

The State Council of Ceylon

No. 49.



DEBATES

SESSION OF 1942.

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STATE COUNCIL OF CEYLON.

Tuesday, August 25, 1942.

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

PAPERS TABLED.

(Minister of Local Administration):

By-laws made by the Bandarawela Urban Council under section 28 of the Housing and Town Improvement Ordinance (Cap. 190) and approved by His Excellency the Governor. (Notification dated August 10, 1942, published in the *Government Gazette* of August 14, 1942).

By-laws made by the Municipal Council of Kandy under sections 109 and 110 (1) of the Municipal Councils Ordinance (Cap. 193) and confirmed by His Excellency the Governor. (Proclamation dated August 7, 1942, published in the *Government Gazette* of August 14, 1942).

By-laws made by the Municipal Council of Kandy under sections 109 and 244 of the Municipal Councils Ordinance (Cap. 193) and confirmed by His Excellency the Governor. (Proclamation dated August 8, 1942, published in the *Government Gazette* of August 14, 1942).

(Minister of Communications & Works): Answer to Question No. 27 of 1942.

Mr. G. A. H. Wille (Nominated Member): I would like to ask whether these by-laws cannot be printed on paper of a standard size. It is very inconvenient to file them when they are printed on long strips of paper like this.

PETITIONS.

Mr. E. W. Abeygunasekera (Nuwara Eliya): I present a petition from P. W. Perera of Maturata.

The petitioner states that on the 15th of last month, when he was removing a bag of paddy from Kandurekaddai, situated at the 25th mile post on the Kandy-Padiyapeliella Road, the petitioner and the bag of paddy were seized by the Town Arachchi at Padiyapeliella. The petitioner was taken into custody, but no action was brought against him. The petitioner has sent a telegram to the

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

Assistant Government Engineer, Nuwara Eliya, asking that the Government should prohibit the Town Arachchi from doing this and then the Government should be notified. He stated that the Government should be notified. He stated that the Government should be notified.

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BUSINESS.

Mr. Speaker: what is the next item?

*The Hon. Mr. D. S. Senanayake (Acting Leader of the State Council): The procedure we would like to follow is, first, to take up the motion standing in my name, and then to go on with the Committee stage of the Appropriation Bill.

"FOOD CONTROL IN EMERGENCIES", &c.

The Hon. Mr. Senanayake: I move.—That pursuant to Article 82 (2) of the Ceylon (State Council) Order in Council, 1931, the First Schedule to that Order as amended shall be further amended—

- (1) by the deletion from Group V of the function described as "Food Control in Emergencies" and the insertion of the words "other than foodstuffs" after the word "Commodities" in the function described as "Control of Prices of Commodities in emergencies or to prevent profiteering";
- (2) by the addition to Group II of the following functions:—
"Food Control in Emergencies."
"Control of Prices of Foodstuffs in emergencies or to prevent profiteering".

I might just indicate to the House what the effect of the resolution would be before I make a few observations on the resolution itself.

Mr. H. W. Amarasinghe (Galle): May I point out that the Hon. Acting Leader

[Mr. H. W. Amarasinghe: a.]
of the House will ask permission
to suspend the Standing Orders
before moving that?

Mr. Speaker: Sufficient notice has been given.

Mr. H. W. Amarasinghe: He must ask for the permission of the House to suspend Standing Orders.

***The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** What Standing Orders?

***The Hon. Mr. Senanayake:** Perhaps the hon. Member does not realize that sufficient notice has been given. This is the first item on the Agenda. We are not going outside the Orders of the Day.

"Food Control in Emergencies" is a subject included in the group of subjects entrusted to the Ministry of Labour, Industry and Commerce, and so is "Control of Prices of Foodstuffs in emergencies or to prevent profiteering". The proposal made in the motion is to transfer those two subjects from the group of subjects allocated to the Ministry of Labour, Industry and Commerce to the group of subjects allocated to the Ministry of Agriculture and Lands.

With regard to the control of prices of foodstuffs, there is this difference, namely, that it is only price-control of foodstuffs that will be transferred to the group of subjects allocated to the Ministry of Agriculture and Lands. That, in short, is the effect of this motion.

This motion has been introduced as a result of the resolution that has been accepted by this House. That resolution received very careful and lengthy consideration in the Board of Ministers. The Board of Ministers felt that it was not possible for them to give effect to that resolution as it was worded—to create a separate Ministry of Food within the ambit of the Constitution. They could have reported to this Council that that resolution could not be given practical effect, but they felt that merely reporting to that effect would not be paying due regard to the wishes expressed by this House. The Board were of opinion that something more than the mere wording of that resolution should be taken into consideration, and that they should bring forward a motion embodying the best proposal they could make in the circumstances.

The Board realized that the whole House was of one opinion, that the Minister of Labour, Industry and Commerce and his Executive Committee were overburdened with work, and that it was necessary to give relief to that Ministry. Two courses of action were left to the Board: either to allow the subject of Food to remain under that Ministry and to remove the other subjects therefrom, or to remove the subject of Food from that Ministry and allow the other subjects to remain thereunder.

A further course was to take away the subject of Food from the Ministry of Labour, Industry and Commerce and put it under a new Ministry, which was the proposition embodied in the resolution accepted by this House. It was quite clear to us that if we created a new Ministry to deal solely with food, we would not be acting within the ambit of the Constitution. Under our Constitution, the subjects dealt with are divided into 7 groups, and there are 7 Executive Committees to deal with those 7 groups of subjects. The functions are indicated by the description given to each group. Not only are the functions indicated by the description, but the subjects are to be administered by the respective Executive Committees to which the groups are allocated.

Now, if we allowed the subject "Food" to remain under the Ministry of Labour, Industry and Commerce and took away the other subjects from it, then there would not be any subject dealing with Labour, Industry or Commerce administered by that Ministry. So that it would be a misnomer to call it the Ministry of Labour, Industry and Commerce; and, further, such a step would not even be within the ambit of this Constitution. A similar situation would arise if we applied the same principle to either the Ministry of Health, Agriculture and Lands, Education or Local Administration. We would have found that it was not possible to take away the other functions from those Committees.

Nor was it possible for the Board to make a proposal for the creation of an eighth Ministry to deal with Food, because our Constitution provides for only seven Ministers and three Officers of State. We would have gone outside that

provision if we had made a proposal for the creation of an eighth Ministry. Besides that, there would have been the difficulty of creating a Committee without the re-allocation of Committees. Even then an amendment of the Constitution would have been necessary. I do not think that when the motion was to the effect that a separate Food Ministry should be created "within the ambit of the Constitution" such an amendment of the Constitution was contemplated. In those circumstances, we had to take what we considered was the best course.

I must say that we are in entire agreement with the sentiments expressed by hon. Members, that there are Committees overburdened with work in consequence of the war and that it would be very much better—that is our view too—if an arrangement other than this, which could be considered within the ambit of the Constitution, had been decided upon. I believe we are all agreed that not only the Minister of Labour, Industry and Commerce, but the other Ministers as well have been saddled with much greater work now than they were before. Whatever that may be, we have to take the decision of the Council as it is; and in consequence of that decision, we have come forward with this proposal.

Although the present proposal is not for the creation of a sole Ministry of Food, as contemplated by the motion passed by this House, it has this advantage: the Ministry of Agriculture and Lands is closely connected with the question of Food, because all the Departments under that Ministry are in one way or another associated with matters relating to food. It is true that my Ministry deals with subjects other than food production. There is the subject of economic agriculture that we have to deal with—tea, rubber, and other products. There is the subject of Survey, which has some connexion with food production; there is land work; there is Forestry; there is Agricultural Marketing; there is Irrigation. All these subjects have some connexion with food production and we felt that the closest approach to implementing the resolution of this House would be to transfer the subject of Food to the Ministry of Agriculture and Lands.

I do not need say anything more. I think the subject could be achieved with an amendment of the Constitution. It could be met by a resolution of this House. So we are bringing forward this proposal now. If it meets with the approval of the House, the motion will enable the transfer of the subject of Food to the Ministry of Agriculture and Lands, although it is not entirely in accord with the resolution that has been passed. All we do not ourselves consider it to be in accordance with the resolution of the House, we think the present proposal the very best solution of the problem.

Question proposed from the Chair, and debated.

Mr. F. H. Griffith (Nominated Member): I would like to ask the Hon. Minister of Agriculture and Lands whether this motion embraces food production.

***The Hon. Mr. Bandaranaike:** Yes.

Mr. Griffith: I ask that question for a specific reason. As it is, at the moment the emergency food-production "drive" comes really under the Ministry of Home Affairs.

Mr. Susanta de Fonseka (Panadura): Yes.

Mr. Griffith: I also appreciate the fact that it would perhaps be better to leave the designation "Assistant Government Agent (Emergency)" as it is; that undoubtedly gives the officer holding that appointment probably more status in the district than if he held the designation Divisional Agricultural Officer.

At a meeting that I attended in my own district, I put the question as to what the future policy was to be. Certain lands have been given out. In some cases they have managed to grow hill paddy and, in most cases, kurakkan. I asked what steps were going to be taken to see that rotational crops were grown on these particular lands, and what was to be the policy—whether it was proposed to give out more lands next year and grow more hill paddy and kurakkan and abandon the lands that were already given to the villagers. The Assistant Government Agent (Emergency) said that he could not answer that question; that it was entirely a matter for the Hon. Minister of Agriculture and Lands.

[Mr. Griffiths:]
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Industry and Commerce that the present proposal merely hands over a subject from a busy Minister to perhaps another equally busy Minister.

***Mr. G. G. Ponnambalam (Point Pedro):** Busier.

Mr. Aluwihare: To a Minister, I suppose, in charge of the most important subjects which this country is concerned with. And we all know the Hon. Minister of Agriculture and Lands. I feel that it would be more difficult to get an answer from the Hon. Minister of Agriculture and Lands than from the Hon. Minister of Labour, Industry and Commerce. Definitely, from that point of view, the Ministers will be taking us up with a pair of tongs and putting us—

Mr. Susanta de Fonseka: Into a tea cup!

Mr. Aluwihare: It will be a case of "from the frying pan into the fire". So I do not see how we can very well accept this motion.

Mr. E. H. Amerasinghe (Male): The motion of the Board of Ministers creates a curious state of affairs. Hon. Members of this Council—most of us—protested that the previous motion was in no way a vote of no-confidence in the Hon. Minister of Labour, Industry and Commerce. We said that the present duties would be too much for any Hon. Minister at all along with his normal work, and that therefore the subject of Food, having such importance as it has in the present circumstances, should be in the charge of one Minister who should devote his whole time to it. The proposal of the Board of Ministers really makes our motion a vote of censure.

***Mr. T. B. Jayah (Nominated Member):** Whatever the merits of the motion may be, it is quite clear that the Board of Ministers have not given effect to the resolution of this House.

The hon. Member for Point Pedro (Mr. Ponnambalam) stressed the fact that in bringing forward his motion he had no intention of belittling the work done by the Hon. Minister of Labour, Industry and Commerce. He said that the Hon. Minister was so overburdened with work that it was impossible for him to have tackled the new situation created by a shortage of Food. The hon. Member did not, by the position that he took up, belittle the work done by the Hon. Minister. I thought the House more or less endorsed that view.

***The Hon. Mr. Senanayake:** No.

Mr. Aluwihare: You can protest as much as you like, but look at the facts. The facts are that the Hon. Minister of Labour, Industry and Commerce is deprived of the control of food, and the subject is placed under the Ministry of Agriculture and Lands. It is surely, in the first place, a preference of one Minister to another in regard to a particular subject, and to that extent it is a vote of no-confidence.

Even the amendment proposed by the hon. Member for Kankasanturai (Mr. Natesan) was negatived because there was a suggestion that if that amendment was adopted the House would more or less be passing an adverse opinion on the work of the Hon. Minister of Labour, Industry and Commerce. That is why the House adopted the amendment moved by the hon. Member for Bala-

The second avowed object of the House was that the subject was important enough to be under one particular Minister. I do not think that it is even pretended by the Hon. Minister of Labour, Industry and Commerce (Mr. Kularatne).

It was made definitely clear, as was pointed out just now by the hon. Member for Matale (Mr. Ariwihare), that it was the intention of the House that one Minister should be charged with this responsibility, so that he might devote his entire attention to this question, which was regarded by this House as the question of questions. No doubt the Board of Ministers were faced with a very difficult situation; perhaps they did not know what they were really expected to do. They had to set about and frame a policy which would not go counter to the Constitution.

The hon. Member for Kankasanturai (Mr. Natesan) made the position very definitely clear, by means of his amendment. He said that we should have a Food Ministry created within the ambit of the Constitution, to meet the difficult situation that had been created. It was clearly the duty of the Board of Ministers to see that that motion was properly implemented. If they felt that they could not do so, it was up to them to come here and say that it was not possible to do that.

After all, we are face to face with a very serious situation. I do not think, at a juncture like this, we should think of personalities or difficulties. If the Board of Ministers felt that they were in a position to solve this problem, they should have been ready to solve it. If they felt that under the present Constitution they could not solve the difficulties that were arising from day to day during the present trying times, they should have had the courage to come to this House and say so. Somehow or other, it looks as if they are not prepared to face the situation. After all, we all know that in a crisis like the one confronting us it would not do for us to attempt to work within the four corners of this Constitution, however good or however effective it might be in normal times. Some of us, particularly Members belonging to the minority communities, felt that whatever the shortcomings of the Committee System of Government may be, it gave individual Members of this House an opportunity of helping the administration by expressing their views.

But it is quite clear, Sir—and it has been more than amply demonstrated during the last few months—that there are certain difficulties which are inherent in this Constitution. When it is felt

that a particular problem is not amenable to be dealt with in the manner that this House has decided, we are in a position to say that the matter remains with the Board of Ministers. It may be that the Board of Ministers may be able to solve the problem before him, but it may, however, be that the Board of Ministers may not be able to solve the problem in a satisfactory manner. It is not possible to say that the Board of Ministers may not be able to solve the problem in a satisfactory manner.

Sir, it may be that the Board of Ministers may not be able to solve the problem in a satisfactory manner. It is not possible to say that the Board of Ministers may not be able to solve the problem in a satisfactory manner.

A fewer number may be able to tackle the many problems which are at present agitating the public mind, but owing to the difficulties of the Constitution that cannot be done.

There are various difficulties, and the question is whether in facing these difficulties the Board of Ministers have tackled the question in the only way in which they could have tackled it. If they actually feel that by transferring this particular subject to the Minister of Agriculture and Lands they have solved the problem, I think they are entirely mistaken. It is not simply a question of giving effect to the resolution passed. It was definitely pointed out that the Minister of Labour, Industry and Commerce had too much work, and that was why he had not been able to tackle the problem in an effective manner. Is it suggested that the Minister of Agriculture and Lands has not much work? If he is relieved of his responsibilities in regard to other matters which are in his charge, perhaps it might be said that he is in a better position to tackle the problem. If you propose to make him the sole Minister of Food and say that he be divested of the other functions with which he is charged, then I think it will be a feasible proposition. The Board of Ministers do not suggest that, Sir. It looks as if they are simply meeting the

[Mr. Jayah]
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another.

I certainly think that such an arrangement is not fair by the Hon. Minister of Labour, Industry and Commerce. It is tantamount to passing a vote of no-confidence in him. I think it might be much better for the Board of Ministers to have set about the task in a more definite manner. If they feel that this House had some definite object in bringing forward the amendment, they should have set about the task in the proper way and suggested the creation of a Ministry which can play undivided attention to the subject of Food; or if they felt that such a proposal was not possible under that system, then they should have come forward and told us that the only way of doing it was by having a system which has been generally adopted in other countries to meet similar situations.

You know, Sir, stupendous changes have taken place in England from time to time; in fact, changes have sometimes been made overnight to meet certain situations which call for definite decisions. Simply because the Constitutions of those countries permitted such changes, they were able to meet those difficulties. If we find ourselves in a worse position here owing to the difficulties of the Constitution, I say that it is up to the Ministers to come to the House and say definitely what their position is and make the necessary suggestions that will enable us to help them at this crisis.

I am sure I am voicing the sentiments of a large section of this House when I say that it is no use at this juncture tackling problems in a half-hearted manner. I think we ought to go forward and face the difficulties and if in facing those difficulties we find that certain changes have to be introduced into the Constitution we must boldly face such a situation. If the Ministers are prepared to take such a step I, for one, will be prepared to join heartily with them in solving any problem for the benefit of the people of this country.

The Hon. Mr. J. H. B. Nihill (Legal Secretary): Sir, I think the debate has proceeded far enough already to show that some hon. Members have rather misunderstood the remarks of the Acting Leader of this House when he introduced

this motion this afternoon, because we have had complaints already that the Board of Ministers in some way by introducing the motion in this form have attempted, or are attempting, to evade their responsibility. It seems to me that if that charge has been formulated, it has been formulated on a very insecure foundation indeed.

Now, what was the position in which the Board of Ministers was put by the resolution which was carried in the end, I think, by the unanimous vote of this House?

***Mr. Ponnambalam:** Without a division being called by the Ministers.

The Hon. Mr. Nihill: Without a division.

The terms of that resolution are well known to this House, and I need not repeat them; but what emerged very clearly from the terms of that resolution was this: first of all, that the House—and I think that was probably the unanimous view of the House—felt that the best way of grappling with this difficult situation was that "Food" should be given to a Ministry as the sole and only subject of that Ministry. I think that was the unanimous feeling in the House. But, Sir, on to that was tacked an amendment which clearly indicated to the Board of Ministers that that desire to have a Ministry solely charged with this important function was qualified by the necessity that it should be done within the ambit of the Constitution. Now, that was the problem that was put before the Board of Ministers.

Well, they have come back, and the Acting Leader of the House has told the House in the most frank and unqualified manner that the Board of Ministers, after having considered the problem, turned it upside down, looked at it from every angle, have been forced to the conclusion that it was not possible for them to introduce a scheme into this House which would comply with the terms of that resolution.

That is the position. The Hon. Acting Leader has given the reasons. I should have thought that they were clear to anybody who studied this Constitution for a couple of minutes. You have seven groups. You are told in the Constitution that you cannot add to those groups or take away from those groups. This is like

the law of the Medes and the Persians, which altereth not. That is the first limitation imposed upon this House by this Constitution. You are then told, further, as you will find if you look at the groups, that these Constitution-makers in their wisdom saw fit to give titles to these groups, or if you like let us call them by the more honorific names of Ministries.

Well, you have the Ministry of Home Affairs; you have the Ministry of Agriculture and Lands; you have the Ministry of Local Administration; you have the Ministry of Labour, Industry and Commerce, and so on. Can it be said that you would not be trifling with this Constitution, in fact tearing it up, if you one day turned the Minister of Education into the Minister of Food, and then you found when you looked at his subjects that he was no longer charged with the function of Education at all but that Education by some amazing transition has found itself attached to the Minister of Agriculture and Lands? That is the only way, as I think the Acting Leader of the House pointed out, that you could within the 7 groups have divorced one Ministry of all its functions so as to leave it room for this one function of Food.

Now, if that cannot be done within the ambit of the Constitution—and it cannot be done—then surely the Acting Leader and the Board of Ministers were perfectly right, as they have done this afternoon, to come to this House and tell the House of the position. Now, as it is being said—and I am quite certain that the Board of Ministers must have had this alternative in their minds as well—the Board of Ministers might have left it at that. They might have just come back here and said, "Well, we say it with respect that you passed a silly resolution and we are unable to give effect to it".

But they have not done that, and the reason I think why they have not done so is because they know that the situation is one that demands action being taken without further loss of time; and therefore they have come to this House and said, "Well, we cannot do exactly what you want us to do, but we know—and we are with you here—that you do want something done. You want an overburdened Ministry lightened of those burdens. Therefore, within the ambit of the Constitution, we suggest this change

over of one Ministry of Labour, Industry and Commerce to the Ministry of Agriculture and Lands". I think the Acting Leader made it perfectly clear that he did not put forward this as being a solution of this problem; but as I think he put it forward as the best alternative proposal which the Board of Ministers could put to the House, I think the resolution passed by this House is right.

There is another question, of course. The Hon. Member (Mr. Aluwihare) has asked another hon. Member—well, what is this a change of attitude on the part of the Board of Ministers? This is in fact saying, "Well, we have not very much confidence in the Minister of Labour, Industry and Commerce". I should have thought that this was settled once and for all. There was a vote, a motion of confidence, put in the most direct manner before this House. It was defeated, and we all know the result. The result was an overwhelming vote of confidence in the Minister of Labour, Industry and Commerce. How after that can it be suggested that this solution which has been put before the House only for its consideration involves in any way a vote of censure even in the most indirect manner on the Minister of Labour, Industry and Commerce?

As I look at it, it is rather like this. Everyone knows that the Minister of Labour, Industry and Commerce has had to grapple with overwhelming burdens for some very considerable time. "Labour" is a vast subject; "Commerce" is another vast subject; and then on top of all that this food problem with its ever-increasing difficulties and complications. Now, what is the position? I do not want to liken the Hon. Minister to any form of beast of burden. But suppose for a moment we regard him as either a horse or a camel. The burden has been piled up on top of him and he has gone forward; he has kept the road, and he has not fallen down. Well, in a position like that, if an onlooker comes along and takes over one of the burdens from a magnificent beast of that kind, does it indicate a lack of confidence in the camel that has stayed the course so well and so long? Now, that, I feel, is the position.

[The Hon. Mr. M. S. S. concerned, So far as that M. S. S. concerned, it is felt—the Hon. Member and the Board of Ministers feel—that the time has come to lighten that particular Ministry of this burden; and, as I said, with regard to whether this proposal which is now before the House is in fact the solution of a very complex and a very difficult problem—that, of course, must be a matter of opinion—I do not think that the Board feel that it is the most satisfactory solution that can be put forward. It is certainly within the ambit of the Constitution, but the House knows that when the matter was first broached, the Ministers put forward their view which in their opinion goes very much further towards creating a form of administration which would, in their opinion, be better calculated to deal with these problems which have arisen in the prosecution of the war.

But, Sir, we have gone a long way since then and we have had this resolution of the House and, as I said, the Board, tied as they are for the moment by that resolution, have brought forward, this afternoon, for the consideration of the House, a practical method of doing something towards the solution of this problem without any change in the Constitution at all. It seems to me that it is now for the House to consider whether they are satisfied with that. If they are not satisfied with that, well then possibly they will have to review their previous expressed desire to keep within the ambit of the Constitution.

***Mr. R. Sri Pathmanathan (Mannar-Mullaitivu):** The Hon. the Legal Secretary has placed before the House the best apology that he could have made on the subject. The Hon. Acting Leader of the House has practically gone on the lines of what the Hon. the Legal Secretary has told us. But my question to the House is this: does it meet the issue of the motion moved by the hon. Member for Point Pedro (Mr. Ponnambalam)? I say distinctly that it does not meet the issue at all.

The whole burden of the song of the hon. Member was the creation of a separate Food Ministry and he told us that our Minister—the Hon. Minister of Labour, Industry and Commerce—was overburdened with work and, therefore, the only way of securing a practical

solution to the problem was to create a fresh Ministry, not to tack on the subject to another Ministry.

We all know that the Hon. Minister of Labour, Industry and Commerce has done his very best under difficult circumstances. Nobody could have done anything better. He may have erred in small details as to the manner of purchase, in regard to different other matters. But in any business you must trust the man on the other side. You cannot do any business unless you trust the man on the other side; and consequently there were errors natural to a business.

But the county felt that everything was not all right, and the hon. Member for Point Pedro (Mr. Ponnambalam), therefore, rightly brought up the motion with regard to the creation of a Food Ministry. Everybody says, "Well there is something wrong with the Ministry of Labour, Industry and Commerce and, therefore, we must alter the existing state of things". We must give the subject over to a Ministry which would give its sole attention to the whole business of food, not divide the functions by taking the subject out of the hands of one Ministry and giving it over to another Ministry, like the Ministry of Agriculture and Lands. The Hon. Minister of Agriculture and Lands is also a man who is overburdened with work. He has also just the same amount of work as the Hon. Minister of Labour, Industry and Commerce under our Constitution.

As the Hon. the Legal Secretary pointed out, we have been given seven Ministers. The simplest way is to draw up a genealogical table. Say the generic terms are "Labour, Industry and Commerce," "Education," "Health," and so on; the specific matters under the generic terms are the different questions that we deal with. Under our Ministry, we deal with industrialization; commercial matters; labour problems; and we also deal with food. Those functions were expressly given to us when we entered the Council as Members, and we specifically went into that particular Ministry because we thought we would be able to influence policy and do things in the correct way. Some Members did not select any other Ministry; they selected the particular one in which we serve because they thought that they would be

of some use in that Ministry. Now, here you are seeking to change by means of a somersault or sleight of hand the functions of one particular Ministry which have been given to that Ministry by law, and put them under another. I think that is a wholly unjustifiable position.

The Minister of Agriculture and Lands is entrusted with the subject of Irrigation. It is the work of a lifetime. Then, he has charge of the cultivation of food in our own country, and of several other subjects. I believe he is the most overworked Minister. He is not one minute in the Office. I have tried to get him on the phone, but I have been told many a time that he is out of town; I have to make an appointment with him a fortnight ahead. So I cannot understand how, with all the will in the world, this problem can be solved by transferring one of the specific tasks of our Ministry to the Ministry of Agriculture and Lands. It is totally impossible. The proposal does not come within the terms of our resolution and, therefore, it is impracticable.

Well what *quid pro quo* does the Hon. Minister want to give us? If you transfer half a dozen subjects from our Ministry to another, I can understand it; you can then call it lightening the burden in that sense. Say you have "Sugar" and you give us "Tea." That is a perfectly comprehensible thing. But it is impossible for us to take all and put them upon his already overburdened shoulders. That is impossible. The only way in which you can deal with the problem is by means of a Constitutional change. Have another Ministry, and an Executive Committee attached to it. That is the only logical way in which it can be done, and done to some purpose.

I agree with what the Hon. the Legal Secretary said. It is a subject very difficult of solution; and as the Donoughmore Commissioners have stated this is a peculiar Constitution; very few people in the world understand it. It is not the ordinary form of Cabinet Government; also, I believe some of the Members who belong to minority communities are not agreeable to such a form of Government, and, therefore, a Constitutional issue has been raised. This is a very difficult problem, a very controversial problem, at the moment; and if we leave "Food"

aside, the with the who should who should like, "We exercise a hundred tions, qui question of Ministry r subject, I lighten ou the Leader at the mor us some go

I therefore view that of Minister ble for this principle of is one, let will go o attitude th isters is q be overbur Agriculture of Labour, Industry and Commerce.

This could be done administratively. We have a separate department with separate officers, and we have Mr. O. E. Goonetilleke as our Food Chief. So we are trying to reorganize the whole matter under better auspices. We had not the officers required at that time and, I think, the Minister of Agriculture and Lands cannot do anything better than the Minister of Labour, Industry and Commerce can, because there has been a change in the administration and a change of officers. Even if we pass this motion what will be done? The Minister of Agriculture and Lands will only be the nominal head and the whole work will be done by the Food Chief, and he would be in continual consultation. Our Committee will do the same thing.

My own view is that the whole position lies not in our hands but in the hands of India. Unfortunately, the Board of Ministers, including the Minister of Agriculture and Lands, were not too sweet with the Indian Members. The Hon. Leader has now gone on his knees to India; and what the repercussions will be I am unable to say. India is the spiritual home of all of us. So, Sir, I do not think the Indians will be harsh on us. They will undoubtedly give us something,

[Mr. Sri Pathmanathan] but that something will be sufficient to solve any food problem in this country. As time goes on the problem will become much worse.

I often read the histories of different countries during different periods when I have nothing else to do, and those historical facts, I find, are much more interesting than any novel. I have learned that during certain periods in European history, peasants in certain countries had had to eat grass. Very soon, I think, we too will come to that state—the peasants of the country will have to eat grass. I have selected areas up-country where *gotukola* grows. It is one of the best of foods that you can take. I have also heard by the Minister of Communications and Works of a place where *pollipala* grows. These are very nourishing vegetables. I am afraid the people of this country will very soon have to grow grass.

I am afraid that, with all the goodwill in the world, this motion of the Hon. Acting Leader will not help us at all. If you like, I am perfectly willing that you should dissolve the Council and have a reshuffling; but to go on as it is, simply to take a few grams from the Minister of Labour, Industry and Commerce and hand them over to some other Minister will not solve the problem.

I only hope that this House will not change the Constitution in a haphazard manner. We are in a particular Committee with a particular purpose, and it is our desire to be in that Committee. There will be grave discrimination if somebody were to come and tell me that, say, the Minister of Home Affairs is not all right with the Police; that he is overburdened with work and therefore we should turn over that department to the Minister of Communications and Works; that the Hon. Minister of Communications and Works has a military bearing, and he will be able to keep the Police in their place. That will be a very invidious distinction.

That is where the Legal Secretary, I think, is safe—where the Constitution itself provides that no change shall be effected among the Officers of State. I totally oppose this motion, and I trust that this House will not agree to make such a fatuous change as has been proposed. If it does want a change, let us

have a Ministry with one man in charge. Let him take the responsibility, if he goes wrong.

When Dr. Shiels was here I had a personal conversation with him, and he told me that the English Constitution was thoroughly wrong. He said, "We do not want to give you that Constitution; we want to give you something new where each man will bring his brains and his energy and his knowledge to a subject. You will not be an automaton, or a cog in the wheel; you will have real power, and we will give you that real power." I, therefore, oppose this motion.

***Mr. G. G. Ponnambalam (Point Pedro):** Mr. Speaker, as I listened to the Hon. the Legal Secretary, I could not refrain from feeling what brilliant advocacy was lost, and on so small a cause. One also could not help feeling that that little gap in the strength of the Board of Ministers, namely, the capacity for advocacy on behalf of a losing cause, has been aptly filled by the new Legal Secretary. But I warn him that the ex-President of the Cambridge Union will very soon qualify himself as the champion of lost causes and impossible cases.

It is true that in that brilliant effort at advocacy we were vouchsafed one fact as far as the resolution was concerned—and that, I think, is perfectly true, and was, perhaps, unconsciously told us—and that is that the Board of Ministers had turned the resolution upside down. I am quoting the words of the Hon. the Legal Secretary. He said that they had looked at it from all sides, and turned it upside down and had had a better look at it. I would remind him that having turned it upside down, they left it there to roost. They turned it upside down or on some other side and left it there.

Then, again, in the attempt perhaps to help the House to swallow the pill, the Hon. the Legal Secretary let himself go as the champion, or as the defender, of the position of the Minister of Labour, Industry and Commerce. Believe me, I do not know whether there is one single Member of this House who would at the present moment like to be in the shoes of the Hon. Minister of Labour, Industry and Commerce. The peculiar kind of affection of the Board of Ministers for this particular Minister manifests itself in a most alarming fashion. For in-

stance, we had the Legal Secretary comparing him to a camel, or a mule, or a pack horse. But apparently this mule or pack horse was going with unfaltering steps, along straight and narrow paths. Then apparently the steps were becoming faulty and it is suggested that the pack horse be changed. It is proposed to place the pack on the broad and elephantine shoulders of another Minister.

That apparently is intended to show, in a rather peculiar way, their affection for, not want of confidence in, this unfortunate, upstanding mule. How indignant did this advocate become, Mr. Speaker! He said; "This House by a resounding majority turned down the vote of no-confidence; then why reopen it?" But, might I say there again that we never reopened it? Who did reopen it? Hot from the gallops of that debate in this House, what did the Board of Ministers do? They perpetrated a Constitutional anomaly and created as Food Chief a man who is neither fish, fowl nor good red herring. Since we are all indulging in the language of mules, elephants, donkeys and pack horses, I might also bring in the red herring, fowl and so on to make the menagerie complete.

Now, a person who was holding a position in which he was directly responsible to this House, is put over the heads of a number of Departmental chiefs. The only position which is analogous to the position of the recently appointed Food Chief is that of a Permanent Under Secretary of State under the English Constitution. I join issue with the Legal Secretary in what he said. Why was it that such a person was appointed and given the most extraordinary position, a position of equality with his political chief on the War Council? Is that implementing the resounding vote of confidence in this House by implication passed on the Minister of Labour, Industry and Commerce? What is it? Or is it that the Minister of Labour, Industry and Commerce is to perform a sort of Dr. Jekyll and Mr. Hyde performance?

Then, again, the position, in the words of a leader writer of one of our morning dailies, was getting "curiouser and curiouser" and in my view the position was getting "curiouser and curiouser" not in respect of the person so appointed but in respect of the Minister of Labour, Industry and Commerce. Thereafter we

bring in the... of a Food... Promptly the... folio is rem... given over to an...

Mr. Speaker, I expect us to... friend the... expect us to... flowing with... for this over... that, or is it... we are fighting... the nations... by a race of... ler believes... the Legal Sec... way of adv... super-man... standing mu... which one can... forward by the Legal Secretary.

Now, the... out, was turned... was a great... words, "ambit... What was... resolution? It was that a Ministry of Food be created immediately. Let us not be lulled into a feeling that all is well and beautiful in the garden. Why grow indignant about the words "ambit of the Constitution" when the real operative words were "That this House demands the immediate creation of a Ministry of Food"? [Interruption] I take it that the Minister of Health has not, since the days he deserted the Bar, forgotten the operative words as distinct from the qualifying words. The operative words were "the immediate creation of a Ministry of Food" and the qualifying words were "within the ambit of the Constitution".

The creation of a Ministry of Food was what this Council asked for, Mr. Speaker, and what is most significant is that it was passed without a division being challenged by any Member of the Board of Ministers. That is important, namely, that no division was challenged on that occasion. But for two noteworthy exceptions, there was no voice raised against it in this House.

Why is it that the Ministers were not free and frank enough to tell us that a Ministry of Food could not be created at all? That should have been the position. So that it is quite unfair for them to say that they have done their best in

[Mr. Ponnambala trying to implement the resolution when they have ignored the kernel of the resolution, namely, the creation of a Ministry of Food, and hung on to the words "within the ambit of the Constitution". Speaking for myself, absolutely personally, I must confess that I do not welcome those words "within the ambit of the Constitution". I would have rather wished the resolution through mere or the creation of a Ministry of Food without any qualification whatsoever. But in order to allay the fears of certain sections of this House, I agreed to that portion of the amendment going through whatever my personal feelings were.

But, Mr. Speaker, might I say that that eminent advocate, the Legal Secretary, might have given some thought to the words "ambit of the Constitution" in contradistinction to the framework of the Constitution? Is not there a fundamental difference between the "ambit of the Constitution" and the "framework of the Constitution"? If what was contemplated was something within the framework of the Constitution, then, obviously, the resolution could have been given effect to by an interchange of functions or by the removal of certain functions from Schedule A or B, as the case may be.

I believe my hon. Friend the Member for Kankasanturai (Mr. Natesan), who is also an advocate of some consequence, although he has deserted that calling for another, deliberately framed the amendment in those terms and used the words "ambit of the Constitution" instead of "the framework of the Constitution". I could understand it if the words were "within the framework of the Constitution". Then, naturally, nothing more could have been done.

But I ask you, even as far as the amendment was concerned what was there to prevent any one of the seven Ministers now being put in charge of a Ministry of Food exclusively and being called the Minister of Food and his functions distributed among the others? I venture very respectfully to submit that it would have been well within the ambit of the Constitution, it would have done no violence to the principles of the Constitution, and it would have done nothing to the very basis of the Constitution,

namely, the Committee System. Then, the whole thing would have been done, would have been properly and fully implemented without violence either to the spirit of the Constitution or the express terms in which that amendment was made and was accepted by this House.

I do not wish to make any remarks invidious to any single Minister, but there are three Ministers within this Board who, I believe, are in charge of a Department each. In India and elsewhere such Ministries are controlled by one person. Any two of them might have been given the functions of the third. Anyone could have given over his functions to the other, and he could have been Minister of Food. I should like to know whether that could not have been done within the ambit of the Constitution.

I am aware that not merely the official legal brains were hard put to it to implement the resolution passed by the House, but unofficial legal opinion was also taken in regard to it. But I must ask the legal pundits whether within the ambit of the Constitution a Ministry of Food could not be created, as I ventured to point out. No, Mr. Speaker, if one thing became clear from that debate, it was not that this House was terribly upset and began to weep and shed tears for the enormous burdens carried by the Minister of Labour, Industry and Commerce, but that they were concerned and intimately concerned and grieved over the condition of the countryside, of the people who have to carry more invisible burdens outside, burdens they were not prepared to put up with, and over the fact that before long the difficulties that the people are faced with on the question of food might manifest themselves in perhaps startling fashions, when not all the honeyed phrases, not all the brilliant advocacy of the Board of Ministers can combat the enormity of the position that would have arisen in this country.

That is the position; that is what the House is concerned with, and the House was therefore strongly of opinion that one person, responsible to this House and removable by this House, should make it his entire and exclusive task to address himself to the question of the purchase, supply, distribution and control of food.

That was all; that was what the House wanted.

After having admitted, in almost express terms, that the present situation was far from satisfactory, that the present arrangements were by no means satisfactory, the action of the Board of Ministers in coming here and seeking to perpetrate a system which is not going to give any satisfaction to the people, deserves the most unqualified condemnation.

I have, therefore, no option but to oppose this resolution.

***The Hon. Mr. Bandaranaike:** Sir, it was with a great deal of interest and, I hope I will not be misunderstood if I say, amusement that I watched the course which this debate has taken. The interest arises from the fact that it is this House which has, presumably with a certain degree of deliberation, created the situation which made inevitable the bringing forward of a motion of this nature to give effect to what one can only conclude were the wishes of this House, and also, to give effect to those wishes as far as was reasonably and satisfactorily possible.

I do not wish to follow my hon. Friend the Member for Point Pedro (Mr. Ponnambalam) into a discussion of what should constitute a complete menagerie. We have had references to elephants and pack horses and so on, to which the hon. Member added that interesting creature of which he appears to be so fond, the proverbial red herring. I do not wish to try and solve the problem which apparently faces my hon. Friend, as to the particular branch of zoology to which the red herring belongs. I remember an occasion when a red herring, which is generally drawn across a trail, was made to trot across the trail by my hon. Friend—it was presumably a type of brazen steed!

The hon. Member also seems to have some doubts as to what particular variety of beast my Hon. Friend the Minister of Labour, Industry and Commerce belongs. There seems to be even betting for an ass, a mule and a pack horse. I do not wish to enter into that question and solve the problem for the hon. Member. We are faced with a big enough problem, created by the motion of the hon. Member, and I do not wish to enter into those otherwise extremely interesting and entertain-

ing speculative question of herring or the Minister of Commerce.

Let us try so far from that, let us in terms of what brought forward by Point Pedro the amendment and the spirit of various Members. Without a doubt, that, it is virtues, or resolution of is before the moved the

"That this immediate creation of a new orientatic purchase, control is a paramount safety, preserv

Certain amendments were moved to that motion, the amendment finally accepted being in this form:

"That this Council recommends the immediate creation of a Ministry of Food within the ambit of the present Constitution."

This amendment was more or less similar to the amendment moved by the hon. Member for Kankasanturai (Mr. Natesan) and accepted by the hon. Member for Point Pedro (Mr. Ponnambalam). Let us see in what way the amendment that was finally accepted differs from the original motion. The House will notice that all these words of the original motion are left out: "purchase, control, pricing and distribution." Therefore, the Ministry of Food is expected to deal with a wider range of subjects than those mentioned in the motion—"purchase, control, pricing and distribution." That is important.

More than one hon. Member pointed out that the Minister of Food will have to deal with not only the question of the purchase, pricing and distribution of food obtained from abroad, but also with the entire question of food production in this country. The purchase and distribution, by Government, of the food produced in this country; the conservation of food produced in this country in areas where such conservation is necessary—all these were

[The Hon. Mr. B. Bandaranaike.] considered to be par... functions of the Ministry of Food... Member for Kankesanthurai (Mr. ... an) and other Members, including the hon. Member for Colombo Central (Mr. Kaleel), pointed out that need, and in fact both those Members, amongst others, drew attention to the desirability of the Minister of Agriculture and Lands handling the question of food—

*Mr. Ponnambalam: Exclusively.

*The Hon. B. Bandaranaike: I will come to the question of exclusiveness in a short time. At the moment I am dealing with the point that the question of a Ministry of Food as finally decided upon went beyond the original conception of the hon. Member, and it was felt that not only should the Ministry of Food deal with one subjects concerned with food, referred to in the motion of the hon. Member, but also with those additional matters that I have mentioned. That is the first point about the amendment.

The next point is a comparatively minor one, namely, the question of a "new orientation of policy". This was excluded from the amendment. In the course of the debate, however, Member after Member, in speaking on the motion and on the amendments, spoke what they had in mind. As a matter of fact, when I was myself speaking on the motion and trying to get some kind of logical or reasonable view of the motion or the amendments, the hon. Member for Pt. Pedro (Mr. Ponnambalam) himself interposed—when I was trying to understand what the amendment meant—and he said, "Within the scope of the present Board of Ministers, this could be done".

I explained one or two ways in which this could be done—either by the transference of the subject of food to some other Ministry, with any necessary redistribution, or the retention of the subject of food with the Ministry of Labour, Industry and Commerce and distribution among other Ministers of many of his other subjects that now make him an overburdened Minister. It was clear that the mover of the original motion himself, as well as most of the other speakers, contemplated such a position. It was not so much the creation of a fresh Ministry, a new Ministry—an eighth Ministry—though that was also one of the suggestions made, among

others. What they really wanted, the kernel of what they wanted, was that the Minister who deals with food should be reasonably able to devote such of his Ministerial time to the subject of food as was necessary adequately and efficiently to handle that subject.

That was what the motion amounted to. Speech after speech in the last debate made that perfectly clear. As a matter of fact, some Members pointed out in the course of the last debate that there were two ways of dealing with the problem. One suggestion was that the subject of Food should be taken away from the Minister of Labour, Industry and Commerce and handed over to some other Ministry. In fact, the hon. Member for Point Pedro (Mr. Ponnambalam) mentioned that to-day: he said, "There are certain Ministers with just one or two departments under them. Why not shift those departments from that Minister and make him the Minister of Food?" The other suggestion was to leave the Minister of Labour, Industry and Commerce with the subject of Food only and remove almost every other subject that he is dealing with now.

I must say that I find the argument of the hon. Member for Mannar (Mr. Sri Pathmanathan), as usual, extremely muddled, illogical and self-contradictory. His main point was that Members had at the inception of this Council deliberately chosen the Executive Committees in which they wished to serve, and that they do not want now to give up their places in those Executive Committees. He says that the subjects of Labour, Industry and Commerce were originally vested in the Ministry of Labour, Industry and Commerce, and that therefore those subjects should remain with that Ministry. At the same time, he objects to the subject of Food, which arises incidentally, in that one of the subjects allotted in the Schedule to the Ministry of Labour, Industry and Commerce, happens to be the control of food in an emergency—he objects to that subject being removed from the Ministry of Labour, Industry and Commerce.

The hon. Member cannot have it both ways. Whatever happens, the Ministry of Labour, Industry and Commerce, with the present subjects, will either have to shed all the other subjects and keep "Food", or shed "Food" and retain

all the other subjects. That will be the situation, whatever the solution—whether you have another Ministry, or the Cabinet system of Government, or a National Government—whatever you may have, that change will be inherent in the solution to the problem. That is why I could not quite understand and follow the argument of the hon. Member. I must confess that I could not understand the Nominated Member (Mr. Jayah) either. I remember his speech on the last occasion.

Let us examine the position and find out in what way the chief object of the original motion of the hon. Member for Point Pedro (Mr. Ponnambalam)—the spirit of that motion—has not been given effect to by the present resolution of the Board of Ministers. The hon. Member for Point Pedro said to-day, in the course of his remarks, that we are proposing to take some weight off the overburdened mule and put it on an elephant. Is not that just what the House wants us to do? An elephant presumably can carry much more weight, more comfortably and effectively, than a mule. So that, on his own showing—not that I entirely subscribe to that comparison of the two Ministers, to that comparison of their capacity for carrying weight—but surely that very argument of his condemns him because that is precisely what we say we have done.

Let us examine this matter carefully from the point of view whether removing "Food" from the present admittedly overburdened Minister of Labour, and transferring it to the Hon. Minister of Agriculture and Lands, merely means transferring one subject from one overburdened Minister to another. Let us remember that you want a Minister of Food not only dealing with the purchase, pricing and distribution of imported food, but also dealing with food production in this country. No Ministry of Food will be successful unless those two subjects are combined, because, much the more important aspect of a Food Ministry in pricing and distribution of imported food, supply that is produced in this country; much more so than the question of rationing of imported rice or the pricing. Those matters have reached a certain point now when the actual bulk of work involved is extremely great. But much the more important aspect of the whole food problem is the question of the pro-

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release of Crown land or Crown jungle or anything of that kind for cultivation, to whom do they go? They do not even at present go to the Minister of Home Affairs. For these things they do receive and should receive in the future assistance from the Irrigation Department, and the Minister in charge of that department is the Minister for Agriculture and Lands. So, in point of fact, the difficulty envisaged or the question put by the hon. Nominated Member (Mr. Griffith) does not arise. In all matters concerned with food production, those Assistant Government Agents now deal with the Minister of Agriculture.

Let us realize that they are in charge of other subjects—various other subjects—though, of course, food production is by far the most important. They were originally created and are now in charge of various other emergency matters besides the subject of food production. All air raid precautions in their areas—as much as may be—all war propaganda, and various other Defence measures that have to be taken in those areas have been placed in the hands of the (Emergency) Assistant Government Agents.

Very well; on that point let us see what this change will bring about—of handing over to the Ministry of Agriculture and Lands that aspect of food production which at present is dealt with by

[The Hon. Mr. B. Bandaranaike.]
 the Minister of Labour, Industry and
 Commerce. What are the Departments
 of the Ministry of Agriculture that you
 would transfer if the idea is that you
 must hand over to him the subjects now
 being dealt with by the Minister of
 Labour, Industry and Commerce,
 namely the emergency control of food
 and all connected matters? Is it sugges-
 ted, then, that he be called Minister of
 Food and all other Departments be
 transferred to some other Minister or
 Ministers? What is the proposal of the
 hon. Member? If not, what are the
 departments connected that might or
 should be transferred? That is the
 point.

The Irrigation Department, obvious-
 ly, must be in the hands of the Min-
 ister of Food. Do you think that the
 Irrigation Department should not be in
 the hands of the Minister of Food where
 irrigation emergency works, apart from
 the general policy of the Department,
 have to be undertaken almost daily,
 weekly in order to assist in food produc-
 tion? Do you think the Department of
 the Land Commissioner should be out
 of the control of the Minister of Agricul-
 ture and Lands? He should not only
 give out Crown land for peasant cultiva-
 tion but at the present time he should
 also give out Crown land for the purpose
 of food cultivation; not merely for the
 settlement of colonists. Do you think
 that the Forest Department should be re-
 moved? There also there is the import-
 ant question of Crown forests being dealt
 with with regard to the food " drive ".
 Surely that Department is most inti-
 mately connected with the whole of this
 question?

As a matter of fact, the Commissioner
 of Agricultural Marketing is to-day hand-
 ling a large number of matters connected
 with food that come within the purview
 of the Minister of Labour, Industry and
 Commerce. Then, what on earth are the
 Departments that you want removed?
 Is it the Survey Department? All right,
 that Department may be of use in deal-
 ing with Crown lands for this purpose. It
 is not a Department that causes the Hon.
 Minister of Agriculture and Lands to
 spend any sleepless nights either. As a
 matter of fact, most of its work has now
 been suspended. The personnel of the
 Survey Department is engaged upon food
 production to-day.

*Mr. S. Samarakkody (Narammala):
 Tea and rubber control?

*The Hon. Mr. Bandaranaike: I
 honestly do not see how the question of
 tea and rubber control will interfere.
 Certainly they are not food. If they are
 considered to be not so connected with
 the department of food, I take it that
 the point to consider is this: do they in-
 terfere, or can they be considered to in-
 terfere so seriously, with the work of this
 Ministry of Food as to impel us to insist
 upon their removal?

Take the case of Co-operative Soci-
 eties. I honestly do not think my Hon.
 Friend spends fifteen minutes a day on
 work connected with the Co-operative
 Department. The work is progressing.
 Whenever papers are put up to him in
 regard to any new matter—there must be
 very few of them—I am sure the work
 does not cause him any difficulty.

That is the way in which we must set
 about the task. We must not talk gener-
 ally and say, " You are not giving effect
 to the spirit of the resolution." I say that
 we are, in fact, giving the fullest expres-
 sion to the wishes of this House within
 the scope available. You must examine
 the position in detail like that before you
 condemn a suggestion.

What is the other suggestion? If you
 create a separate Ministry of Food in the
 sense contemplated—within the present
 Board of Ministers as contemplated by
 the hon. Member for Point Pedro (Mr.
 Ponnambalam)—I say deliberately that
 the vast majority of the Departments
 now administered by the Minister of Agri-
 culture and Lands should be included;
 otherwise no satisfactory Food Ministry
 is possible. That is the point to which
 I want to draw the attention of hon.
 Members. It is not merely taking over
 a department which is now administered
 by the Hon. Minister of Labour, Indus-
 try and Commerce, but together with
 that you should have the bulk of the de-
 partments now administered by the
 Hon. Minister of Agriculture and Lands.
 That is the one and only way in which
 you will satisfactorily achieve the object
 of having a Food Ministry.

If one of us was deprived of all his
 functions and merely the functions relat-
 ing to food handed over to him by the
 Ministry of Labour, Industry and Com-
 merce, it would be still worse. It is a

hundred times worse than the solution we have brought before this House under which food production in the country, the most important part of the food problem, would still continue to remain under one Minister.

Even with regard to the purchase of paddy, my hon. Friend the Member for Mata'e (Mr. Aluwihare) very rightly brought to our notice once the very unsatisfactory position prevailing in regard to the price paid for paddy grown in this country. The Ministry of Agriculture and Lands offers a certain sum. The Ministry of Labour, Industry and Commerce have other views—whatever they may be—and there is difficulty with regard to fixing the price that should be paid for paddy. That anomaly must be removed and it will be if the subject is vested in one Ministry. That is the only satisfactory way of meeting the situation.

What about the Minister of Agriculture and Lands being responsible for all the rice mills at Anuradhapura, Hambantota, and so on, where paddy has to be bought and milled? An extremely difficult position has now arisen by the division of these subjects. There is a great deal of paddy purchased at Anuradhapura; there is a great deal of paddy that is milled; there is a congestion of paddy there in those areas which should be transferred to other areas. The whole question of self-sufficiency and non-self-sufficiency arises; and there are other matters that arise from it—all these are problems that arise as a result of the division of functions as between one Ministry and another. Without proper co-operation between that and other aspects of the food problem which are becoming ever more important and which deal with the food problem and the production, distribution, pricing and proper conservation of the food produced here, the position is bound to be very unsatisfactory.

Sir, does it not even occur to my hon. Friend the Member for Point Pedro (Mr. Ponnambalam), who seems to have become the champion of the proper handling of this important problem, that that aspect of the matter must be seriously considered? Therefore, there was a very strong and important reason why we proposed that this subject should be transferred to the Ministry of Agriculture

and Lands picked out the bulk of the not that perhaps in perhaps for M deal more effectively the Hon. Min Commerce the jaw we country. handling p by the hon Minister of merce has method of is rather an

However, the point at Ministry of ter only han the Minister and Lands, those subject as a good many of the departments now being handed by the Minister of Agriculture and Lands. As I said, it is true that some of the Departments of the Hon. Minister of Agriculture and Lands have no connexion with food production. But there is the general question of the economic agricultural advancement of this country, large irrigation works that are going on.

The Agricultural Department, for instance, is not solely concerned with the issue of manure to villagers to manure their plots of land. There is other work to do, and that work is in hand. I do contend that that kind of work does not involve such a burden upon the Minister who handles it as to make it impossible for him to deal with the subject of Food as a whole effectively.

Now, what are the alternatives? I do not for one moment contend myself that this is the most satisfactory solution possible. But just imagine what would happen by our adopting some such suggestion as that made by the hon. Member for Point Pedro (Mr. Ponnambalam). Let us say that some other Minister in the present Board takes up this matter, shedding all his other subjects. I say that he can take it up while taking on also the subjects of two other Ministries with which he is not familiar at the moment. Neither he nor his Executive

[The Hon. Mr. B. Bandaranaike.]
Committee at the present moment will be familiar with other aspects of the subject, namely those subjects which have been taken over from the Ministry of Labour, Industry and Commerce and those which will have to be taken over from the Ministry of Agriculture and Lands.

That applies to an eighth Minister too. Let us say that, widely within the framework of the Constitution, within the ambit of the Constitution in its widest sense, you have another Ministry called the Food Ministry. That Minister will have to take up those other subjects; whether it is one of the existing Ministers or a new eighth Minister, he will have to take over a fair amount of the work of the Minister of Labour and the work of the Minister of Agriculture to effectually function as Minister of Food. There is no question whatsoever about that.

What do we then come down to? What does it all amount to? It amounts merely to this. Does the House think that the Minister of Agriculture and Lands, dealing as he does with a large number of Departments very closely connected with the question of food, is so overburdened thereby that he cannot function as Minister of Food? I say that whoever is Minister of Food will have to have those subjects, not merely those dealt with by the Minister of Labour, Industry and Commerce, but also those dealt with by the Minister of Agriculture and Lands.

Now, are there one or two Departments unconnected with the food question that may be removed from the Minister of Agriculture and Lands—those by which he is overburdened? When you come to analyse the position, I do not think you can honestly say that there are any such Departments. "Co-operative Societies," just as a sort of window-dressing, may be removed from the Minister of Agriculture and Lands, if you say something must be removed willy-nilly as it were. You might remove the Survey Department—subjects, Sir, that do not take half an hour of his time a day. And is the House seriously going to say that we are giving effect to some very important change by merely removing one or two Departments like the Survey Department from the Minister of Agriculture and Lands? That is the position.

I honestly do not think that the arguments that have been urged against this proposal which the Board has brought up, within the purview, of course, of the motion, is unsatisfactory in that way. I have not heard a single argument yet that has even remotely tried to deal with these points which I have just mentioned. That being so, I feel that the House in attempting to give effect to roughly the spirit underlying that motion—

***The Hon. Mr. G. E. de Silva (Minister of Health):** It was illegal.

***The Hon. Mr. Bandaranaike:** Well, whatever the motion may amount to, the House might adopt this course. Of course, if the House wants to make some other suggestion for an eighth Ministry with another Executive Committee or a ninth Ministry, it is for the House to come forward with those proposals. The House very deliberately placed a responsibility on the shoulders of the Board of Ministers when they generally passed a motion and wanted us to give effect to that motion in the way we considered best; and I feel that we have done that as far as we were able, as the House will see from what I have stated.

Now on this question, lastly, of a vote of no-confidence in the Minister of Labour, Industry and Commerce, all I can say is this: the House contemplated neither the removal of the subject of food from the Minister nor leaving it with him. The House gave no indication that whatever happened they wanted the subject left with him; nor did they say that it should be removed; only that a Minister should deal with it who had ample time to do so.

I do not think myself personally that the Hon. Minister of Labour, Industry and Commerce would feel that this is a vote of no-confidence in him. As a matter of fact, I think it is correct to say that he would himself, though perhaps neither solution was altogether to his liking, neither being a ideal solution, prefer the alternative of being left with his legitimate subjects of Labour, Industry and Commerce minus the food question, rather than be given the subject of Food and be shorn of all his other work which he has been doing for years while this was a matter thrust upon him by circumstances, as a result not merely of the outbreak of war, but the

approach of war to these shores—the emergency control of food. That is, if I may quote the phrase of the hon. Member for Point Pedro (Mr. Ponnambalam), trotting or galloping a red herring across the trait with a vengeance. The question now being raised, of a vote of no-confidence in the Minister of Labour, Industry and Commerce does not arise.

If that is the position, the House must seriously consider whether the chief object they had in view has not been given effect to; whether any alternative they possibly wish to bring forward is going to improve matters; whether it is not necessary for the Food Minister to combine the functions of the Minister of Labour, Industry and Commerce and many of the functions of the Minister of Agriculture and Lands, and if that is the position, whether the best person to deal with this subject of Food is not the Minister of Agriculture and Lands.

If the Minister of Agriculture simply fades away under the burden thrust upon him, we will look after him, Sir. We will see, if and when the need arises, that he is relieved of some of his other subjects. I think the House probably knows it as a fact that the Minister does not feel that he is going to be overburdened. He feels that he can very well deal with these subjects as far as they can be dealt with by any Minister. If there is any particular Department unconnected with food under his control making it impossible for him to deal with it, then we will come before the House and by resolution remove that subject from him and hand it over to somebody else.

***Mr. Ponnambalam:** To you?

***The Hon. Mr. Bandaranaike:** Does it matter, Sir, who it is? It does not matter to whom it is handed over—to any other Minister who could handle it or who would be the best Minister to take it up. It does not quite matter who.

That being the position, I do think, unless this motion itself is a red herring, unless this motion *ab initio* was a red herring through which it was hoped to achieve an entirely different object—I say that this proposal is satisfactory, as far as it is possible to get satisfaction within the scope of that motion. Of course, if the idea was something entirely different, if it was merely a stalking-horse or a red

herring or a stalking-horse, then that is the position. We are not in a position as we are at present, as to making any satisfactory arrangements for dealing with the subject of Food, then I would not like to submit the amendment. I do not think it is a serious consideration.

I do not want to say anything more. Before the Member puts down the motion, the House should know fully what the position is, what the alternative proposals are, and which is better in every way for dealing with the question. I am sure the hon. Member of the Board of Ministers, who has been here, have performed the last 18 months to perform, as satisfactorily as possible, and I do not think that that is the case, and is so unsatisfactory that some alternative which hon. Member has proposed be considered by the House for serious consideration of the House.

I personally feel that if any change is made, the House will have no reason to regret it, nor will the country. As far as is humanly possible, the subject of food will be handled well; not that I mean to cast by implication any aspersion on the Minister who has dealt with it, because he has had a great deal of work to do. I feel that the House should at least give this proposal a trial before turning it down.

Mr. H. W. Amarasuriya (Galle): In spite of the eloquence of the Hon. the Legal Secretary and the Minister of Local Administration, I rise, Sir, to make a few remarks because I entertain a certain amount of doubt as to the legality of this proposal. I may not be a lawyer, but I have examined this matter in relation to the Donoughmore Constitution. The Donoughmore Constitution is a written Constitution and Members of this Council are expected to adhere to and closely follow that Constitution in every action of this Council as long as we work under that Constitution.

Now, I would for a moment invite hon. Members to examine Article 32 of the Constitution which reads as follows:

“Subject to the provisions of this Order, the State Council shall be charged with the administration of the subjects and functions of Government specified in the seven groups given in the First Schedule to this Order or in any amendment of that Schedule or which shall be deemed to be included in any of those groups in accordance with this Article.”

[Mr. H. W. Amarasuriya.]

The functions of the State Council are divided into seven—by ten—groups. There are ten Ministers. The functions of the three Officers of State are set out in what is called the Second Schedule, and the duties of the seven Ministers are laid down in Schedule I. to this Order. You will find that the Schedule itself is divided into seven groups. Group (5) is the one that relates to the functions and duties of the Executive Committee of Labour, Industry and Commerce.

Now, if you examine the functions and duties enumerated in that group, you will find, among other subjects of commerce generally, "Unemployment," "Food Control," "Emergencies"—

Speaker: Where is the hon. Member reading from? Is it from the Schedule to the Order in Council?

Mr. H. W. Amarasuriya: From page 30.

Mr. Speaker: I thought the hon. Member was referring to the Schedule to the Order in Council.

Mr. H. W. Amarasuriya: This is the Appendix to the Schedule.

Mr. Speaker: The Schedule is before me. That appears on page 92 of the new edition of the Manual of Procedure—at the end of the Order in Council.

***The Hon. Mr. Senanayake:** Perhaps it would be convenient for the hon. Member to consider this point after tea time.

Mr. Speaker: The sitting is suspended till 4.30 P.M.

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

Mr. H. W. Amarasuriya: When we adjourned for tea, I was drawing your attention to Article 32 of the Order in Council which says:

"Subject to the provisions of this Order, the State Council shall be charged with the administration of the subjects and functions of Government specified in the seven groups given in the First Schedule to this Order or in any amendment of that Schedule or which shall be deemed to be included in any of those groups in accordance with this Article."

You invited my attention to the Schedule to Article 32 which plainly sets

out the subjects under the Ministry of Labour, Industry and Commerce as:—

"Labour.
Industrial welfare.
Commerce.
Functions of the Registrar-General."

You will find that at page 11 the subjects have been further amplified, under the heading "Subjects and Functions allocated to Executive Committee". Under Group V. of that Schedule you find the following subjects, among others, included:

"Commerce generally.
Overseas Trade.
Trade Exhibitions.
Food control in emergencies."

And Article 32 (2) reads as follows:

"The Council may, by resolution, amend the First Schedule and may declare that any subjects or functions *not expressly mentioned* in that Schedule shall be deemed to be included in any of the groups specified therein, provided that no subject or function included in the Second Schedule to this Order shall be included in the First Schedule, and provided, further, that the division into seven groups of such subjects and functions as may be included in the First Schedule shall be preserved; but no such resolution or declaration shall have effect until it has been approved by the Governor."

I would like hon. Members to consider the significance of the words "not expressly mentioned in that Schedule shall be deemed to be included in any of the groups specified therein". The subject "Food control in emergencies" is expressly mentioned in the Schedule, and further it is said that it "shall be preserved". It is an expressly-mentioned subject assigned to a particular group which shall be preserved. The proposal before the House is to remove one of the subjects expressly mentioned in the Schedule, and thus attack the principle of preserving that subject in that group. I therefore do not think that the proposition before the House can be considered legal in every respect.

Then you find that Article 34 says:

"At the first meeting of the Council after the commencement of this Order and thereafter at the first meeting after every general election, the Council shall elect by secret ballot from among its Members seven Executive Committees each of which shall be charged, until the next following dissolution of the Council, with the administration, subject to the provisions of this Order, of such one of the seven groups of subjects and functions specified in the First Schedule hereto as the Council when electing the Committee shall determine."

That gives further indication of the fact that food control in emergencies, which comes under Group V. of the Schedule of Subjects and Functions, is assigned to the Ministry of Labour. So that, you cannot take away that subject which is expressly mentioned as allotted to the Ministry of Labour. My contention is that you cannot legally take away that subject from the Ministry of Labour without an amendment of the Constitution. If you read Article 32 (1) and (2) along with Article 34, you will see clearly that the proposal of the Ministers cannot be given effect to. An amendment of the Constitution is necessary to give effect even to the present proposal.

On the last occasion on which this question was discussed, I was of the opinion that by a resolution of this House it was possible to make any alteration that had become necessary owing to the exigencies of the situation. But on a re-examination of the Constitutional position I find—I may be wrong, and I hope I am wrong—that it cannot be done without an amendment of the Constitution.

I should like hon. Members to recollect what the terms of the resolution passed by this Council were. The original motion of the hon. Member for Point Pedro (Mr. Ponnambalam) was:

"That this Council is of opinion that the immediate creation of a Ministry of Food with a new orientation of policy in the matter of purchase, control, pricing and distribution is a paramount and overriding necessity for the safety, preservation and defence of this country."

That motion was amended, and it finally emerged in this form:

"That this Council recommends the immediate creation of a Ministry of Food within the ambit of this constitution."

My submission is that the present proposal does not permit the Board of Ministers to give effect to the resolution passed by this House within the ambit of the Constitution. I submit that the Constitution ties us down to the various groups of subjects allotted to the various Ministries; and, that being so, it is not possible to take away from a group a subject already administered by one Minister and give it over to another Minister. My submission is further strengthened by the fact that in the case of subjects administered by an Officer of State, it is not at all possible to effect any alteration without the consent of the Secretary of State.

There is a certain amount of doubt whether the House is strictly legal in having to act within the ambit of the Constitution. I submit that even in the case of the subject of "Food Control in Emergencies" cannot be done without an amendment of the Constitution. I would like you, Mr. Speaker, to raise a motion before the House. I would inquire from you whether the motion before the House is really raising a point of order?

Mr. Speaker: The hon. member must say so. If he does not, then it is raising a point of order.

Mr. H. W. Amarasinghe: I wish to know whether the resolution is in accordance with the Schedule mentioned in the Order in Council.

Mr. Speaker: What is the point of order?

Mr. H. W. Amarasinghe: I wish to know whether the present proposal is in order, because it purports to transfer a subject that is being administered by the Minister of Labour, Industry and Commerce to another Minister. That subject has been allocated to the Ministry of Labour, Industry and Commerce, and the Order in Council requires that that subject shall be preserved in that particular Group.

***Mr. S. Abeywickrama (Udugama):** May we have a ruling on that point of order?

Mr. Speaker: I have not quite followed the hon. Member. There is the following reference:

"provided, further, that the division into seven groups of such subjects and functions as may be included in the First Schedule shall be preserved"

***The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry & Commerce):** We are dealing with the First Schedule.

Mr. H. W. Amarasinghe: It is further divided into 7 groups, and in Group V. is the subject "Food Control in Emergencies". That subject is allocated to the Ministry of Labour, Industry and Commerce.

***Mr. Ponnambalam:** Which Article is that?

Mr. H. W. Amarasuriya: My point of order is this: by the proposal, an attempt is being made to transfer that particular subject from the Ministry of Labour, Industry and Commerce to another Ministry, namely, the Ministry of Agriculture and Lands. I am not discussing the merits of the motion. I am only raising a point of order.

***Mr. S. Samarakody (Narammala):** The hon. Member is really mistaken about the First Schedule. The First Schedule refers to the subjects allocated to the Officers of State.

Mr. H. W. Amarasuriya: That is the Second Schedule. The Second Schedule is the one that refers to the Officers of State.

Speaker: Order, please. The hon. Member raises the point of order that this motion cannot be introduced in this House, and that this House has no power to transfer—as the motion requests—a subject included in Group V. under one Minister to the subjects allocated to another Minister. That, I think, is the point of order.

Mr. H. W. Amarasuriya: Yes, Sir.

Mr. Speaker: Why does the hon. Member say that the deletion of the subject from under one group is not allowed? Article 32 (2) says:

“ This Council may, by resolution, amend the First Schedule and may declare that any subjects or functions not expressly

Mr. H. W. Amarasuriya: Those are the important words—“ not expressly ”. My submission is that this subject has been expressly allocated to that particular group.

Mr. Speaker: This subject is expressly mentioned in Group V.?

Mr. H. W. Amarasuriya: Yes, Sir.

Mr. Speaker: And the hon. Member says that it cannot be transferred?

Mr. H. W. Amarasuriya: Yes, to another Minister.

Mr. Speaker: Does the hon. Member say that the subjects or functions expressly scheduled cannot be included in any other group, and that therefore this Council has no power, by resolution, to remove a subject from a particular group

and add it on to another group in the same Schedule?

***The Hon. Mr. Senanayake:** I might draw attention to Article 32 (2) which says:

“ This Council may, by resolution, amend the First Schedule

That relates to the First Part. The Second Part says, “ and may declare

... I do not mind expressing an opinion on the point raised because it has not been raised by a lawyer. We can, between ourselves, interpret the law. There are two sections in this Article. The first section says:

“ Subject to the provisions of this Order, the State Council shall

The second section reads thus:

“ The Council may, by resolution, amend the First Schedule

That defines what the Council can do.

Mr. H. W. Amarasuriya: Read further.

The Hon. Mr. Senanayake: It can do something more:

“ and may declare that any subjects or functions not expressly mentioned in that Schedule shall be deemed to be included in any of the groups specified therein

That is the second section.

***Mr. Dudley Senanayake (Dedigama):** “ Amend and declare ”.

***Mr. Ponnambalam:** It is not “ amend or declare ”.

***The Hon. Mr. Senanayake:** I will read it again:

“ The Council may, by resolution, amend the First Schedule and may declare

Declare what? My hon. Friend was speaking about the “ operative ” section, and things like that. I would like him to consider the point that this is an operative section. What do the words “ and may declare ” indicate? It does not mean that the First Schedule should be avoided.

Mr. H. W. Amarasuriya: My submission is that this Council may, by resolution, amend the First Schedule and may declare any subject or functions not expressly mentioned—

***The Hon. Mr. Senanayake:** Yes.

***The Hon. Mr. Bandaranaike:** We might have the opinion of the Hon. the Legal Secretary.

Mr. H. W. Amarasuriya: My submission is that this subject is expressly mentioned in Group V. of the Schedule.

The Hon. Mr. Nihill: I do not know whether this is really a point of order at all. But as the matter is under discussion it seems that the point raised should not be overlooked. As I see it, under Article 32 (2) the Council may do either of two things. It may, by resolution, amend the First Schedule or it may, by declaration, do certain things by way of adding subjects and functions which are not already there. The concluding phrase of this Sub-Article says, "no such resolution or declaration". The important words are "or declaration" because they clearly envisage two kinds of procedure. You may amend the First Schedule by resolution or you may do something further by declaration; you may add to it by declaration, and whether you do it by resolution or declaration, neither shall have effect until it has been approved by the Governor.

***The Hon. Mr. Bandaranaike:** It contemplates two things. The second declaration is not part of the first.

***Mr. Ponnambalam:** What effect does the Hon. the Legal Secretary give to the words "or declare". Suppose the Article ran as follows:—

"amend the First Schedule or may declare that any subject or function . . ."

in contradistinction to—

"amend the First Schedule and may declare . . ."

Surely the word "or" there must mean something.

***The Hon. Mr. Bandaranaike:** The point raised is whether there is only one and the same operation referred to in the earlier part of Article 32 (2), viz:

"The Council may, by resolution, amend the First Schedule and may declare that any subjects or functions not expressly mentioned in that Schedule shall be deemed to be included . . ."

Now, the contention is that it refers to two different things. The first point is, "The Council may, by resolution, amend the First Schedule", and the second is that it may also in the event of amending the First Schedule by resolution "declare any subjects or functions not expressly mentioned in the Schedule

shall be deemed to be included in any of the groups . . . This is amended by the . . . Legal Secretary . . . resolution or declaration . . . Therefore, two things are contemplated: a resolution to amend and a declaration to bring it into substance.

***The Hon. Mr. Senanayake:** There must be some intention in this section, that is plain. If the intention was only to transfer a declaration to the provisions mentioned here, why have it . . .

Mr. H. W. Amarasuriya: . . . invite attention to this . . . "and provide further that the seven groups of such subjects and functions may be included in the First Schedule preserved;"

***The Hon. Mr. Bandaranaike:** . . . is, the groups should be preserved.

Mr. H. W. Amarasuriya: The argument form the groups . . . contained in Group V. . . that that particular subject cannot be taken away from the present Minister and given over to another Minister, because then the requirement that it shall be "preserved" will be seriously violated.

***Mr. Dudley Senanayake:** As regards the point raised by the hon. Member I wish to say that it is the division of subjects in the seven groups that shall be preserved. So that you cannot create an extra Ministry, for instance.

Mr. Speaker: That is right.

The question resolves itself practically into this—whether the power of the Council to amend and declare forms one act or two different acts, whether the word "and" should be given the meaning of "or" or should have the meaning of "and". Sub-clause (1) says:

"Subject to the provisions of this Order . . . specified in the seven groups given in the First Schedule to this Order or in any amendment of that Schedule or which shall be deemed to be included . . ."

The word "or" is used there. Sub-clause (2) says:

"The Council may, by resolution, amend the First Schedule and may declare . . ."

To carry out the intention of the framers of the Order in Council, I think the word

[Mr. Speaker.]
 "and" should be given the meaning of the word "or". [Interpretation.] Perhaps those lawyers who are in touch with the Courts will remember this principle of interpretation as stated in Maxwell's "Interpretation of Statutes". The hon. Member for Point Pedro (Mr. Ponnambalam) laughs aloud, and he is in active practice. I say that the word "and" must be given the meaning of the word "or", and this is also supported by the last sentence of sub-clause (2), "but no such resolution or declaration shall have effect...". That is a point stressed by the opponents to this point of order. I think that is correct; and I hold that the motion is in order.

W. Amarasuriya: Now that you have ruled the motion to be in order, Sir, I would like to deal with the merits of the motion.

You will remember that on the last occasion Members of this Council supported the motion which was amended, because there was a desire that the subjects of Food, Food Control and connected matters should be administered by one Minister. The present proposal does not meet, if I may say so, with the terms of reference to the Board of Ministers. If the Board of Ministers found that it was not possible to create a separate Ministry of Food as such, it was their duty, I think, to have reported their difficulties to this Council and submitted fresh proposals for the consideration of this Council or requested the Council to reconsider the position taken up by the House.

I do not know whether the motion before us allows us the necessary scope to consider the question anew, because the Council did not ask the Ministers to place proposals which were outside the ambit of the Constitution before the House. The Ministers contend that their proposal is within the ambit of the Constitution. Hon. Members referred to the fact that the Minister of Labour, Industry and Commerce is already overworked and as such it would be better if one Minister dealt with this subject. I think it was within the purview of the Ministers to have considered a reallocation of all subjects, because if they contend that under Article 32 (2) they can amend and reallocate all subjects, I think they should have set about it by reallocation of subjects, because then the seven groups would still be preserved.

If the majority of the Ministers decided that the subject of Food should be transferred to the Minister of Agriculture and Lands, the Minister of Agriculture could have given up some of his subjects and those could have been reallocated to at least three other Ministers who are not so heavily worked as the other Ministers. There is the Ministry of Education and I am sure the Hon. Minister would not mind undertaking some extra duties during this emergency. So it is with the Minister of Health. The Minister of Health is a new and very enthusiastic Minister. He is very fond of travelling throughout the country and getting to know things for himself. I am sure he would be only too glad to undertake more responsibility. So it is with the Minister of Local Administration too. I think the Minister of Local Administration would not himself refuse to undertake more duties and carry them out efficiently.

I am not suggesting that the Minister of Agriculture, although he will be burdened with this new duty of administering the Food Control Department, would in any way shirk his duties. But he is the one Minister who can, in addition to his other duties, probably perform these functions best, and I do not think that hon. Members will in any way minimize the importance of the duties of the Minister of Agriculture and his capacity for work.

I think it is the desire of hon. Members that there should be a separate Ministry of Food to deal with food production, food purchase, pricing and distribution of food. All these subjects could very well have been given to one Minister. I am afraid in the very near future we shall have to have another Ministry to deal with the problem of transport. Therefore, I think the Ministers would have been well advised—it would have been certainly expedient on their part—if they had proposed a reallocation of subjects and functions; and if they claim that the Constitution gives them power to reallocate all these subjects within the 7 groups, then my submission is that the Ministers could have carried out the terms of the motion passed by the House by a reallocation of the subjects, leaving one Minister with the subject of Food, viz. food production, food control, price-

ing and other matters connected with the food problem.

I would suggest to the Hon. Ministers that they should reconsider this question, and if they decide that the Minister of Agriculture is the best person to deal with this subject, he should be relieved of other duties and these subjects should be re-allocated among other Ministers. Thereby they will be giving effect to the spirit of the resolution that was passed.

If the Hon. Ministers felt that in the circumstances something had to be done, then, I submit, they have been tinkering with the problem. But if they had set about it heart and soul with the idea of giving effect to the motion that was passed by this Council, I think they could have easily given effect to it instead of saying that this proposal is the best that they could have done in the circumstances.

The Hon. Minister of Local Administration gave us instances to show that he considered that the Minister of Agriculture and Lands was the proper person to deal with this subject. I do not think there is any difference of opinion with regard to that, and if the Hon. Minister of Agriculture and Lands is prepared to undertake the subject of food production then he should be relieved of his other duties, particularly of his responsibility for the Survey Department. The Agricultural Department will be under the Minister of Agriculture because that Department is closely and intimately connected with the production of food. The Irrigation Department is also intimately connected with providing the necessary water and irrigation facilities for the production of food. So that he will have in addition to those departments the food department which will be a sort of sub-department.

***The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands):** The Survey Department is not required?

Mr. H. W. Amarasinghe: The Survey Department is not so closely connected with this particular work.

I feel that the Ministers have not really attempted or made an honest attempt to give effect to the resolution passed by this Council. If they felt that a new scheme of things was necessary, then, I think, it was their bounden duty to

come back and reconsider the proposal. We have done our best to give effect to the implications of the motion that was passed by the Council, but it is not possible to do so, but we, however, have made a proposal. The proposal made really is the subject of the resolutions of this Council. In those circumstances I am not prepared to support the present proposal.

I would like the Council to reconsider the position; but under Article 3 of the Constitution subjects is possible. The Constitution is concerned. The possibilities of a Ministry of Food under the present circumstances, but alone, I admit, is not sufficient to this Council. But in the other hand they find that the Ministers are overworked. The Ministers are required to do more work. I should submit such a resolution of the Council.

In those circumstances I am unable to support this motion not because of any other reason, but because I feel that the Ministers have not made an honest attempt to give effect to the motion that was passed by this Council.

***Mr. S. Natesan (Kankesanturai):** As the author of that much discussed, if not much misunderstood, amendment about the ambit of the Constitution, I feel that I must say a few words on this motion. Anyone would have thought that those words of mine—"within the ambit of the Constitution"—would have precluded any discussion of the comparative merits of donkeys, elephants, horses and what not. I do not know what made the Hon. the Legal Secretary stray away from the ambit of the Constitution; in any case he set a bad example, and he was followed by many others who discussed several things under the sun.

I want to bring the minds of hon. Members back to the original motion and the amendment. The Board of Ministers were called upon to find some way of creating a Ministry of Food within the ambit of the Constitution. Now, those who sponsored or spoke in favour of the motion made it clear that the imperative need of the hour was that there should be a Ministry of Food giving its undivided attention to the subject of

[Mr. Natesan.]

Food. Now, the question is this—let the question be put clearly and squarely: "Have the Board of Ministers done that?" Whatever *logia* may have been offered, this is the fact is there. The Minister of Agriculture and Lands is now asked to shoulder certain responsibilities which were not assigned to him. He has taken over the question of Food with all its ramifications; and let the House know that he does not divest himself of all other functions assigned to him, nor has any attempt been made to allocate to the Minister of Labour, Industry and Commerce any subjects which did not originally belong to him but which one would expect, under the circumstances, to be reallocated to him. This has not been done.

There have been arguments used as to why this was not done and why that was not done, but there has been no satisfactory explanation, for instance, of this subject which was pertinently raised in the course of the discussion on the motion here. There was the suggestion made that the Hon. Minister of Labour, Industry and Commerce could very well divest himself of all other subjects except "Food". That was the solution offered by some Members. I do not know whether the pros and cons of that suggestion were weighed carefully by the Board of Ministers; perhaps they might have done it in their *kusu-kusu kootams*, but we have not had any enlightenment as to how they came to this conclusion. There was a sort of rumour that the Hon. Minister of Local Administration was going to be made Minister of Food. We do not know whether the pros and cons of that suggestion were considered, and for what reasons that suggestion was made. We have a right to know about these things.

The point which I want hon. Members of this House to rivet the attention on is this: why should not a straightforward motion of this kind be dealt with in a straightforward way? In fact I made this suggestion—I take the responsibility for it—I said that it was proper for the Hon. Minister of Agriculture and Lands, inasmuch as he deals with food production, to have this question of food control also within the purview of his administration. I had a definite reason for saying so, and I elaborated the argument.

It must be remembered that this question of Food comes really under three Ministers—the Minister of Labour, Industry and Commerce; the Minister of Agriculture and Lands; and the Minister of Home Affairs. I am glad that the hon. European Nominated Member (Mr. Griffith) raised the point "What are you going to do with these (Emergency) A. G. A's who are concerned with the question of food production?" One would have thought that the sanest solution would have been to bring all these three departments under the control of one Minister, whoever it may be, and divest him of all other functions so that those functions could be dealt with by other Ministers. There should be some balance in this scheme. This is, shall I say, a top-heavy scheme. I want the Board of Ministers to give their attention to this matter.

What is the difficulty? For instance, the Hon. Minister of Agriculture and Lands could divest himself of such subjects as Survey, Land Settlement, Rubber Control; for instance, Tea Control, in a scheme like this—under a reallocation of subjects—could properly go to the Minister of Labour, Industry and Commerce who deals with copra sales. There should be some sense in all this. It stands to reason that the Minister of Labour, Industry and Commerce should be assigned some of those subjects, and you can finally sort of connect him with one subject to another. You can even say that Fisheries have a great bearing on food, and the Minister of Local Administration can be told that the subject of Fisheries is one for the Minister of Agriculture. In that way the argument can go on expanding and expanding, and there will be no end to the matter.

So I want the House to address itself to the question whether the Board of Ministers have carried out the resolution passed by this Council. That resolution was to the effect that a Ministry of Food should be created, a Ministry of Food giving its undivided attention to the subject. It should be legitimately called a Ministry of Food only, and that is the most important question which we have to solve. The country expects some Minister to give his undivided attention to that matter, and give satisfaction to all the people who are hungering and thirsting for some such solution. That has not been done.

In these circumstances it is not right for the Board of Ministers to come and offer a solution like that which is no solution at all, because, to use common parlance, it is like robbing Peter to pay Paul or something like that when you take away certain subjects from the Minister of Labour, Industry and Commerce and give them over to the Minister of Agriculture and Lands. There should be some balance in this scheme; that is why I insist that there should be some re-allocation of subjects which will be satisfactory, and I want the Board of Ministers to give their attention again to this matter if it is possible. If that is not done, I would reluctantly be compelled to vote against this motion.

***Mr. D. Wanigasekera (Weligama):**

There was a straightforward motion proposed by the hon. Member for Balapitiya (Mr. Kularatne), and that was to form a separate Food Ministry. If that motion had been accepted, I think we could have blamed the Ministers for their present suggestion. But in the resolution we passed we said that a Ministry of Food should be created within the ambit of the present Constitution; and therefore they had to prepare some scheme or other in accordance with that resolution and come before this Council with it. If they had told us to-day that they were not in a position to form another Ministry, then we could have blamed them. But their present suggestion, I think, meets with the desire expressed by the Members of this House on the last occasion.

Besides that, Sir, I think the Minister of Agriculture and Lands has been in charge of "Agriculture" for the last 12 years, and to-day our country is suffering for want of food. Food distribution and other allied subjects have been allotted to the Minister of Labour, Industry and Commerce. By this motion, I think we are righting an injustice that had been perpetrated by the framers of the Donoughmore Constitution, because "Food Distribution", and so on, should have been placed in the hands of the Minister of Agriculture and Lands. Now we are placing not only "Agriculture" but also "Food Distribution" and other allied subjects on the shoulders of the Minister of Agriculture and Lands. I think we are now placing a big burden on his shoulders, and he is ready to take

charge of them. Therefore we must have additional subjects

If India will be no must be so food and d Minister of is in a positi abilities, be him to prod partment to operative Department and so on. under his co extra dutie them out an

I think th Goonetilleke great help to and Lands t the joint eff the Minister will see us through this difficult period.

Mr. G. A. H. Wille (Nominated Member): I do not want to give a silent vote on this question because my voting might be misunderstood. I intend to vote against this motion for the reasons which I gave when speaking on the resolution for the appointment of a separate Food Ministry. I am sorry that there has been some misunderstanding about the attitude of some Members to the motion. There was no unanimity at all. I was in fact about to call for a division when I expected the Acting Leader of the House who was also against the motion to call for a division. He did not do it, and so the opportunity was lost. I mention that in order that our position may be correctly understood.

Now, the reasons I gave against the appointment of a separate Food Ministry apply to this motion, because this is simply an attempt as far as the Ministers can do so to give effect to the decision on that motion. The reasons I gave were these, that this was a practical question and at this time we were going to gain nothing by shuffling different subjects amongst the different Ministers, and that His Excellency the Governor has appointed an officer, in whom we all have confidence, to co-ordinate the work of different departments and to see that proper administrative measures are

[Mr. Wille.]

adopted in order to raise food as well as control the prices of staffs.

There was no difference of opinion amongst any persons in this House in regard to the policy that should underlie a Food Ministry. We were all agreed about it. It was only a question whether effect was given to the policy efficiently or not.

Sir, it has been said that something might have been done to create a Food Ministry within the ambit of the Constitution. For myself I must submit that that was impossible, as the Hon. the Legal Secretary has explained to us. In fact, those who talk of the ambit of the Constitution realize their own difficulties, and they almost suggest that something should have been done within the circumference of the Constitution, not within the ambit of the Constitution.

Our Constitution is a very rigid one. This is not the time to discuss the merits of that subject, but we have to face that fact. There are 7 divisions which cannot be disturbed, and we cannot allocate inappropriate subjects or functions to any particular division. So that the Ministers had to do the best that was possible in order to give effect to what they thought was the wish of this House.

I am surprised that they did not take a firmer stand, because they would have had grounds for it. In fact, this is, as politicians would say, simply giving a sop to Cerberus. But you see, Sir, that some of the Cerberuses who bark here are not satisfied with the sop that is given.

The Hon. Minister of Local Administration tried to make a virtue of necessity. He went so far as to say that this was an excellent thing that was now being proposed. If that was so, why did the Ministers not do it before the suggestion came from this House? In fact, so far as I can see, we are not going to get any good results from the proposed change. The Minister of Agriculture and Lands, energetic as he has been, has not given full satisfaction to the country or this House in regard to actual food production. The last speaker said that the Hon. Minister has been in charge of Agriculture for twelve years and people had no food. I do not want to go into that subject very deeply, but the fact remains that there is plenty of room for

greater energy on the part of the Minister of Agriculture and Lands, and, I do not see how he could devote more attention to the production of food if he is suddenly saddled with the functions of rationing of food and controlling of prices. If he is left alone, we shall see better results.

What I said when the motion for the creation of a separate Ministry of Food was argued was that we could not expect the Minister of Labour, Industry and Commerce to do more than he has done. After all, the task was an exceedingly difficult one and he had to contend against unprecedented conditions. Now that he is going to be helped by an excellent organizing officer, I think we may expect better results. As I pointed out on the last occasion, his Ministry is composed of persons who are perhaps as a body more fitted than any other combination of this House to deal with matters of commerce and industries. So that, if we leave things alone we shall perhaps see better results.

At a time like the present, to think of a different allocation of subjects is, I think, very hazardous, to say the least of it. We have not only to take care that we do not disturb settled organizations but that we do not do so at a time when the energies of the Ministers and Members of Committees are required to be at their best. So, Sir, I am not going to vote for this motion, but it must be understood that it will not be for the reasons urged by some Members.

***The Hon. Mr. G. E. de Silva:** I should like to say that when the original motion was introduced by the hon. Member for Point Pedro (Mr. Ponnambalam), we all realized that if the object he had in view could be achieved, it would be ideal for meeting the present situation. Although he wanted an eighth Ministry created, the motion in its final stages underwent a great deal of change. That shows that some hon. Members did not realize the far-reaching consequences of that motion when they voted for it. But to-day hon. Members feel that though they referred the motion to the Board of Ministers, the Board of Ministers have not satisfactorily solved the problem.

Might I ask hon. Members whether it would not have been better for them to have formulated a scheme and put it be-

fore this House? And if the House accepted it, we would have said nothing about it.

Mr. Aluwihare: Ask us to do it and we will do it.

***The Hon. Mr. G. E. de Silva:** The hon. Member says, "Ask us to do it and we will do it." It was the duty of the House to do it, but they referred the matter to the Board of Ministers and the Board of Ministers have done the best they could under difficult circumstances. At the very beginning we found the idea wholly impracticable—to make this change "within the ambit of the Constitution"—but the House said, "No, you act on our resolution and do what you can." If we had said, "No, it is impracticable; we cannot do it", the whole House would have turned on us and said, "You are defying the wishes of the House."

What was the suggestion made by the hon. Member for Kankasanturai (Mr. Natesan) and the hon. Member for Galle (Mr. H. W. Amarasuriya)? The Member for Galle said definitely that the Minister who is dealing with the control of food must also produce food, and the Member for Kankasanturai stated that the Minister of Agriculture and Lands would be an ideal Minister for the purpose. Having made those suggestions, the House left it to the Board of Ministers to decide, and the Board of Ministers thought that the Minister who is dealing with food questions—the production of food—who is responsible for our agricultural activities and who is in charge of the Department alienating land for the purpose of food production, would be the best person to undertake the work of a Food Ministry.

We have made that suggestion, and is it not the duty of the House to say now, "Well you have chosen him. We will give him a trial and see what he can do"? Would that not be a reasonable attitude to take in a difficult situation like this? It does not matter whom you put in charge of the work, provided he can be made to produce food and distribute it satisfactorily. The Minister of Agriculture and Lands is controlling all agricultural activities—

It being a matter of proceedings of business under the Standing Order 2

***The Hon. Mr. D. E. Senanayake (Acting Leader of the State Council):** I move that the House do now adjourn.

***Mr. S. Anura Kumara (Udugama):** We have read in the newspapers that an announcement has been made regarding the Indo-Ceylon talks. A message has been received by our newspapers to that effect, and I would like the Acting Leader of the State Council to make a statement to this House. He is aware of any particular arrangements?

Mr. H. W. Amarasuriya (Galle): In the same sense as the Hon. Acting Leader made a statement I would like to ask him whether any arrangements have been arrived at between the Government, and if so, why particulars of those negotiations have not been placed before the Council before the arrangement was finally agreed to, and why even the tentative proposals for an agreement were not placed before the House.

We nearly had a Constitutional crisis over this important subject of Indo-Ceylon relations some time ago, and we then had the spectacle of Ministers in difficulty coming to this House and wanting us to draw the chestnuts out of the fire for them.

On this occasion, according to Press reports, they appear to have come to some understanding with the Government of India. If the reports in the Press are correct, I would like to know why the Ministers have adopted this procedure, without the approval of the House.

***The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** When you receive the answer, you will see—

***The Hon. Mr. Senanayake:** May I give the answer now? There were four points mentioned in that announcement.

***The Hon. Mr. Bandaranaike:** All that is false.

***The Hon. Mr. Senanayake:** The first was that the ban on emigration to Ceylon was to be lifted; the second point was

[The Hon. Mr. S. A. Jayasinghe.]
 that a fresh Indo-Ceylon agreement would be negotiated after the war; the third point was that Ceylon would withdraw existing anti-Indian legislation and undertake to refrain from new anti-Indian legislation. These are the three points—not four.

With regard to the first point, we were not aware, till we read of it in the papers, of any intention on the part of the Indian Government to lift the ban. So the statement that it was being done by agreement is not true. Since we saw this report in the newspapers, His Excellency the Governor made inquiries, and we find that it was the intention of the Indian Government to lift the ban as far as unskilled labour now in Ceylon is concerned. They are lifting the ban so that these labourers may be able to leave Ceylon and come back again to Ceylon—those who are now in Ceylon. That is the intention. We had no agreement with regard to that, and we did not know anything about it till we saw the report in the newspapers.

With regard to that, the House will see that action has been taken by the Indian Government without our consent, and there may be certain problems created here. If such problems are created here, we may have to take steps to tackle those problems—[*Interruption*]. We will be free to take action if necessary. Our information is that they have taken this step and it is possible that problems may be created; and when they arise we certainly will take steps with regard to the matter.

The second statement is that a fresh Indo-Ceylon agreement would be negotiated after the war. Up to this day we do not know whether the Indian Government have accepted or rejected the agreement that was arrived at here some time ago by the two Delegations. We have had no intimation with regard to that to make us think that any fresh agreement is necessary. All that we know is that there was an agreement arrived at between the two Delegations and that the Indian Government was considering the matter. The question

has been in suspense during the time of war, and there was no question of fresh negotiations so far as we were aware. I do not think that the statement could have emanated from any responsible authority, as it is not likely that they would make a statement which is not quite accurate.

The third point mentioned is that Ceylon will withdraw existing anti-Indian legislation and will undertake to refrain from enacting any anti-Indian legislation. As far as we are concerned, there is no such anti-Indian legislation here in Ceylon at all. So there is no question of withdrawing it. There is certain pro-Indian legislation, but that is quite different from "anti-Indian" legislation. It is legislation enacted for their benefit. There is no anti-Indian legislation in Ceylon, and so we could not have agreed to withdraw anything of that sort. That is the position so far as we are concerned.

Mr. A. Ratnayake (Dumbara): What are you reading from?

***The Hon. Mr. Senanayake:** These were the points made. I was reading from my notes.

Mr. Speaker: The question now is that Council do now adjourn.

Mr. T. Amarasuriya (Moratuwa): I wish to ———

Mr. Speaker: The debate is concluded. The Minister who moved the adjournment of the House has replied.

***Mr. S. Samarakkody (Naramma'a):** We gave way to two speakers who spoke on a particular point and wanted a reply.

Mr. Speaker: Hon. Members are expected to know the procedure. The other questions can be raised to-morrow.

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

Adjourned accordingly at 5.38 P.M. until 10 A.M. on Wednesday, August 26, 1942.