

The State Council of Ceylon.

No. 53.

September 1, 1942.



DEBATES

SESSION OF 1942.

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STATE COUNCIL OF CEYLON.

Tuesday, September 1, 1942.

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

PAPERS TABLED.

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

(Minister of Local Administration):
Regulation made by the Executive Committee of Local Administration under sections 80 (1) and 174 of the Motor Car Ordinance, No. 45 of 1938, for the urban area comprised within the administrative limits of the Trincomalee Urban Council.

Regulation made by the Executive Committee of Local Administration under sections 80 (1) and 174 of the Motor Car Ordinance, No. 45 of 1938.

(Minister of Labour, Industry and Commerce): Order No. 25 dated August 2, 1942, made by the Minister of Labour, Industry and Commerce, under section 4 (1) (a) of the Food Control Ordinance (Cap. 132).

Order No. 26 dated August 2, 1942, made by the Minister of Labour, Industry and Commerce, under section 4 (1) (d) of the Food Control Ordinance (Cap. 132).

Order No. 27 dated August 2, 1942, made by the Minister of Labour, Industry and Commerce, under section 4 (1) (e) of the Food Control Ordinance (Cap. 132).

Order No. 28 dated August 2, 1942, made by the Minister of Labour, Industry and Commerce, under section 4 (1) (g) of the Food Control Ordinance (Cap. 132).

Order No. 29 dated August 8, 1942, made by the Minister of Labour, Industry and Commerce, under section 4 (7) (a) of the Food Control Ordinance (Cap. 132).

(Minister of Communications & Works): Rule made by His Excellency the Governor under section 5 of the Telegraph Ordinance (Cap. 147), and declared to be in force from August 21, 1942. (Notification dated August 13,

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

1942, published in the *Government Gazette* of August 21, 1942).

NOTICES OF MOTIONS.

Dr. A. P. de Zoysa (Colombo South):
Sir, I give notice of the following motion:

That in view of the constant complaints against the Inspectors of Schools and against the officials of the Education Department, and owing to the irregularities committed by that Department, a Commission should be appointed to inquire into the working of that Department.

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

†APPROPRIATION BILL, 1942-43.

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

In Committee—

MR. SPEAKER presided as Chairman.

SCHEDULE III.

Electrical Undertakings.

Abstract A.

Sub-head 1, Management and General Charges, Rs. 733,446.

Amendment moved [Minister of Communications and Works]:

(1) Item 2, Travelling expenses.

Increase provision under this item from Rs. 8,500 to Rs. 9,000 and under "Details of Items" increase "Expenses at casual rates to—Accounting staff including expenses on annual verification of stores" from Rs. 3,100 to Rs. 3,600.

(2) Item 3, Holiday Warrants, Passages, &c.

Increase provision under this item from Rs. 8,500 to Rs. 9,500 and under "Details of Items" increase "Holiday Warrants and season tickets" from Rs. 7,500 to Rs. 8,500.

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

Mr. H. W. Amarasuriya (Galle): I wish to elicit some information with regard to the Hydro-Electric Scheme. You will remember, Sir, that a few weeks ago the Hon. Minister laid on the table a memorandum dealing with the terms and conditions on which it is proposed to terminate the present contract with the Hindustan Construction Company, Limited. This memorandum deals to some extent with the present position. Before the contract was entered into with this firm, the Hon. Minister placed a motion or a report before this Council and told us that he proposed to carry out the Hydro-Electric Scheme in stages.

The Chairman: Shall we deal with that subject under Sub-head 7 "Hydro-Electric Scheme, Watawala?"

Mr. H. W. Amarasuriya: But I wish to deal with it under "Management" under "Personal Emoluments".

I raise this matter because I consider it of some importance. To my mind the procedure adopted by the Hon. Minister is rather novel, because he places a memorandum before us and expects us to give a silent vote on the proposals contained in it.

The memorandum does not give us an opportunity of discussing the matter in this House and of considering all its implications, because the proposals have very far-reaching effects. This is what the memorandum says in paragraph 2:

"In view of these circumstances, it was suggested that the contract be terminated on the following general terms:—

- (a) Government to pay for work done without there being any question of compensation for breach of contract on either side.
- (b) The contractors to complete essential protective works.
- (c) The contractors then to hand over to Government all plant and equipment, housing, stores, tools and materials on the job, Government paying to the contractors the amount of the valuation less the usual depreciation. The details of the handing over to be arranged subsequently between the contractors, the Chief Engineer and Manager, Electrical Undertakings, and the Chief Resident Engineer, Hydro-Electric Scheme."

The memorandum goes on further to state:

"It may be mentioned here that in accordance with instructions of the Ceylon Government, Sir Henry Howard, Consulting Engineer, Madras, inspected the Hydro-Electric Works at Norton Bridge in December, 1911. Reference was made in his report to the possibility of dispensing with the services of the contractors and continuing the work by direct labour under the supervision of the Chief Resident Engineer after certain further progress has been made."

I have read out these extracts from the memorandum because it is proposed in the first instance to terminate the contract without coming to the Council in regard to the matter at all. Evidently the Committee concerned has considered the matter. I am not challenging the advisability of terminating the contract; that is a different question altogether. But it was the duty of the Hon. Minister and the Board of Ministers to have placed all the facts for the consideration of this House and then to have come to a decision, because the decision also involves the making of certain payments to this Company.

When the original amount was allocated to this work, it was allocated for a purpose—for the purpose of prosecuting this work and in order to bring the Hydro-Electric Scheme into operation and place it in a working condition. But now the proposal is to terminate the contract and to pay a certain amount by way of compensation and make certain adjustments, for which, I submit, money was not actually voted by this House.

Then, apart from the financial implications involved in this proposal, there are one or two important principles which have to be considered. The Hon. Minister refers in this memorandum to a report issued by Sir Henry Howard. I do not think Members of this Council, except perhaps the Members of the Executive Committee of Communications and Works, have had an opportunity of examining this report. Certain things they propose to carry out are based on this report.

Sir, we do not know whether any adverse criticisms have been made by this eminent Consulting Engineer, Sir Henry Howard, with regard to the execution of the work itself. Of course, we have only to presume that everything has gone on well. But we have yet to know what the Consulting Engineer thinks about

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the work that has already been done. I think it was the duty of the Hon. Minister to have tabled that report or given us some information about the recommendations contained in the report. According to this memorandum, the report has been further referred to the Consulting Engineers for the Hydro-Electric Scheme, namely, Messrs. Preece, Cardew and Rider. So that, the report of Sir Henry Howard has been referred to another firm of Consulting Engineers.

There is also a further departure from what we have already agreed upon, namely, that certain work should be continued under the supervision of the Chief Resident Engineer, Hydro-Electric Scheme.

The proposals contained in this memorandum are altogether new. I contend that apart from tabling this memorandum, these proposals should have been reported to this Council under the provisions of the Order in Council, and if it has become necessary to terminate the contract, it should be terminated with the concurrence and not behind the back of this Council.

This is a very important matter, as certain financial implications are also involved in these proposals. If this matter had been placed before this Council, it would have given the House an opportunity of discussing the whole question. According to this memorandum, I find that the Board of Ministers have concurred in the termination of the contract as proposed by the Executive Committee and that action is being taken accordingly.

I submit that the decision of the Executive Committee is not a minor decision—it is a major decision—and it was the duty of the Executive Committee to have reported the matter to the Council. Therefore they have been rather negligent in their duty in not reporting the matter to the Council. At the moment I am not challenging the question whether they have come to the right decision or not, but I am contending that the procedure they have adopted is wrong. It is not a report under Article 45 (2); it is merely a memorandum tabled by the Minister, and we are expected to accept what has been stated in it and say nothing about it.

I should like to know why the Hon. Minister and his Executive Committee have thought it fit to deal with this most important question in this most summary way.

***Mr. B. H. Aluwihare (Matale):** I should like the Hon. Minister to tell me whether my impression of certain events is correct. I do not think that this report actually gives the reason, because the Hon. Minister pretends to control events over which he has really no control. I think the vital point in this matter was that the Indian Government recalled its Engineers because it wanted them for some other purpose, and there was no help for it.

The Hon. Colonel J. L. Kotalawala (Minister of Communications & Works): I am glad that the question has been raised. I owe the House a full explanation, which I was always willing to give, but now I am fully prepared to do so because the present circumstances enable me to tell the House all the facts, and to answer all questions. The matter is now no longer *sub judice*; everything has been settled. It was unfortunate that, in dealing with contractors during a time of war, we found it difficult to come to the House and give the full details. That is why I took my Executive Committee and the Board of Ministers into my confidence and adopted certain measures before bringing the matter to the notice of the House.

I am glad that the hon. Member for Galle (Mr. Amarasuriya) does not challenge the wisdom of the action taken. He does not wish now to discuss the question whether the action taken was right or wrong. Probably he feels that it was right. He was merely challenging the procedure adopted. The procedure adopted may have been wrong, but that procedure was adopted because at a time like the present there was no other method of setting about it.

For the benefit of hon. Members who may have forgotten them, and of Members who are new to the House, I shall refer to the circumstances in which work on the Hydro-Electric Scheme was started. It was started with the object of finishing work on the whole scheme within three or four years. It was hoped to obtain electricity generated by

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water-power within four years from the start of the work.

The work was divided into four parts: (1) Civil Engineering Works; (2) Machinery; (3) Pipe Line; and (4) Transmission—the laying down of the high tension mains. Tenders were invited for these four different parts of the work and were accepted, but before the contracts were signed, war was declared—in September, 1939. Then the question arose whether, as the contracts had not been signed, we should not carry on only with that part of the work which would take longest to complete—the civil engineering side. The contractors for this part of the work happened to be an Indian firm; being close to Ceylon they were not subject to the same difficulties which European firms would experience. The matter was discussed on a Supplementary Estimate in this House, and the Board of Ministers decided that we should carry on with the civil engineering side of the work, which would cost about Rs. 6,000,000 or Rs. 7,000,000.

Work was therefore started in January, 1940, on the civil engineering side of the scheme, which was expected to take three years to complete. At that time it was expected that the war would be over in six months—in fact some people did not expect it to last longer than two months—and it was felt that while the civil engineering work was going on, we could lay the contracts for the remaining work with other firms.

When the Indian firm in question started the work, there was no difficulty about obtaining materials. England was supplying the cement and the iron, and it was felt at that time that if we could not get these materials from England, we could get them from India. Practically all the employees were Ceylonese. It was partly an unemployment measure, and about 98 per cent. of the employees of the contractor happened to be Ceylonese. Everything went on smoothly, till about the end of 1940, or the beginning of 1941. Then we found it difficult to obtain certain materials from both England and India. But we still carried on the work by giving extensions of time to the contractors.

Then, after the work had been going on for 1½ years we felt that it was our duty to find out how the work was proceeding. The work was being done by the contractors under the supervision of a Resident Engineer, a representative of the Consulting Engineers, Messrs, Preece, Cardew and Rider. They are our Consulting Engineers, and it was on their plans and specifications that work was being done. The Resident Engineer and his staff, who were in our employment, were there to see that the work was carried out according to the specifications, and paid for in accordance with the terms of the contract.

These civil engineering contracts are based on piece-work, on rates per cubic foot. For instance, for cutting a tunnel, so much per cubic foot; constructing a dam, so much per cubic foot of concrete; laying a pipe-line, so much per cubic foot excavations, and so on. All the rates were based on task work. It was not a case of getting them to finish the whole work and then paying them. The cost of the work may be Rs. 7,000,000 or Rs. 8,000,000, or even Rs. 5,000,000, according to the quantity of work done; but Rs. 7,000,000 was a rough estimate of the cost.

While the work was going on, we consulted our Consulting Engineers. According to the terms of our agreement with them, they have had to visit Ceylon and see how the work was going on, whether the contractor was doing his work well, and whether the Resident Engineer too was supervising the work satisfactorily; in fact whether everything was going on well.

In the middle of 1941, the Consulting Engineers asked us whether we would mind inviting Sir Henry Howard—as they themselves could not come to Ceylon, and as Sir Henry Howard is an eminent Engineer—and whether we would mind accepting his report. We agreed; and Sir Henry Howard came to Ceylon and inspected the works. He said that everything was satisfactory, except that there was a certain amount of delay due to the difficulty over obtaining materials, and to the fact that the work was being done mostly by manual labour, whereas in countries like America they would use tractors and compressed-air machines. In view of this, Sir Henry

Howard said that the work was being done quite satisfactorily.

Anticipating more difficulties as time went on, we asked Sir Henry Howard whether it was possible to carry on with the work by employing our own staff; if anything did happen over the contract whether he thought that our staff would be capable of carrying out the work. The war was coming closer to Ceylon, and the difficulties were increasing, and we felt that it was our duty to find out exactly whether our staff here were qualified to carry on the work. Sir Henry Howard, in his report, explained that our staff was extremely capable and good and that in the event of any such difficulties as those which we anticipated arising, with the addition of a few Foremen we would be able to carry out the work just as efficiently as the contractors themselves. A large part of the work, such as laying out the surveys—the difficult part of the work—had already been done.

That was the position in December last, before Japan entered the war. With Japan's entry into the war, things became a little more difficult. In the first place, we found difficulty in obtaining even the materials and machinery which we were getting from India.

Now I come to that part of the story which I could not have told the House before. Now that everything has been settled, I am in a position to disclose it to the House. The Hindustan Construction Company is one of the biggest firms in India. It controls a very large number of companies and was doing a large amount of important war work in Singapore and India. In fact, it was this firm that took up the contract for building a new road from India to China. This firm consequently had considerable influence in India, and they would more or less be benefited if they gave up their work on the Hydro-Electric Scheme in Ceylon and took on more work in India because more money could be made there. We, on our side, resisted all efforts as best we could, and the only way in which we could do so was to tell them that in terms of the contract they should continue the work and that if they did not, we would be compelled to enforce the terms of the agreement.

Then pressure was brought to bear on us by the Indian Government. The Indian Government urged that if we released the Company from their contract, they could devote their attention to more war work in India. We pointed out to the Indian Government that nearly 90 per cent. of the labour employed by the Company in Ceylon were Ceylonese, and that for the work that was being done no machinery was required. In fact, we also pointed out that the machinery being used by the Company belonged to the Ceylon Government, and therefore the release of the firm from their contract in Ceylon would not help to further war work in India, and that we ran the risk of losing nearly Rs. 6,000,000. There the matter ended.

Then the difficulty of obtaining materials became acute but we insisted that the Company should observe the terms of the contract and carry on. Then we had the Japanese air raid of 5th April last. But before I come to that, I would like to tell the House that the Hindustan Construction Company was also doing some work at Trincomalee which was estimated to cost about Rs. 400,000. They were building an aerodrome and hangars and doing other construction work. They employed a large staff, and they had about 1,000 labourers at Trincomalee itself.

There was the food problem, and the Indians who were there were getting into a panic because they were unable to obtain the kind of food which they had been used to—the flour for making chappaties, etc. Again, they could not obtain facilities for proceeding on leave. They were becoming restless, and they told the Company, "Look here, we are not going to work any more." At that time there was no question of an invasion, but on or about 5th April the bubble burst. Trincomalee was bombed, and the whole lot of them disappeared from Trincomalee. The Company took firm action, and dismissed all their employees who had left without leave, and they tried their level best to keep to their contract here, but found it almost impossible to do so. Their employees were asking the question, "What is our position in Ceylon if it happens to be invaded and becomes an enemy-occupied territory?"

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At this time we were bringing pressure to bear on the company to complete the work, and they on their side told us, "You must supply us with the materials; otherwise, it is not possible for us to carry on the work." It was a case of each party trying to bring great pressure to bear on the other. On one occasion, there was cement available in Colombo, but transport was not available. The Company told us, "If you do not give us the cement at the hydro-electric works, 1,000 of our men will not be working, and therefore you will have to pay their wages for those days." Matters had come to such a pass.

In this state of affairs, the Financial Secretary and I discussed the situation with the head of the firm. They put forward a suggestion, and said that under those conditions they could not work. They said that they would stop work and resume work again when it was possible to do so; that is, after the end of the war, or at any time when conditions improve.

We said that that was not good enough. Then they said that if we could not supply the materials, it was not their fault. The prices of materials had gone up. After two or three conferences, we came to an arrangement. The arrangement was that they should terminate the contract. Of course, they groused about it a great deal; they said that they had done the most difficult part of the work and that they had been paid a rate which would show a profit only at the completion of the work.

For instance, hon. Members know that building a hundred feet below ground is more expensive than building on the surface. So, their argument was that all the work they had done at the beginning, costing nearly Rs. 3,000,000, was the hard work and the work which was to follow was the money-making side of it. Therefore they said that it was not fair to ask them to terminate the contract.

Negotiations went on until the Financial Secretary was able to "squeeze" everything possible out of the Company, considering the times, and eventually a proposal was put before my Executive Committee. The proposal was that they should terminate the contract, hand

over the machinery which is ours and which comes to Ceylon under certain conditions, and that our engineering staff should take over the work at a certain stage when the Company must give it up in a protected state. For instance, they could not leave off the dam as it was; they should leave it off at a certain stage when it would not get washed away. Then, they had to see to the foundation built, and protect it; the tunnels had to be lined in such a way that they would not collapse.

Sir, I will now describe how the work is being done. Out of the 8,000 feet that had to be built, there are still 2,800 feet to be completed. They were going to build the remainder as fast as they could, all the difficult work having been completed. The excavation of the dam had been completed, and it had come to 21 feet. The surge chamber has been completed; the haulage line has been levelled; the foundation for the power house has been laid; even the fixing of the foundations have begun.

From September 15, they will give over the work to us in the state I have mentioned, until such time as they can start again. In the meantime, while these arrangements were going on our difficulties at this end were with regard to the type of machinery and men required for doing our own work. Our engineering work had demands from the Military—the Army and the Air Force—to meet, and on the other hand the contractors were unwilling to hand the work over to us. So, we had to resist both sides. By taking on Army and Navy work, we could not do the work. Now the whole question has been settled by a Board that was appointed to go into the question.

Therefore I can now come to this House with all the explanation necessary. I have placed all these facts before 18 Members of this House. They were of the unanimous opinion that what we had done was the best.

***Mr. Aluwihare:** Who were the 18 Members?

The Hon. Colonel Kotalawala: They were the 8 Members of the Executive Committee and the 10 Members of the Board of Ministers; or the number may

be placed at 17 because I cannot count myself twice. [A MEMBER: But the Officers of State are not Elected Members.] No, but we are all Members of this House. I did not say that the 17 Members were Elected Members. But we were all unanimous that this was the best, easiest and most appropriate procedure to adopt. I am extremely glad that I have been given this opportunity by the hon. Member for Galle (Mr. H. W. Amarasuriya) of explaining the position as to why I had to adopt this procedure.

Then, I was trying to explain my position: if I had come to this House earlier, I would have been in a difficult position because I could not have told hon. Members what I have told them just now, and the House might have felt that there was something behind it all. Now the whole position is clear to hon. Members. Any information required can be given. At the same time, even if the contractors think that they have been done out, the matter is "finished," it is at an end.

The reason why I brought the matter before the House by way of a tabled report was because the hon. Burgher Nominated Member (Mr. Wille) touched on the matter in the course of his Budget speech. So, I felt that since he was going on the wrong track it was best that I should bring the facts, not only to the notice of the hon. Nominated Member, but also to the notice of the House generally so that the House might know exactly what the conditions were.

Sir, it is our proposal now to carry on the maintenance side of the Hydro-Electric Scheme with our Resident Engineer and our staff; 95 per cent. of the members of the staff of the Hindustan Construction Company are Ceylonese, and it was only the superior staff—the drillers and expert mechanics—who were of Indian origin. They will probably go away. But for the remaining 95 per cent. who are Ceylonese, we will be able to find work. We are going to take over all the Ceylonese in the employ of the Company; I have a list of the men required.

We are not going to carry on work on the Hydro-Electric Scheme; we are first going to look after the work that has

already been done—the maintenance side of it. At the same time, as materials such as cement, iron, and so on, become available, we are going to build the dam; go into these tunnels, line them and do any excavation necessary. By the time the war is over—let us hope that it will be over next year—we will be in a position to call for fresh tenders or complete the work ourselves. Even if we complete the work, it will still take one and a half years before we can get our machinery fixed. Therefore, if we delay longer, it would mean lengthening that period. In these circumstances I hope hon. Members will appreciate the action taken by my Committee.

Mr. Dudley Senanayake (Dedigama):

Sir, in view of the fact that the Executive Committee of Communications and Works have been criticized for the procedure they adopted in terminating the contract with the Hindustan Construction Company I wish to say that when this matter was first discussed in the Committee I myself felt that the termination of the contract would be all to the advantage of the Company. But, various facts were adduced which made one feel that it was inevitable.

I remember distinctly that on that occasion I insisted that the matter should be brought before the Council; I felt that it was of such importance that a decision of the Council as a whole was necessary before the contract was terminated. In fact I agreed to the termination of the contract on that condition. I think the Hon. the Financial Secretary stated that that was not necessary, but I disagreed with him, and we were assured that the matter would be looked into. I presumed, that it would be brought before the Council. The next thing I heard was that a memorandum had been placed in the hands of Members. I still feel that it was of such importance as to warrant a decision of the House being obtained.

There is another point which I would like to stress—it is a point on which I disagreed with the rest of the Members of the Executive Committee—and that is the continuation of the services of the Resident Engineer. Sir, you will see that the arguments that were adduced

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for terminating the contract were that things were in such a state that no real work could be proceeded with. Numerous difficulties were raised against continuing the work. In those circumstances, I felt that having a Resident Engineer and paying him a large salary was not called for; the argument being that if you terminated the contract no serious work would be undertaken in the future, at least until conditions improved. I felt that maintaining a Resident Engineer and paying such a high salary was not called for when the work could be supervised and undertaken departmentally. Therefore I was definitely opposed to continuing the services of the Resident Engineer.

Mr. H. W. Amarasuriya: Sir, there are two important matters to which I would like to draw the attention of the House: one is the termination of the contract and the other the carrying on of the work under the supervision of the local Engineers. There was a very cryptic remark made by the Hon. Minister in the course of his observations—probably he gave expression to it unwittingly—namely, that the Consulting Engineer who went into this question—Sir Henry Howard—was only satisfied to a certain extent; because it was the work of an Indian Engineer, and the Company did not have all the necessary plant and equipment—that in the circumstances, and because they had employed manual labour, he was satisfied to that extent. So that, it was qualified satisfaction that the contractors had given the Consulting Engineer, Sir Henry Howard.

Then, in the Hon. Minister's memorandum there is also this statement:

"It will be observed that after a lapse of twenty-eight months the contractors have completed only thirty per cent. of the total value of the work."

So that probably the Consulting Engineer could not have been satisfied with the time taken in doing the work. I have not seen his report; probably it will be interesting. I am only surmising this, and my assumption is that the Consulting Engineer himself was not quite satisfied with the work that the firm had

done, and that was one of the reasons which made him recommend that in the circumstances it would be best for this Government to terminate the contract.

There is also another interesting passage. Reference was made in his report to the possibility of dispensing with the services of the contractor and continuing the work with the Resident Engineer. The recommendation therefore eventually came from the Consulting Engineer himself. If he was satisfied that the contractors had put in good and efficient work, I do not think he would have gone to the extent of making the proposal to this Government that it was in the interests of this Government to terminate the contract and carry on the remainder of the work departmentally.

Unfortunately, Sir Henry Howard's report has not been either tabled or given publicity by the Hon. Minister concerned. I would like the Hon. Minister to publish it by way of a Sessional Paper, or table it for the information of Members of this House. So much on the question of termination of the contract.

With regard to the future execution of the scheme, there is the important recommendation that the work should be carried out departmentally under the supervision of the Resident Engineer. That is altogether a new departure. You will remember that when on the last occasion this work was terminated, it was stopped on a motion of my Hon. Friend the Minister of Agriculture and Lands when he was a Member of the Legislative Council. He had brought it to the notice of Members that everything was not well with the Hydro-Electric Scheme, and he moved a motion in the Legislative Council and had the work terminated. It was after that that all these investigations were made.

Now the contract has been terminated and a new departure—to carry on the work departmentally—has been made by the Ministry concerned. When the Council voted the money, it did so because the work was going to be executed on contract, after calling for tenders. Now, the scheme and the accepted policy of this Council are to be defied, and the work is to be carried out departmentally. Even if the first

recommendation involves certain confidential matters and it is not possible to supply us with all necessary data, the second represents an important deviation which should be resented by this Council.

That is why I am complaining that the Minister did not give this Council an opportunity of discussing this matter. After all, this report is dated August 4, and instead of placing the memorandum before us, the Minister should have come to this Council and obtained our sanction and proceeded to terminate the contract. I do not think the contract has been terminated. According to the remarks of the Hon. Minister, the contract is to terminate on the 15th of this month. Evidently the Hindustan Construction Company is still continuing the work.

It seems to me, Sir, that the Ministers come to this House only when they want money. When they want money, nothing is confidential. They come to the House and obtain the money. Thereafter it is only the Board of Ministers and the Committee concerned who have any voice in the matter. If they can come to this Council and obtain money, and if that money is to be diverted to other purposes like termination of contracts, payment of compensation, and so on, it is their duty to come back to the House and place all their cards on the table and take the whole House into their confidence, not only the Board of Ministers and the Executive Committee concerned, and then come to some reasonable arrangement.

Therefore I would like to enter a strong protest, and I also wish to inquire from the Minister why he did not report the matter to the Council and adopt the usual procedure in regard to such measures.

Mr. S. Samarakkody (Narammala): From this discussion it is quite apparent that the Resident Engineer was paid by the Ceylon Government but he was the Consulting Engineer's man, and he is to be continued in service. I ask you, "For what purpose do you propose to continue him"? It has been stated that the work cannot be proceeded with owing to various difficulties—inability to obtain materials, scarcity of labour, and so on.

Now, I feel that there is a tendency on the part of Ministers to accommodate people who have no jobs, people who come from Singapore and various other places, in the Port or the Police or in other Departments. The Ministers wish to accommodate these people somehow or other. This generosity must be strongly condemned.

If you do not propose to carry on this work, surely you have Engineers in Ceylon who could be put in charge of its maintenance during the period that it is not proposed to carry on with the work. If it is felt that with a Resident Engineer we could carry on the work departmentally even after the war, then why did the Ministers come here with proposals for engaging Consulting Engineers, entering into contracts and making various other commitments to which we have already subscribed? I do not know whether they were serious in the recommendations that they made to us.

I would suggest that during the period of the war, when it is proposed to discontinue this work, we send away the present Resident Engineer and put in a departmental man to look after the maintenance work only.

Mr. G. A. H. Wille (Nominated Member): So far as I remember the Ministers' memorandum, the main object was to prevent the work that had been done from deteriorating. Something must also be done to promote the work further as far as possible under the guidance of the Resident Engineer. But I think we are all glad that the same mistake is not going to be committed as was done eleven or twelve years ago. You will remember, Sir, that for insufficient reasons the whole work was stopped although we had based great hopes on it, and the result was we had to lose Rs. 3,000,000, or Rs. 4,000,000.

The other day I was telling the Minister that I hoped that the site of the Hydro Electric Scheme would not earn the title of "Musalapitiya". There has been so far so much fatality attaching to this scheme that I have great misgivings, and I hope the Hon. Minister of Communications and Works and his Committee will do their best to keep things going and to see that there

[Mr. G. A. H. Wille.] will be some fruition of this costly Scheme from which much was expected.

The Hon. Mr. D. S. Senanayake (Acting Leader of the State Council): There is one thing that I might mention. Some hon. Members who have spoken seem to be under the impression that the Ministers and the Committee have come to certain decisions which cannot be altered or against which the Council cannot express an opinion. As has been stated, the Hindustan Construction Company is even to-day continuing to do the work. But the question has been why, when the termination of the contract was contemplated, we did not come to this Council in regard to the matter. But it must be realized by everyone that we can come to this Council only when there are certain proposals which can be put forward. We cannot come to this Council and say, "We are just contemplating"——

Mr. H. W. Amarasuriya: But you have not come at all.

The Hon. Mr. Senanayake: We cannot come to this Council and say, "We have an intention of terminating the contract; the Hindustan Construction Company has some other intention. We are hedging about it. What do you say?" I do not think that that sort of proposal could be brought forward in this Council, and any guidance could be given by this Council to, say, this effect: "Well, we consider the move of the Hindustan Construction Company to be this; so you had better move this way. You had better go on negotiating in all sorts of ways and try to come to some settlement".

The negotiations have to be undertaken in private. When there are two parties who are liable to pay damages and one fails to abide by the contract, when both parties feel that the contract cannot be continued owing to certain circumstances existing at the time, and one party is trying to put the blame on the other to avoid paying any damages, it is with careful manipulation that a settlement has to be arrived at. When that was the state of affairs, to say that we should have come here and consulted the House at every turn, would be absurd. [Interruption.] Then what was the suggestion?

It is only now that we have come to an agreement. You know the agreement. If the House says, "Never mind the agreement; scrap it", we will ask the Hindustan Construction Company to continue, knowing full well that the Government of Ceylon is not able to fulfil its obligations. We cannot supply the material that is required there, yet we simply say, "Carry on". Is that what is intended?

After all, a person must be reasonable. There may be rules and regulations; there may be procedure indicated in the Donoughmore Report. But it is not the procedure that has to be considered. The question is, "Has a reasonable attitude been taken up by the Committee concerned and the Ministers? By their attitude has there been any loss to this country? Or, was there any intention of ignoring this Council"?

I am sure anyone who knows all the circumstances will realize that it is not a question of ignoring the Council but a desire to serve this Council and the country that made the Committee take the course of action it did and come here with this proposal. We come here even before the Hindustan Construction Company have terminated the contract: we have come here when they are working there still.

The second point is about the Consulting Engineers. There is a misapprehension in the mind of my hon. Friend the Member for Galle (Mr. H. W. Amarasuriya) when he says that we have consulted a different Consulting Engineer, Sir Henry Howard, and ignored the other Consulting Engineers. Sir Henry only represented the Consulting Engineers, all of whom could not come from England to make a report. He was their representative here and he made a report.

There also seems to be an impression in the mind of my hon. Friend that the present contractors have failed to carry out the work in the way stipulated. There is no reason, no ground for such a suspicion. They have carried out the work up to now; only they cannot carry on further.

With regard to the further carrying out of this work, even now this Council can decide to stop the work altogether. I have not the slightest doubt that if that decision was reached, the work

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would be stopped. But what does that mean? We are told, "Get a P. W. D. Engineer to do the maintenance". Now, if you must have an Engineer, whether it is a P. W. D. Engineer, or an Engineer who is used to this work, it is an engineer that you want, and a competent man. What is the great virtue in getting an Engineer who is inexperienced or who has no knowledge of this work merely because he happens to be a P. W. D. Engineer, if it is necessary that the work should be carried on? I cannot see any virtue in doing that.

For this work you want an Engineer who knows not only civil engineering, but one who also knows mechanical engineering as well as electrical engineering—all three branches. It is useless having a man who is only a Mechanical Engineer in charge of this work. Here is a man who has been sent by the Consulting Engineers as a competent man and who has knowledge of carrying out schemes like the Hydro-Electric Scheme. We consider him an efficient man; so why should we not continue him in service if we want to continue this work? If you do not want to continue this work, then by all means get rid of him; that is a different matter.

It is said that we have done this with the idea of accommodating this Engineer. But I can tell the House that if there are any people in demand today it is Engineers. It is a very easy matter for Engineers to get jobs these days; and you will notice that in my Departments there were a number of Indian Engineers who have gone away for no other reason but that they could get two or three times the salary they drew here, because there is a tremendous demand for Engineers now. There is no doubt about it. And it is not with the idea of accommodating this Engineer that we have brought this proposal forward. Have we not spent sufficient money, have we not sufficient interest in this project to justify our having a person who is competent and on whom we can rely to look after the work and to maintain it?

My own opinion is that if this work is to be continued, it would be a great mistake to get rid of the Resident Engineer who is there. I say it not only for the reason that he is the man who knows the

work, but for some other stronger reason as well. We must remember that our Consulting Engineers are still Messrs. Preece, Cardew and Rider and that the Resident Engineer has been appointed by them. Messrs. Preece, Cardew and Rider are still responsible for this work; they are continuing this work on their responsibility even now. And if we get rid of the Resident Engineer and put in another man, well, the responsibility of that firm of Engineers for the successful completion of this work will cease.

With regard to the continuance of the work itself, we have about 700 or 800 workmen employed there. I can tell you that it is with the greatest difficulty that the civil authorities are able to get any work done. Pressure is brought to bear on them by others to close down civil works. We have so far been able to resist that pressure because we felt that it was in the interests of the country that work on this scheme should go on. We therefore propose to continue work on this scheme. There is money pressure brought to bear on us to close down the work than to continue it.

Mr. Dudley Senanayake: An erroneous impression seems to have been created in this House as regards the wishes of certain Members on this question. It was not my opinion that the Minister could have come to this House before the close of negotiations. After the negotiations were over, definite proposals were put before the Executive Committee based on the conclusions arrived at as a result of the negotiations. The Executive Committee adopted that report. My contention was that it was possible to have brought that report before the Council after the Executive Committee had adopted it.

As regard the Resident Engineer, it would be useful no doubt to retain that individual in the job, and it would perhaps be more useful to have a better man there. But are we justified in incurring expenses by paying the salary of the Resident Engineer if we cannot proceed with this work? The Hon. Minister said that the reason for releasing the contractors was that we could not get on with the work just now because of various difficulties. And it is proposed to retain the Resident Engineer and pay him a big salary only to look after work which could very well be supervised by

[Mr. Dudley Senanayake.]
an Engineer of the Department! I do feel still that there is no ground whatsoever to retain the services of the Resident Engineer if the work of construction is not to proceed.

I do not think that the question of accommodating the Resident Engineer arises in this particular case because Engineers can always find work these days. But are we justified in keeping this Engineer on merely to supervise the maintenance of the work so far constructed when he can be given some better and more useful work to devote his time to?

Mr. H. W. Amarasuriya: I am sorry the Hon. Minister of Agriculture and Lands has missed the whole point of my criticism. I did not say that the Minister should have come to this Council at every turn whilst negotiations were going on. I said that once the negotiations were concluded and proposals based on those negotiations were submitted to the Executive Committee and were accepted or altered by them, it was the duty of the Executive Committee and the Board of Ministers to have placed the proposals before this Council. My grievance is that nothing of the sort was done. [Interruption.] No. There was no stage at which we could have discussed this matter. If I did not raise this question during the Budget discussions, we would not have had an opportunity of discussing it. At no stage was the matter put before the Council.

I should like to ask the Hon. Minister of Agriculture and Lands whether they would not have come before this House if money was not provided for this purpose. If the money was not provided, they would have come before this House with a Supplementary Estimate. Because the money was voted, the Financial Secretary and the Minister concerned can do whatever they want with it. Therefore they did not want to consult the Council about the matter. If there was not sufficient money provided for this scheme, they would jolly well have come to this House with a Supplementary Estimate.

The Hon. Mr. G. E. de Silva (Minister of Health): I really cannot understand the purpose of the criticism made by the hon. Member for Galle

(Mr. H. W. Amarasuriya). I can understand him if he objects to the terms of settlement that have been arrived at by the Minister and accepted by the Executive Committee and the Board of Ministers. The whole point of his criticism is that the House was not consulted in the matter in advance. The Hon. Minister of Communications and Works said that the difficulty was to negotiate the terms of the agreement in this Council when the other party to the contract was not here. Both the parties to the contract should be brought together before the terms of the agreement are decided. Once they have decided on the terms of the agreement, the Minister has come to this House and informed hon. Members what the terms were.

Mr. Dudley Senanayake: The Minister did not come to the House in regard to the matter.

Mr. H. W. Amarasuriya: Not at any stage.

The Hon. Mr. G. E. de Silva: The matter is being discussed now. The hon. Member must realize that if that were not so, he would not have been in a position to refer to the matter to-day. If the terms of the agreement come to are not acceptable to this House, he may—[Interruption.] Does he not realize that we are not considering the proposals made by the Executive Committee?

Mr. H. W. Amarasuriya: Those proposals are not before the House.

The Hon. Mr. G. E. de Silva: Those terms are for the approval of this House. That item is being discussed now.

Mr. Dudley Senanayake: No.

The Hon. Mr. G. E. de Silva: Why not? The hon. Member for Galle (Mr. Amarasuriya) does not say that the terms of the agreement are unsatisfactory.

Mr. Dudley Senanayake: Is it the intention of the Minister to bring the matter before the House?

The Hon. Colonel Kotalawala: If hon. Members only gave me an opportunity to explain matters, what appears to be an interminable debate would have by now been over. Some Members of

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this House feel that it is their prerogative, as it were, to say that the Board of Ministers must accommodate outsiders. This is not the first time the hon. Member for Narammala (Mr. Samarakody) has said that we want to accommodate outsiders. At times I felt like taking objection to that remark. I accommodate nobody.

***Mr. Samarakody:** I did not say that he should.

The Hon. Colonel Kotalawala: The hon. Member made the same remark in connexion with the Port the other day. He said that I wanted to accommodate somebody. I can only ask him not to judge me as he judges himself. That is what I should like to tell him.

To come to the question raised by the hon. Member for Galle (Mr. H. W. Amarasuriya). The hon. Member for Dedigama (Mr. Dudley Senanayake) should have told the House, when he spoke, as to when the negotiations were concluded. The negotiations were concluded on the 8th of July, and to-day is the 1st of September, August having intervened. Although the negotiations were concluded on the 8th of July—

The Hon. Mr. Senanayake: When were the terms accepted?

The Hon. Colonel Kotalawala: They were put to the Committee on the 9th of July. I could not have put the matter before the Committee on the 8th of July itself. The Board of Ministers met about the middle of July, and in the middle of July we asked the Hindustan Construction Company to give notice to their men. They had told us that they could not hang about the place with their men and that there were certain people to whom they had to give notice if the work was not to proceed. On the 15th of July, that is, only one and a half months ago, they themselves had to give notice to their men and make arrangements to hand over the property to us.

The earliest opportunity that was available to discuss this matter was during the Budget debate. At the second reading of the Appropriation Bill, the hon. Nominated Member (Mr. Wille) brought the matter up. By that time we had overcome the difficulties that stood in the way of negotiations, and I intimated to the House the steps we had

taken, at the earliest possible opportunity.

The next point is with regard to the Resident Engineer. He is the man who has been on the spot from the very inception of this scheme. He was selected by our Consulting Engineers and he has supervised this work for about 2½ years past. He is paid £1,500 a year which is not a fabulous amount to pay a Resident Engineer. If we discontinue him merely to save the expenditure of £1,500 a year, just imagine what the result would be. We have spent a sum of Rs. 2,500,000 or Rs. 3,000,000 already on this work, and if this officer is now discontinued we would have to engage another man. The contract is for Rs. 6,000,000 and if the war were over in another six months, we would have to run after another competent Engineer to supervise this work. I never thought that hon. Members of this House were such unpractical people.

Even if the Resident Engineer costs us £5,000 a year, it pays us to keep him here. We would not keep him idle. We have a system of training apprentices. We have a system whereby we expect to be able to provide work for the 900 people engaged there. We have Ceylonese Overseers employed there, and we propose to do our best with whatever material is available. Failing that, we can take those men from there and put them on other jobs. For instance, the hon. Member for Dedigama (Mr. Dudley Senanayake) himself knows that the second-in-command at the hydro-electric works is now working in the Harbour. He is a Mr. Elliot. There was a dearth of Engineers in the Harbour, and we put him over there. If Mr. Dickinson and others are not required, we are not simply going to pay them money for jam.

I really cannot understand the mind of some Members who think that a Minister, once he gets money passed by this House, treats that money as his own. Are the Ministers not elected by this House? And are we not representatives of the taxpayer? Do we not have as much an interest in saving the taxpayer's money as, for instance, the hon. Member for Galle (Mr. H. W. Amarasuriya). I am as interested in saving money for the Government, in saving the

[The Hon. Colonel Kotalawala.] taxpayer's money, as the hon. Member for Galle.

I say that we have done our best in the circumstances and I trust the House will endorse our action.

***Mr. Samarakkody:** The Hon. Minister admitted in the earlier statement [Mr. Dudley Senanayake.]

he made that the contract had to be terminated because work could not proceed, and now he says that the Resident Engineer should be retained to supervise the work that would still be carried on. Surely, he cannot blow hot and cold in that fashion. Where are the materials for us to proceed with the work? That is what we fail to understand.

The Hon. Acting Leader in the course of his explanation said that if we did not want this Resident Engineer, we could send him away. He admitted that we could not proceed with the work. Why should we pay the salary of £1,500 to a man possibly to carry on experiments with training young men and so forth? The Hon. Minister of Communications and Works is an expert bluffer.

The Chairman: Order, please.

***Mr. Samarakkody:** In this case he has failed to achieve his purpose of getting away with the vote.

He certainly owes this House an explanation as to why he did not bring this matter before the House. It was possible for the Minister to have come before this House with the terms of the agreement after the Executive Committee had sanctioned those terms. Otherwise every Minister can get up in this House and say that no Minister need come before this House with his proposals because every proposal is somehow related to the Budget, and that we would get an opportunity during the Budget discussions to speak of any matter we want. That is not the way the Government should be run.

Under our Constitution there are certain vital matters which should be brought to the notice of the House at the earliest possible opportunity. If there is a change of policy, such change should be endorsed by this House. Therefore I want to say that this proposal should have been brought up at a much earlier stage than this, and that the excuse put forward that it was intended that the matter should be discussed during the

Committee stage of the Appropriation Bill was merely a blind.

Amendment agreed to.

Sub-head 1, as amended, was then passed.

Abstract A, as amended, was passed.

Abstract B.

*Sub-head 2, Colombo Generation,
Rs. 1,221,166.*

Sub-head 2 was passed without amendment.

Abstract B was passed without amendment.

Abstract C.

*Sub-head 3, Maintenance of Trans-
mission Lines to Areas Outside
Colombo, Rs. 164,659.*

Sub-head 3 was passed without amendment.

Abstract C was passed without amendment.

Abstract D.

*Sub-head 4, Colombo Electricity Supply,
Rs. 355,368.*

Sub-head 4 was passed without amendment.

Abstract D was passed without amendment.

Abstract E.

*Sub-head 5, Nuwara Eliya Electricity
Supply, Rs. 66,040.*

Sub-head 5 was passed without amendment.

Abstract E was passed without amendment.

Abstract F.

*Sub-head 6, Diyatalawa Electricity
Supply, Rs. 48,699.*

Sub-head 6 was passed without amendment.

Abstract F was passed without amendment.

Abstract G.

*Sub-head 7, Hydro-Electric Scheme,
Watawala-Upkeep and Electricity
Supply, Rs. 11,257.*

Amendment moved [Minister of Communications and Works]:

(3) Item 1, Salaries, &c.

Increase provision under this item from Rs. 1,041 to Rs. 2,081 and under "Particulars of Staff" increase provision for Assistant Foreman, Grade I., from Rs. 1,008 to Rs. 2,016; increase provision for "Contribution to Provident Fund" from Rs. 76 to Rs. 152; Total from Rs. 1,084 to Rs. 2,168; Amount against "Less estimated under-expenditure (4 per cent.) from Rs. 43 to Rs. 87; and total from Rs. 1,041 to Rs. 2,081 and delete footnote thereunder.

(4) Item 2, Travelling Expenses.

Increase provision under the item for Rs. 1,800 to Rs. 2,010 and under "Details of Items" increase "Travelling expenses of the Assistant Foreman" from Rs. 210 to Rs. 420 and delete the word "half".

(5) Item 4, Rents, Rates and Taxes.

Increase provision under the item from Rs. 516 to Rs. 576 and under "Details of Items" increase "Office rent allowance to Assistant Foreman to Rs. 10 per mensem" from Rs. 60 to Rs. 120 and delete the word "half."

***Mr. Aluwihare:** May I ask the Hon. Minister who pays the salary of the Resident Executive Engineer?

The Hon. Colonel Kotalawala: This Government.

***Mr. Aluwihare:** Then, why is not the item shown under Sub-head 7?

The Hon. Colonel Kotalawala: The item is shown on the last page.

***Mr. Aluwihare:** Sub-head 7 is the item under which it should come. Would it not come under "Upkeep and Electricity Supply"? I understand that the proposal is to terminate the contract, which I agree is the business of the Executive Committee of Communications and Works. I understand that the contract will be terminated as from this year, and that the Hydro-Electric Scheme will be carried on more on a care-and-maintenance basis than anything else. So, why should not the salary come under Sub-head 7?

The Hon. Colonel Kotalawala: All these items come under Abstract K. The probable expenditure is Rs. 4,000,000. This amount is based on the present expenditure. The Watawala Electricity Scheme is purely working on a small plant and it supplies current to Watawala, Hatton, and Talawakele. There are 2 schemes—one a small scheme and the other a big scheme.

The Chairman: This item does not relate to the Hydro-Electric Scheme proper. That item will come under Loan Expenditure.

The Hon. Colonel Kotalawala: Yes. I will consider the question of bringing a report before this House if it is necessary to discuss the best way in which this item can be shown in the Estimates. In fact it is a matter for the Financial Secretary.

***Mr. Aluwihare:** I differ from the Hon. Minister in one respect. The work is now being done entirely on Government account.

The Hon. Colonel Kotalawala: Not yet.

***Mr. Aluwihare:** We are discussing the next financial year. The work will be done on Government account then.

You will remember that the amount of Rs. 4,000,000 under "Loan Expenditure" was for contract work. You will also remember that the report of the Hon. Minister to us was that these works were to be given out on various contracts—I think they were to be three or four—and it was for that purpose that a lump sum of Rs. 4,000,000 was granted. Now the work on the Hydro-Electric Scheme next year is going to be departmental work, because the Executive Engineer will be a Government man and will be paid direct by Government; the payments to the labourers will also be directly on Government account.

So I would suggest to the Hon. Ministers that Estimates based on the new programme of construction should be placed before this House, or at least that we should be informed about them. I do not agree with some of the criticism that has been made, because I think the Hon. Minister did all he could when he put this memorandum before us on the 6th August. But, apart from that, I think we should know whether the work that is being carried on on Government account is going to cost more or less than we anticipated.

The Chairman: The detailed expenditure should be shown in the Estimates.

***Mr. Aluwihare:** I would ask the Hon. Minister to give us some information.

The Hon. Colonel Kotalawala: Although we anticipate that we would be able to take over the work from the Hindustan Construction Company on 15th September, it might be that they might go on till the end of the year because they have certain protective works to complete. Sometimes the weather element may be against them. For instance, too much rain or a flow of water may hamper them in their work.

I can assure my hon. Friend that before we take the scheme over, the Hon. the Financial Secretary or I will have to discover some convenient method of working the scheme. At present all work is being done on contract account. I will ask the Hon. the Financial Secretary to put up a scheme.

Mr. H. W. Amarasuriya: That is why I agreed with the hon. Member for Dedigama (Mr. Dudley Senanayake) that this was a fundamental change.

The Chairman: The Hon. Minister has promised to place the scheme before the House.

The Hon. Mr. Senanayake: The change has not taken place.

Mr. H. W. Amarasuriya: According to the memorandum before us, it has.

The Chairman: They anticipate that the change will take place on 15th September.

Mr. H. W. Amarasuriya: It would have taken place and nobody would have been the wiser had I not raised this question.

Amendment agreed to.

Sub-head 7, as amended, was then passed.

Abstract G., as amended, was passed.

Abstract H.

Sub-head 8, Supervision of Lighting Schemes, Rs. 67,690.

Amendment moved [*Minister of Communications and Works*]:

(6) Item 2, Travelling Expenses.

Increase provision under this item from Rs. 6,000 to Rs. 6,500 and under "Details of Item" increase provision against this item from Rs. 6,000 to Rs. 6,500.

Amendment agreed to.

Sub-head 8, as amended, was passed.

Abstract H., as amended, was passed.

Abstract I.

Sub-head 9, Direct Cost of Maintenance of Electrical Installations and New Works for Government Departments, Rs. 110,089.

Amendment moved [*Minister of Communications and Works*]:

(7) Item 2, Travelling Expenses.

Increase provision under this item from Rs. 8,320 to Rs. 9,000 and under "Details of Items" increase "Expenses at casual rates of Electrical Engineer, Assistant Electrical Engineer (Out-station Maintenance), Electrical Inspectors, Assistant Foremen, &c., from Rs. 6,160 to Rs. 6,840.

And make consequential alterations.

Amendment agreed to.

Sub-head 9, as amended, was passed.

Abstract I., as amended, was passed.

Schedule III., as amended, ordered to stand part of the Bill.

SCHEDULE IV.

Abstract J.

Estimated Expenditure to be met from the Reserve, Extensions and Renewals Fund, Rs. 458,991.

Abstract J was passed without amendment.

Schedule IV. ordered to stand part of the Bill.

Abstract K.

Capital Works—Chargeable to New Loan under Ordinance No. 5 of 1937.

Mr. H. W. Amarasuriya: I move the deletion of vote No. 18—it is on page 408—"Hydro-Electric Scheme, Watawala Electricity Supply, Rs. 4,000,000". I do so because then the matter will come before this House when the fundamental change has taken place.

The Hon. Colonel Kotalawala: If you do that, we will be sued, because we have to pay the contractors when they finish their work.

Mr. H. W. Amarasuriya: They can be paid out of this year's vote.

The Hon. Colonel Kotalawala: It will lapse on 30th September.

Mr. H. W. Amarasuriya: The contract will be terminated on 15th September.

The Hon. Colonel Kotalawala: We will then have to wait with the money in our hands.

***Mr. D. Wanigasekera (Weligama):** Why not reduce the amount by half?

The Chairman: There is no such proposal before the Committee.

Mr. H. W. Amarasuriya: I will then move to reduce the total amount by Rs. 2,000,000.

The Chairman: Does the hon. Member withdraw the other motion?

***Mr. Aluwihare:** The Hon. Minister has already told us that he will bring this matter before the House. Surely that is sufficient.

The Hon. Mr. H. J. Huxham (Financial Secretary): I do not think that the amount that you are proposing to deal with is included in the Appropriation Bill. I think this is Loan money—
[*Interruption.*]

The Chairman: The money is advanced out of revenue. The amendment cannot be considered.

***Mr. Aluwihare:** I do not want to let that pass—[*Interruption*].

The Hon. Colonel Kotalawala: I said that I am putting the matter before my Executive Committee and the Financial Secretary.

Abstract K was then passed without amendment.

SCHEDULE V.

Part IV, Loan Fund Expenditure.

Sub-head 1, Loan to Railway for Renewals and Capital Works, Rs. 1,004,550.

The Hon. Mr. Huxham: There is a separate clause in the Appropriation Bill authorizing this sum to be expended.

***Mr. Aluwihare:** What is the total indebtedness of the Railway now?

The Hon. Colonel Kotalawala: About Rs. 80,000,000. I cannot state the exact amount because the capital value of the Railway has been written down from Rs. 200,000,000 to Rs. 50,000,000-odd. Then we have the interest which has not been paid for the last so many years. That comes to about Rs. 13,000,000.

Sub-head 1 was then passed without amendment.

Sub-head 2 was passed without amendment.

Sub-head 3, New Rice Mill, Kurunegala, Rs. 260,000.

***Mr. Aluwihare:** I do not remember this matter coming up in the Executive Committee.

The Hon. Mr. Senanayake: It came up last year.

Sub-head 3 was then passed without amendment.

Sub-heads 4 to 6 were passed without amendment.

Part IV. was passed without amendment.

Schedule V. ordered to stand part of the Bill.

SCHEDULE I.

Head 112, Grant to the University of Ceylon. (*contd.*)

Amendment moved [*Minister of Education: August 28*]:

That the amount of Rs. 900,000 be increased to Rs. 930,000.

***Mr. Aluwihare:** I understood that the Hon. Minister of Education would make a general statement on this vote.

***The Hon. Mr. C. W. W. Kannangara (Minister of Education):** I can make a statement.

I discussed this matter with the Vice-Chancellor of the University and the Hon. the Financial Secretary, and thereafter I had a meeting of my Executive Committee; some of the Members were present, and we went through all the items.

We have now come to a working arrangement. We realized the difficulty that the Vice-Chancellor had in placing the estimates before the Court and giving the University a chance of going through the various items. That was entirely due to the fact that the University was created only on 1st July. By that time the Estimates had been printed. The Vice-Chancellor expected to have the University created much earlier, and he thought that there would be an opportunity of forming the Court by 1st June, in which case the whole matter could have been looked into and the expenditure scrutinized item by item. Some hon. Members would have known about all those items. But in the circumstances the Vice-Chancellor had to manage in the best way possible.

In future years this difficulty will not arise because the Council of the University will meet in the month of January. The estimates will thereafter be placed before the Court in the month of March. After the estimates have been passed by the Court, a grant would be applied for and at least a good many Members of this House would have an opportunity of finding out exactly what the money was meant for. Not only that, we would also have the report of the Vice-Chancellor, for the previous year. All those documents would be in the hands of Members, as also the audited accounts of the University for the previous year. So that the result would be that the public and the Council would have a chance of finding out whether the policy adumbrated by this Council was being followed by the University, or whether the University had put it aside entirely.

I wish to add that the whole question was fully discussed and that the Members of the Executive Committee were anxious that this matter should be

[The Hon. Mr. Kannangara.] settled and that there should be no delay in having the University functioning. The Court is going to meet somewhere about the middle of this month and I do not anticipate that there will be any trouble.

*Mr. Aluwihare: We were not worried about procedure. I do not think hon. Members even wanted the detailed estimates of expenditure placed before them. They did not want details of "Personal Emoluments", "Travelling", and all that.

What most hon. Members actually wanted was the programme of the University for the next year. You have asked for a grant of Rs. 900,000. Well, just give us a short programme of what you intend to do. After all, you have started a University. What is your programme? That is not asking too much. No one wanted the details of "Personal Emoluments"—that the Professor of something was to be paid Rs. 1,200,000; that So-and-so was to be paid 5 cents and that the Vice-Chancellor was to pay himself about Rs. 2,500. No one wanted those details. But we do like to know what your intention is.

For instance, there is the question of the formation of a school of Oriental Languages. What is your intention about that? It is the very broad lines of policy and your programme of work that Members wanted to know about. Surely, the Hon. Minister can tell us what his intention is.

Another point is this: there has been an opinion expressed that there should be a school of Engineering started in the University. There has been some agitation or some question that a school of Jurisprudence should be started. Well, we would like to know something about them. This is our only chance of getting the information.

The Hon. Mr. Senanayake: The Court has not met yet.

*Mr. Aluwihare: If the Court has not met yet, and if the Vice-Chancellor takes it on himself to ask for Rs. 900,000, he can do the other job also of telling us what his programme is. That is all we want to know.

Another point is this: all of us were hoping that the construction of the University buildings would be going on now.

We want to know what the Vice-Chancellor's intentions are with regard to the buildings. Nothing is told us. Both the Hon. Acting Leader of the House and the Hon. Minister seem to be under the impression that we wanted to go through each item as we do with other Departments.

The Hon. Mr. Senanayake: No.

*The Hon. Mr. Kannangara: No, Sir. There has been absolutely no change so far as the work of the University is concerned. All new Departments and new activities will be considered between the months of October and December—that is the report of the Vice-Chancellor—so that hon. Members may be aware of everything that is being done. This year's estimates give the work that is being done at the Medical College and at the University. Those two are to be combined. It is bound to be a little unsatisfactory during the transitional period. We have to put up with it, in view of the circumstances of the case.

As I said before, nothing like that will occur again. After all, it is only a matter of three months and there will be nothing new done. All that will be placed before the Council between the months of October and December when the Council personnel is completed and everything is set going.

The hon. Member spoke about the Department of Oriental Studies. As regards, for instance, the Department of Studies in Arabic, it is a matter that is specially going to be considered, between October and December this year.

So that I would ask hon. Members to be good enough to pass this item.

*Mr. Aluwihare: Sir, we are all pressed with all the Sections of the University Ordinance giving the University autonomy. There is a Section of the Ordinance which also says that the Principal shall be a full-time officer of the University. How is that compatible with the Vice-Chancellor being the Deputy Civil Defence Commissioner.

The Hon. Mr. Senanayake: That is honorary work.

*Mr. Aluwihare: The question is not whether it is honorary work. There is nothing in the Ordinance which speaks about pay; the Ordinance speaks more about time. The Ordinance says that

whoever is Vice-Chancellor shall devote his whole time to University work. How is the Vice-Chancellor's appointment as Deputy Civil Defence Commissioner compatible with that Section of the Ordinance?

***The Hon. Mr. Kannangara:** He has had some work as Deputy Civil Defence Commissioner, but most of that work has now been dropped. He has only very little work in that line and I am sure, Sir, that whenever he finds it detrimental to the interests of the country he will relieve himself of those few duties also.

***Mr. Aluwihare:** That is not good enough. If he is giving up the work, let him also give up the name. Autonomy cannot work only one way, Sir; it must work both ways. The University must not be meddled with by the administration, and the University must itself not meddle with the administration. I would suggest to the Hon. Minister that the Vice-Chancellor be asked to mind his own business.

***The Hon. Mr. Kannangara:** He has been doing Civil Defence work only in an honorary capacity and he has been able to render very substantial service; and I am sure that he will consider the remarks that have been made on that point.

***Mr. Aluwihare:** Sir, it is not in his option to consider the remarks.

***The Hon. Mr. Kannangara:** I cannot control him.

***Mr. Aluwihare:** Then do not ask us for money—to vote his salary. That is the simple position. We have laid down the policy for him by law. On a continuance of the statutory obligation, we are prepared to vote money for him. If he is not prepared to keep his bargain with us, why on earth should we keep our bargain with him? I do want the statutory obligation on the part of the Vice-Chancellor to devote his whole time to the University maintained. I want a guarantee from the Minister that that will be enforced. Otherwise I shall move—[*Interruption*]. I shall not move a token cut; I shall move a cut of the salary of the Vice-Chancellor, because there is the statutory obligation that he should devote his whole time to the University. There is a Section in the Ordinance which lays it down.

***The Hon. Mr. Kannangara:** I do not see it.

***Mr. Aluwihare:** The Hon. Minister does not see it. If he will pass the Ordinance on to me, I shall show it to him in a second. [*Interruption.*] The question is not whether he draws a salary; the question is whether he devotes his whole time to the University.

The Chairman: What is the Section?

***Mr. Aluwihare:** I shall quote the Section in a second.

The Hon. Mr. Senanayake: What is meant by "whole time"? Is it the time necessary for the purpose, or the twenty-four hours of the day?

***Mr. Aluwihare:** Section 12 (2) says:

"The Vice-Chancellor shall be a whole-time officer of the University and shall be the principal executive and academic officer thereof."

Now, I shall give you an instance. Supposing the Auditor-General is also the Civil Defence Commissioner—

The Chairman: He is.

***Mr. Aluwihare:**—what do you do? You at once appoint the Deputy or Assistant Auditor-General to act for the Auditor-General. That has been the position. Now you have another officer of Government acting as Deputy Civil Defence Commissioner, and I say this for a very good reason. Suppose something occurs which takes Mr. Goonetilleke out of the scene; suppose—God forbid—he dies of it; suppose he gets flu. Well then the Deputy Civil Defence Commissioner is the man who will have to act for him. Suppose the Deputy Civil Defence Commissioner says, "I am the Deputy, and I must act for the Commissioner"?

***The Hon. Mr. Kannangara:** No, he will not act for him.

***Mr. Aluwihare:** The Hon. Minister says that the Deputy will not act for the Commissioner, but legally the man is clothed with the authority. Who is the Minister of Education to stop him?

***The Hon. Mr. Kannangara:** I cannot control him. He spends 5 minutes of his time there.

***Mr. Aluwihare:** The Minister cannot govern him as Vice-Chancellor of the University. How is he going to stop him from being Civil Defence Commis-

[Mr. Aluwihare.]
sioner? I say, impose the statutory duty on him. There is a statutory obligation that he shall not take on any other job.

The Chairman: What is the motion of the hon. Member?

***Mr. Aluwihare:** Before I move—

The Chairman: I suggest that the hon. Member move a token cut.

***Mr. Aluwihare:** I move the deletion of a sum of Rs. 30,000, which is the salary of the individual concerned.

The Hon. Mr. G. E. de Silva: No, a token cut would be sufficient.

The Chairman: Yes.

***Mr. Aluwihare:** I do not know whether I am entitled to move it.

The Chairman: The hon. Member is entitled to move a reduction in the vote, but I suggest a token cut in order to indicate the mind of the Committee if the Committee votes with him.

***Mr. Aluwihare:** Yes, I move a token cut of Rs. 10. I do say that you must enforce the obligation, specially on the University, because teachers are terrible busybodies, as we know. Teachers by their vocation know everybody's business, and if you leave the door open, every person will want to take up work outside the University.

I say that for a very good reason. I know the emergency, but your whole intention is to create a detached mind in the University; and if you go on allowing them to meddle in the administration well you are going to cut across one of the most cherished desires that you had in having the University.

Mr. Wille: The hon. Member is taking a very narrow view of this question. Surely it is a matter of proportion. If the Vice-Chancellor gives too much of his time to Civil Defence work and neglects his legitimate duties, I can understand the objection. But he is a man of great versatility, great agility of mind and has special experience in connexion with air-raids, and therefore, while being Principal of the University College, he was appointed Deputy Civil Defence Commissioner. I suppose he was given that title simply to give him some status in the eyes of the public.

But in any case he would have contributed to Civil Defence out of his special knowledge.

You will remember how he commented on the radio talks on Japan and how much they were appreciated by the people of this country. Now, to say that the Vice-Chancellor should not give any portion of his time to this work is almost like saying that His Excellency the Governor, for instance should attend only to the work of governing and that he should not preside at meetings in connexion with Air Raid Precautions. The Vice-Chancellor has done the same thing. He has gone to different towns of the Island where air-raid-precautions work is being done; he has commented on that work, and in that way he has been of great service.

As I said, it is all a question of proportion. The Vice-Chancellor is certainly fulfilling the condition required by the Ordinance that he should be a full-time officer in spite of his giving his spare time to Civil Defence work.

***The Hon. Mr. Kannangara:** As I said before, this is merely honorary work which the officer has been doing in the past. He took up this work during the emergency, and he is not paid for it. I thought the matter might come up here, and I personally made inquiries from him; he assured me that practically every one of those duties has been dropped by him.

He was busy some time ago, going about the country advising people on Air Raid Precautions and various other matters like that, but he does not do so now. He has just a little of that work left, and he will give that up as soon as sufficient service has been rendered by him in that line. He is not anxious to hold on to the job.

I am sure this honorary work does not interfere with his duties proper; in fact, I think, we should be grateful to him for what he has done. The hon. Member's remarks will be before him. That is the utmost length to which I can go in this matter. I do not think it will be fair either to delete the officers' salary or move a token cut in his salary.

***Mr. Aluwihare:** I am not saying that in an emergency a man should not help, because as a matter of fact very often the knowledge possessed by these people

has to be put at the service of the State. What I am saying is that he must hold no official post. That is the point. If, as the Hon. Minister says, he is doing no work, then it is all the more reason why he should divest himself of the title under which he goes, because the title becomes false. But my trouble is that once you leave him with the official designation there is nothing to prevent his being called upon to perform those duties. That is the point.

***The Hon. Mr. Kannangara:** I am sure he will look into the matter. Will not that assurance do for the hon. Member?

***Mr. Aluwihare:** It is not a question of looking into it. It is not a question of whether the Vice-Chancellor of the University chooses to do something. Here is the Government which appoints these officers, and we ask the Government that the Vice-Chancellor of the University shall be a full-time officer of the University. You cannot have a full-time officer of one institution officiating also as the Deputy of another large department. I do ask hon. Members to look at it from that point of view. Simply because a man has very great capacity you cannot divide him into two.

The hon. Burgher Nominated Member (Mr. Wille) said that this officer gave masterly refutations of Japanese broadcasts. Well, Sir, according to him, he should also be Deputy Information Officer or Deputy Broadcasting Officer, because he is so good. He might very well help. But he must not hold an official position in any other Department; and to indicate it I ask the House to support the token cut of Rs. 10.

Dr. A. P. de Zoysa (Colombo South): I should like to know whether the amendment is in order? I believe the salary of the Vice-Chancellor has been fixed by law. That is my opinion, if my memory is correct, and also that it was the hon. Member himself who championed the cause of the University by saying that it should be independent of the Government. The Vice-Chancellor is in no way a Government Servant; and if his salary has been fixed by law then, I think, the proposed cut is out of order.

Besides that, the Vice-Chancellor may do his duty as a Chancellor, but in an emergency such as the present, it is his

duty of every citizen as much as possible to do some Civil Defence work. It would have been a different matter entirely if he had joined the Army and thereby neglected his duties. But in Civil Defence work, every citizen, man and woman, whether he is employed in Government Service or outside it, is entitled to do some work, and he is not paid for it. It is very much like doing social service work.

If the hon. Member says that this officer has neglected the work of Vice-Chancellor, it is another matter. But that question does not arise, because in my opinion it is quite out of order for us to interfere with a salary which has been fixed by law.

The Chairman: Can the hon. Member give me the reference to the Section of the Ordinance?

***Mr. Aluwihare:** I will admit that I believe that the Vice-Chancellor's salary is fixed by law.

***The Hon. Mr. Kannangara:** If that is so, the cut in the salary cannot be moved.

Question put, "That the amount provided under Head 112 be reduced by Rs. 10".

The Committee divided (under Standing Order 68): Ayes, 1; Noes, 7.

The Chairman: The hon. Member's motion is lost.

Amendment agreed to.

Head 112, as amended, was then passed.

Schedule I, as amended, ordered to stand part of the Bill.

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

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

The Council having resumed—

MR. SPEAKER took the Chair.

Committee report progress; to sit again on Tuesday, September 22, 1942.

†SUPPLEMENTARY ESTIMATES, 1941-42.

The following item stood upon the Orders of the Day:

The Acting Leader of the State Council to submit for the approval of the

† Supplementary Estimates (13) to (17) not reproduced.

Council the Supplementary Estimates, set out in this item, to present to the Council the reports of the Board of Ministers on such estimates, and to move the Council into Committee to consider the same:—

(Financial Secretary.)

(1) **Supplementary Estimate, 1941-42.**

Head 3, State Council.

Sub-head 5, Expenses of Commissions, Committees, &c.

Amount: Rs. 3,000.

Nature of Service: To meet expenses of the Bribery Commission.

Observations of the Financial Secretary.

The legislation necessary to enable the Bribery Commission to function properly was enacted in July, 1942, and the Commission is now functioning. The provision of Rs. 3,500 under Head 3, Sub-head 5, from which the preliminary expenses of the Commission have been met is practically exhausted and it is estimated that a further sum of Rs. 3,000 is likely to be required to meet further charges on it during the current financial year. Supplementary provision of Rs. 3,000 is accordingly sought.

Report of the Board of Ministers.

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

(2) **Supplementary Estimate, 1941-42.**

Head 30, Financial Secretary.

Sub-head 4, Incidental expenses.

Amount: Rs. 100.

Nature of Service: To meet the anticipated excess on the vote.

Observations of the Financial Secretary.

A sum of Rs. 515 was asked for under this sub-head in the draft Estimates 1941-42 but the amount allowed was Rs. 275. Every endeavour was made to keep expenditure within the vote allowed but the vote has proved insufficient mainly because repairs to the office bicycle, typewriter and two ediphone instruments have cost more than was expected.

Report of the Board of Ministers.

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

(3) **Supplementary Estimate, 1941-42.**

Head 31, Treasury.

New Sub-head 5, Insurance Fund for Government Undertakings.

Amount: Rs. 10 (token vote).

Nature of Service: To create an Insurance Fund to insure Government Undertakings where that is considered necessary.

Observations of the Financial Secretary.

The Director of Commerce and Industries has raised the question whether he should insure the industrial undertakings run by his Department against fire, workmen's compensation and other risks commonly insured against by commercial concerns.

2. Normally it is considered uneconomical for Government to insure its property, as over a sufficiently long period, the premiums paid will always greatly exceed the claims. On the other hand, it is desirable that Government commercial undertakings should, unless they are big enough to carry their own risk (which is not so in the case of industries now run by Government), debit in their accounts insurance premiums and receive in return payment for any loss, if this is not done and a considerable loss occurs, namely, by fire, or accident, involving several employees, the accounts of the year in question will show a large loss in spite of the fact that the undertaking may really be doing quite well. In view of the above it seems very desirable that Government should have an Insurance Fund for cases of this kind to which premiums may be paid from the funds of such undertakings and out of which losses can be met.

3. The matter was considered by the Executive Committee of Labour, Industry and Commerce which has approved the creation of the Insurance Fund to insure Government Undertakings and the management of the Fund by the Treasury.

4. If at any time the Fund was in debit, a vote would have to be taken to write off the debit. If on the other hand (as is to be expected) the Fund made a profit the excess of such profit over a reasonable reserve would be transferred to General Revenue from time to time.

5. The approval of the State Council is requested for the creation of this

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Insurance Fund by the provision of a token vote of Rs. 10.

Report of the Board of Ministers.

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

(Home Affairs.)

(4) Supplementary Estimate, 1941-42.

Head 51, Police.

Sub-head 9, Meals to persons under arrest.

Amount: Rs. 2,000.

Nature of Service: Feeding persons detained in Police Lockups at the various Police Stations in the Island.

Observations of the Minister of Home Affairs.

The amount voted under this sub-head is Rs. 15,150. The expenditure including liabilities to the end of June, 1942, has amounted to Rs. 12,875. On this basis the total expenditure for the year is likely to be not less than Rs. 17,150. A supplementary vote of Rs. 2,000 is therefore necessary to meet all expenditure till the end of the year. The expenditure under this sub-head depends on the number of persons detained in Police Lockups and cannot be controlled. The increase in expenditure is due to general increase in crime which has resulted in an increase in the number of persons detained in Police Lockups and to increased cost of foodstuffs throughout the Island.

Supplementary provision in a sum of Rs. 2,000 is therefore required.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the observations of the Minister of Home Affairs. The Board of Ministers approves.

(5) Supplementary Estimate, 1941-42.

Head 51, Police.

Sub-head 18, Contribution towards maintenance of Home for Vagrants.

Amount: Rs. 2,400.

Nature of Service: Feeding the vagrants in the Home, removing the sick to

Hospital, burying the dead, and meeting the lighting and conservancy charges, and so on.

Observations of the Minister of Home Affairs.

The Home for Vagrants is maintained by the Salvation Army and after deducting from the total cost any contributions made by other local bodies in respect of vagrants remanded from their areas the balance is borne by Government and the Colombo Municipality in equal shares. The vote provided to meet the half share of Government is Rs. 12,000 and the payment is made quarterly on receipt of audited statements of accounts. The expenditure for the three quarters ended March 31, 1942, including liabilities is Rs. 10,635 and the anticipated expenditure for the year is Rs. 14,400. The expenditure under this sub-head cannot be controlled and depends on the number of vagrants remanded by courts.

Supplementary provision in a sum of Rs. 2,400 is required.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Minister of Home Affairs. The Board of Ministers approves.

(Agriculture and Lands.)

(6) Supplementary Estimate, 1941-42.

Head 61, Commissioner for Development of Agricultural Marketing.

Sub-head 2, Travelling.

Amount: Rs. 1,500.

Nature of Service: To meet the cost of additional travelling required as a result of the present emergency.

Observations of the Minister of Agriculture and Lands.

Out of a sum of Rs. 9,000 voted for travelling, the expenditure to end of June, 1942, has amounted to Rs. 7,665. The balance of Rs. 1,335 is inadequate for the remaining three months of the financial year.

2. The increased travelling is due to the entry of Japan into the war. Marketing Officers have to be on circuit the whole time in connection with food organization and travelling is likely to increase during the rest of the year. The

additional sum now applied for will enable the Department to carry out its programme of work.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Minister of Agriculture and Lands. The Board of Ministers approves.

(7) Supplementary Estimate, 1941-42.

Head 61, Commissioner for Development of Agricultural Marketing.

Sub-head 9, Upkeep of departmental vehicles, machinery and equipment.

Amount: Rs. 2,500.

Nature of Service: To meet running expenses and repairs and renewals of four more departmental vehicles.

Observations of the Minister of Agriculture and Lands.

A sum of Rs. 9,000 was applied for in draft Estimates 1941-42, but this was reduced to Rs. 8,000. The departmental transport duties have been trebled and the Department has, in the current year, obtained four more vehicles in an effort to keep abreast of its work. There is insufficient money to pay the petrol bill for the rest of the year and no money for repairs and renewals. Supplementary provision in a sum of Rs. 2,500 is therefore requested.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Minister of Agriculture and Lands. The Board of Ministers approves.

(8) Supplementary Estimate, 1941-42.

Head 71, Irrigation Extraordinary.

Sub-head 22, Improvements to lots 74, 82, and 83 at Telulla, Kirinde-oya Right Bank Scheme, S. P.

Amount: Rs. 1,500.

Nature of Service: For completion.

Observations of the Minister of Agriculture and Lands.

The cost of this service was estimated at Rs. 3,700 and provision made accord-

ingly in current Estimates. But during the floods of April and May last a considerable portion of the almost completed bund was washed away. The amount required to complete the work is now estimated at Rs. 5,200 but as a sum of Rs. 3,700 has already been provided the additional amount required is Rs. 1,500. As the matter was urgent a Special Warrant for Rs. 1,500 was issued under Article 67 of the Order in Council.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Minister of Agriculture and Lands. The Board of Ministers approves.

(Local Administration.)

(9) Supplementary Estimate, 1941-42.

Head 78, Commissioner of Local Government.

Sub-head 10, Grants to local bodies in lieu of rates on Crown properties.

Amount: Rs. 848.

Nature of Service: To meet the anticipated excess on the vote.

Observations of the Minister of Local Administration.

The supplementary vote is required for payment of grants in respect of new buildings and also to meet the increased expenditure caused by revision of assessments.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the observations of the Minister of Local Administration. The Board of Ministers approves.

(Health.)

(10) Supplementary Estimate, 1941-42.

Head 92, Medical and Sanitary Services.

Sub-head 11, Rebates payable under the Medical Wants Ordinance.

Amount: Rs. 102,000.

Nature of Service: To meet the anticipated excess on the vote.

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Observations of the Minister of Health.

The provision of Rs. 250,000 under Head 92, Sub-head 11, Rebates payable under the Medical Wants Ordinance, will not be sufficient to meet the expenditure under this sub-head till the end of the financial year. The amount brought to account up to the end of June, 1942, was Rs. 168,940. Supplementary provision in a sum of Rs. 102,000 is needed to meet the probable excess.

The excess is due to the considerable increase in the export of tea and rubber from estates.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Minister of Health. The Board of Ministers approves.

(11) Supplementary Estimate, 1941-42.

Head 92, Medical and Sanitary Services.

Sub-head 28, Laundry charges.

Amount: Rs. 80,000.

Nature of Service: To meet the anticipated excess on the vote.

Observations of the Minister of Health.

The provision of Rs. 80,000 under Head 92, Sub-head 28, Laundry charges, 1941-42 Estimates, is likely to be exceeded. The actual expenditure up to the end of May, 1942, amounts to Rs. 64,707.94 and the outstanding liabilities at that date amounted to Rs. 7,000, leaving a balance of Rs. 8,292.06 for the period June to September. The probable expenditure during June to September is estimated at Rs. 38,000. Supplementary provision in a sum of Rs. 30,000 to meet the probable excess is therefore required. The excess is due to the general increase in the contract rates for laundering for the year 1941-42 and the inability of the Prisons Department to undertake as much of the laundering work as was expected. Since August 1, 1942, the Prisons Department has ceased washing the linen of the Ragama and non-paying sections of the General Hospital. It was therefore necessary to engage the services of private dhobies.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the observations of the Minister of Health. The Board of Ministers approves.

(Labour, Industry & Commerce.)**(12) Supplementary Estimate, 1941-42.**

Head 100, Minister of Labour, Industry and Commerce.

Sub-head 3, Incidental expenses.

Amount: Rs. 22.

Nature of Service: To meet the anticipated excess on the vote.

Observations of the Minister of Labour, Industry and Commerce.

The vote under Sub-head 3, Miscellaneous Expenses, for the current financial year is Rs. 200, and on the basis of the current rate of expenditure it is estimated that the total expenditure for the year would be about Rs. 222. The anticipated excess is due to the purchase of a roneo cabinet for Rs. 95. Supplementary provision for Rs. 22 is therefore necessary.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the Observations of the Minister of Labour, Industry and Commerce. The Board of Ministers approves.

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[Supplementary Estimates (13) to (17) not reproduced.]

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

In Committee—

MR. SPEAKER presided as Chairman.

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

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

(1) Expenses of Bribery Commission.

The Hon. Mr. H. J. Huxham (Financial Secretary): I move the following Supplementary Estimate standing in my name:

Head 3, State Council.
Sub-head 5, Expenses of Commissions, Committees, &c.
Amount: Rs 3,000.
Nature of Service: To meet expenses of the Bribery Commission.

The House will wish to know how this Commission is getting on. I understand that it has held several meetings to take evidence, but that its deliberations have not yet been concluded. This sum is required to meet the expenses of this Commission during the current financial year.

Mr. B. H. Aluwihare (Matale): Does the Financial Secretary know when the report of this Commission could be expected?

The Hon. Mr. Huxham: I regret I cannot give an estimate of how long it will take. The sittings of the Commission have not yet been concluded.

Supplementary Estimate (1) was then passed.

(2) Financial Secretary: Incidental Expenses.

The Hon. Mr. Huxham: I move Supplementary Estimate (2) which is as follows:

Head 30, Financial Secretary.
Sub-head 4, Incidental Expenses.
Amount: Rs. 100.
Nature of Service: To meet the anticipated excess on the vote.

This vote is asked for for some small expenses in my Office.

***Mr. Aluwihare:** What is the meaning of "ediphone?"

The Hon. Mr. Huxham: An ediphone is the same thing as a dictaphone—an instrument into which you speak and from which your typist types by means of ear-phones.

***Mr. Aluwihare:** You eat nothing out of it?

The Hon. Mr. Huxham: No.

Supplementary Estimate (2) was then passed.

(3) Insurance Fund for Government Undertakings.

The Hon. Mr. Huxham: I move Supplementary Estimate (3) standing in my name:

Head 31, Treasury.
New Sub-head 5, Insurance Fund for Government Undertakings.

Amount: Rs. 10 (token vote).
Nature of Service: To create an Insurance Fund to insure Government Undertakings where that is considered necessary.

This House is aware that Government does not normally insure against any risks and it is not intended that that policy should be altered. But it is desirable that certain undertakings of Government, particularly commercial concerns, such as the factories under the Ministry of Labour, Industry and Commerce, should keep their accounts on the basis that insurance is taken out, so that if a large loss occurs in any particular year the true result of the trading of that year will not be obscured.

The proposal is therefore that the Treasury should in effect enter the insurance business, but its only clients will be Government Departments.

***Mr. S. Samarakkody (Narammala):** I am glad that this Estimate has come before the House, because it indicates a change of policy on the part of Government with regard to insurance. You will remember, Sir, that a few years ago we in the Ministry of Local Administration brought up the new Motor Car Bill which included provision for compulsory insurance against third-party risks. At that time I remember I raised in our Committee the question of having some State insurance scheme instead of allowing private insurance companies to make money. Then the financial expert, the Financial Secretary, held up his hands in horror and said, "Nothing of the sort; we will be taking a tremendous risk. There may be thousands of accidents, and the Government's liability will be unlimited, and therefore we will not accept any such scheme".

The Executive Committee agreed with the Financial Secretary; and to-day what is the result? Take only the case of the local insurance companies that have been floated. Every insurance company has to its credit a few lakhs of rupees after paying the various claims that have had to be met in the course of the year.

It is also the accepted principle of the Treasury, of the Government, not to insure Government goods. You will remember that some time ago some machinery ordered by the Minister of Labour, Industry and Commerce was damaged, and it was stated that the loss was due to enemy action. In that case the Government had to bear the cost of those goods because of the policy of Government in not insuring goods.

This is a happy departure from that policy. So that once again the question of a State insurance scheme in respect of third-party risks could be reconsidered by the Department. I hope the Hon. the Financial Secretary will address himself to that question. In due course I propose to move a motion in our Committee, and then I hope the Financial Secretary will trot out the old argument that it would commit the Government to additional amount of risks which they were not prepared to carry.

The Hon. Mr. Huxham: I am sure that it was not I who objected to State insurance on the ground that I was frightened against risks. The business of insurance is a very profitable undertaking, and I do not recollect my opinion being sought on the matter.

I would, however, point out to the House that this proposal is more an accounting matter than anything else, in that the undertakings concerned which are to insure with the Treasury will do so in order that the true result of the year may be shown. It is not intended, as I explained when moving the vote, that the Government should undertake insurance for any person other than Government Departments.

Supplementary Estimate (3) was then passed.

(4) Police: Meals to Persons under Arrest.

The Hon. Mr. A. Mahadeva (Acting Minister of Home Affairs): I move, Sir, the following Supplementary Estimate standing in my name:

Head 51, Police.

Sub-head 9. Meals to persons under arrest.

Amount: Rs. 2,000.

Nature of Service: Feeding persons detained in Police Lockups at the various Police Stations in the Island.

The amount provided in the Estimates has proved insufficient, and calculating

what has been spent up to date, it has been found that an extra sum of Rs. 2,000 will be required for the remainder of the year.

Supplementary Estimate (4) was passed.

(5) Police: Contribution towards Maintenance of Home for Vagrants.

The Hon. Mr. Mahadeva: I move the next Supplementary Estimate standing in my name:

Head 51, Police.

Sub-head 18, Contribution towards maintenance of Home for Vagrants.

Amount: Rs. 2,400.

Nature of Service: Feeding the vagrants in the Home, removing the sick to Hospital, burying the dead, and meeting the lighting and conservancy charges, &c.

The expenditure under this vote cannot be controlled; it depends on the number of cases that occur during the year. A sum of Rs. 2,400 is considered necessary over and above the provision made in last year's Estimates.

***Mr. Aluwihare:** I understand that a good many people who find their way to this Home are aged Indian labourers who have no home to go to and no pension scheme to take them back to their own country. So that, they are quite helpless. Will the Hon. Minister tell us how many of these cases there are in the Vagrants' Home?

The Hon. Mr. Mahadeva: I cannot give the figures on the spot. I could obtain the information and let the hon. Member know.

Mr. H. E. Newnham (Nominated Member): As a matter of fact, I used to visit this Vagrants' Home and I do not think there are any Indian immigrants in it at all. They are in an adjoining home.

***Mr. Aluwihare:** By whom is that establishment run?

Mr. Newnham: By the Government.

***Mr. Aluwihare:** I am not concerned whether they are in one building or not. The fact remains that people, having worked for a number of years, are so helpless in their old age that they have to find their homes in no ordinary place meant for them but in vagrants' homes. Surely that is a thing that ought to be stopped. I would recommend to the

[Mr. Aluwihare.]

Hon. Ministers that at least in those cases a pension scheme should be introduced enabling those people to set up homes either in their own country or wherever else it is possible to do so. It is no use condemning them at the end of their lives to be vagrants.

Supplementary Estimate (5) was then passed.

(6) Commissioner for Development of Agricultural Marketing: Travelling.

The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands): I have the permission of the Board of Ministers, Sir, to move to increase the sum required from Rs. 1,500 to Rs. 3,500.

The Chairman: The amendment should have been presented before the House was moved into Committee. I hope next time the Hon. Minister will do that.

Does the House grant permission to the Hon. Minister to increase the amount to Rs. 3,500?

Members: Aye.

The Hon. Mr. Senanayake: I move Supplementary Estimate (6) standing in my name:

Head 61, Commissioner for Development of Agricultural Marketing.

Sub-head 2, Travelling.

Amount: Rs. 3,500.

Nature of Service: To meet the cost of additional travelling required as a result of the present emergency.

Two or three mills have been taken over by the Government and another mill is to be started. This makes it necessary for the Marketing Commissioner to travel more than he has been accustomed to do.

***Mr. S. Abeywickrama (Udugama):** What has this Department done to deal with the food produced in rural areas? No transport facilities have been provided by the Marketing Department. The Department has not purchased the articles of food produced in rural areas and sent them to urban areas. In the countryside you find large stocks of manioc and sweet potatoes, while in the urban areas you find high prices being paid for the available limited quantities of such commodities. In the Galle District, sweet potatoes are sold at 4 cents a lb., but in the Dehiwala-Mount Lavinia area the price is 12 cents a lb.

One would expect the Marketing Department to have a scheme for purchasing farm produce in rural areas and selling it in the urban areas. I can tell the Hon. Minister that nothing has been done in that direction in the Galle District. Would the Minister tell us what the method adopted by the Department in dealing with this problem is?

The Hon. Mr. Senanayake: The policy adopted by my Ministry is to try and keep in a place the food that is required in that place. The normal price of tapioca is 1 cent a lb., and of sweet potatoes, half a cent a lb. Now the demand is so great in the very areas where these articles are produced, that the price has gone up to 4 or 5 cents a lb. If I tried to have these articles removed to other parts of the country where even higher prices are paid, I would be doing it at the expense of the localities in which the articles are grown. When the price is high enough, and the demand is keen, in the places where the articles are grown, I would not be justified in removing the food required in that place to another district.

A scheme has been arranged, however, which will come into force when the price goes down to 1 cent a lb., which was the normal price in the old days. When that price-level is reached, the Marketing Commissioner and the (Emergency) Assistant Government Agents will buy the articles and remove them to other places. The price has not come down to that figure yet, but I would not be surprised if it does when the output is increased. Then a situation might arise in which we would have to make arrangements for the removal of the articles to other parts of the country. But that situation has not yet arisen. Tapioca was planted only some three or four months ago, and is just beginning to mature in some places; in others, it will take another six months or more.

We have the matter in hand, and when the necessity arises, we will make arrangements.

***Mr. Abeywickrama:** That reply is not satisfactory—

The Chairman: I do not think the hon. Member is entitled to go into the matter at length on this vote. I allowed the hon. Member to ask a question, but I cannot allow a debate on the matter.

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***Mr. Abeywickrama:** I shall raise the question on the next item.

Amendment agreed to.

Supplementary Estimate (6) was then passed, as amended.

(7) Commissioner for Development of Agricultural Marketing: Upkeep of Departmental Vehicles, Machinery and Equipment.

The Hon. Mr. Senanayake: I move Supplementary Estimate (7), standing in my name:

Head 61, Commissioner for Development of Agricultural Marketing.

Sub-head 9, Upkeep of departmental vehicles, machinery and equipment.

Amount: Rs. 2,500.

Nature of Service: To meet running expenses and repairs and renewals of four more departmental vehicles.

We have new departmental vehicles now to deal with the increased quantity of goods that have to be transported from one place to another.

***Mr. Abeywickrama:** Where are these vehicles operating? We do not find them delivering goods in certain districts.

The Minister in his reply to my remarks on the previous item dealt with manioc and sweet potatoes. But there is now a great scarcity of vegetables in certain areas as floods have devastated all the vegetable plots there, whereas in other areas there is a plentiful supply, and the Marketing Department brings all the available supplies to Colombo and gives the articles over only to a certain section of the people. We are entitled to ask that an equal distribution in other areas also be effected. The Marketing Department appears to have cut off the Southern Province entirely; it is not catering for the need of that Province. Where is the Department really operating?

The Hon. Mr. Senanayake: The Marketing Department works all over the Island. We have sub-agents who supply us with certain commodities produced in an area in large quantities, and the Department delivers the commodity to sub-agents at other centres.

Some time ago we had a depot in Galle itself, but we found that the people of the Galle District did not patronize the depot, and we had to close

it down. The activities of the Department are not confined to Colombo. From Colombo certain classes of goods are taken to other places, and from those places produce is brought to Colombo. I can give a list of our stockists who are to be found in practically all the towns and even in the small bazaar areas all over the Island.

Supplementary Estimate (7) was then passed.

(8) Irrigation: Kirinde Oya Right Bank Scheme.

The Hon. Mr. Senanayake: I move that the following Supplementary Estimate standing in my name be passed:

Head 71, Irrigation Extraordinary.

Sub-head 22, Improvements to lots 74, 82, and 83 at Telulla, Kirinde-oya Right Bank Scheme, S. P.

Amount: Rs. 1,500.

Nature of Service: For completion.

This sum is required for completing the work in connexion with improvements to lots 74, 82, and 83 at Telulla.

Supplementary Estimate (8) was passed.

(9) Grants to Local Bodies in Lieu of Rates on Crown Properties.

The Hon. Mr. Senanayake: On behalf of the Hon. Minister of Local Administration, I move, Sir, that Supplementary Estimate (9) standing in his name be passed:

Head 78, Commissioner of Local Government.

Sub-head 10, Grants to local bodies in lieu of rates on Crown properties.

Amount: Rs. 848.

Nature of Service: To meet the anticipated excess on the vote.

The amount provided in the Budget of 1941-42 was not sufficient to meet all the liabilities, and this sum is required to make up the deficit.

Supplementary Estimate (9) was passed.

(10) Rebates payable under the Medical Wants Ordinance.

The Hon. Mr. G. E. de Silva (Minister of Health): I move Sir, that the following Supplementary Estimate standing in my name be passed:

Head 92, Medical and Sanitary Services.

Sub-head 11, Rebates payable under the Medical Wants Ordinance.

[The Hon. Mr. de Silva.]

Amount: Rs. 102,000.

Nature of Service: To meet the anticipated excess on the vote.

This amount is required to meet the probable excess.

*Mr. Aluwihare: I wonder whether the Hon. Minister has considered the possibility of extending the full advantages of the Medical Wants Ordinance to the population as a whole. At present the village population cannot obtain visits from a doctor on any account at all. It is a very great advantage, specially in maternity cases, that they should be able to obtain the visits of a Doctor. I do know that to some extent the Field Medical Officers perform that service, but I do not think that it extends the facilities far enough.

The Hon. Mr. G. E. de Silva: That is a big question. I will consider it. To meet the situation envisaged by the hon. Member to some extent, I am establishing Maternity Homes all over Ceylon.

Supplementary Estimate (10) was then passed.

**(11) Medical & Sanitary Services:
Laundry Charges.**

The Hon. Mr. G. E. de Silva: I move that Supplementary Estimate (11) standing in my name be passed:

Head 92, Medical and Sanitary Services.

Sub-head 23, Laundry charges.

Amount: Rs. 20,000.

Nature of Service: To meet the anticipated excess on the vote.

The Prisons Department were doing the laundry work in hospitals, but they could not cope with the work, and so we have had to engage extra laundrymen from outside.

Dr. A. P. de Zoysa (Colombo South): I believe, prison labour was once used for this work.

The Hon. Mr. Senanayake: Even now it is used for the work.

Dr. de Zoysa: There are possibilities of getting more of this work done by prisoners, instead of spending the taxpayers' money on outside labour. If anyone can appreciate it, it is the Hon. Minister of Health who has always insisted that prisoners should be made to do some productive work rather than be engaged in useless tasks. Is it possible for the Hon. Minister to arrange that more prisoners are allotted for this work so

that money could be saved to the Government?

The Hon. Mr. G. E. de Silva: The hon. Member is aware that I am doing everything possible to divert prison labour to food production. The matter is now in the hands of the Hon. Minister of Home Affairs, and I am appealing to him to see that appropriate action is taken by the Ministers concerned.

Supplementary Estimate 11, was then passed.

(12) Minister of Labour, Industry & Commerce: Incidental Expenses.

*The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry and Commerce): I move that Supplementary Estimate (12) standing in my name be passed:

Head 100, Minister of Labour, Industry and Commerce.

Sub-head 3, Incidental expenses.

Amount: Rs. 22.

Nature of Service: To meet the anticipated excess on the vote.

The excess anticipated has been caused by the purchase of a roneo cabinet.

Supplementary Estimate (12) was passed.

(13) Expenses of Sir Baron Jayatilaka's Mission to India in Connexion with Food Supplies.

*The Hon. Mr. Corea: I move, Sir, that Supplementary Estimate (13) standing in my name be passed.

Head 105, Food Controller (Emergency Department).

New Sub-head 6, Expenses of Sir Baron Jayatilaka's mission to India in connexion with food supplies.

Amount: Rs. 25,640.

Nature of Service: To meet the expenses in connection with Sir Baron's visit to India.

This Estimate was submitted before the Department was transferred to the Ministry of Agriculture and Lands, but I suppose I might move that it be passed.

The vote is required to meet expenditure connected with the visit of Sir Baron Jayatilaka to India. As has been stated to the House on previous occasions, Sir Baron's visit to India is concerned mainly with the question of food purchases. Although this vote may not be required in its entirety the money has to be voted to cover expenses that might be incurred by Sir Baron and his staff.

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Mr. T. Amarasuriya (Moratuwa): Sir, I would like to know now far Sir Baron's mission has succeeded in India.

***Mr. Abeywickrama:** I want to know from the Hon. Acting Leader of the House whether any communications have been received from Sir Baron regarding the mission he was entrusted with, and also for what period the Board of Ministers expect Sir Baron to be in India, since such a large sum as Rs. 25,000 is being asked for the purpose, if it is a matter of three or four weeks, such a large sum as Rs. 25,000 is not necessary. I do not know whether Sir Baron is to be our Ambassador in India for a longer period than the two or three weeks necessary for negotiating the purchase of foodstuffs which the country needs. I would like the position to be clarified.

Mr. H. W. Amarasuriya (Galle): I think we are entitled to know something about the mission undertaken by Sir Baron Jayatilaka.

Mr. G. A. H. Wille (Nominated Member): Sir Baron and his staff hold Government appointments and are paid salaries. Is this vote for payments to be made in addition to their salaries?

The Hon. Mr. Senanayake: The vote includes travelling. I will first deal with the question put by my hon. Friend the Burgher Nominated Member. He wants to know whether this vote excludes salaries; this vote is for subsistence and travelling. Sir Baron and his staff will have to go long distances in India.

With regard to the question whether communications have been received from Sir Baron, I may say that we have received telegraphic communications and letters. We are aware of the amount of work that Sir Baron Jayatilaka is doing. He had to be in Madras for about ten days to make arrangements for the purchase of rice there. Perhaps my hon. Friends may not know that just at the present moment we have been offered about 15,000 tons of rice a month from Madras. We have not been able to obtain the full quantity of rice required yet; we are about 19,000 tons short of our requirements at present.

***Mr. Aluwihare:** Surely the Hon. Minister said that we have been offered

15,000 tons. Again he says that we are 19,000 tons short.

The Hon. Mr. Senanayake: Yes, Sir, we have been offered 15,000 tons of rice, but we are still 19,000 tons short taking the period from March up to now.

We found it necessary, not only to make arrangements to obtain that quantity of rice there, but also to make arrangements with the Central and the other Provincial Governments. We found that although 38,000 tons of rice had been promised to us, it was only at intervals that we were told from which centre we should obtain the rice.

Just now, we know that 15,000 tons of rice have been offered to us from Madras. There is a much smaller quantity available from Karachi; and we are also trying to obtain some rice from Bengal. We are trying to make up the shortage of 19,000 tons.

What has happened is this: in Trichinopoly, from where we used to get all our rice in the past, the price has now gone up to such an extent that the Government of Madras do not want us to obtain rice from there. They want us to obtain it from places further up such as Vizagapatam, Cocanada and Bassein. There are difficulties about transporting the rice from those places and also difficulty in getting people to undertake the business.

There are two proposals that have been put forward; one by the Madras Government to supply rice to us, and another by the Delhi Government who say that the rice should be supplied by the traders. There seems to be differences of opinion between the two Governments with regard to the method of transport, and it is necessary for us to come to some arrangement and decide which method we should adopt—the method proposed by the Madras Government or the one proposed by the Central Government.

In the meantime, until these arrangements are finally made, it is necessary to see that certain quantities of rice are sent here. Tentative arrangements have been made. Sir Baron and his staff went to Calcutta about four days ago, and from there they will go to Orissa. After that, Sir Baron will return to Madras to complete his arrangements and then go over to the next place where his presence is necessary, before he goes

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to Delhi. The period that he will have to remain in India is not known; he will have to remain there until he has been able to make the necessary arrangements. Once the final arrangements have been made, and things are working satisfactorily, Sir Baron will return to Colombo. But for the present we do not know when he will return, how long it will take before he returns, or how much travelling he will have to do.

In the circumstances, we have asked for this sum of money and I have not the slightest doubt that the money voted will be spent during this financial year on travelling, and so on.

Mr. H. W. Amarasuriya: How many tons of rice has Sir Baron purchased in India? Have all arrangements been made by the Hon. Minister of Labour, Industry and Commerce and the Hon. Minister of Agriculture and Lands to import the rice? I ask the question because the figure of "38,000 tons" has been dinned into our ears several times in this House. We are told that we have been promised 38,000 tons of rice, but up to date there is still a quantity of 19,000 tons short. I want to know how far the latest ambassador has progressed in his mission, and whether he has purchased any rice.

The Hon. Mr. Senanayake: Sir, Although the figure of "38,000 tons" has been repeated so often in this House, it has not penetrated sufficiently into the minds of some hon. Members.

38,000 tons of rice is the quantity that has been promised to us by the Indian Government. That is the limit that will be available to us. We have to obtain that quantity of rice from different provinces. When we say that 38,000 tons of rice have been allowed us, it does not mean that somebody—either the Hon. Minister of Labour, Industry and Commerce or I—had only to go to Delhi, put those 38,000 tons into a train and bring the rice here.

The Indian Government only agreed to include us within the economic orbit of India with regard to food, and there is, as hon. Members know, trouble there everyday. They have to make arrangements to transport the rice from one district to another when there is a shortage.

You have to depend on crops; on the demand in the district, and so on. You have to make all the necessary arrangements before you can shift the rice.

The mere promise to consider us as part of India for the purpose of food-supply does not give us the food at all. In the first place, what I did was to obtain that assurance. There were certain delays with regard to the matter and at the beginning there was only one province that had been allotted to us. Then, the Hon. Minister of Labour, Industry and Commerce went to Delhi and he had certain quantities of rice from Karachi and Madras released to us. We secured the release of that rice, but there were certain difficulties which we had to overcome before we were able to transport the rice to Ceylon.

To say that by Sir Baron Jayatilaka merely going there and coming back in a hurry, we can get rice, is not correct. He is not making any purchases in the sense that he is buying the rice himself. What he is doing is this: he is making arrangements with the different Governments and the people concerned to see that the rice is made available to us to be brought here.

To-day we can buy rice only in the Madras Presidency, that is in Masulipatam, Bezwada and Coconada—those are the three places. Sir Baron Jayatilaka has not gone to any of those places, but the Government have agreed to our operating there, and to provide at a port 6,000 tons out of the 15,000 tons of rice every month. In regard to the balance 19,000 tons, there is our Agent who has been appointed.

But we must make arrangements to see that the work is done. That is the procedure. It is not the purchasing of rice that is being attended to by Sir Baron. I am sure any Member will see that before a person can consume a certain quantity of food, he has to do the marketing and buy the foodstuffs.

***The Hon. Mr. Corea:** There is one word that I would like to add. The House must appreciate the fact that there are enormous difficulties about the areas from which rice can be obtained, and those difficulties have increased and are increasing from day to day. But we have this interesting fact, that in the first six months of this year we have

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bought and imported from India no less than 135,000 tons of rice. That quantity has actually been purchased and has arrived in Ceylon.

For instance, out of the 15,000 tons allocated to the Madras Presidency, we were able to buy a certain quantity, and so far as the total deficiency of 19,000 tons went, we were free to operate throughout the Madras Presidency, particularly in the Tanjore District, from where we obtain the rice to which this country is accustomed, and in fairly large quantities. But the Tanjore District and the Arcot District have been prohibited to us now, and the Government of Madras have decreed that rice should be purchased only from the Bezwada and Coconada areas, which would mean that we have to buy further north; and it also means that we will not obtain the transport facilities which we had in the Tanjore area. All that means that somebody must be there to settle these matters.

***Mr. Abeywickrama:** For all time?

The Hon. Mr. Corea: Not for all time; certainly till things are put in train.

It is not very easy to do that. You have to get in touch with the different Governments. They are doing their best. But there are difficulties of some magnitude, and it is very necessary in my opinion that there should be somebody there for a little time to look into these matters, to settle everything and see that rice from the Madras Presidency is sent here. That is the work that Sir Baron will have to do. He has just gone there, and we should wait and see how he gets on with the work.

***Mr. Samarakkody:** The criticism that has been levelled against the Department of Food for a very long time is this—I do not know how far the argument is correct: it has been asserted that if the Government had made the necessary arrangements with the Government of India, to make available a certain quantity of rice, and left the actual importation in the hands of traders, then the appointment of an agent to collect the rice and transport it would not have been necessary: in other words, you should have encouraged the normal business channels to import the rice, instead

of the Government taking up the importation. If there is any substance in that suggestion, I hope the Ministers will take it up and reconsider the question of the importation of rice by Government.

I have myself heard it from some merchants who used to import rice. I have heard it said that if they had been allowed to import rice, at least two or three months ago, they would have been able to make their own arrangements with regard to transport. If that is so, it is a matter that requires serious consideration.

The Hon. Mr. Senanayake: It is true, Sir, that some people now say that if they had been allowed to carry on their trade, we would have had a plentiful supply of rice. But unfortunately at the time we had to make these arrangements it so happened that none of the merchants who had been operating here could be found. There was only one merchant who remained here; of course, there were some others who came later on.

But, at the same time, the first attempt made by us was to get the rice; and the condition laid down by the Indian Government was that we should obtain the rice through the traders. When we found that a number of traders who had been dealing in rice previously were not available at the time, it became necessary to do this business through other traders. Actually, if we could have made all arrangements at the beginning, things might have been easier. But at the same time we must realize that there were certain conditions that had been laid down, and besides those conditions, there was this fact: if up to this day we have experienced difficulty in trying to get the Madras Government and the Delhi Government to agree, you will realize that there would be greater difficulty in getting three Governments to agree.

Of course we can criticize anything if it does not come up to our expectations. Perhaps if another method had been adopted and that had failed, then we might have been asked why this method had not been adopted. But I think we must profit by experience, and try to do our very best to secure the best possible results. We are all aiming at that objective; our one and only aim is to try

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and obtain as much rice as possible at a reasonable price, so that it will be available to the people. That is what we are trying to do.

Mr. Aluwihare: Our trouble is that we are all agreed that there are many urgent matters to be settled, but our submission is that rather than Sir Baron settling these matters, these matters will settle Sir Baron!

***Mr. Samarakkody:** The point I made was this: the whole policy of Government with regard to the control of imports has been wrong.

I will just draw your attention, Sir, to the question of tyres. I know that about five or six months ago certain companies were importing tyres. An application was made to the Controller of Imports to grant a licence to import tyres because it was possible to get these tyres from Australia. Now what was the reaction to that application? The Controller of Imports says, "There are plenty of tyres of all sizes in the market, and the available supply is sufficient for a number of years to come, so that unless you have been a regular importer of tyres, we cannot allow your application."

What is the result to-day? Not one tyre is available to the public. Whatever stock there is, is subject to control, and the fact remains that the main transport services are without essential tyres. The hon. Nominated Member (Mr. Griffith) can tell you that tyres have been bought at the rate of over Rs. 1,000 each.

So that if you adopt a policy of encouraging everybody to import as much goods as possible, a situation like the present would not arise. I would request the Hon. Minister of Agriculture to see that everybody who is prepared to import rice or any other food-product is given every facility to do so.

The Hon. Mr. Senanayake: As a matter of fact, we have never prohibited people from importing.

***Mr. Samarakkody:** I am saying that people should be encouraged to import.

***Mr. D. Wanigasekera (Weligama):** In a normal year, Sir, we used to obtain about 500,000 tons of rice from abroad, but according to the Hon. Minister of

Labour, Industry and Commerce, for the last six months we have secured only about 135,000 tons, that is, less than half of our normal requirements. If all these months we were not in a position to make proper arrangements to obtain rice, with the state of affairs that is prevailing in India to-day my fear is that we would not be able to secure even 15,000 tons, because the trouble in India might—I hope it will not—reach such a stage that we would not be able to transport rice.

Therefore what I feel is, now that the Minister of Agriculture is also Food Minister, he should obtain a vote of Rs. 4,000,000 or Rs. 5,000,000 or even Rs. 10,000,000 and start producing food in this country rather than waste time by sending our people to India and expecting India to supply our wants.

As it is, Sir, India herself is short of rice. In a normal year India used to import about 1,000,000 tons of rice from Burma and other countries. Now, with the shortage of rice in India and the present trouble there, and also in view of the fact that all these months we have not been able to make arrangements to obtain our rice, I think what we should do is, not to depend much on India, but to put our best foot forward, vote even Rs. 10,000,000 and start producing food, so that in six months' time we will have between 20,000 and 30,000 tons produced in this country. That is what I would ask the Hon. Minister to do.

***Mr. T. B. Jayah (Nominated Member):** The Acting Leader said that the merchants are free to import rice. Supposing there are merchants willing to import rice, will he stand in the way of their doing so?

The Hon. Mr. Senanayake: No. Actually, the merchant has to obtain a permit to enable rice to be exported from India. I can anticipate my hon. Friend's question and give him an answer. No merchant is allowed to import rice and utilize it for his purposes. Importation is not prohibited; but, of course, when the rice reaches this country it should be made available for the benefit of the general public, not for the benefit of the merchant.

***Mr. Jayah:** Even if what is imported is outside the quota allotted to Ceylon?

***The Hon. Mr. Corea:** He will not get a permit for exporting the rice from India.

***Mr. Jayah:** Supposing he is able to get a permit, and also obtain rice outside the quota, for very urgent purposes? Supposing the Indian Government say that the rice allotted to a particular importer is outside the quota, why should not that merchant be allowed to get that rice down?

The Hon. Mr. Senanayake: It is not enough for the Indian Government simply to say that the rice given to any individual is outside the quota. If the Indian Government first gives us our quota and then allots a quantity of rice to a merchant—if that is the suggestion—we will certainly consider the matter. But for the Indian Government to say that they are supplying a merchant with rice outside the quota allowed to us when we are not supplied with our full quota would make the position rather unsatisfactory and difficult.

There is already a shortage of 19,000 tons from Madras and a shortage of a very much larger quantity from other places. If anybody can obtain all the rice promised to us by India, up to the end of this month, and also secure a quantity in addition to that quota, then it would not affect our agreement. Any merchant who can obtain such a further supply deserves to have not only that rice but something more. It would not satisfy us if the Indian Government supplied a merchant with rice saying that it was outside the quota and then did not supply us with the quota promised.

***Mr. Samarakkody:** Is the Hon. Minister prepared to assist importers of rice by granting to them the right to import a part of the quota? He admitted that there was a shortage of 19,000 tons. Supposing he encouraged the importers and told them that he would get them the necessary permits to obtain the quota allotted to this country—

The Hon. Mr. Senanayake: There are only 6,000 tons which the Government of Madras—

***Mr. Abeywickrama:** No; from the whole of India.

The Hon. Mr. Senanayake: There has been no rice promised to us by any other

Government yet. All that rice is available for importation by merchants. My instructions to our representative would be to call for tenders at different places, and the person who makes the best offer will be entrusted with that work. We have no fixed traders yet. The only conditions we are anxious to secure are cheapness, quality and the certainty that we will get our full quota. As far as we are concerned, anyone can come forward and offer his services to help us to achieve our object.

***The Hon. Mr. Corea:** There is one other point I should like to make clear. From the remarks that fell from some Members here, the House might be under the impression that we were some 19,000 tons of rice short because of some unsatisfactory arrangement made to get down the full quota allowed to us. The quota allowed was 15,000 tons a month, and the total deficiency is 19,000 tons. The quota was allowed from March; so that we have to make calculations from March up to July.

The March quota which the Government of India allotted was 15,000 tons, but not a single grain of rice could be obtained out of the March quota, the reason for it being that although the Government of India had agreed to issue permits for 15,000 tons from March, until I reached Delhi on 7th April last, not a single trader had been issued permits. So that, the whole of the March quota was not taken delivery of, and it really lapsed. Then there is the real shortage of 4,000 tons and that shortage occurred only in the month of July. It was due to certain difficulties about the increase of price and transport.

I just wanted to explain the deficiency of 19,000 tons of rice out of the quota allotted from Madras. It was due almost entirely to the absence of any exports of rice during March. Difficulties did arise in the month of July in obtaining rice from Karachi from where we had imported fairly large quantities of rice.

The Hon. Mr. Senanayake: I might inform the House that the total quantity imported during any one month was 140,000 tons. Previously we obtained rice from Burma too, but now we have to obtain something like 500,000 tons from India from where we used to obtain

[The Hon. Mr. Senanayake.] only 140,000 tons. Arrangements have to be made to obtain and transport that large quantity of rice within a short time. Then, other Governments have sent their representatives to India to buy rice and they are operating in that market. Just now the troubles have increased in India owing to local conditions and transport difficulties.

Hon. Members will realize how difficult it is in Ceylon to transport anything on the Railway. We find great difficulty even to transport articles from Jaffna to Colombo on the Railway. It is not easy to make arrangements to transport to Ceylon not merely the normal requirements that we used to import from India but quantities much in excess of the normal requirements.

I am glad that hon. Members have raised this question. That shows that they realize the great difficulties the country is faced with and also the necessity to cultivate our own food in this country. I know to a certainty that hon. Members do not spare themselves in the attempt to cultivate food, and I am sure they realize that they must redouble their efforts to produce locally all the rice that we require so that we need not go to India at all for our rice.

***Mr. Abeywickrama:** We are doing everything possible.

The Hon. Mr. Senanayake: I know that hon. Members are very keen about the matter, and if they could redouble their efforts, it would indeed be of great benefit.

***Mr. Samarakkody:** After much discussion we have been able to secure an admission from Government that the full quota allowed by the Government of India has not been obtained, and that we were short of 4,000 tons. I understand that 15,000 tons—

The Hon. Mr. Senanayake: That shortage of 19,000 tons refers to the quota allowed from Madras and not to the quota allowed from any other place.

***Mr. Samarakkody:** For some reason or other, the Ceylon Government has failed to get down the full quota. The position I take up is that Government should assist anybody who is prepared to import rice into this country by issuing them permits.

***The Hon. Mr. Corea:** The suggestion of the hon. Member is entirely in line with the arrangement that had worked up to that time. The Government of India insisted that the traders alone should export those 15,000 tons. The Government of India retained to themselves the right to license exporters. So, they gave licences in the case of some traders to export 20 or 30 tons and in the case of others to export 50 or 60 tons, and in the case of others yet to export 500 tons. We have repeatedly pointed out to the Indian Government that sometimes licences were not issued till the 15th of the month, and sometimes till the 7th, 8th or 10th of the month, with the result that by the time the merchants took out licences and began to operate on them the month drew to a close and the merchants could only export a part of the quota allowed for that month. That is because the Government of India had insisted that rice should be exported only by the merchants. Up to July that was the system followed.

It is only now that another system has been put into operation. According to the new system the Government of India will export the full 15,000 tons a month on behalf of the Government of Ceylon. There is again difficulty about that and, as the Acting Leader of the House has pointed out, that system too is now being changed. The Government of Madras is going to guarantee the supply of 6,000 tons and leave the balance 9,000 tons in the hands of merchants who would be issued licences. There may be difficulty with regard to those 9,000 tons. There is our officer there who is looking into that matter; and Sir Baron has gone there to smooth out the difficulties.

With regard to the point made by the hon. Member for Narammala (Mr. Samarakkody), that shortage occurred because of the manner in which imports to this country were made, I would like to point out that the Government of India had insisted that we should allow the merchants to keep the export of rice from that country in their hands.

***Mr. Samarakkody:** Was any effort made by a Ceylonese firm in India—Messrs. Steel Brothers, I think—to import the entire quota allotted to Ceylon for a small commission? If such an offer was made, why was it turned down?

The Hon. Mr. Senanayake: No one has ever offered to obtain the whole quantity of rice for us from India.

***Mr. Samarakkody:** Or a part of it?

The Hon. Mr. Senanayake: There were some persons who were anxious to become our agents for a fee. Some of them were accepted by us, and others were rejected. We had to consider the wishes of the Indian Government and others and in consultation with them come to a decision.

There is one point which perhaps is not appreciated by my hon. Friends. It was stated that the merchants should be given the right to import rice. With regard to that point, I might say that some merchants did take out permits to import rice. But what did they do? They tried to use that right against us because we did not get a permit for the quota.

***Mr. Aluwihare:** Cannot we arrive at some arrangement like this, that we will accept any person who imports rice to Ceylon? Let the Government of India license whom they like. If anyone can smuggle a little rice out of India, we should be glad to accept the rice!

***Mr. Wanigasekera:** Is the Hon. Minister aware that Messrs. Steel Bros. are supplying the Mauritius Government with rice now? Why do not the Ministers employ their services?

***The Hon. Mr. Corea:** We tried to do so. We put up their name to the Government of India, and the proposal is before the Government of India to-day.

It being 5.30 p.m. proceedings on business under consideration were interrupted under Emergency Standing Order 2 (4).

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

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

The Council having resumed—

MR. SPEAKER took the Chair.

The Hon. Mr. Senanayake: I would like to suggest, Sir, that with the consent of the House we continue the consideration of Supplementary Estimates beyond 5.30 P.M.

***Mr. Aluwihare:** No. There is a matter of a regulation which is rather important. We have been very accommodating to the Hon. Ministers to-day and we would like to discuss that regulation.

The Hon. Mr. Senanayake: If that is so, there is just one point—

Mr. Speaker: We will sit to-morrow to consider the rest of the items. Does the House agree?

Members: Aye.

Committee report progress; to sit again.

The Hon. Mr. Senanayake: I move, Sir, that Supplementary Estimates (1) to (12), 1941-42, passed in Committee, be approved.

Question put accordingly, and agreed to.

Supplementary Estimates (1) to (12) were approved.

***The Hon. Mr. Corea:** With regard to Supplementary Estimate (13), the debate on which has been postponed for to-morrow, I only want to mention to the House, if the House will permit me to do so, that the Hon. Minister of Agriculture and Lands will reply to questions on my behalf. I am under summons to appear in the District Court of Galle to give evidence in a case to-morrow, therefore I shall not be present in the House.

ADJOURNMENT.

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

Question proposed from the Chair, and debated.

Mr. Dudley Senanayake (Dedigama): On the motion for adjournment I wish to raise an important matter; it is a matter connected with a Defence Regulation of which hon. Members of this House might have become aware. I believe the Regulation in question appeared in the papers of Saturday last. That was the first time that any of us received notice of it. The Regulation relates to the prohibition—the limitation rather, of the right to hold public

[Mr. Dudley Senanayake.] meetings. I believe particular areas were specified—the Central Province; the Province of Uva and the Province of Sabaragamuwa. You will realize that this Regulation is confined particularly to the planting areas.

The Regulation prohibits the holding of a public meeting without 14 days' prior notice of it being given and the sanction of the Hon. Minister of Home Affairs being obtained to hold the meeting. The House will realize that this is a very serious limitation on the rights of the citizens. Day in and day out we are called upon to permit various encroachments on the liberties and rights of the people of this country.

It is true that we are under war conditions and that certain limitations must arise. But surely on the ground of the emergency created by the war, would it be proper, would it be fit for us to impose a restriction so vast and unlimited as the prevention of the holding of any public meeting?

For instance, we are called upon actively to participate in a greater effort as regards food production. Take, then, a meeting held in connexion with a food "drive" in any of the prohibited areas. Even for the holding of such a harmless meeting sanction will have to be obtained 14 days previously. Under the category of "public meeting" mentioned in the Defence Regulation it is difficult to say what meeting would come within the purview of the Regulation. For instance, what happens if there is *bana* preaching which is indulged in very frequently in this country?

I will give you a concrete case. The other day I believe the Police did act outside the scope of this Regulation. There was to be a meeting of Municipal employees. The meeting was to be held for the purpose of considering the conditions of service and wages of the employees and the question of war bonuses. The meeting was confined only to the employees of the Municipality, and it was to take place at the Town Hall. Taking advantage of the present Regulation, the Police went there and prevented this meeting being held. The interpretation of the term "public meeting" is left entirely in the hands of the Police.

Surely we cannot tolerate this state of affairs. We have been giving in gradually to every conceivable kind of encroachment on the rights of the people, and I believe that unless we take up a strong attitude about further encroachments, the day will soon come when the people of this country will have no rights whatsoever.

I would like to put two specific questions to the Hon. Minister of Home Affairs. Was he consulted in the promulgation of this Regulation? Was his Executive Committee consulted? [MEMBERS: No.] I believe, in promulgating Defence Regulations the accepted practice is that the particular Executive Committees whom the Regulations concern should be consulted. If the Executive Committee were consulted, may we know what the reason that necessitated such a drastic course of action being taken was? I do not see any tendencies on the part of the public at large to warrant the course of action contemplated by this Defence Regulation being taken.

I do hope that the Hon. Minister of Home Affairs will answer the questions that I have put to him.

***Mr. S. Samarakkody (Narammala):**

Some time back there was a very important event that occurred: It was the wrecking of the Constitution, which we normally call the Donoughmore Constitution. To-day there is no Donoughmore Constitution in any sense of the term.

The Constitution provides for a Governor who is also the Commander-in-Chief. Now, suddenly, may be owing to the exigencies of war, this Constitution, this representative Assembly, has been wrecked by the appointment, unconstitutionally, of somebody outside the Constitution, and the granting to him of the right to scrap, or rather dismiss, the Council and its Ministers at will. The Board of Ministers, at that stage, hypnotized themselves by some sort of auto-suggestion into believing that no real change had taken place; that the Council would go on, that the Ministers had power, and so on. Some of us discussed this matter with the Ministers, who were eloquent in their expressions of opinion that no change for the worse had taken place. Now it is quite apparent

that the Constitution does not exist, that it is nothing more than a debating society of which no notice is taken. It is time that the Ministers—even at this stage—realized in how many ways there has been encroachment on the rights of the people.

A few days ago there was another strange Order issued, that nobody should wear a uniform. I do not know why the hon. Member for Matale (Mr. Aluwihare) should not be prosecuted. He is wearing some sort of uniform; it is rather unusual as far as the dress of hon. Members of this House is concerned. There are various political parties who advocate the wearing of rational dress or some sort of uniform. Take, for instance, the Ceylon National Congress. They advocate the wearing of a stiff coat which they think is a suitable dress.

The Order in question does not specify what is meant by a uniform; they think that a uniform means a Military uniform. Instead of winning the confidence of the people, those who are responsible for the conduct of the war in this country are acting on the assumption that the people of this country are disloyal, that they cannot be trusted. Every regulation presupposes that there is bound to be some underground movement to overthrow British power in this country.

At every stage, when we are contributing towards the war effort, when by every manner and means we are helping the Government to carry on the war in this sphere, the reaction to our efforts is very strange. Every matter which is the subject of a Defence Regulation is based on distrust. I think, if the war is to be won in this part of the world, it must be realized that those who are responsible for the conduct of affairs must take the people of this country into their confidence; without which, I venture to suggest, the successful prosecution of the war will be seriously interfered with, if this present policy is continued.

I therefore suggest that the Ministers, especially the Minister of Home Affairs, on behalf of this Council which is composed of the representatives of the people should write to His Excellency the Governor and the Commander-in-Chief and other big-wigs and take action to see that all past follies are undone and a new policy followed.

***Mr. R. S. S. Gunawardana (Gampola)**: I should like the Hon. Acting Minister of Home Affairs or the Chief Secretary to explain in what circumstances these Defence Regulations have been promulgated, and particularly why public meetings should be forbidden in the Central, Uva and the Sabaragamuwa Provinces. It should be clear to most people in this country why they chose those planting districts for this purpose. If it is the fear that there may be labour disorganization, that strikes may be promoted and labour troubles fomented, then a prohibition might have been imposed on such public meetings for such purposes. But if a general limitation is imposed, the result might be that the war effort would be impeded in a great many ways.

For instance, many of us would like to encourage food production, and public meetings might have to be held for the purpose. But no such meetings can be held, under the Regulation referred to. Some of us who are doing A. R. P. work—A. R. P. Controllers and others—find it necessary to talk to the people in regard to air-raid precautions, but there is no chance of our holding meetings for such purposes. Ordinary school prize-givings cannot be held. Village co-operative society meetings cannot be held. The result is that because there is a war on all normal activities must cease, without any reason being assigned as to why they should cease.

The hon. Nominated Member has found a very excellent explanation. He says, "Probably it is due to want of air-raid shelters". Even the Civil Defence Commissioner does not think that elaborate schemes of air-raid shelters are required in these particular Provinces. Of course, that explanation simply will not go down with this House or with anybody in this country.

This is no doubt a serious encroachment on the privileges of the people, and I would like the Board of Ministers to take immediate action in regard to this matter. This reminds me as the hon. Member for Balapitiya (Mr. Kularatne) can tell you, of what weak Principals of schools sometimes do when they find it impossible to control a particular teacher. They send a general notice round to say that teachers must come at a particular

[Mr. R. S. S. Gunawardana.] time; or they say that the teachers are slack in this or that, without calling upon the particular teacher concerned for his explanation.

When it was found necessary to ban a certain type of meeting, instead of saying what those meetings are, a general order is issued prohibiting the holding of meetings. This is not the way in which the rights of the people should be respected by our Ceylonese Board of Ministers, and I think they should take immediate action in this matter.

Mr. H. W. Amarasuriya (Galle): This matter has not come before the Executive Committee of Home Affairs. I believe the Ministers, who are also Members of the War Council, should know something more about this matter. I do not know whether the War Council was consulted; if the War Council had been consulted the Ministers of the State Council who are Members of the War Council should have taken up the attitude that has been taken up by Members of the House now.

I should like to know what the attitude and reaction of the Ministers to the promulgation of these Regulations were. I submit that we should not single out one Minister. The entire Board of Ministers should take this matter up with the authorities and see that the ban is relaxed. Members of this House have already expressed very strong views on this matter. I fear that the Regulation will not be confined to the four Provinces mentioned; it is likely to be extended to other Provinces, and in due course the whole Island might be covered by it. I would like to know whether the Ministers were consulted as members of the War Council and if so why they did not protest against the promulgations of the Regulation concerned.

The Hon. Mr. A. Mahadeva (Acting Minister of Home Affairs): I am glad, Sir, that this question has been raised in the House, because it gives me an opportunity of clearing up some misapprehensions which exist in the minds of several hon. Members. In the first place, it is not a Defence Regulation at all. The Defence Regulation already existed and the order referred to is merely an order made by virtue of certain powers

vested in His Excellency the Governor under Defence Regulations already existing. This however is not as important as other misapprehensions.

The hon. Member for Gampola (Mr. R. S. S. Gunawardana) referred to meetings being banned. That is not at all correct, Sir. In fact, we welcome the holding of meetings and the expression of public opinion even on debatable matters as a very useful safety valve which should exist to prevent unrest in the country. Therefore, while we felt it necessary to ask that permission should be obtained, in the case of certain areas, before a meeting was held, we left the rest of the country free for those very resolutions being presented to the public and ventilated as much as possible. [*Interruption.*] I shall come to that in a minute. If hon. Members will be a little patient, I shall point out the misapprehensions which I think exist in the minds of some Members.

Now, Sir, there must be some purpose in saying that an expression of opinion which is possible in Veyangoda for instance, should not be permitted within the Municipal limits of Colombo. For that purpose I would like this question to be divided into its component parts.

The first question is the policy underlying it, and the second is the method utilized for the enforcement of that policy. The policy underlying it is not a fear of meetings or of the expression of public opinion on matters, but the consequences that may follow and are likely to follow if such opinions are given expression to in certain specially defined areas. I refer to the labour unrest which may follow and dislocate essential services that are necessary and vital to the life of the community.

For instance, if in Colombo a certain type of meeting was held in which rather fiery speakers who are not known for their sobriety of speech or any particular concern for the public weal were allowed to get on the public platform and refer to certain matters which are likely to inflame, say, the workers in the harbour, are we to take the risk of such a meeting and all the dislocations that may follow, or should not the authorities take action beforehand by considering whether that meeting should be permitted, and if it

was thought that it should not be permitted, prevent the holding of such a meeting? That is the question.

I should have thought without hesitation that there would not be one Member in this House who would object to the policy underlying it—I am not referring at the moment to the method intended to be adopted—the policy being that no meeting should be allowed which would result in the dislocation of essential services, for example, services in the harbour which would entirely destroy the life of the community.

Mr. Dudley Senanayake: What about estates?

The Hon. Mr. Mahadeva: I have divided the question into the two component parts; the first is the policy behind it, and I say that not one Member in this House should legitimately object to that policy; the second is whether in trying to give effect to that policy, we have gone beyond the immediate necessities of the occasion. On that point, I take it, as was pointed out I think by some hon. Members, that they feel that the wording of the order is very wide in scope—

***Mr. R. S. S. Gunawardana:** As wide as possible.

The Hon. Mr. Mahadeva: And it would also seem that some other method might have been adopted to attain the end in view.

Sir, this matter came to my notice on 27th August last, and my first impulse was to consult both my Executive Committee and also the Board of Ministers, but a decision was insisted on by 28th August, the very following day—

Mr. H. W. Amarasuriya: Who insisted?

The Hon. Mr. Mahadeva:—because certain meetings were being planned throughout the country which were considered likely to result in considerable dislocation of the essential services of this country.

***Mr. S. Abeywickrama (Udugama):** You could have banned those meetings.

The Hon. Mr. Mahadeva: So I had to act. If a responsibility is cast on me, I

cannot shirk it by saying, "I have no time to consult the Executive Committee," or, "I have no time to consult the Board of Ministers". I had to act, and the only assistance that was available to me at that stage was to consult such officers as the Legal Secretary and the Legal Draftsman as to how to give effect to the object we had in view.

That was the position. And after very careful consideration—I do not say that our method is perfect—in the short time that was at our disposal, we decided that this was the only method that commended itself as a feasible way of proceeding in the matter.

I have not been able to put the matter before my Executive Committee, but I shall do so on Thursday next. I can give the assurance to hon. Members of this House that if my Executive Committee, after considering the regulation, feel that certain amendments should be made, or, in the alternative, that the criticisms that have been offered in this House could be met by certain administrative rules issued under the order, the matter would be brought to the notice of the Board of Ministers and such amendments or administrative rules promulgated.

I feel that I have now answered every question that was raised.

Mr. Dudley Senanayake: Why these areas?

The Hon. Mr. Mahadeva: The hon. Member asks the question, "Why these areas?" It is obvious. In Colombo we have a very vital essential service, the harbour service, and we do not want it dislocated. Then, my hon. Friend will know how essential rubber, for instance, is to the war effort. I am putting it to the hon. Member and I ask him to state whether he is not concerned with the war effort. We do not want the dislocation of those services.

But I must say this: hon. Members of this House have known me for some time, I have not disguised in this House my distaste for certain acts of repression, and I can assure the House at the same time that my temporary occupation of a seat in the front benches has not made me change my sympathy with the underdog. I would ask hon. Members to give

[The Hon. Mr. Mahadeva.]
 me an opportunity of consulting my Executive Committee, which I have not had a chance of doing, so as to find out whether anything can be done, by way of an amendment of the order, to meet the very legitimate criticisms which have been offered, and whether the situation can be met, and also of bringing the matter before the Board of Ministers to see whether we cannot meet the situation by an order issued under the Regulation or by an administrative act which will satisfy all Members of this House.

***Mr. R. S. S. Gunawardana:** It is adding insult to injury.

***Mr. E. W. Abeygunasekera (Nuwara Eliya):** A few days ago some people came to consult me as to whether it was legal to hold a meeting of field-owners; I said it was illegal. Then, some people wanted to know whether they would be in order in holding the Hanguranketa procession, I said "No; because our new Acting Minister of Home Affairs has issued instructions to the general public forbidding the holding of any kind of processions". Then, again, some other people inquired whether they could have *bana* preaching by priests. I told them that all such activities were now prohibited.

What a change has come over the Acting Minister! I have had the privilege of knowing him intimately not only in the Executive Committee of Home Affairs, but from the time I entered the State Council. He was the first Member to criticize Sir Baron Jayatilaka, the permanent Home Minister, who has now gone to India in connexion with our rice supply. His methods were criticized by the very hon. Member who is at present Acting Minister of Home Affairs; and to-day he says "The Ministry will be consulted later on".

Mr. Speaker: It is two minutes to 6 o'clock now. We will adjourn till 2 P.M. to-morrow.

The Hon. Mr. Senanayake: No, Sir, till 10 A.M. tomorrow.

Mr. Speaker: There was no resolution to that effect.

The Hon. Mr. Senanayake: I believe I moved it a little while ago.

It being 6 p.m., MR. SPEAKER adjourned the Council without Question put, pursuant to Emergency Standing Order 2 (3), until 2 p.m. on Wednesday, September 2, 1942.