtained, he can call in any
 person he wants and not allow evidence

to be suppressed. I want that to be
 borne in mind because I feel very bitterly
 about this matter. I know what is
 happening in various parts of the country.
 Sometimes murderers have got off.
 That is why I want an intelligent person
 to prosecute, a person who is not in-
 terested in Police matters.

Another matter I wish to refer to is
 with regard to elections. During elec-
 tions the Police take sides. I do not
 wish to go into particular cases, but I
 must say that I have appealed to the
 permanent Minister of Home Affairs
 regarding this matter. During a time
 of election, when we know that some of
 the Police in that area are taking sides,
 the only thing we can do is to take those
 people away and put some others there
 in their place, so that the Police may not
 encourage hoodiganism. They take sides
 and do all the damage possible. Such
 things can be avoided.

Take the case of Balapitiya. There
 are a number of Police Stations in that
 area and the Police take either the one
 side or the other, according to their
 whims and fancies, and inducements are
 offered to them. We know that these
 things are happening; and is it not our
 duty to see that matters are remedied so
 that the good government of the country
 can be carried on even during election
 time? I am making these suggestions
 because I do not want this Government
 to be accused of indifference. There-
 fore, I would appeal to the Hon.
 Minister to remedy these matters; but
 if you simply sit down and do nothing
 to remedy these defects, things will go
 from bad to worse. We are responsible
 for the Government of this country, and
 I want the Hon. Acting Minister to con-
 sider these proposals so that when such
 incidents occur we can do the right thing.

***Mr. D. M. Rajapaksa (Hambantota):**
 I want to make a few comments under
 this Head. I can add to the list of
 assaults on poor, innocent people by the
 Police, referred to by the hon. Member
 for Panadure (Mr. Susanta de Fonseka).
 In my district, at Belliatte, in October
 a man was battered to death by the
 Police. I made representations to the
 Minister of Home Affairs immediately.
 I came to Colombo and interviewed him.

but we cannot get anything done by the permanent Minister of Home Affairs. In that case, immediately the man was assaulted at Beliatta junction, I saw the Superintendent of Police and asked him to go there at once and make inquiries and get evidence. I said, "If you people act promptly we will have no cause to criticize you". But the present Superintendent of Police at Tangalla took practically no notice of my representations.

The Hon. Mr. G. E. de Silva: A Member's representations!

***Mr. Rajapaksa:** Recently, Sir, there was another assault committed on some people of Tangalla. I made representations to the Minister of Home Affairs. Well, my representations were sent down to that very Superintendent of Police for inquiry. The petitioners made allegations against the Superintendent of Police, and the Minister of Home Affairs sends the petition to be inquired into by the same Superintendent of Police with whose report, perhaps, the Minister of Home Affairs is pleased.

Just before the Minister of Home Affairs left the Island, one day he came up to me in the Lobby and said, "Rajapaksa, do you want to pursue the matter about the Tangalla Police? I do not think there is anything to be done". That is what he told me. He has now adopted a new technique of getting round Members.

To my utter surprise to-day the Hon. Acting Minister of Home Affairs who had the file of papers with him showed me the file. I went through the file and found that his Secretary had summed up the position; in doing so he says that the Superintendent of Police had not gone by the evidence, but had only given his impressions. The case made out by the Secretary is absolutely against the Police.

I have asked the Acting Minister to do his best to bring the culprits to book, and I would also beg of him to widen the scope of this Commission so that the Commission may investigate not only this particular murder that was committed at the Police Station at Matara but also the other murders that have been

committed by the Police during, say, the last 12 months. There will be found, I am sure, more than 12 murders committed by the Police in all parts of the Island.

The Hon. Mr. Mahadeva: Just one point on the matter which was referred to by the last speaker. I wish to explain how it was that I asked Mr. Rajapaksa to see me on this matter. There is a minute made by the permanent Minister to the effect, "I wish to discuss this matter with Mr. Rajapaksa. Please write to him to see me when he comes to Colombo," and, thereafter, I saw a minute to say that Mr. Rajapaksa had not seen him, and hence no order was made by the permanent Minister.

***Mr. H. W. Amarasuriya:** What is the date of that minute?

The Hon. Mr. Mahadeva: The request that the Secretary should ask Mr. Rajapaksa to see the Hon. Minister was dated 19th June. Thereafter this file was put up to me on 18th August with the minute to the effect that Mr. Rajapaksa had not seen the Minister, and I found that no order had been made by the permanent Minister. I, therefore, wanted to tell him all the facts of the case, to tell him frankly what the report of the investigating officer was and to ask him whether he had anything to say on that report so that we may come to a correct decision. Well, Sir, he has not yet seen me, and I shall go into the matter with him when he does so.

It being 5.30 p.m. proceedings on business under consideration were interrupted under Emergency Standing Order 2 (A).

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

The Council having resumed—

MR. SPEAKER took the Chair.

Committee report progress; to sit again.

ADJOURNMENT.

The Hon. Mr. G. E. de Silva (Minister of Health): I move the adjournment of the House till 10 A.M. to-morrow.

***Mr. S. Abeirakkrama (Udugama):**
I want to ask a question of the Hon. Minister of Education. I have received a telegram from the Secretary of the Galle Teachers' Union to say

"Undue delay payment salary war allowance utterly disappointing be discuss matter Council immediately".

What is the position of the war allowance for Assisted school teachers? Are they being paid or not?

The Hon. Mr. Kannangara (Minister of Education): This Council approved of the proposal to pay a war bonus to Assisted school teachers; that went up to His Excellency the Governor and it was approved by him only about the middle of June. Forms were sent out to managers

of schools asking them to have the forms filled up by the present staff of those schools so that payment can be made. A few days ago the payment order went out, and I am sure all those teachers who had filled up those forms and sent them to the office have been paid to the end of July.

But I want to say this to the hon. Member, that in the case of some teachers who have not yet been paid, the fault cannot be laid at the door of the Department. It is due to default on the part of the managers to send up the forms. That is the present position.

Question put, and agreed to.

Adjourned accordingly at 5.35 P.M. until 10 A.M. on Friday, August 21, 1942.