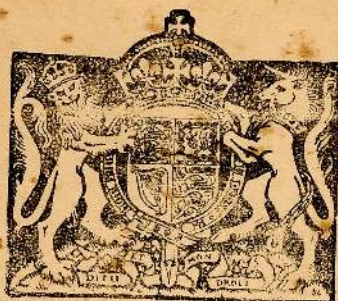


# The State Council of Ceylon.

No. 56.

September 22, 1942.



## DEBATES

SESSION OF 1942.

CONTENTS:

	PAGES
Messages from the Governor . . . . .	2137
Supplementary Estimates, 1941-42 . . . . .	2140
Factory Engineer, Public Works Department . . . . .	2168
Omnibus Service Licensing Bill . . . . .	2175
War Gifts (Exemption from Estate Duty) Bill . . . . .	2182
Municipal Electoral Lists (Temporary Provisions) Bill . . . . .	2183
Notaries (Amendment) Bill . . . . .	2184
Adjournment (Defence Regulations: Public Meetings—Police: Allegations of Assault	2185

PRINTED BY ORDER OF THE GOVERNMENT OF CEYLON

AT THE

CEYLON GOVERNMENT PRESS, COLOMBO.

*"Copy" received : January 25, 1943.*

*Proof sent : March 2, 1943.*

*Proof returned : March 8, 1943.*

*Published : March 13, 1943.*

# STATE COUNCIL OF CEYLON.

Tuesday, September 22, 1942.

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

## MESSAGES FROM THE GOVERNOR.

**Mr. Speaker:** I have received the following Messages from H. E. the Governor.

### I.

Colombe, 10th September, 1942.

SIR,—WITH reference to your letter of 27th August, I have the honour to inform you that, under Article 32 (2) of the Ceylon (State Council) Order in Council, 1931, I have approved the resolution relating to the transfer of certain functions from the Executive Committee of Labour, Industry and Commerce to the Executive Committee of Agriculture and Lands, which was passed by the State Council on the 26th August, 1942.

I have, &c.,  
Sgd. A. CALDECOTT,  
Governor.

The Speaker of the State Council.

### II.

To the State Council of Ceylon.

A Message under Article 22 of the Ceylon (State Council) Order in Council, 1931, as amended by the Ceylon (State Council) Amendment Order in Council, 1937.

I, Andrew Caldecott, Governor of Ceylon, in exercise of the powers vested in me by Article 22 of the Ceylon (State Council) Order in Council, 1931, as amended by the Ceylon (State Council) Amendment Order in Council, 1937, do by this message inform the State Council that I consider that provision should be made by legislation for the purposes set out in the draft Ordinance† attached hereto which will be enacted by me under paragraph (a) of Clause (1) of that Article. The circumstances which, in my opinion, render such legislation necessary are as follows:—

1. In October, 1928, when the Secretary of State offered Sir

(then Mr.) Frank Stockdale, Director of Agriculture, Ceylon, an appointment as Assistant Agricultural Adviser to the Secretary of State, it was decided that, as the post offered was not a pensionable one, Sir Frank Stockdale could not, in the event of his accepting the appointment, be regarded as "transferred" for the purposes of section 21 of the Ceylon Minutes on Pensions. As, however, it was thought unreasonable that Sir Frank Stockdale should lose all pension rights in respect of his service in Ceylon, it was further decided that he should, if he accepted the post, be granted, upon ultimate retirement, a pension from Ceylon funds calculated as if he had retired from the public service in Ceylon on the ground of ill-health at the date of his transfer to the new post, provided that such ultimate retirement took place in circumstances in which he would have been granted a pension by the Government of Ceylon had he retired from the service of that Government. With the approval of the Secretary of State, an undertaking to this effect was given to Sir Frank Stockdale who then accepted the appointment offered by the Secretary of State.

2. Sir Frank Stockdale attained the age of fifty-five years (at which age he would have been entitled to retire from the service of the Government of Ceylon under the Minutes on Pensions) on the 24th June, 1938, and the Secretary of State intimated that a pension in accordance with the undertaking given to Sir Frank Stockdale was payable from Ceylon funds from 1st September, 1940.
3. Sir Frank Stockdale served in the office of Director of Agriculture, Ceylon, from 1st December, 1916, to 23rd February, 1929, and the pension that would have been granted

† Draft Ordinance not reproduced.

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

to him if he had retired on the latter date on the ground of ill-health is £467.3s. 9d. per annum. As he was in good health at the time when he left the service of the Ceylon Government, this pension could not be awarded under the Minutes on Pensions. A special vote by the State Council was, therefore, necessary to authorise the payment of the pension in pursuance of the undertaking given to Sir Frank Stockdale.

4. A resolution to authorise the payment of the pension was introduced in the State Council with the approval of the Board of Ministers but was rejected by 21 votes to 18, at the meeting of Council held on 28th October, 1941.

Signed at Colombo, this Twenty-first day of September, 1942.

(Sgd.) A. CALDECOTT,  
Governor.

### PAPERS TABLED.

(Chief Secretary): Answer to Question No. 33 of 1942.

(Legal Secretary): Regulation made by His Excellency the Governor under section 253A of the Criminal Procedure Code (Cap. 16). (Notification dated August 29, 1942, published in the *Government Gazette* of September 4, 1942.)

(Financial Secretary): Answer to Question No. 43 of 1942.

(Acting Leader of the State Council and Minister of Agriculture and Lands): Thirty-three Supplementary Estimates for 1941-42.

Order No. 30 dated August 21, 1942, made under section 4 (1) (a) of the Food Control Ordinance (Cap. 132).

Order No. 31 dated August 26, 1942, made under section 4 (7) (a) of the Food Control Ordinance (Cap. 132).

Order No. 32 dated August 30, 1942, made under section 4 (1) (a) of the Food Control Ordinance (Cap. 132).

Order No. 33 dated September 14, 1942, made under section 4 (7) (a) of the Food Control Ordinance (Cap. 132).

(Minister of Local Administration): Rule made by the Executive Committee of Local Administration under section 31 of the Poor Law Ordinance, No. 30 of 1939.

Regulation made by the Executive Committee of Local Administration under sections 164 and 174 of the Motor Car Ordinance, No. 45 of 1938.

By-law made by the Kotte Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, published in *Government Gazette* No. 9,001 of September 4, 1942.

### NOTICES OF MOTIONS.

Mr. S. Abeywickrama (Udugama): I give notice of the following motion:

That in the opinion of this Council the terms of reference of the Bribery Commission now sitting should be extended so as to enable the same Commission to inquire into the incidence of bribery in the Education, Police and Excise Departments and also in the Chief and Minor Headmen's Services in the Island.

### QUESTIONS.

#### (ORAL ANSWERS.)

40/42.

#### Wheat Flour: Imports and Distribution.

Mr. S. Vytilingam (Talawakele): Will the Hon. Minister of Agriculture and Lands please state—(1) How many tons of Wheat Flour were imported by his Departments after January 1, 1942? (2) How many tons were sold to Primary Distributors in the City of Colombo? (3) How many tons were sold direct to Estates and Wholesale Distributors in the outstations? (4) How many tons were distributed by wholesale dealers registered under the Rice Control Scheme?

The Hon. Mr. D. S. Senanayake (Minister of Agriculture and Lands): On grounds of security it is not possible to allow information disclosing stocks of essential foods to be published. If this information is to be given to the Council, it will have to be in Secret Session, or perhaps the hon. Member might be given the information personally, in confidence.

46/52.

**Bhajri: Imports and Distribution.**

**Mr. Vytilingam:** Will the Hon. Minister of Agriculture and Lands be pleased to state—(a) How many tons of Bhajri were imported by his Departments from January 1, 1942? (b) How many tons were sold to Primary Distributors or Wholesale Distributors in the city of Colombo? (c) How many tons were sold to Estates and Wholesale or Retail Distributors in outstations? (d) What was the selling price per cwt.? (2) Will the Hon. Minister please table a statement giving the names and addresses of the buyers of Bhajri and the quantities sold to each and the dates?

**The Hon. Mr. Senanayake:** On grounds of security it is not possible to allow information disclosing stocks of essential foods to be published. If this information is to be given to the Council, it will have to be in Secret Session, or perhaps the hon. Member might be given the information personally, in confidence.

**(PRINTED ANSWERS.)**

33/42.

**General Clerical Service.**

**Dr. A. P. de Zoysa (Colombo South):** Will the Hon. the Chief Secretary please state—(1) Whether it is a fact that the recruitment to Class II. of the General Clerical Service has been discontinued by the Government? If so, under what authority? (2) How many officers in Class II. of the General Clerical Service are at present drawing the maximum salary of that Class? (3) How many such officers have been stagnating on their maximum salaries for five years and more? (4) The number of such officers who have been already reported fit for ordinary promotion to Class I. of the Clerical Service? (5) What action he proposes to take to give relief to such officers in the Clerical Service?

**The Hon. Mr. R. H. Drayton (Chief Secretary):** (1) At its meeting on December 27, 1941, the Board of Ministers approved generally of the creation of an Executive Clerical Class and a General Clerical Class to replace the existing Special Class and Classes I., II., and III. of the General Clerical Service as recommended in Sessional Paper XVIII

of 1937. Recruitment is accordingly now being made on the system recommended in this Sessional Paper for the reconstructed General Clerical Service. Recruitment to the Executive Clerical Class, which will correspond with the existing Special Class, Class I. and the upper part of Class II. of the General Clerical Service, is to be from the General Clerical Class only and consequently direct recruitment to the existing Class II. of the General Clerical Service by open examination has been abandoned. An examination for those candidates from Government or quasi-Government Departments who are eligible for entry into Class II. under paragraphs 35 and 57 of Sessional Paper XVIII. of 1937 will be held shortly.

(2) 292 out of a total of 907 Class II. clerks on June 22, 1942.

(3) 43.

(4) 30 (This figure is based upon the Confidential Reports for the year 1941).

(5) In paragraph 33 of Sessional Paper XVIII. of 1937 it was recommended that Class I. of the General Clerical Service should be maintained at its present strength. It is proposed that until a final decision has been made on the scheme for the reconstruction of the General Clerical Service promotions to Class I. should be made on the basis of the existing scheme with reference to the actual position on September 30, 1939. The permissible strength of Class I. on that date was 173 and a Supplementary Estimate was passed at the meeting of the State Council held on July 7, 1942, in order to bring the present sanctioned strength of 163 up to 173. It is proposed to make these additional promotions shortly.

**Dr. de Zoysa:** May I ask a supplementary question, Sir? From the answer given we learn that there are nearly 300 officers of the Clerical Service stagnating on their maximum salaries. I think the Hon. the Chief Secretary is aware of the fact that when an officer starts stagnating on a particular salary, his efficiency also stagnates. So steps must be taken either to—

**Mr. Speaker:** What is the question?

**Dr. de Zoysa:** I wish to know whether the Hon. the Chief Secretary can take immediate steps to promote these officers so that they may not stagnate on their maximum salaries.

**The Hon. Mr. Drayton:** Mr. Speaker, I am afraid the answer must be that I cannot depart from the policy that is indicated in the reply I have already given to the hon. Member.

43/42.

**Pension Papers of Late P. C. 1800  
A. Ramasamy.**

**(Mr. Abeygunasekera):** (1) Will the Hon. the Financial Secretary table all papers in connection with the pension of the deceased P. C. 1800 A. Ramasamy?

(2) Will the Hon. the Financial Secretary also state whether—

(a) One Rukmani Ammal claimed the pension as the widow of the deceased P. C. 1800 A. Ramasamy?

(b) He or the Police were aware that T. N. Govindasamy was the legal husband of Rukmani Ammal?

(c) Rukmani Ammal stated that some of her children were by the deceased P. C. 1800 A. Ramasamy. If so, were their birth certificates produced?

(d) He will state what action he proposes to take if the statements made in the petition are untrue?

**(Financial Secretary):** (1) No. I consider it to be contrary to the public interest to table all papers affecting an individual's pension.

(2) (a) Yes, but her claim, after full inquiry, was rejected.

(b) No.

(c) No such statement was made.

(d) No further action is required.

**SITTINGS OF COUNCIL.**

**The Hon. Mr. D. S. Senanayake (Acting Leader of the State Council):** I move, Sir.—

That at the conclusion of business this week, Council do adjourn till 2 P.M. on Tuesday, November 3, 1942.

Question put, and agreed to.

**\*Mr. B. H. Aluwihare (Matale):** Is this the usual recess, or is it that the Government is going to do no work?

**The Hon. Mr. Senanayake:** The Government is always at work. We want to give a holiday to hon. Members.

**\*Mr. Aluwihare:** But I hope the Government will not be carried on by Defence Regulations in the meantime under the pretext that the Council is not in session.

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

**(Chief Secretary.)**

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

Head 5, Chief Secretary.

Sub-head 1, Personal Emoluments.

Amount: Rs. 1,000.

Nature of Service: To meet expenditure on salaries and rent allowances.

*Observations of the Chief Secretary.*

Owing to transfers, appointments, and the payment of rent allowance to officers who are not now in occupation of Government quarters, the provision in the current Estimates under Head 5, Sub-head 1 Personal Emoluments is likely to be exceeded by Rs. 5,163 approximately. On this being set off against probable savings on other items of personal emoluments, it is anticipated that the net excess on the total Personal Emoluments vote will be about Rs. 1,000. Supplementary provision in the sum of Rs. 1,000 is therefore now 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 Chief Secretary. The Board of Ministers approves.

**(Legal Secretary.)**

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

Head 17, Legal Secretary.

Sub-head 1, Personal Emoluments.

Amount: Rs. 2,000.

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

*Observations of the Legal Secretary.*

A sum of Rs. 106,148 has been provided under this sub-head of which Rs. 36,000 has been provided by special law. The amount that was voted under this sub-head is accordingly Rs. 70,148. The expenditure till the end of August on items under this sub-head for which funds have been voted amounts to Rs. 64,976, leaving a balance of Rs. 5,172. The total anticipated expenditure for the current financial year on these items is Rs. 72,148. The anticipated excess of Rs. 2,000 is due to the grant of leave to the Principal Assistant to the Legal Secretary and an Assistant to the Legal Secretary; to the payment of arrears of salary to a peon who was promoted to the post of Kangany with retrospective effect during the current financial year, and to certain transfers in the clerical staff.

2. Supplementary provision in a sum of Rs. 2,000 is accordingly 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 Legal Secretary. The Board of Ministers approves.

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

Head 21, District Courts.

Sub-head 2, Travelling.

Amount: Rs. 3,000.

*Observations of the Legal Secretary.*

The amount provided under this sub-head is Rs. 14,325. Statements of expenditure received from the various District Courts show that a sum of Rs. 11,767 has been expended up to June 30, 1942. It is anticipated that the total expenditure for the year will amount to Rs. 17,344. The anticipated excess on this vote has been occasioned by the decision to dispense with the services of members of the Civil Service as judicial officers in Puttalam and Hambantota. This decision has rendered necessary fortnightly visits by the District Judge, Chiklaw, to Puttalam, and by the District Judge, Matara, to Tangalla.

2. Supplementary provision in the sum of Rs. 3,000 is asked for.

*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 Legal Secretary. The Board of Ministers approves.

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

Head 22, Courts of Requests and Magistrates' Courts.

Sub-head 4, Inquests.

Amount: Rs. 2,000.

*Observations of the Legal Secretary.*

The amount provided under this sub-head is Rs. 10,290. According to statements of expenditure received from the various Magistrates a sum of Rs. 8,006.15 has been expended up to June 30, 1942; the anticipated expenditure for the year is Rs. 12,290. The expenditure under this sub-head is not capable of control and depends on the number of inquests that have to be held in cases of sudden death.

2. Supplementary provision in a sum of Rs. 2,000 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 Legal Secretary. The Board of Ministers approves.

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

Head 24, Fiscals.

Sub-head 2, Travelling.

Amount: Rs. 380.

*Observations of the Legal Secretary.*

The amount provided under this sub-head is Rs. 1,876. According to statements of expenditure received from the various Fiscals a sum of Rs. 1,483 has been expended up to June 30, 1942; it is anticipated that the expenditure for the year will amount to Rs. 2,256. The expenditure under this sub-head cannot be estimated with any degree of accuracy as it depends on the number of appearances of Fiscals officers at Courts and the escorts necessary for prisoners.

2. Supplementary provision in the sum of Rs. 380 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 Legal Secretary. The Board of Ministers approves.

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

Head 24, Fiscals.

Sub-head 6, Travelling Expenses of Jurors, &c.

Amount: Rs. 5,000.

*Observations of the Legal Secretary.*

The amount provided under this sub-head is Rs. 154,700. According to statements of expenditure received from the various Fiscals a sum of Rs. 98,287 has been expended up to June 30, 1942; the anticipated expenditure for the year is Rs. 159,700. The expenditure under this sub-head is incapable of control as it is dependent on the number of Criminal Sessions of the Supreme Court and the duration of such Sessions.

2. Supplementary provision in the sum of Rs. 5,000 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 Legal Secretary and the Board of Ministers approves.

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

Head 24, Fiscals.

Sub-head 8, Expenses of Supreme Court Sessions.

Amount: Rs. 870.

*Observations of the Legal Secretary.*

The amount provided under this sub-head is Rs. 13,220. According to statements of expenditure received from the various Fiscals a sum of Rs. 9,766 has been expended up to June 30, 1942; the anticipated expenditure for the year is Rs. 14,090. Expenditure on this sub-head cannot be controlled as it is dependent on the number of Criminal Sessions

of the Supreme Court and the duration of such Sessions.

2. Supplementary provision in the sum of Rs. 870 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 Legal Secretary. The Board of Ministers approves.

**(Financial Secretary.)****(8) Supplementary Estimate, 1941-42.**

Head 4, Audit Office.

Sub-head 2, Travelling.

Amount: Rs. 1,000.

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

*Observations of the Financial Secretary.*

The provision in the Estimates for 1941-42, under Head 4, Audit Office, Sub-head 2, Travelling, is Rs. 27,500. A sum of Rs. 25,445.55 has been expended to date and the probable amount required to meet the cost of travelling and railway warrants for the rest of the financial year is Rs. 3,000. The vote has proved inadequate owing to the payment of batta to the servants of Audit Examiners during the current financial year and also the discontinuance of the issue of return tickets, &c., from June 22, 1942. The total expenditure under this sub-head, viz. 2, for the last financial year was Rs. 29,768.83.

Supplementary provision in a sum of Rs. 1,000 is therefore requested.

*Report of the Board of Ministers.*

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

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

Head 33, Pensions.

Sub-head 6, Pensions to registered overseers of the Public Works Department and to Pioneers of the Public Works and Irrigation Departments and compassionate grants to their widows and orphans.



Sub-head: 12, Pensions to retired officers of the Widows and Orphans Pension Fund Office.

Amount: Sub-head 6—Rs. 2,000.

Sub-head 12—Rs. 1,500.

Nature of Service: Sub-head 6—Payment of pensions to registered overseers of the Public Works Department, &c.

Sub-head 12—Payment of pensions to retired officers of the Widows and Orphans Pension Fund Office.

*Observations of the Financial Secretary.*

Sub-head 6: The amount provided in the Estimates for this service is Rs. 55,000. According to the expenditure accounted for it appears that owing to a number of deaths among overseers a sum of Rs. 57,000 approximately will be required, thus making a Supplementary Vote of Rs. 2,000 necessary.

Sub-head 12: The amount provided in the Estimates for this service is Rs. 8,250. The monthly rate of expenditure shows that a sum of Rs. 9,750 approximately will be required necessitating a Supplementary Vote of Rs. 1,500. The probable over-expenditure is due to the fact that arrears of pensions of the last financial year which had accrued to the credit of pensioners had to be met from the vote of the current financial year.

*Report of the Board of Ministers.*

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

The Board of Ministers approves.

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

Head 41, Customs.

Sub-head 7, Maintenance of launches.

Amount: Rs. 4,800.

Nature of Service: To meet the cost of maintaining launches.

*Observations of the Financial Secretary.*

The provision of Rs. 5,200 under the above sub-head for the current financial year is apportioned as follows:—

	Rs.
Launch "Lynx" ...	1,350
Launch "Foam" ...	3,850

Since November, 1941, however, the new preventive launch "Whirlwind" has been in commission in the Northern Province and additional provision is therefore required.

*Report of the Board of Ministers.*

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

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

Head 42, Miscellaneous Services.

Sub-head 4, Electric current to Government Departments, &c.

Amount: Rs. 27,000.

Nature of Service: Cost of electricity supplied to Government Departments.

*Observations of the Financial Secretary.*

A sum of Rs. 475,000 was provided for under this vote for the current financial year. It is now found that the probable expenditure for the year will approximate to Rs. 502,000. The excess is chiefly due to increased expenditure in the Medical Department owing to the following reasons:—

(a) Increased consumption of electric current due to officers being on emergency duty.

(b) The local bodies charging extra rates on account of fuel.

(c) New buildings taken over for emergency purposes.

Supplementary provision is therefore requested in a sum of Rs. 27,000.

*Report of the Board of Ministers.*

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

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

Head 42, Miscellaneous Services.

Sub-head 6, Maintenance of Punched Card Equipment at the Treasury.

Amount: Rs. 350.

Nature of Service: To indent for a special consignment of "Powers-One" cards and ribbons.

*Observations of the Financial Secretary.*

A sum of Rs. 5,900 was provided under this sub-head in the Estimates for 1941-42, which included the cost of "Powers-One" cards and ribbons. An indent for the requirements in 1941-42 was sent as early as 23rd May, 1941, to the Crown Agents as long shipping delays were expected. But as the delay was

longer than anticipated and as the goods were not landed in Colombo on their arrival a few days after the raid, delivery at the Treasury was not made until 17th June, 1942. As a result the stocks in hand ran out and 120,000 cards and 3 ribbons had to be obtained urgently from India. This indent was forwarded on 10th April, 1942. It is estimated that this will cause an excess of about Rs. 350 on the vote and supplementary provision of this amount is required.

*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.)**

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

Head 50, Excise Department.

Sub-head 3, Uniforms and Equipment.

Amount: Rs. 10,115.

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

*Observations of the Minister of Home Affairs.*

The provision made under this sub-head in the sanctioned Estimates for the year 1941-42 is Rs. 8,000. Under normal conditions that sum might have proved sufficient in view of the reduced scale of issues laid down as an economy measure. But, owing to unforeseen increases in the prices of khaki cloth and waterproofs due to war conditions, this sum is found to be inadequate. Further the uniforms for 10 Inspectors were not provided for in the Estimates 1941-42, as they were doing clerical work. These Inspectors are now engaged in emergency field work and should therefore be provided with uniform. It is anticipated that the vote will be exceeded by a sum of Rs. 10,115 and supplementary provision in this sum 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.

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

Head 50, Excise Department.

Sub-head 9, Purchase and Repairs of Vats, Casks, &c.

Amount: Rs. 500.

Nature of Service: To instal two 2,000-gallon vats (available at Negombo Warehouse) at the Vavuniya Warehouse.

*Observations of the Minister of Home Affairs.*

Provision made under this sub-head in the sanctioned Estimates for the year 1941-42 is Rs. 6,000. Due to the closure of the Trincomalee Arrack Warehouse on Military advice the Trincomalee District Arrack Taverns are now supplied by the Vavuniya Warehouse. The vat capacity of the Vavuniya Warehouse has become totally insufficient owing to transport delays on the Railway, shortage of transport casks, and on account of the sudden and unexpected rise by 50 per cent. to 60 per cent. in bulk arrack sales in the last two months. The arrack taverns in the Northern and Eastern Provinces are running dry owing to the inability to keep or send sufficient stocks at the Vavuniya Warehouse, which will cause not only a great loss to Revenue but may even result in claims for compensation from the arrack renters concerned.

As the matter was urgent, a Special Warrant for Rs. 500 was issued under Article 67 of the Order in Council and this Supplementary Estimate is submitted for the covering approval of the 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 Home Affairs. The Board of Ministers approves.

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

Head 50, Excise Department.

Sub-head 14, Purchase of bicycles for the use of Excise Sergeants and Guards.

Amount: Rs. 19.02.

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

*Observations of the Minister of Home Affairs.*

The provision made under this sub-head in the sanctioned Estimates for the year 1941-42 is Rs. 400. Under normal conditions that sum might have proved sufficient, but owing to the present increase in the cost of articles an over-expenditure of Rs. 19.02 has occurred.

*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.

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

Head 52, Prisons.

Sub-head 8, Victualling.

Amount: Rs. 30,000.

Nature of Service: Provisioning Prisons.

*Observations of the Minister of Home Affairs.*

The original vote under this sub-head for the current year was Rs. 280,000 and as this amount was found insufficient a further sum of Rs. 100,000 was voted as supplementary provision both to meet the additional cost of diets and for the payment of compensation provisionally sanctioned at that time. It has since been decided to pay a higher rate of compensation from April last and to extend such compensation at the same time to extras.

2. On the assumption that the rate of compensation payable for the current month will be about 60 per cent. it is estimated that additional provision to the extent of Rs. 30,000 will be required under this sub-head.

3. As the matter was urgent a Special Warrant for Rs. 30,000 was issued under Article 67 of the Order in Council.

*Observations of the Financial Secretary.*

The Financial Secretary concurs.

*Report of Board of Ministers.*

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

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

Head 52, Prisons.

Sub-head 10, Hospital Charges.

Amount: Rs. 7,000.

Nature of Service: Supply of hospital diets and extras to Prison Hospitals.

*Observations of the Minister of Home Affairs.*

The original vote under this sub-head for the current year was Rs. 32,000 and as this amount was found insufficient a further sum of Rs. 20,000 was voted as supplementary provision both to meet the additional cost of diets and for the payment of compensation provisionally sanctioned at that time. It has since been decided to pay a higher rate of compensation from April last and to extend such compensation at the same time to extras.

2. On the assumption that the rate of compensation payable for the current month will be about 60 per cent. it is estimated that additional provision to the extent of Rs. 7,000 will be required under this sub-head.

3. As the matter was urgent a Special Warrant for Rs. 7,000 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 Home Affairs. The Board of Ministers approves.

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

Head 54, Zoological Gardens.

Sub-head 2, Food.

Amount: Rs. 1,600.

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

*Observations of the Acting Minister of Home Affairs.*

On account of the exceptional conditions obtaining after the air raid on Colombo in April, 1942, it had not been possible for the food contractors to the Zoo to supply the Zoo requirements at the tendered rates. With the approval of the Treasury increased rates are now being paid to the suppliers of vegetables,

&c., fresh milk and fish. The meat contractor failed to supply any meat to the Zoo from the day of the air raid and arrangements were made with great difficulty to get the required quantities from another supplier whose rates are higher than the rates of the defaulting contractor. The Treasury has approved the purchase at increased rates from this new man. It has therefore not been possible to keep within the estimated expenditure of Rs. 15,000 for this year, and an additional sum of Rs. 1,600 is now required to meet this increased expenditure.

*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 Acting Minister of Home Affairs. The Board of Ministers approves.

**(Local Administration.)**

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

Head 79, Valuation Department.

Sub-head 1, Personal Emoluments:

	Rs.	Rs.
Item Salaries ...	...	840
" Rent allowances ...	...	660
		1,500

Nature of Service: For payment of salary (on promotion) to a Surplus Railway Surveyor, &c.

*Observations of the Minister of Local Administration.*

It is anticipated that a sum of Rs. 62,431 provided under Head 79, Sub-head 1, Personal Emoluments will be exceeded by a sum of Rs. 1,500 as follows:—

	Rs.
(a) Salaries ...	840
(b) Rent allowances ...	660
	1,500

The excess on (a) is due to the payment to Mr. J. H. Lourensz, Surplus Railway Surveyor, Grade III., now working in the Valuation Department of a salary higher than what was provided for in the estimates, on his promotion to Grade II. and also due to payment of arrears of pay with effect from July 1, 1939.

The excess on (b) is due to the payment of rent allowance to Mr. W. R. de S. Senaratne with effect from February last on his vacating Government Quarters which he was occupying and also to payment of arrears of rent allowance to Mr. Lourensz on his promotion.

*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.

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

Head 81, Salt Department.

	Rs.
Sub-head 6, Purchase of salt ...	12,000
Sub-head 9, Purchase of gunny bags ...	10,400
Amount: Rs. 22,400.	

Nature of Service: Taking over 1,000 tons of salt brought from Aden.

*Observations of the Minister of Local Administration.*

1,000 tons of salt which recently arrived from Aden were taken over by this Government paying Rs. 12 per ton, as otherwise, the salt would have had to be destroyed. The following expenditure was involved:—

	Rs.
(1) Officer-in-charge at Rs. 2.50 per diem ...	150
One Checker at Rs. 1.75 per diem ...	105
(2) Bagging, stitching, weighing and loading 20,000 cwt. salt to purchasers' vehicles and other incidental expenses ...	2,345
(3) Cost of 13,600 gunny bags at 75 cents each and 2 cwt. gunny twine at Rs. 100 per cwt. ...	10,400
(4) Payment to suppliers at Rs. 12 per ton. The suppliers bear all landing and stacking expenses ...	12,000
	25,900

Of the above, the first two items were met from departmental votes to which these could be charged. Supplementary provision was required for the other two items. As arrangements for taking over

the salt and for payment had to be made urgently a Special Warrant for Rs. 22,400 was issued under Article 67 of the Order in Council and this Supplementary Estimate is submitted for the covering approval of the State 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 Local Administration. The Board of Ministers approves.

(Health.)

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

Head 92, Medical and Sanitary Services.

Sub-head 1, Personal Emoluments.

Amount: Rs. 10 (token vote).

Nature of Service: To obtain authority to meet from savings the payment of a special allowance, &c., to the Sister, X-Ray Electrical Branch, General Hospital.

*Observations of the Minister of Health.*

No suitable candidate was available in the Island to fill the post of Sister, X-Ray Electrical Branch, General Hospital, on the approved salary scale of Rs. 900—60 and 90—Rs. 1,800.

One is however available on the following scale:—

(a) A starting salary of Rs. 1,380 per annum in the scale Rs. 900—60 and 90—Rs. 1,800;

(b) A personal allowance of Rs. 750 per annum.

Savings are available under Head 92, Sub-head 1, Personal Emoluments, to pay the officer on the above basis. A token vote of Rs. 10 is therefore sought to authorise an appointment on these terms.

*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.

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

Head 92, Medical and Sanitary Services.

New Sub-head 32, Award to Mr. M. L. B. J. Caspersz, Technical Assistant, X-Ray Department, General Hospital, Colombo.

Amount: Rs. 600.

*Observations of the Minister of Health.*

Mr. M. L. B. J. Caspersz, Technical Assistant, X-Ray Department, General Hospital, Colombo, has invented "a radiographic unit for correcting radiographic distortion and a method for obtaining radiographically true relative measurements especially of the heart"; and His Excellency the Governor has been pleased to order that Mr. Caspersz be given an award of Rs. 600 as an encouragement to him and as a recognition by Government of his devotion to duty and the cause of humanity. Mr. Caspersz has also been granted the right to exploit his invention subject to the condition that the Crown should retain the right to obtain the apparatus without paying royalty in Ceylon for a period of three years from the time he turns out his apparatus on a commercial scale. Supplementary provision in a sum of Rs. 600 is therefore sought to make this award.

*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.

(Communications and Works.)

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

Head 121, Colombo Port Commission.

Sub-head 3, Tugs, working and maintenance.

Amount: Rs. 48,000.

Nature of Service: Working and maintenance of Tugs "Hercules" and "Sinhabahu".

*Observations of the Minister of Communications and Works.*

A sum of Rs. 96,000 is provided in the Estimates 1941-42, under Head 121, Colombo Port Commission, Sub-head 8, for the working and maintenance of the

tugs "Hercules" and "Sinhabahu". The amount expended under this vote to the end of April, 1942, amounted to Rs. 79,787. At this rate of expenditure together with the expenditure that will be incurred on account of degaussing tug "Hercules" it is estimated that the total expenditure for the financial year will amount to Rs. 144,000 thus causing an excess of Rs. 48,000. The excess is mainly due to extra running of tugs and to the increased and increasing cost of fuel and stores.

A supplementary provision of Rs. 48,000 is, therefore, necessary under Head 121, Sub-head 8, "Tugs, working and maintenance", in order to maintain and work the tugs for the rest of the financial year.

*Observations of the Financial Secretary.*

The Financial Secretary concurs.

*Report of the Board of Ministers.*

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

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

Head 121, Colombo Port Commission.  
New Sub-head 38, Re-conditioning Tug "Goliath".

Amount: Rs. 15,000.

Nature of Service: Re-conditioning Tug "Goliath".

*Observations of the Minister of Communications and Works.*

A sum of Rs. 120,000 was provided in the Estimates 1940-41, under Sub-head 39 of Head 121, Colombo Port Commission, to recondition the tug "Goliath" so as to make her serviceable for about eight to ten years. It was not possible to complete the work in the financial year 1940-41 partly due to materials ordered from India not arriving in time and partly due to the Inner Graving Dock not being available till July, 1941. A re-vote of Rs. 95,000 being the estimated unexpended balance was obtained in 1941-42. But work on the reconstruction has been seriously interrupted frequently, due to more urgent requirements and work in dock curtailed as the vessel had to be undocked in December, 1941, to meet

naval requirements. Unluckily some of the fittings and equipment of the vessel which were under overhaul have suffered damage in the recent air raid.

Funds available are insufficient to complete the re-conditioning of the vessel and to make good the damages. Supplementary provision of Rs. 15,000 is therefore required to complete the 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 Communications and Works. The Board of Ministers approves.

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

Head 123, Post Office and Telegraphs.

Sub-head 9, Delivery of Telegrams.

Amount: Rs. 30,000.

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

*Observations of the Minister of Communications and Works.*

The expenditure for the seven months October, 1941, to April, 1942, has amounted to Rs. 69,624. This leaves a balance of Rs. 20,376 for expenditure during the five months May to September, 1942. Owing to the abnormal increase in traffic since February, 1942, the average monthly expenditure has been nearly Rs. 10,000. At this rate of expenditure it is estimated that the vote Rs. 90,000 will be exceeded by Rs. 30,000.

*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 Communications and Works. The Board of Ministers approves.

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

Head 123, Post Office and Telegraphs.

Sub-head 12, State Cablegrams and Indian Telephone Trunk and Overseas Radio Calls.

Amount: Rs. 40,000.

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

*Observations of the Minister of  
Communications and Works.*

The expenditure on the above vote for the period October, 1941, to March, 1942, is Rs. 49,951. On the basis of expenditure for the past six months the amount provided in the estimates, viz., Rs. 60,000 will be insufficient. It is estimated that the vote will be exceeded by about Rs. 40,000. The application is to meet this estimated excess.

*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 Communications and Works. The Board of Ministers approves.

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

Head 123, Post Office and Telegraphs.  
New Sub-head 26, Airgraph Service.  
Amount: Rs. 33,000.

Nature of Service: To meet cost of photographic work involved in connection with the Airgraph Service.

*Observations of the Minister of  
Communications and Works.*

With effect from March 25, 1942, a new form of communication known as the Airgraph Service came into operation. A completed airgraph form is forwarded by air to Bombay and photographed there on a miniature film measuring about half an inch by half an inch. The film is sent throughout by air from India to the United Kingdom where a photographic facsimile of the original letter, measuring about five inches by four inches, will be made from the film and delivered to the addressee by the British Post Office, after being enclosed in a cover. The transit time between the date of posting in Ceylon and delivery in the United Kingdom is approximately four weeks.

2. The postage for an airgraph letter is 20 cents if posted by a member of His Majesty's Military, Naval or Air Forces, and 50 cents if posted by a member of the public. The postage is prepaid by means of stamps.

3. According to recent figures there is an average of 10,000 airgraph items per week. The future growth of the service

is an unknown quantity; but up to the end of this financial year it is expected that there will be an average of 12,500 items per week. The number of airgraph items for this financial year will accordingly be about 294,500. Payment on this correspondence to Messrs. Kodaks at 2d. per item will be about Rs. 32,720, say Rs. 33,000.

4. For the five weeks ending June 20 there has been a collection of Rs. 11,000 deducting the payment to Messrs. Kodaks, say Rs. 5,500, the balance left is Rs. 5,500 which accrues to Revenue. Thus the expenditure will be more than covered by the airgraph fees collected.

*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 Communications and Works. The Board of Ministers approves.

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

Head 126, Public Works Extraordinary.

Subdivision New Proposals—Health—New Works and Buildings.

New Sub-head 205, Additional accommodation for Civil Medical Stores at Railway Workshops, Maradana.

Amount: Rs. 30,000.

Nature of Service: To provide storage accommodation for medical supplies needed for private requirements.

*Observations of the Minister of  
Communications and Works.*

A scheme of extensions has been prepared for the present Civil Medical Stores which are considered to be unsuitable for the safe custody and proper administration of the Stores. Pending sanction of this scheme supplementary provision of Rs. 25,000 was passed by the State Council in March, 1942, under Head 126, New Sub-head 205 of Estimates, 1941-42, to execute a part of the scheme to provide storage accommodation which was urgently required for new stocks of drugs and medical supplies.

In future, medical supplies needed for private requirements are also to be imported by Government and a store has to be provided for keeping

the stocks intended for this purpose. The additional accommodation required can be provided by the execution of a further portion of the scheme of extensions to the Civil Medical Stores. The cost of the work is estimated at Rs. 85,700 out of which a sum of about Rs. 30,000 could be spent this financial year.

Supplementary provision of Rs. 30,000 is accordingly 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 Communications and Works. The Board of Ministers approves.

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

Railway Estimates :

Vote: Abstract C, Estimates of Expen-

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

Railway Estimates :—

Vote: Abstract D (1.), Estimates of Expenditure on General Charges.

Amount: Rs. 10 (token vote).

Nature of Service: To provide for the following new posts:—

1. Deputy General Manager.
2. Assistant to General Manager.

*Observations of the Minister of Communications and Works.*

The post of Divisional Transportation Superintendent, Colombo, has been vacant for some time and the post of Superintendent, Organization and Staff, is vacant from July 6, 1942, consequent on the appointment of the present holder of this post to act as Operating Superintendent, pending Government sanction.

2. Owing to unprecedented retirements, &c., there is a shortage of Senior Supervisory Staff in the Transportation Department and the time is opportune to consider the question of filling these posts satisfactorily at present. The following arrangements are therefore proposed as an emergency measure:—

Superintendent, Organization and Staff The post to be left vacant for the present and a junior officer designated Assistant to the General Manager (Administrative) to be appointed to carry out the routine duties of the Administrative Branch, important matters being attended to by the General Manager personally.

Divisional Transportation Superintendent, Colombo This post too to be left vacant, the duties of the post being covered by the Operating Superintendent with the following junior Assistants:—

- (i.) Assistant to General Manager (Operating) to relieve the Operating Superintendent of routine duties so that he may devote more time to the Colombo division of the Transportation Department.

diture on account of Transportation expenses.

Amount: Rs. 10 (token vote).

Nature of Service: To provide for the additional post of one Assistant Divisional Transportation Superintendent.

*Observations of the Minister of Communications and Works.*

Reference is invited to my observations on the application for a token vote of Rs. 10 under Abstract D (1).

*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 Communications and Works. The Board of Ministers approves.



- (ii.) Assistant Divisional Transportation Superintendent.—This post to be in lieu of temporary vacancy in the grade of Divisional Transportation Superintendent, Colombo, to provide the much needed assistance in the Colombo Transportation Office. This proposal will at the same time enable a separate officer to be in charge of the Operating and Commercial Branches instead of both sections being under one officer as heretofore. In this connection it may be mentioned that prior to retrenchment there were three Assistant Divisional Transportation Superintendents attached to these Branches, *i.e.*, one in charge of control, one in charge of train delays, &c., and the other in charge of purely commercial matters. The three posts of Assistants referred to above, *i.e.*, two Assistants to General Manager and one Assistant Divisional Transportation Superintendent will be assigned the salary scale of non-new-entrant Assistant Divisional Transportation Superintendent, *viz.*, Rs. 4,500/8,400 (£300 to £560) or such other suitable scale as may be decided by the Financial Secretary.

3. Owing to the abnormal increase in the work consequent on the present international situation, rationing of petrol, &c., it has not been possible during the past few years for the General Manager or his Superintendents to get about on the line frequently to acquaint themselves personally with the conditions prevailing at the various stations, sheds, &c. The time has now come when this cannot be put off any longer particularly in view of the numerous complaints that have been received recently in regard to bribery and corruption on the part of certain Railway employees and irregular working generally. It is therefore proposed, as a temporary measure, to appoint the Engineer, Way and Works, on his own scale of salary, as Deputy General Manager, the Deputy Engineer, Way and Works, and the Assistant Engineer, Way and Works, will be promoted Engineer, Way and Works, and Deputy Engineer, respectively, and the post of Assistant Engineer will not be filled.

4. The arrangements proposed above while providing the additional assistance vitally necessary at the present juncture will result in an immediate saving in the salaries bill of the Department as indicated below:—

Present.		Proposed.	
Operating Superintendent ..	£1,150—1,300 ..	Operating Superintendent ..	£1,150—1,300
Superintendent, Organization and Staff	£900—1,020 ..	Assistant to General Manager of Railway (Administrative)	£300—560
Divisional Transportation Superintendent, Colombo	£1,000—1,100 ..	Assistant to General Manager of Railway (Operating)	£300—560
		Assistant Divisional Transportation Superintendent	£376—640
		Difference between salary of Engineer, Way and Works, and salary of Assistant Engineer, Way and Works	£200—280
	<hr/>		<hr/>
	£3,050—3,420		£2,326—3,340
	<hr/>		<hr/>

There has been a number of changes in the past few years amongst the Executive Staff of the General Manager's Office and the Transportation Department and the arrangements proposed above appears to be the only solution to tide over the present difficulty, the question of a complete re-arrangement or re-organization being left over to be dealt with when conditions return to normal.

#### *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 Communications and Works. The Board of Ministers approves.

**(31) Supplementary Estimate, 1941-42.**  
Railway Estimates.

1. Vote: Abstract D, General Charges.  
Item 5, Compensation.

Amount: Rs. 20,000.

Nature of Service: To meet payments on account of claims in respect of shortages in consignments of cement and rice from South India and other large claims due to the present rush of traffic and consequent damage, loss, &c.

*Observations of the Minister of Communications and Works.*

The amount sanctioned in current year's estimates for the payment of claims is Rs. 10,000. Several claims were outstanding at the end of the financial year 1940-41 on account of damage caused by floods and fires in May, 1941, and a supplementary vote of Rs. 23,500 was allowed for this purpose, thus increasing the total provision to Rs. 33,500. The claims settled up to end of April, 1942, amount to Rs. 31,187. Outstanding claims in respect of shortage in consignments of cement and rice from South India which formed the subject of investigation recently by a special Committee, whose report is awaited, amount to Rs. 8,000 approximately. There are other outstanding claims to the extent of Rs. 10,000 on account of damage, loss, &c., caused to goods in transit due to the present rush of traffic and restricted service.

A supplementary vote of Rs. 20,000 is, therefore, required to meet the additional payments.

*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 Communications and Works. The Board of Ministers approves.

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

Electrical Department Estimates.

Abstract A.

Sub-head 1, Management and General Charges.

New Item 27, Removal of the Department of Government Electrical Undertakings to new premises.

Amount: Rs. 9,100.

Nature of Service: To meet the cost of removal of the Department of Govern-

ment Electrical Undertakings from Torrington Square to "Rosebank", Barnes Place, and other expenses incidental thereto.

*Observations of the Minister of Communications and Works.*

The Department of Government Electrical Undertakings had to be removed from Torrington Square to its new premises "Rosebank", Barnes Place, Colombo, due to the closure of the roads leading to Torrington square by the Military Department for military reasons. The sum of Rs. 9,100 asked for is to meet the expenditure incurred in transporting furniture, files, books, &c., from Torrington Square to "Rosebank"; dismantling fittings, &c., at Torrington Square and fixing them at "Rosebank"; alterations and additions to "Rosebank" and other expenses incidental to the removal of the Department.

*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 Communications and Works. The Board of Ministers approves.

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

Electrical Department Estimates.

Abstract J, Reserve, Extensions and Renewals Fund.

Vote No. 2, Additional Boiler Plant, Stanley Power Station.

Amount: Rs. 65,684 (revote).

Nature of Service: To meet the payment of a portion of the retention money to the contractors.

*Observations of the Minister of Communications and Works.*

Of the total estimated cost of Rs. 600,000 for the work, a sum of Rs. 404,316 was spent up to September 30, 1941. A revote of Rs. 30,000 only was applied for and obtained in the current estimates as it was anticipated that the work would have been completed early in 1941, and the retention money due to the contractors on completion of the work would have been paid before the close of the financial year 1940-41. But, owing to war conditions, the work was completed at the end of that year and the payment of a portion of the retention money has been made to the contractors

by the Crown Agents in the current financial year. The sum of Rs. 65,684, in addition to the sum of Rs. 30,000 provided in the current estimates is required to meet the payment and other expenditure incurred during the current financial year.

*Observations of the Financial Secretary.*

The Financial Secretary concurs.

*Report of the Board of Ministers.*

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

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

*In Committee—*

MR. SPEAKER presided as Chairman.

**(1) Chief Secretary: Personal Emoluments.**

**The Hon. Mr. R. H. Drayton (Chief Secretary)**: I move, Sir, that the following Supplementary Estimate standing in my name be passed:

Head 5, Chief Secretary.

Sub-head 1, Personal Emoluments.

Amount: Rs. 1,000.

Nature of Service: To meet expenditure on salaries and rent allowances.

The reasons for this extra provision are explained in my Observations. Owing to transfers, appointments, and the payment of rent allowance to officers who are not now in occupation of Government quarters, extra provision has to be made which takes into account savings under the same Head and Sub-head. The extra amount required is only Rs. 1,000.

Supplementary Estimate No. (1) was passed.

**(2) Legal Secretary: Personal Emoluments.**

**The Hon. Mr. J. H. B. Nihill (Legal Secretary)**: I move, Sir, that the following Supplementary Estimate standing in my name be passed:

Head 17, Legal Secretary.

Sub-head 1, Personal Emoluments.

189—J. N. A 21598 (1/43)

Amount: Rs. 2,000.

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

The circumstances under which this excess is anticipated are set out in my Observations appearing on the Order Paper.

**\*Mr. Abeywickrama**: I wish to know from the Legal Secretary whether it is the policy to allow Presidents of Village Tribunals to act as Mudaliyars now. That practice was discontinued some time ago, because the Mudaliyars and the Headmen themselves initiate prosecutions before Village Tribunals. I have brought a case to the notice of the Legal Secretary where a President has been requested by the Mudaliyar to act for him. I wish to know whether the Hon. the Legal Secretary has reversed the policy that has been laid down by the Hon. the Chief Secretary.

**The Hon. Mr. Nihill**: I am not exactly aware of the case to which the hon. Member is referring. It would be helpful if the hon. Member would give me the exact meaning of the term "Mudaliyar".

**\*Mr. Abeywickrama**: The Mudaliyar is the Chief Headman. I wish to know whether, when a Chief Headman goes on leave, the President, Village Tribunals, is the person who acts for him. There are many names for Chief Headmen now. There are Maniagars; there are Rate-mahatmayas; there are Mudaliyars, and there are D.R.O.s. They are all referred to as "Mudaliyars".

As the Mudaliyars and the District Revenue Officers initiate prosecutions before Village Tribunals, it was considered undesirable for them to act as Presidents of Village Tribunals; but yet these so-called judicial officers function as Acting Chief Headmen.

**The Hon. Mr. Nihill**: The hon. Member is aware that the settled policy of my Department is, as far as possible, to see that Presidents of Village Tribunals are persons with legal qualifications. That is the policy which my Department is pursuing. I think the kind of instance which the hon. Member has in mind is where the permanent President of a Village Tribunal is away and his place is taken, for a short period, by the Chief Headman in the village.

**Mr. Abeywickrama:** I want to know whether the policy has been reversed.

**The Hon. Mr. Nihill:** If it is the reverse, I am in agreement with the hon. Member. Of course, I trust the hon. Member will bring any specific instances to my notice. I am not aware at the moment of any specific instance where a professional President of a Village Tribunal has been asked to act for the Chief Headman in the village when the Chief Headman is away. I do not know of any such case. I think possibly there might be circumstances under which it might be convenient to the village generally that a person of the status of the President of the Village Tribunal should act for a short time as Mudaliyar. But on the general question of policy, I am in entire agreement with the hon. Member that it is undesirable for the President of a Village Tribunal to act for the Chief Headman.

**\*Mr. Abeywickrama:** Thank you.

Supplementary Estimate (2) was then passed.

### (3) District Court: Travelling.

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

Head 21, District Court.  
Sub-head 2, Travelling.  
Amount: Rs. 3,000.

This is an anticipated excess on the vote for the year, occasioned by the fact that members of the Civil Service are no longer acting as judicial officers at Puttalam and Hambantota. That, again, is in pursuance of the policy adopted by my Department. Because of the fact that members of the Civil Service are not now acting as judicial officers in those areas, those areas have to be visited by professional Judges from certain places in the neighbourhood and that has necessitated additional travelling. That is the explanation for the excess on the vote.

Supplementary Estimate (3) was passed.

### (4) Courts of Requests and Magistrates' Courts: Inquests.

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

Head 22, Courts of Requests and Magistrates' Courts.

Sub-head 4, Inquests.  
Amount: Rs. 2,000.

This Supplementary Estimate is required to cover an anticipated excess on the vote. It is impossible always to estimate with accuracy expenditure under an uncontrollable vote of this kind. The amount asked for under this Supplementary Estimate represents the excess expenditure anticipated during the current financial year owing to the number of inquests that have been held.

Supplementary Estimate (4) was passed.

### (5) Fiscals: Travelling.

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

Head 24, Fiscals.  
Sub-head 2, Travelling.  
Amount: Rs. 380.

This, again, is a case of anticipated excess under a Sub-head which cannot be estimated with accuracy.

### Dr. A. P. de Zoysa (Colombo South):

There have been complaints of different types with regard to the manner in which the Fiscal's Process Servers carry out their work. Sometimes special Fiscal's Process Servers are appointed to serve summons. That means that an extra fee has to be paid by the person who wants to get summons served. The extra fee is perhaps Re. 1 or something more; I do not know the exact amount. The result is that the Fiscal's Process Servers who usually serve summons neglect their work so that the others may get the extra fee paid to those specially employed to serve summons.

We have heard of cases where the Fiscal had reported that summons had been served whereas the party concerned had not received the summons. Then there are other cases where the Fiscal's Process Servers had reported that the parties concerned were absconding, or that summons could not be served, whereas the parties were residing at the addresses furnished to the Fiscal. I should like to quote a specific instance to illustrate what I say. In case No. 755 in the District Court, Balapitiya, summons was issued on an officer employed in the Telegraph Department, Colombo.

**The Chairman:** I am afraid, compli-

Questions of that kind cannot be  
Digitized by Noolaham. [www.noolaham.org](http://www.noolaham.org) | [www.aavanaham.org](http://www.aavanaham.org)

gone into under the Sub-head " Travelling "

**Dr. de Zoysa:** Perhaps the Hon. the Legal Secretary might ask me to give him a specific case where the Fiscal had reported that a party could not be found when he could easily be found. The Fiscal reported that this officer who was employed in the Telegraph Department was not there, and summons was not served on him. The Fiscal could have left the summons in the office or had it served through the Head of the Department. If it was reported that summons could not be served by the Fiscal on an officer working in the Telegraph Department in Colombo, can you expect the Fiscal to serve summons on ordinary people who can easily evade summons? I am quoting this case only to show what injustices can happen in very many cases where summons are not served at all.

I have made the suggestion previously that the Police or the Headmen should be entrusted with this work. In this Supplementary Estimate we are asked to vote money to meet excess expenditure on travelling incurred by Fiscals. That expenditure is met from public funds, and therefore if summons are not served properly by the Fiscals, it is high time that we asked the Police and the Headmen to attend to the serving of summons as these officers know the people who reside in their localities.

**\*Mr. B. H. Aluwihare (Matale):** When I was a junior, I appeared in a divorce action instituted by a man against his wife. That man got the Fiscal's Process Server to serve the summons on some person in Hulftsdorp and to certify that summons had been served by him on the defendant being pointed out to him. Well, *decree nisi* was entered and later the *decree nisi* was made absolute.

The man retired from Government Service with his commuted pension, and donated a part of it to his mistress. It was only then that the lawful wife knew that she had been defrauded. It was only then that it was found that summons had not been served on her at all. The man had just paid the Fiscal's Process Server some money and made him serve the summons on some woman somewhere on the road in Hulftsdorp. What happened was that the man was given a divorce and his legal wife

every chance she had of getting alimony or anything of the kind, because the man had disposed of his money.

**The Hon. Mr. Nihill:** I do not know whether the unfortunate case quoted by the hon. Member occurred during the course of the current financial year. I take it that the hon. Member has quoted that case as an instance of the kind of thing that can occur if Fiscal's Process Servers do not carry out their duties properly. It is not a case which he is asking me to investigate.

**\*Mr. Aluwihare:** It was investigated by the Court and was found to be correct.

**The Hon. Mr. Nihill:** Yes; that is what I wanted to find out. With regard to the observations made by the hon. Member for Colombo South (Dr. de Zoysa), if he will give me the number of the particular case he referred to, I shall be very pleased to make an inquiry as to the circumstances which attended it. I take it that his observations were not meant to imply that there was anything seriously wrong with the efficiency of the Fiscals serving summons generally, but that he wanted to call my attention to the fact that there were individual cases when sometimes they did not take the steps that they should take to see that the summons were properly served.

The Committee will realize that the serving of summons is sometimes made very difficult by the fact that the person on whom the summons is to be served pays particular regard to take every step to keep himself out of the way of the Process Server. It is not always very easy in cases of that kind for the Fiscal to serve summons.

The Supplementary provision asked for is very small indeed, and it is required to cover the additional travelling which it has been found necessary to undertake during the current financial year. I think that generally the Committee will not be inclined to hold the view that this difficult and onerous service is not properly carried out at the present time.

Supplementary Estimate (5) was then passed.

#### (6) Fiscals: Travelling Expenses of Jurors, &c.

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

[The Hon. Mr. Nihill.]

Head 24, Fiscals.

Sub-head 6, Travelling Expenses of Jurors, &c.

Amount: Rs. 5,000.

Expenditure under this Sub-head is, again, incapable of control, as it depends on the number of criminal sessions of the Supreme Court and the duration of each session. During the current year, the amount of time spent by the Supreme Court on sessions has been large, and that is the explanation for this excess expenditure on the vote.

\***Mr. Aluwihare:** What is the amount of the charges that the word " &c. " indicates?

\***The Hon. Mr. G. E. de Silva (Minister of Health):** All small items are included.

**The Hon. Mr. Nihill:** The hon. Member wants an answer. He has beaten me for the moment. I think it must be in connexion with other incidental expenses which are attached to jury service.

**The Hon. Mr. G. E. de Silva:** The hon. Member did not expect a reply!

Supplementary Estimate (6) was then passed.

### (7) Expenses of Supreme Court Sessions.

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

Head 24, Fiscals.

Sub-head 8, Expenses of Supreme Court Sessions.

Amount: Rs. 870.

This is a small excess on the vote, which is a vote dependent on the number of criminal sessions of the Supreme Court and the duration of each sessions. It is anticipated that the expenditure for the year will exceed the estimate by this amount.

\***Mr. Abeywickrama:** We have to undergo much expenses on account of Supreme Court sessions because the lower Courts and the Crown Counsel's Department make it a convenience of sending incomplete indictments to the Supreme Court and then washing their hands of all responsibility. They commit accused to the Supreme Court and the poor accused have to undergo much expenses and worry. The poor accused are ultimately acquitted after trial.

I would like to know whether the Hon. the Legal Secretary is keeping a keen eye on Crown Counsel and Magistrates. They commit cases when they are doubtful whether a *prima facie* case has been made out. That is the whole trouble. Magistrates, in order to wash their hands of responsibility and in order to please Superintendents of Police, commit poor accused to the Supreme Court. As a result of all this, the taxpayer's money has to be spent on Supreme Court sessions—in order to satisfy the doubts of Magistrates and Crown Counsel.

There have been a very large number of cases at the Galle Supreme Court sessions where accused have been acquitted. There must be some check exercised by the Hon. the Legal Secretary. He should take note of Magistrates who commit cases to the higher Courts in order to get rid of responsibility. Even where accused are acquitted quite rightly by the Supreme Court, the Police contemplate bringing other charges against them on separate indictments. That has happened very often. So it is time that this Council requested the Hon. the Legal Secretary to go into this matter fully in order to see that poor people are not put to expense and trouble.

I would like the Hon. the Legal Secretary to tell us how these cases are committed to the Supreme Court.

**The Hon. Mr. Nihill:** Cases are committed by the ordinary process of law. The Magistrate commits an accused to trial because he is satisfied on the evidence that a *prima facie* case exists.

But, that does not, of course, necessarily follow that the case will come to trial before the Supreme Court because, as the hon. Member is aware, the papers are then sent to the Attorney-General whose responsibility it is to say whether an indictment should be filed or not. That is a responsibility of the Attorney-General. He should not, of course, and does not in practice, file indictment unless a *prima facie* case on the proceedings in the lower Court is made evident. But if that *prima facie* case is there then, of course, it is his duty to file an indictment.

What happens after that will depend on a variety of circumstances; it will

depend, possibly on the abilities of the defence counsel at the trial, and upon the jury which is empanelled. But in the case of an acquittal, the hon. Member should not jump to the conclusion that, because there is an acquittal in any particular case, it means that the accused person should not have been placed upon his trial.

The law provides a series of safeguards and checks against the vexatious presentation of indictments. These checks are there and I am satisfied that they are properly administered by the persons concerned.

**\*Mr. Aluwihare:** I wonder whether it will be possible to award costs in some of these cases, because a trial goes on for days and days. After all men who are being tried for their lives do want themselves defended by counsel in whom they have confidence. The Crown only assigns the most junior counsel to defend accused, unless they make provision to defend themselves, and in these circumstances this expenditure is forced on accused. In cases of acquittal, should not accused be paid their expenses; otherwise very often they are ruined for life. They mortgage all their properties and there is no way of paying off the debts.

**Mr. G. A. H. Wille (Nominated Member):** In Scotland there is a very useful formula—not proven. It does not mean that the man who is acquitted is innocent.

Supplementary Estimate (7) was then passed.

### (8) Audit Office: Travelling.

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

Head 4, Audit Office,  
Sub-head 2, Travelling.  
Amount: Rs. 1,000.

This Supplementary Estimate is required owing to the Audit having done a greater amount of travelling, and travelling being more expensive.

**\*Mr. Aluwihare:** Is the Hon. the Financial Secretary sure that this item should not come under "A.R.P."?

Supplementary Estimate (8) was then passed.

### (9) Pensions: Registered P. W. D. Overseers, &c.

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

Head 33, Pensions.

Sub-head 6, Pensions to registered overseers of the Public Works Department and to Pioneers of the Public Works and Irrigation Departments and compassionate grants to their widows and orphans.

Sub-head 12, Pensions to retired Officers of the Widows' and Orphans' Pension Fund Office.

Amount: Sub-head 6, Rs. 2,000; Sub-head 12, Rs. 1,500.

These pensions are governed by Financial Regulations and the amount provided in the original estimates turns out to be slightly under the mark.

**\*Mr. Aluwihare:** Is it usual to bring votes for 2 Sub-heads under one Supplementary Estimate?

**The Hon. Mr. Huxham:** Yes, when votes are within the same Head.

**The Chairman:** The items can be put separately, if necessary.

Supplementary Estimate (9) was then passed.

### (10) Customs: Maintenance of Launches.

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

Head 41, Customs.  
Sub-head 7, Maintenance of launches.  
Amount Rs. 4,800.

We have had 3 launches running instead of 2, and the amount provided is therefore insufficient.

Supplementary Estimate (10) was passed.

### (11) Electric Current to Government Departments, &c.

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

Head 42, Miscellaneous Services.  
Sub-head 4, Electric current to Government Departments, &c.  
Amount: Rs. 27,000.

This Supplementary Estimate is necessary because the charges for current have been increased generally, and the emergency has also caused officers to work later than usual.

Supplementary Estimate (11) was passed.

**(12) Treasury: Maintenance of Punched Card Equipment.**

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

Head 42, Miscellaneous Services.  
Sub-head 6, Maintenance of Punched Card Equipment at the Treasury.  
Amount: Rs. 350.

This is the cost of some extra cards and ribbons which had to be obtained from India for the accounting machine at the Treasury owing to the non-arrival of stores from England.

Supplementary Estimate (12) was passed.

**(13) Excise Department: Uniforms and Equipment.**

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

Head 50, Excise Department.  
Sub-head 3, Uniforms and Equipment.  
Amount: Rs. 10,115.

A sum of Rs. 8,000 was voted in the Estimates; and 10 Inspectors who were doing other work are being called back now and uniforms have to be provided. The cost of material has gone up, and the amount of Rs. 10,115 is required as supplementary provision.

**\*Mr. Aluwihare:** Is this not a question of the waste of money that occurs in the Excise Department?

The salary scale of a Clerk is from Rs. 600 to Rs. 1,800, and the salary scale of an Excise Inspector is very much higher. As the Hon. Acting Minister says, 10 Inspectors were engaged in clerical work. Why on earth is there this awful waste in the Excise Department? The salary scale of an Inspector goes up to Rs. 3,300, which is very nearly the salary of a Class I. Clerical Servant.

Will the Minister tell us the salaries of the 10 Inspectors who were engaged in clerical work, and for how long they were so engaged.

**Mr. R. C. Kannangara (Morawaka):** I would like to ask the Hon. Minister what work these Inspectors are doing now. I see a number of them in the Hikkaduwa Resthouse and also in the Bentota Resthouse. They are enjoying themselves at these places. They appar-

ently go and sign some books left at certain places, and then enjoy themselves. I really cannot understand what these officers are doing. Illicit sales of toddy and arrack are increasing, as is also illicit tapping. But these officers are expected to be at Resthouses or some place or other, and they are having a grand time. Personally I am opposed to this vote, because I do not think that these officers are really doing the duties they are expected to perform.

**The Hon. Mr. Mahadeva:** Hon. Members will note that coast-watching had to be introduced suddenly and that outside officers could not be engaged easily. It was for this reason that even against the wishes of the Excise Commissioner, Inspectors and others from the Department were requisitioned for the work. It has now been decided to return these officers to the Department; and when they come back I trust that some of the complaints against the Excise—

**Mr. R. C. Kannangara:** When are they likely to come back?

**The Hon. Mr. Mahadeva:** I think they will come back at the beginning of the financial year if they are all released; but certainly they will all be back by 1st December.

As regards the question asked by the hon. Member for Matale (Mr. Aluwihare)—I think he wanted to know the salaries paid to these officers—

**\*Mr. Aluwihare:** No.

**The Hon. Mr. Mahadeva:** Or is it whether it is not cheaper to have Clerks doing this work rather than Inspectors?

**\*Mr. Aluwihare:** I want to know the salary of the Inspectors who were engaged in doing clerical work.

**The Hon. Mr. Mahadeva:** I cannot say which particular officers were engaged.

**\*Mr. Aluwihare:** I know the scales of salary myself; the Hon. Minister need not open his volume of the Estimates. I can give him the number of the page on which these scales appear; it is page 125.

The point I want to make is that there is waste in the Excise Department—that they engage expensive officers to do clerical work. I want to find out whether they engage highly-paid Inspectors instead of Clerks.



**The Hon. Mr. Mahadeva:** Sir, that was the point I myself understood the hon. Member to raise. He said that Inspectors were too expensive to be used as Clerks, and he wanted to know what the salaries of these Inspectors were; he must also know that they were paid at least the minimum salary of Inspectors. I cannot say how many years' service some of these men have put in.

\***Mr. Aluwihare:** So, why do you allow this waste?

**The Hon. Mr. Mahadeva:** Probably it may have been—

\***Mr. Aluwihare:** Not "probably"; you ought to know.

\***The Hon. Mr. Mahadeva:** I was going to explain. The question is, is it cheaper to keep on Inspectors and in addition employ extra clerical staff, or, if you can spare the Inspectors, to put them to do clerical work without engaging extra staff? I suppose everyone will agree that if some officers can be spared, it is foolish to engage extra officers from outside.

\***Mr. Aluwihare:** Will the hon. Minister tell me how many Inspectors he requires in the Excise Department?

**Mr. H. W. Amarasuriya (Galle):** I might point out that on page 117 of the Estimates it is shown that there are 178 Inspectors on the sanctioned cadre and 176 have been provided for.

**Mr. Aluwihare:** If the Minister wants notice of this question, he has only to ask for it.

**The Hon. Mr. Mahadeva:** I do not know whether this vote need be held up for that reason.

**Mr. U. Batuwantudawe (Kalutara):** We can defer it.

**The Hon. Mr. Mahadeva:** 178 is the sanctioned strength.

\***Mr. Aluwihare:** Since he has given me the answer, how is it that in the Estimates of 1940-41 he asked for 179 Inspectors and he says in a special note:

"35 Inspectors are to be retrenched, of whom 15 are to be replaced by Sergeants in the Tree Tax area.

Money provision made for 167 only. . . ."

So how is it that now he says that he has 178?

**The Hon. Mr. Mahadeva:** That was not the question asked. The hon. Member asked: "What was the number actually required"; not what I have. As the hon. Member must have understood, the number I have is considerably less than 178, because many of them have been put on to do coast-guard work.

\***Mr. Aluwihare:** My question was how many Excise Inspectors does he want on his cadre? We find 10 of them doing clerical work. [*Pause*]. Well, I shall take it up on another vote.

**Mr. H. W. Amarasuriya:** In the circumstances explained by the Hon. Acting Minister, all the Inspectors are not required, because the ordinary work of the Department is at a standstill. The Guards and other people whom the Inspectors have to supervise have been put on to do coast-guard work. That is the reason.

**The Chairman:** The hon. Member says that he will take up the question on another occasion.

\***Mr. Abeywickrama:** A fairly large sum for uniforms is being asked for. I want to know when these officers were taken over for coast-guard service, and why the Military is not bearing a part of the cost of uniforms, because these officers are engaged on whole-time military duties. For one thing, I know that the country is not suffering at all by reason of the fact that they are not in the Excise Department. I can assure the Hon. Acting Minister that the poor people are relieved to some extent by reason of the fact that these officers are not in the Excise Department. I wish to know what part of the cost of those uniforms the Military is bearing?

**The Hon. Mr. Mahadeva:** If these uniforms were used by the Excise officers while doing coast-guard work, the question of recovering the cost from the Military will be taken up.

Supplementary Estimate (13) was then passed.

**(14) Excise Department: Purchase and Repair of Vats, Casks, &c.**

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

Head 50, Excise Department.  
Sub-head 9, Purchase and Repairs of Vats, Casks, &c.

[The Hon. Mr. Mahadeva.]

Amount: Rs. 500.

Nature of Service: To instal two 2,000-gallon vats (available at Negombo Warehouse) at the Vavuniya Warehouse.

For the reasons given in the Observations, it was found essential to improve a number of vats at the Vavuniya Warehouse.

Supplementary Estimate (14) was passed.

#### (15) Excise Department: Purchase of Bicycles for Sergeants and Guards.

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

Head 50, Excise Department.

Sub-head 14, Purchase of bicycles for the use of Excise Sergeants and Guards.

Amount: Rs. 19,02.

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

Supplementary Estimate (15) was passed.

#### (16) Prisons: Victualling.

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

Head 52, Prisons.

Sub-head 8, Victualling.

Amount: Rs. 30,000.

Nature of Service: Provisioning Prisons.

The cost of food has risen, Sir, and the sum provided, together with the amount provided by way of supplementary provision, have proved insufficient.

Dr. de Zoysa: May I know from the Hon. Acting Minister whether he employs any prisoners on food production, and if so whether they have shown good results.

I remember the hon. Member for Kandy—the present Minister of Health—suggested that fruit trees should be planted along the roads; and if prison labour is available, I do not know why it should not be done even now.

The Hon. Mr. Mahadeva: On the question whether prisoners are being employed on food production, it certainly is not being done with the prisoners in Colombo. I think some prisoners in Jaffna are employed on food production in the Residency premises.

Mr. Batuwantudawe: What are they producing in the Residency premises?

Supplementary Estimate (16) was then passed.

#### (17) Prisons: Hospital Charges.

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

Head 52, Prisons.

Sub-head 10, Hospital Charges.

Amount: Rs. 7,000.

Nature of Service: Supply of hospital diets and extras to Prison Hospitals.

The cost of hospital diets has increased and a higher rate of compensation has to be paid.

Supplementary Estimate (17) was passed.

#### (18) Zoological Gardens: Food.

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

Head 54, Zoological Gardens.

Sub-head 2, Food.

Amount: Rs. 1,600.

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

This is due to the increased cost of feeding the animals in the Zoological Gardens.

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

May I ask the Hon. Acting Minister what the total amount received a year is, by way of collections at the gate, and what the total loss is that the Government has to bear every year?

The Hon. Mr. Mahadeva: Sir, the receipts for the year October, 1939, to September, 1940, are shown in the current year's Estimates. The receipts were Rs. 13,553; and the expenditure about Rs. 35,000. There was a loss of about Rs. 22,000 roughly.

\*Mr. Aluwihare: What are the 1940-41 figures?

The Hon. Mr. Mahadeva: I am sorry I have not got those figures with me.

\*Mr. Aluwihare: Surely, it is now one year after the close of the financial year, and the Minister ought to know.

The Hon. Mr. Mahadeva: I have not those figures in front of me.

Supplementary Estimate (18) was then passed.

**(19) Valuation Department; Payment of Salary to Surplus Railway Surveyor.**

\***The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** I move that the following Supplementary Estimate standing in my name be passed:

Head 79, Valuation Department.		
Sub-head 1, Personal Emoluments:—		
	Rs.	Rs.
Item Salaries	... 840	
„ Rent allowances	... 660	
	—————	1,500

Nature of Service: For payment of salary (on promotion to a Surplus Railway Surveyor, &c.)

These sums are necessitated by the fact that there was an extra officer who had to be employed, who was employed in the Railway as a Surveyor, and also that rent allowance had to be paid to one of our officers in the Valuation Department who had to vacate Government quarters and occupy a rented house.

Supplementary Estimate (19) was passed.

**(20) Salt Department; Purchase of Salt and Gunny Bags.**

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

Head 81, Salt Department.		Rs.
Sub-head 6, Purchase of salt	... 12,000	
Sub-head 9, Purchase of gunny bags	... 10,400	
Amount: Rs. 22,400.		

Nature of Service: Taking over 1,000 tons of salt brought from Aden.

This sum has been expended in purchasing 1,000 tons of salt brought here from Aden. The salt was brought by way of ballast in a ship, and if we had not been in a position to purchase it, the salt would have had to be destroyed. No loss was involved to Government because the price at which salt is sold more than covers the amount involved.

\***Mr. Aluwihare:** What was the necessity for buying it?

\***The Hon. Mr. Bandaranaike:** It was brought here in a ship by way of ballast, and there was no further use for it.

\***Mr. Aluwihare:** Why did you not get it free?

\***The Hon. Mr. Bandaranaike:** It is always nice to get something for nothing, but this was salt which had

ers something, and it was not possible for us just to take it over free. But the purchase, as I have just pointed out, involved no loss because we sell salt at a price which covers the cost.

**Mr. A. R. A. Razik (Nominated Member):** What was the price paid?

**The Chairman:** Rs. 12,000.

\***The Hon. Mr. Bandaranaike:** Another point I would mention is that this salt happened to be very useful because at the present moment, owing to transport difficulties, we have had an unfortunate shortfall in the quantity of salt that comes in to Colombo from Puttalam regularly.

\***Mr. Aluwihare:** Was there an actual need for salt, or did we play the part of the good Samaritan?

\***The Hon. Mr. Bandaranaike:** There was need, particularly in places like Colombo where there was a shortage of salt owing to transport difficulties.

**Mr. Razik:** I remember about a year ago, when I was in the Executive Committee, of Local Administration it was stated that there was salt for about three years' requirements, and we refrained from ordering the picking of salt and could not give work to salt gatherers in Hambantota and Puttalam.

\***The Hon. Mr. Bandaranaike:** With regard to that point, I must say that the position with regard to salt production in this country is becoming grave, for various reasons. There has been a serious shortfall in the production this year. Although we had, not three years' but a little over two years' collection at the time referred to, at the present moment the stocks in hand are very much depleted owing to the fact that labourers and workers have run away from the various salt-producing centres this year.

\***Mr. Abeywickrama:** I presume, the Hon. Minister has earned some revenue through this transaction. Therefore, I do not see any reason why this item should be commented on—because the Minister by taking timely action has earned some revenue.

**Mr. H. W. Amarasureiya:** Why should this Department purchase gunny bags at 75 cents when coir bags can be obtained at 50 cents?

**\*The Hon. Mr. Bandaranaike:** There are only very few coir bags available.

**Mr. H. W. Amarasuriya:** That is not so.

**\*The Hon. Mr. Bandaranaike:** It is so. I am sorry my hon. Friend seems to know more about it than I do. But the one difficulty is that. The Minister of Labour, Industry and Commerce, wanted the Salt Department to purchase coir bags in lieu of gunny bags, and, as a matter of fact, certain contracts were entered into by manufacturers of these bags, but they were not even able to supply one-tenth of the number of bags required. If my hon. Friend will supply me with the required number of bags, I shall be only too glad to accept them.

**Mr. H. W. Amarasuriya:** I am sorry I am unable to supply the Hon. Minister with any bags, but there are any number of bags available in the Southern Province.

Supplementary Estimate (20) was then passed.

(21) **Medical and Sanitary Services:**  
**Payment of a Special Allowance to the Sister, X-Ray Electrical Branch, General Hospital.**

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

Head 92, Medical and Sanitary Services.  
 Sub-head 1, Personal Emoluments.  
 Amount: Rs. 10 (token vote).

This Estimate is for the purpose of obtaining authority to meet from savings the payment of a Special Allowance, and so on to the Sister, X-Ray, Electrical Branch, General Hospital.

**\*Mr. Aluwihare:** Why was no person trained for this job? After all, the X-Ray Department has existed for a pretty long time now.

**\*The Hon. Mr. G. E. de Silva:** She has been trained.

**\*Mr. Aluwihare:** She was trained in India. Why has not a Ceylonese been trained in Ceylon?

**\*The Hon. Mr. G. E. de Silva:** She is a Ceylonese.

**Mr. Wille:** Are these duties of a mechanical kind, or do they require some

scientific knowledge? (The salary put down here is Rs. 75 to begin with, and it is only after 15 years that the holder of the post would draw anything like Rs. 150 a month. How can we expect any person who is fully qualified for this post to accept office on this salary?)

**\*The Hon. Mr. G. E. de Silva:** She has taken up duties.

**Mr. Wille:** The knowledge required in this post is becoming more and more specialized, and if you cannot get a person now, how can you expect to fill this post in the future by a thoroughly competent person?

Supplementary Estimate (21) was then passed.

(22) **Medical and Sanitary Services:**  
**Award to Mr. M. L. B. J. Caspersz, Technical Assistant, X-Ray Department.**

**\*The Hon. Mr. G. E. de Silva:** I beg to move that the following Supplementary Estimate standing in my name be passed:

Head 92, Medical and Sanitary Services.  
 New Sub-head 92: Award to Mr. M. L. B. J. Caspersz, Technical Assistant, X-Ray Department, General Hospital, Colombo.  
 Amount: Rs. 600.

This gentleman has done some research work, and he has produced a very useful machine; and in recognition of his services Government has agreed to pay him Rs. 600.

**Dr. de Zoysa:** For this useful invention, the Hon. Minister proposes to pay the officer concerned only Rs. 600 which comes to less than £50. Actually, if this is meant to encourage invention and research of this nature, the Hon. Minister should increase the amount to Rs. 6,000, if not more. This is not the way to appreciate or to encourage anything of this nature. I would, therefore, ask the Hon. Minister to reconsider this matter.

**\*Mr. Abeywickrama:** This proposal raises an interesting issue. I have brought to the notice of the Hon. Minister the case of a Doctor who had done some research work in filiarisis and the Hon. Minister suggested that an honorarium of Rs. 500 should be given to him,

but the Board of Ministers turned that proposition down. The Minister of Communications and Works, particularly, was very vehement that nothing extra should be paid, excepting the salary, to that particular officer. That procedure seems to have been varied in this case. The officer concerned is working in the Medical Department, and now a new Sub-head has been introduced to pay Mr. Caspersz a sum of Rs. 600.

During the Budget debate I referred to the fact that the Medical Department do not seem to encourage research work, with the result that senior Medical Officers are disgusted with the Department as their services, other than routine and administrative work, are not recognized.

In this instance, the Hon. Minister of Health has somehow or other managed to get the Board of Ministers to agree with him to pay this amount, whereas in the former instance all the Ministers, or at least the majority of them, did not want to pay anything extra for the work done. To my mind, in their hands the whole scheme, seems to be like clay in the hands of the potters—to be shaped to suit their wishes and brought before this House.

The Board of Ministers have recommended that Rs. 600 should be paid in this case, but in the case of the other officer—I do not want to mention his name—he was discouraged throughout by the Medical Department; not only did they refuse to pay him the Rs. 500 for the important research work that he carried out, but they even reprimanded him for using the services of a Sanitary Inspector and meted out some sort of punishment. I cannot, therefore, reconcile that position with this. I should like the Hon. Minister to make a statement by way of explanation.

\***The Hon. Mr. G. E. de Silva:** Even assuming that an injustice had been done to another officer, there is no reason why we should perpetuate the same mistake and penalize an officer whose services merit recognition. Individual cases might be considered on their own merits but here is a gentleman who has done some research work and as such he deserves to be encouraged. This case should, therefore, not be considered from that point of view. We have to recognize the amount that we propose to pay to this gentleman on the merits of the

particular case, and I would therefore ask hon. Members to bear the fact in mind that simply because an injustice was done to another officer we should not penalize this officer.

\***Mr. Abeywickrama:** I agree with the principle that two wrongs do not make a right. But I would like to know from the Hon. Minister whether he would take up all the cases, say, during the last two or three years, where such sums and awards have been refused and remedy the state of affairs. Let the Hon. Minister ask the Head of the Department to submit to him a list of the cases which were turned down, so that they may be brought within the new scheme of rewards given in recognition of services rendered. If I can have that assurance from the Hon. Minister—that he will look into this matter—I will be satisfied.

\***The Hon. Mr. G. E. de Silva:** I have already looked into the matter. In fact, I was the person who was instrumental in getting that vote before the Executive Committee and the Board of Ministers, but unfortunately I could not get it passed because the Head of the Department had stated that from his point of view it did not merit recognition. So that, that question has not escaped my attention at all.

\***Mr. Samarakkody:** In that particular case, I think the officer was interdicted, or some sort of trouble was created for him in order to prevent a true recognition of the Doctor's services. I do hope that that particular case will be reviewed by the present Minister and some satisfactory reward given to him.

I know that most of the work which was conducted by him was in my area. It appears that he had to make blood tests on patients and do all sorts of other work. This Doctor had worked at it day after day and night after night, and in the end he produced a report, the findings in which have led to the advancement of medical science.

The services of such an officer should have been recognized, but for some reason or other—it may have been due to wire-pulling—this officer was made to suffer. He was interdicted from duty because, as far as I remember, he had got some Sanitary Inspector to type some of his notes or do some such trifling job. He was asked why he had got the report

[Mr. Samarakkody.]  
typed by an officer of another Health Department, or for some other such thing he was penalized. I do hope that the Hon. Minister will rectify these matters.

\***The Hon. Mr. G. E. de Silva:** I have already taken up that matter.

\***Dr. M. C. M. Kaleel (Colombo Central):** I would like to point out that there is a certain amount of difference between the work done by Mr. Caspersz and that done by a Medical Officer. A Medical Officer by his very oath is obliged to give to the world any discovery that he makes without any idea of remuneration for the work he does. In fact, medical men are discovering new things almost daily, and Government cannot possibly keep on rewarding almost every Medical Officer for discovering remedies and new methods in the course of research. But in the case of Mr. Caspersz, he is a pure mechanic and is under no obligation to do research work or to publish or to give to the world the discoveries that he has made. Therefore, I think, he has rightly to be rewarded.

I agree with my hon. Friend the Member for Colombo South (Dr. de Zoysa) that this reward is absolutely insufficient for the discovery he has made. In any other country such an officer would have been paid a very much bigger and a more substantial reward. On the other hand, the Government should have the right to make use of the apparatus that has been invented, not for three years only but for all time, provided a sufficiently encouraging reward is paid to this officer.

I would again like to emphasize that Medical Officers or medical men generally do not expect rewards for the research they do, or any discoveries that they make.

**Mr. Aluwihare:** I hope the Hon. Minister will never bring up a Supplementary Estimate before us worded in this way because he says:

"His Excellency the Governor has been pleased to order that Mr. Caspersz be given an award of Rs. 600 as an encouragement to him and as a recognition by Government of his devotion to duty".

Well, if the Governor made the grant, let him do it; there is no reason why we should be asked, after the event, to

sanction something that the Governor had ordered. At the beginning of our meeting to-day we had an instance of the procedure that the Governor should follow when he orders something to be done, and no one is more conscious of the procedure in this matter than the Hon. Minister himself. I do hope that the Hon. Minister will never bring again a motion in this form before this House.

As for medical men not getting money for their discoveries, it is true that they cannot charge anything, but, I think, it has almost become a habit to accept honoraria.

**Dr. de Zoysa:** May I ask the Hon. Minister whether this nominal sum of Rs. 600 is not a distinct discouragement rather than an encouragement?

\***The Hon. Mr. G. E. de Silva:** It is an encouragement as far as this officer is concerned.

Supplementary Estimate (22) was then passed.

(23) **Colombo Port Commission: Working and Maintenance of Tugs "Hercules" and "Sinhabahu".**

**The Hon. Colonel J. L. Kotalawala (Minister of Communications & Works):** I beg to move that the following Supplementary Estimate standing in my name be passed:

Head 121, Colombo Port Commission.  
Sub-head 8, Tugs, working and maintenance.  
Amount: Rs. 48,000.

The excess is mainly due to extra running of tugs, and to the increased and increasing cost of fuel and stores.

Supplementary Estimate (23) was passed.

(24) **Colombo Port Commission: Re-conditioning Tug "Goliath".**

**The Hon. Colonel Kotalawala:** I beg to move that the following Supplementary Estimate standing in my name be passed:

Head 121, Colombo Port Commission.  
New Sub-head 32, Re-conditioning Tug "Goliath".  
Amount: Rs. 15,000.

This Estimate is for the purpose of reconditioning the tug "Goliath". Some of the fittings and equipment of this vessel, which were under overhaul, unfortunately suffered damage in the recent

raid, and hence the work was not completed.

Supplementary Estimate (24) was passed.

**(25) Post Office and Telegraphs:  
Delivery of Telegrams.**

**The Hon. Colonel Kotalawala:** I beg to move the following Supplementary Estimate standing in my name:

Head 123, Post Office and Telegraphs.  
Sub-head 9, Delivery of telegrams.  
Amount: Rs. 30,000.

This sum is necessary to meet the anticipated excess on the vote for delivery of telegrams.

Supplementary Estimate (25) was passed.

**†(26) Post Office and Telegraphs:  
State Cablegrams, &c.**

**The Hon. Colonel Kotalawala:** I have the permission of the Board of Ministers to increase the amount under this Supplementary Estimate from Rs. 40,000 to Rs. 53,000. I think I shall have to move the resumption of the Council from Committee.

\***Mr. Aluwihare:** We must have five days' notice of the amendment.

**The Chairman:** The Hon. Minister can bring the matter up after the other Supplementary Estimates have been dealt with.

**(27) Post office and Telegraphs:  
Airgraph Service.**

**The Hon. Colonel Kotalawala:** I move that the following Supplementary Estimate standing in my name be passed:

Head 123, Post Office and Telegraphs.  
New Sub-head 26, Airgraph Service.  
Amount: Rs. 33,000.

Nature of Service: To meet cost of photographic work involved in connection with the Airgraph Service.

I presume, all hon. Members know what the Airgraph Service is. It is a paying business, and it has come as a great boon in these difficult times of communication.

\***Mr. Aluwihare:** Now, this document goes by ordinary post to Bombay and gets reduced to airgraph in Bombay; it is then sent on to England: am I correct? Or, is the document reduced to an airgraph in Ceylon?

**The Hon. Colonel Kotalawala:** I wonder whether the hon. Member has seen an airgraph. Well, this is an airgraph—[airgraph shown]—which you get from the Post Office. It is a blank form. The sender writes his name in block letters and then writes the letter in such a manner that it can be easily deciphered when photographed. This is sent in an envelope to Bombay. At Bombay a cinematograph camera takes a series of pictures: several sheets of airgraph are strung together and a cinema film taken of them.

\***Mr. Aluwihare:** What is the film called?

**The Hon. Colonel Kotalawala:** Airgraph film. This is an airgraph form; and what we are speaking about is an airgraph letter. We take a photograph—

\***Mr. Aluwihare:** What is the photograph called?

**The Hon. Colonel Kotalawala:** Airgraph photograph! Then the letters come to about half the size of this page—[paper shown]—and that is sent to the addressee.

Supplementary Estimate (27) was then passed.

**(28) Civil Medical Stores: Accommodation at Railway Workshops, Colombo.**

**The Hon. Colonel Kotalawala:** I move that the following Supplementary Estimate standing in my name be passed:

Head 123, Public Works Extraordinary.  
New Sub-head 205, Additional accommodation for Civil Medical Stores at Railway Workshops, Maradana.

Amount: Rs. 30,000.

Nature of Service: To provide storage accommodation for medical supplies needed for private requirements.

This is for meeting a demand made on us by the Minister of Health, for the purpose of providing storage accommodation for medical supplies.

Supplementary Estimate (28) was passed.

**(29) & (30) Railway: Additional Post of Assistant Divisional Transportation Superintendent and New Posts of Deputy General Manager and Assistants to General Manager.**

**The Hon. Colonel Kotalawala:** I wish to take up Supplementary Estimates (29) and (30) together as they concern the same scheme and only a token vote

† See also pages 2167.

[The Hon. Colonel Kotalawala.]  
is asked for. The money is provided in the Estimates, and as a matter of fact I explained the scheme fully to the House in the course of the Budget discussions.

**The Chairman:** Yes; they may be taken up together.

**The Hon. Colonel Kotalawala:** I move that the following Supplementary Estimates standing in my name be passed:

Railway Estimates:

Vote: Abstract C, Estimates of Expenditure on account of Transportation expenses.

Amount: Rs. 10 (token vote).

Nature of Service: To provide for the additional post of one Assistant Divisional Transportation Superintendent.

Railway Estimates:

Vote: Abstract D (1), Estimates of Expenditure on General Charges.

Amount: Rs. 10 (token vote).

Nature of Service: To provide for the following new posts:—

1. Deputy General Manager.
2. Assistants to General Manager.

**Dr. de Zoysa:** With regard to these two items, the promotion of the present holder of the office of Engineer, Way and Works, as Deputy General Manager creates a vacancy in the Engineering Branch for an Assistant to the Engineer, Way and Works, which post is to be suspended as a measure of retrenchment. The ultimate result is that when there is a Ceylonese officer to be promoted, that post is suppressed as a measure of retrenchment. Is it not better retrenchment to suppress the post of Deputy General Manager and thereby save more money? Or else, if it is necessary that the post of Deputy General Manager should be filled, will the Hon. Minister give an assurance that the Ceylonese officers who are to be promoted will in no way be handicapped or made to suffer by the suppression of posts in this manner?

**The Hon. Colonel Kotalawala:** Yes, Sir. As a matter of fact, this means that a good many Ceylonese officers have been promoted to higher posts. We are keeping this post in the cadre; only we are not filling it just now. It is not to be suppressed; it is to be kept without being filled.

**\*Mr. Aluwihare:** Sir, is the Hon. Minister considering the supplementing of the Station staffs at some of the places where business has increased, because I believe the staff of some of these Sta-

tions was cut down very low and now the volume of work is very large indeed? I wonder whether that question is before the Hon. Minister.

**The Hon. Colonel Kotalawala:** Yes, Sir. As a matter of fact, more than that is contemplated by my Executive Committee just now. We have with us some Ceylonese officers who have been in Malaya, and we are taking them on temporarily to overcome these difficulties, not as Station Masters and so on, but as technical officers, because it is rather difficult to train other people at the present time. As regards Station Masters, the strength of the Railway Clerical Service was increased by some 200 officers last month.

Supplementary Estimates (29) and (30) were then passed.

### (31) Railway: Compensation—Claims in Respect of Shortages in Consignments.

**The Hon. Colonel Kotalawala:** I move that the following Supplementary Estimate standing in my name be passed:

Railway Estimates.

Vote: Abstract D, General Charges.

Item 5, Compensation.

Amount: Rs. 20,000.

Nature of Service: To meet payments on account of claims in respect of shortages in consignments of cement and vice from South India and other large claims due to the present rush of traffic and consequent damage, loss, &c.

I regret very much that I have to come here with this Supplementary Estimate, but it is really unavoidable. It is for the payment of compensation on account of shortages in consignments of goods carried by the Railway.

Supplementary Estimate (31) was passed.

### (32) Electrical Undertakings: Removal of Department to new Premises.

**The Hon. Colonel Kotalawala:** I move that the following Supplementary Estimate standing in my name be passed:

Electrical Department Estimates.

Abstract A.

Sub-head 1, Management and General Charges.

New Item 27, Removal of the Department of Government Electrical Undertakings to new premises.

Amount: Rs. 9,100.

Nature of Service: To meet the cost of removal of the Department of Government Electrical Undertakings from Torrington Square to "Rosebank", Barnes Place, and other expenses incidental thereto.



Sept. 22, 1942]

## Debates.

As the Racecourse encircles the old Lunatic Asylum where the Department was housed, and clients were not able to go there to make payments, we had to secure new premises and we have gone into "Rosebank", Barnes Place.

Supplementary Estimate (32) was passed.

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.

**The Hon. Mr. Senanayake:** I move that Supplementary Estimates (1) to (25) and (27) to (33), passed in Committee, be approved.

Question put accordingly, and agreed to.

Supplementary Estimates (1) to (25) and (27) to (33) were approved.

#### †(26) Post Office & Telegraphs: State Cablegrams, &c.

**The Hon. Colonel Kotalawala:** With the approval of the Board of Ministers, I move that the amount provided under Supplementary Estimate (26) be increased from Rs. 40,000 to Rs. 53,000.

Amendment agreed to.

Pursuant to order, the Council resolved itself into a Committee of the whole House to consider (amended) Supplementary Estimate (26).

*In Committee—*

MR. SPEAKER presided as Chairman.

**The Hon. Colonel Kotalawala:** I move that the following Supplementary Estimate be passed:

Head 123, Post Office and Telegraphs.  
Sub-head 12, State Cablegrams and Indian Telephone Trunk and Overseas Radio Calls.

Amount: Rs. 53,000.

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

**Mr. T. Amarasuriya (Moratuwa):** What is the necessity for the extra amount of Rs. 13,000?

**The Hon. Colonel Kotalawala:** The expenditure for the period up to October, 1941, is Rs. 49,551. On the basis of the

expenditure of the past six months, the amount provided in the Estimates is Rs. 60,000. It is estimated that the vote will be exceeded by Rs. 53,000. [Interruption.] Please read that figure as Rs. 53,000. The application is made to meet the anticipated excess. Hon. Members send "State" telegrams, cablegrams, radio calls, and so on—

**Mr. R. C. Kannangara:** That has nothing to do with the question asked. The Hon. Minister has not told us anything about the increase of Rs. 13,000. We want the Hon. Minister to tell us why he wants this extra Rs. 13,000 now.

**Mr. T. Amarasuriya:** I would like to know in detail why he wants this Rs. 13,000.

**The Hon. Colonel Kotalawala:** I am sorry that hon. Members, especially the experienced Member for Morawaka, do not seem to understand this matter. A certain amount of money is provided in the Estimates for the sending of telegrams, cablegrams, radio calls, and so on, by Members of Council, and it is not in our power to control that amount, because so long as the authority is there, Members can send as many telegrams as they like. If there is not sufficient money for that purpose, it is my duty to come to this House and obtain the money. When this matter went up to the Board of Ministers, so much money had been spent that it was anticipated that we would not be able to manage without this amount during the next few months.

**Mr. R. C. Kannangara:** May I know when the original estimate of Rs. 40,000 was made, and when this extra sum of Rs. 13,000 was included?

**The Hon. Colonel Kotalawala:** Authority was given by the Deputy Financial Secretary, in June, 1942, for a Supplementary Estimate of Rs. 40,000.

**Mr. R. C. Kannangara:** When?

**The Hon. Colonel Kotalawala:** On June 24. Then, at a meeting held on August 14, the Executive Committee of Communications and Works approved an Estimate which was based on the actual expenditure during the period October-March. "It is now considered that this sum would be insufficient, as the ex-

† See page 2167.

[The Hon. Colonel Kotalawala.] amounted to Rs. 83,520, and authority is accordingly requested to apply for further provision." If that is not clear to Members, I do not know what is clear.

**Mr. R. C. Kannangara:** It was not clear to us; it may have been clear to the Ministers.

**The Hon. Colonel Kotalawala:** None are so blind as those who will not see!

Supplementary Estimate (26) was then passed, as amended.

**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 move Sir, that Supplementary Estimate (26), passed in Committee, be approved.

Question put accordingly, and agreed to.

Supplementary Estimate (26), as amended, was approved.

### FACTORY ENGINEER, PUBLIC WORKS DEPARTMENT.

The following item stood upon the Orders of the Day:

The Minister of Communications and Works to move,—

Pursuant to the resolution relating to new appointments of non-Ceylonese to the Public Service passed by the State Council on March 1, 1933, and appearing as item 3 (1) in the minutes of that day's meeting, this Council agrees to make such provision as may be necessary to permit of the temporary appointment of a non-Ceylonese to the post of Factory Engineer, Public Works Department, on agreement for a period of one year, renewable at the option of Government for a further period of one year on a salary of Rs. 12,000 per annum without any allowance.

#### *Observations of the Minister of Communications and Works.*

Mr. C. G. Schokman who was officiating as Factory Engineer has been granted leave preparatory to retirement and relinquished his duties on July 31, 1942. Mr. J. G. Claessen, Senior Assistant Factory Engineer, has been appointed to act temporarily as Factory Engineer till more suitable arrangements are made.

2. Work in the Factory is increasing both in connection with departmental work undertaken for the Services and the handling of Services' orders for equipment. It is probable that more work will be allotted to it in the near future by the Engineering Production Board. The number of workmen at present employed exceeds 1,100. It is therefore considered essential that the Factory should have a fully qualified and experienced Mechanical Engineer in charge. The Senior Assistant Factory Engineer has not yet qualified for membership of the Institution of Mechanical Engineers and it would be inadvisable to place upon him at present more onerous responsibilities as Factory Engineer.

3. The post of Factory Engineer was advertised in Ceylon and India last year, but it was not possible to attract a suitable candidate at that time. It is now proposed to appoint Mr. R. M. Salmon to take temporary charge of the Government Factory. He was employed as Chief Engineer, Colombo Commercial Company, on a salary of £2,000 per annum and retired from the post in April, 1941. He has been attached to the Ordinance Department since then in view of his special qualification but his release can be obtained if he is appointed to the Government Factory. His services will be engaged on an agreement for a minimum period of one year on a salary of Rs. 12,000 per annum without any allowance.

*Observations of the Financial Secretary.*

The Financial Secretary concurs.

#### *Report of the Board of Ministers.*

The financial implications are as explained in the motion of the Minister of Communications and Works. The Board of Ministers approves.

**The Hon. Colonel Kotalawala:** I rise, Sir, to move the motion standing in my name.

The House will remember that some years ago I came here with a March Resolution for the purpose of obtaining the services of an Engineer for the Government Factory. We advertised in Ceylon; we advertised in Europe; we advertised in India; in fact, we advertised everywhere, but we were unable to get a man with the particular qualifications we

wanted, because technical officers with mechanical engineering qualifications are needed everywhere. The dearth of Mechanical Engineers has been very great in Ceylon as well as in other countries.

We ourselves have started a new scheme of taking on young men to the Factory and making them go through a course of mechanical engineering and qualify themselves for this particular work. Some of these men are on the verge of qualifying themselves, and there are a large number who have sat for the A and B parts of the examination.

We had an officer by the name of Mr. Orr, and when his period was up, he wanted an extraordinarily large salary; as we could not agree to that, he left us. Since that time the Factory has been without a Mechanical Engineer, and Mr. C. G. Schokman has officiated as Factory Engineer. Of course, the Factory did function, as any Department will, just marking time. We now find that with the increased work, the services of a Mechanical Engineer are essential. Without a Mechanical Engineer new methods cannot be tried; the requisite technical knowledge cannot be brought into the Factory.

In these circumstances, we thought of obtaining the services of someone with qualifications in mechanical engineering. Fortunately for us, there was a gentleman, Mr. Salmon, who had worked in the Colombo Commercial Company for twenty years. His services had been requisitioned by the Army for the Ordnance Department. When we were looking for an Engineer for the Factory, Mr. Salmon made the Director of Public Works understand that he would be able to obtain leave from the Army and join us. Mr. Salmon was drawing a salary of £2,000, and he is now offering his services to us for Rs. 12,000 a year, on the distinct understanding that the engagement would be only for one year. At the end of the year, we will have the option of continuing his services for another year, until a young man who is to take his place has qualified.

Question proposed from the Chair, and debated.

\***Mr. Samarakkody:** I rise to oppose this motion. During the past three or four months this particular Ministry has

engaged the services of many evacuees from Malaya and other places, and also employed those who had retired and had no particular job. Somehow or other these people find employment under this Ministry. I have drawn the attention of the House to this fact on two or three occasions. This "March Resolution" procedure was laid down in order to safeguard the interests of the Ceylonese, in order that the higher posts in the Public Service might eventually be filled by Ceylonese. Instead of obtaining that desired effect, the procedure laid down has been reduced to a farce.

In the Observations of the Minister of Communications and Works, we read that Mr. C. G. Schokman was officiating as Factory Engineer, and that he had been granted leave preparatory to retirement. This officer had not the requisite qualifications in mechanical engineering, but all the same he was officiating in the post. He has retired, and suddenly the Senior Assistant becomes incompetent because he has not the necessary degrees. [The Senior Assistant must have been in the Factory for a number of years, and although he may not have the technical qualifications required he should be as competent to fill this particular post as a man with those qualifications. After all, we cannot go merely by academic qualifications and degrees. If we did, some of our Ministers would not be holding their present portfolios. There are some Ministers who are doing their work much better than people with degrees.]

We must not agree to this appointment for many reasons. It is said that this appointment is a temporary one—just for one year. Why cannot the Senior Assistant carry on for one year? Why was no attempt made to have a Ceylonese officer trained? There was a Ceylonese in this very Department with very high qualifications in mechanical, civil and electrical engineering, but somehow or other he had to leave the Factory. It may be that the senior officers in the Factory feared that this particular officer would in time be placed above them, and it was made impossible for the young man to remain in the Department. The result was that he gave up his appointment in the Factory and he is now employed under the Colombo Municipal Council.

[Mr. Samarakkody.]

This retired officer, Mr. Salmon, who was drawing a salary of £2,000 in the Colombo Commercial Company is now asked to take on this appointment in the Factory on a salary of Rs. 1,000 a month. We would like to know whether, in terms of the assurance given, the appointment of Mr. Salmon will be really temporary or whether he will be appointed permanently to the post. I, for one, feel that this is the thin end of the wedge, and that this officer will be allowed to remain in the post till he dies. I want to know whether it is not the fact that this gentleman has accepted the post because he has been unable to leave the Island for want of steamer accommodation to England, or for some such reason, and that he is being given this appointment for one year till he is able to find accommodation on a steamer.

We are also told that Mr. Salmon is being temporarily employed in the Ordnance Department. Is he now considered to be non-essential? Being a retired man, it may be that he is now unable to give of his best, and it is therefore unfair by the people in the Department who have been waiting for years to get their promotions to penalize them simply because certain qualifications have not been obtained by them.

**\*Mr. Abeywickrama:** In view of the charge brought against this particular Ministry, I wish to state that on a question of policy I dissented from the recommendation to employ this gentleman. I also opposed the previous proposals regarding the appointment of the present Chairman of the Colombo Port Commission and the Port Controller. In the case of the Chairman, Colombo Port Commission, the reason given for his appointment was that he was a very efficient officer. He had retired and drawn his commuted pension from the Ceylon Government, and yet we had to sanction a salary of Rs. 2,500 for him, and to-day he is the third highest-paid officer in the Island. With his pension of over Rs. 1,000 a month, his present salary of Rs. 2,500 a month would bring this total emoluments to over Rs. 4,000 a month. He is therefore drawing a higher salary than any of the Officers of State, if you include his pension.

In this instance, a gentleman who had been drawing £2,000 in the Colombo

Commercial Company, equivalent to more than Rs. 24,000 a year, is now willing to accept Rs. 12,000 a year. The cost of living has gone up, and unless this officer is mentally deranged, one cannot understand why he has agreed to work for half the salary he was getting from his previous employers. He has the necessary experience; he is still an expert Mechanical Engineer—nobody has robbed him of that expert knowledge—and as he knows that we are in dire need of his services, one would have expected him to demand a higher salary than that paid to him by the Colombo Commercial Company, when he is asked to run a Department which can be regarded as carrying out essential functions. If we really want a qualified man, we would not haggle over the salary, and if this officer was employed on Rs. 24,000 a year we would have been prepared to offer him Rs. 36,000 a year in order to obtain his services.

But what is the position? He has come forward and told the Public Services Commission, "Look here, I will work for Rs. 1,000 a month. I will sacrifice Rs. 1,000 in accepting this post". I do not know whether he thinks he is making a war contribution of the Rs. 1,000, or is charitably disposed towards the Ceylon Government.

The fact remains that if we had had a permanent Factory Engineer and if that official went on leave for six months or even a year, the next senior man in the Department would have been asked to take charge of the Factory. But because the post is vacant, the question of the qualifications of the officer who would normally have been appointed to act is brought up, and it is urged that he is unsuitable for appointment to the post, because it happens to be vacant. If it were merely a question of acting in place of the permanent holder of the post, the Senior Assistant would have been appointed to act.

I do not blame the Minister of Communications and Works. He has a very large number of Departments to manage, and I do not think he has the time to go into these matters very carefully. But something is wrong in the matter of these appointments. I do not know whether this particular gentleman, by reason of the termination of his appointment with the Colombo Commercial Company, has

become an "evacuee" in the sense that he cannot obtain a passage to England and has therefore to be accommodated with a job, or whether other reasons compel him to remain in the Island.

Hon. Members must treat this matter seriously. There appears to be no end to the employment of non-Ceylonese in various posts. It is possible that at the end of one year another resolution will be brought up to extend the period of engagement of this officer to two or three years. It is said now that the engagement is only for one year. During this period he will receive Rs. 1,000 a month. He has induced the Ceylon Government to pay him that sum so that he may be safe here. I cannot see any other reason for this appointment. The Factory is running well without the services of this gentleman.

This officer will take about six months to study the routine of the Government Factory, which will not be the same as the system obtaining in commercial firms. In addition, he would have taken some leave also, and when he has acquired the necessary experience, it would be time for him to leave.

In the Railway Workshops we have the same machinery as in the Government Factory, and I would appeal to the Minister not to press this motion. He may have been asked by the Board of Ministers and the Officers of State to bring up this resolution, but I would ask the Minister, in the interests of the country, not to press this motion. He cannot withdraw it at this stage, but I would ask him not to adduce arguments which would induce Members to vote for this motion. I know that a large number of Members would vote with the Minister in whatever proposal he may bring forward, but I would appeal to him not to press this motion or urge reasons which may have been "injected" into him by designing people to get this officer appointed. Let the Minister leave the question to be decided by the House so that justice may be done in the matter.

**Mr. Dudley Senanayake (Dedigama):** I find that this is the culmination of a series of unfortunate events in the Factory. For a number of years the Government Factory has been run by inefficient and unqualified men.

retiring Factory Engineer, Mr. Schokman nor his Assistant is qualified in any way to run this Factory, and it has been in a most unsatisfactory state. If measures had been taken at the proper time, the need for the appointment of a non-Ceylonese would not have arisen to-day.

There was in the Government Factory a highly-qualified Ceylonese, with qualifications which nobody else in the Island possessed. Apart from being an A.M.I.C.E. and an A.M.I.E.E., he is also an A.M.I.M.E. He was qualified in every way for this post, but, unfortunately, the senior officers in the Department who had attained their position in the Department by mere effluxion of time, did not like to see in the Department junior officers with qualifications of an outstanding character, and they discouraged this particular officer in every way. They made things uncomfortable for him in various ways so much so that at one time the Minister of Communications and Works himself was convinced that this particular officer was "off his head".

I had to intervene on behalf of this officer, and convince the Minister that the officer was not "off his head" but that his condition was due to the constant harassing to which he was subjected by his superior officers who wished to see him out of the Department. The Hon. Minister was then agreeable to this officer going on leave for a period, and when he returned, the constant harassing continued. Various instances were trotted out of non-co-operation with the other officers in the Department; matters were made impossible for him in every way.

Eventually this particular officer left the service. He is now working in the Municipal Workshop, and the hon. Member for Colombo North (Mr. G. R. de Silva) will bear me out when I say that this officer is doing very valuable and very efficient work, and that he is probably one of the best officers the Municipality have in their workshop. This is the man who was at one time to be pushed out on the ground that he was "off his head." Unfortunately, the senior officers did not like this man.

When I was interviewing the Head of the Department, it was pointed out to me over and over again that although

[Mr. Dudley Senanayake.]  
 this officer had the necessary qualifications, Mr. Claessen and Mr. Schokman were so much better because they had such wide experience. To-day when you want Mr. Salmon, their experience is ignored. I well remember I was told that Mr. Claessen and Mr. Schokman were officers with experience and that they were outstanding men. I was told that Mr. Wickramasinghe possessed only degrees but no experience; to-day when you want Mr. Salmon, Mr. Claessen and Mr. Schokman are not good enough.

Unfortunately, we have to accept this Resolution, because, Mr. Claessen, I am told, is not satisfactory. It is said that even his predecessor in office was unable to run that workshop for lack of qualifications and we are forced to take this step.

**Mr. R. C. Kannangara:** With regard to the remarks of the hon. Member for Dedigama (Mr. Dudley Senanayake), I would like to state that I myself wanted to raise some of the questions that he has raised. The policy of the Board of Ministers has been the Ceylonization of this Department. But what are the Board of Ministers doing? Time and again they come to this House with a March Resolution either to import men or to take in foreigners.

Looking at the Observations of the Hon. Minister, I find that the Senior Assistant Factory Engineer has not yet qualified for membership of the Institute of Mechanical Engineers. I would like hon. Members to note how long this Assistant Engineer has been in the Department, and I would like to know why he was never given facilities for qualifying himself for the examination.

I know that none of these Heads of Departments, especially the Engineering Departments, favours any of the young Ceylonese Engineers getting into this Department. As the hon. Member for Dedigama said, these Heads of Departments keep on harassing these young men in every possible way until they are compelled to leave the service.

I really cannot agree with the hon. Member for Udugama (Mr. Abeywickrama) when he says that the Hon. Minister has not got the time to look into these matters. I thought the Hon. Minister of Communications and Works

was one of the most energetic young Ministers that we have. But if he has not got the time to do what is necessary, he should resign; he should give up his portfolio. I say that he must specially go into this question of Ceylonization.

Sir, when the complaint was made that this young Engineer was giving trouble, and when it was stated that he was "off his head", the Hon. Minister should have gone into the question and ascertained whether the officer was really "off his head" or whether the Head of the Department was "off his head." That young Engineer who was thoroughly qualified to take charge of the Factory, was compelled to leave the service.

Why does it become necessary to engage the services of a qualified A.M.I.C.E. to supervise labour? You can have two or three conductors to do that work.

I regret I cannot understand the policy of the Board of Ministers. They never look ahead as to what the Department needs. This Engineering Department never gives a chance to the Ceylonese to qualify themselves for any examination. Sir, if the Board of Ministers want to Ceylonize this Department, they must give every facility to Ceylonese young men to qualify themselves. They must see that they get the necessary funds and the leave to go and qualify themselves.

**The Hon. Colonel Kotalawala:** The last speaker felt, or at least he makes himself feel that he is the only person who has the idea that every post must be held by a Ceylonese. He went even further and said that for the 1,100 labourers we have we do not want an Engineer and that a conductor would do to supervise their work.

I can tell you this, Sir, that one of the biggest mistakes we made was when my Executive Committee jumped at the Ceylonization of the Factory and got rid of Mr. Oram about two years ago. I will explain the position for the benefit of the hon. Member. A man is an Engineer who can put up a construction with the least expenditure of material, time and money. If the hon. Member who is no engineer is asked to repair your car, you will never drive it again. You must have somebody who has the

knowledge of an Engineer. Sir, you and I may be able to perform some engineering feat by putting a log across a river which would take an elephant across. But an Engineer would do it at the minimum cost.

In the Factory, where a great deal of money is being spent, you want an Engineer who can do a job for Rs. 2 when any other person would require Rs. 20 to do the same work. Another reason why this Engineer is required is because we cannot get our young men trained except by a qualified Engineer. One of the difficulties we have in every scheme is that a Mechanical Engineer is not on the spot to recommend the young Engineers in their studies.

We had a scheme submitted by Mr. Aluwihare who was then on the Retrenchment Commission. He recommended that we should amalgamate the Factory and the Railway Workshops. This particular young man could have gone under that scheme and that is why we did not worry to obtain an Engineer for two years; otherwise we would have come to this House very much earlier for sanction to obtain a qualified Engineer. We advertised in England and in India but we could not secure an Engineer. This is the first opportunity we have had of engaging the services of a Mechanical Engineer.

To come to the question of the hon. Member for Udugama (Mr. Abeywickrama). He probably does not know that I always have a file with me when I come to this House, and that whatever he says is on record. He seems to know more about the Factory than I do. I do not know of his intimacy with the Factory. But this is what he says in his letter to me of the 12th June:

"As regards the gentleman to be appointed as Factory Engineer, I can only say that I know nothing about his capabilities. Mr. Salmon who was employed at £2,000 per annum which equals to Rs. 30,000 per annum has now consented to be Factory Engineer at 1/3 the rate, namely Rs. 12,000 per annum. I only hope that we are not called upon to provide employment for an unemployed person. Anyway you are the best judge of the situation. I approve your recommendation."

\*Mr. Abeywickrama: On a point of personal explanation, Sir. Though I then supported the proposal at the dis-

cussion further facts transpired, and I opposed it after that.

**The Hon. Colonel Kotalawala:** Sir, I think the hon. Member is getting deeper into the mire; I will not go further into it because I feel that the matter is not worth further discussion.

The record is here.

"Extract from the minutes of the 98th meeting of the Executive Committee of Communications and Works held on 7th and 8th July, 1942.

After discussion it was agreed unanimously to recommend that Mr. R. M. Salmon be placed in temporary charge of the Government Factory for a minimum period of one year on a salary of Rs. 12,000 per annum without any allowance."

\*Mr. Abeywickrama: That is a wrong record. Even to-day, the Hon. Minister will see, I oppose it. I must explain this matter, because it was only this morning that I brought it to the notice of the Hon. Minister himself—

**The Hon. Colonel Kotalawala:** Sir, I will leave the hon. Member for Udugama alone.

The hon. Member for Dedigama quite rightly said that we had a very capable young Ceylonese, qualified in the extreme. As a matter of fact, he had had more qualifications than anybody needs. He was both a Doctor and a Barrister at the same time—I mean his qualifications were both mechanical and electrical. He could have done the one or the other. Anyway, he came into the mechanical side and his actions were such, I can tell you, that the hon. Member and I myself had several consultations, and I went out of my way to see that this gentleman was given leave; probably he was nervous. It may be due to harassing; it may be due to temperament—I do not know. That gentleman secured a job elsewhere, and we were all glad that, instead of our having more trouble with him, he has now become the head of another department. He was the one person whom we had in mind to take this place. That is the Ceylonization that the Board of Ministers thought of.

Now, the hon. Member for Morawaka (Mr. R. C. Kannangara) does not know that we did not fill that qualified man's post. This unfortunate incident happened; but he has now secured a higher job, and we have no one else in the Department excepting Mr. Claessen—

[The Hon. Colonel Kotalawala.] who is not fully qualified. This matter was discussed with Mr. Claessen himself, and he agreed that if we can get a mechanically-trained man, he will be able to obtain his qualifications.

Then, there has been another new scheme started for producing Mechanical Engineers just as we have in the Public Works Department a scheme for producing Civil Engineers. That scheme is in working, and we have eight students going through an apprenticeship.

Another thing I would like to mention is the reason why Mr. Salmon has accepted this offer at such a low salary. The hon. Member for Udugama (Mr. Abeywickrama) feels that everything is a matter of money and that unless a man offers his services at a higher value he is not worth anything.

\***Mr. Abeywickrama:** That is the normal feeling.

**The Hon. Colonel Kotalawala:** What is given for nothing is worth nothing; that is his principle, I suppose.

In this particular case, this gentleman was taken over by the Army when the war broke out, because he was one of the Mechanical Engineers available. Then, as the Army was strengthened, he was relieved. But the law does not permit of his being sent away. We felt that with his experience, and with other junior officers having come from other countries to take his place in the Army, he might be more useful to us.

When the Public Works Department explained the matter to me, I said that I must see Mr. Salmon and consider his qualifications. Mr. Salmon mentioned that he has been twenty-two years in this country, that he knew the country and he would far rather be of service to this country before he left for good. Therefore it is not a question of the salary that is to be paid. Mr. Salmon, for one, was not for a moment after this job. He was more or less called upon to take up this job in order to train our men and make them familiar with mechanical work so that they may pass the necessary examinations as quickly as possible. We hope within one or two years to have about half a dozen mechanically-trained Engineers.

There is another matter which I would like to state. When I went into the Factory one day, a workman who knew his job thoroughly came up to me and said, "The reason why we have no work to-day is because everyday I am told that the Factory has to close down for two hours a week for want of work." The Factory has had to reduce its staff for want of work. When I went round the Factory and discussed the matter with some of the workmen, the older men came up to me and said, when I asked them why the Factory was not doing as much work as in the old days, "Why, Sir, we have not got officers with the necessary qualifications. In the old days, we used to make steam-rollers and all sorts of other machinery. If at the first attempt we failed, we threw the machine aside and started again, and went on until we succeeded. But to-day we never carry out any experiments. The Engineers are now frightened to suggest anything, because they fear that they would be surcharged by Audit if anything went wrong. They do not think of new methods. For instance, steam-rollers have not been made at the Factory for the last ten years or so."

I asked the Director of Public Works, "Why do you not make steam-rollers?" and he told me that they had to be designed by men qualified to do the work. [Interruption.] think I have said enough now, and the question may be put.

Question put; the Council divided (under Standing Order 68): Ayes, 28; Noes, 7.

**Mr. Speaker:** The sitting is suspended until 4.30 P.M.

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

## OMNIBUS SERVICE LICENSING BILL.

The following item stood upon the Orders of the Day:

The Minister of Local Administration to move,—

That the Bill intituled "An Ordinance to provide for the introduction of a system of exclusive road service



licences for omnibuses and for the regulation and control of the use of omnibuses on highways, and to effect consequential amendments in the Motor Car Ordinance, No. 45 of 1938", be now read the first time.

*Observations of the Financial Secretary.*

The issue of a road service licence under Section 9 of the Ordinance at the rate of Re. 1 per mensem will authorise the holder to operate an omnibus service on the route or routes specified in the licence. The fee is intended merely to cover the cost of administering the scheme.

*Report of the Board of Ministers.*

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

**The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** I move, Sir,—

That the Bill intituled "An Ordinance to provide for the introduction of a system of exclusive road service licences for omnibuses and for the regulation and control of the use of omnibuses on highways, and to effect consequential amendments in the Motor Car Ordinance, No. 45 of 1938", be now read the first time.

The House will recollect that a motion setting out the new principle that is embodied in this Bill was moved in this House and was fully debated; it was passed on 29th July, 1942. That motion was for the purpose of having exclusive road licences in future for buses, for compensation to be paid to any owners who may be deprived of their present route licence as a result of this new system, and for preference to be given in a certain order, which I defined in the course of my reply to that debate in greater detail than was contemplated in the motion itself, and which is embodied in the present Bill in Schedule I. Well, this Bill is now being introduced to give effect to the motion that was passed by the Council on July 29 last.

I will briefly explain the Clauses in moving the first reading. Clause 2 is a formal Clause which merely provides that after the 1st January, 1943, no bus shall ply for the conveyance of passengers for fee or reward except under one of these route licences. That is necessary, of course, to prevent buses from just plying without any licence at all.

Clause 3 provides for an application for such a licence. That is, any person or persons as defined in this Bill, such as a company, partnership, individual, and so on, may apply for a licence in the form specified where the following particulars shall be given: particulars of the route or routes on which it is proposed to ply; the type of vehicle to be used; the timetable and fare-table.

It would be noticed that in Clause 3 (1) (d) provision is made for other than these regular route services, such as services to festivals, fairs, excursions, tours, and so on, for which also application can be made while making an application for the regular route. Such other particulars as the Commissioner may require as to the wages and conditions of employment of the persons employed or proposed to be employed for the purposes of the service will be provided for in the application.

Sub-clause (2) says:

"Every applicant for a road service licence shall furnish to the Commissioner such information relating to the business proposed to be carried on under the licence as the Commissioner may require for the purposes of this Ordinance."

That is, in the case of companies, information for judging the financial position of a company and its capacity to carry on this service satisfactorily.

The point to which I would like to draw attention—it is a point that was raised in connexion with the last debate on my motion,—is this, that the Government is not going to fix routes beforehand in any rigid way. The Government is not going to tell the people, "These are the routes, and now you apply for them". We will permit applicants to apply for routes which they themselves consider suitable. No doubt such routes in the vast majority of cases—I presume in all cases—are to be more or less the routes on which they are plying to-day. So that, that is a liberty which an applicant has which is much more beneficial to him than any rigid fixation of routes beforehand by the Government authorities.

Clause 4 sets out the matters which the Commissioner of Motor Transport will consider in issuing the licences, when the applications are duly received. It will be observed that the authority who will administer this Ordinance is the Commissioner of Motor Transport who is the authority administering the Motor Car Ordinance at present. Sir, the matters

[The Hon. Mr. Bandaranaike.]

set down in Clause 4 to which regard should be had by the Commissioner are:

"the suitability of the route or routes on which it is proposed to provide a service under the licence; the extent, if any, to which the needs of the proposed route or routes or of any such route are already adequately served;

the needs of the area as a whole in relation to traffic . . . . and the co-ordination of all forms of passenger transport, including transport by rail, water or air; the financial position of the applicant . . . . ;"

"the question whether any provision of any other written law prescribing a speed limit is likely to be contravened;

That is purely formal!

such other matters as the Commissioner may deem relevant.

Then, Section 4 (b) says:

"The Commissioner shall take into consideration such representations as may be made to him by persons who are already providing transport facilities along or near to the proposed route or routes or any part thereof, or by any local authority within the administrative limits of which any proposed route or part thereof is situated."

It will be observed that some of the factors which the Commissioner is required to take into consideration in issuing a licence are those which are contained in the existing Motor Car Ordinance. There are certain others also which are added on.

Clause 4 (a) (iii.) says that the Commissioner shall take into account:

"the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services and the provision of unremunerative services) and the co-ordination of all forms of passenger transport, including transport by rail, water or air."

There appears to be a fear in the minds of some people that this is another veiled attempt in some way to weight the scales in favour of the Railway. I must deny it. I really cannot understand why these fears appear to linger in the minds of some bus-owners—that they are going to be sacrificed to the Railway. From the very start I considered, as I explained in the evidence which I gave before the Hammond Commission, that it was entirely wrong merely to sacrifice road transport to bolster up the Railway or any other existing form of transport. I have adhered to that attitude right throughout, up to the present moment, and I have not yet changed my view on that point at all. Therefore I might say that the co-ordination of transport con-

templated here is not intended in any way to offer up a sacrificial lamb in the form of road transport purely to bolster up the Railway. Nobody contemplates that. That is not intended, and I can give the assurance that that will not happen.

But, at the same time, some degree of co-ordination is necessary. The whole purpose of transport requires a certain amount of co-ordination, the lack of which resulted in the need for the Hammond Commission. I do not think that anybody will deny that reasonable, fair and just co-ordination is necessary in the matter of transport; and that need is quite different from the view held by some that it is proposed to sacrifice one form of transport merely to benefit another. I should like to make that point perfectly clear, because it seems to be extremely difficult to persuade some people who hold the point of view that that is not the case. They look at every proposal suspiciously with the idea at the back of their head that road transport is going to be sacrificed for the benefit of the Railway. I can give the definite and categorical assurance that no such idea is present when making the present proposal and that such a thing will never be done.

The various factors the Commissioner should take into consideration when proceeding to approve routes are mentioned here. You will find in Clause 6 the various conditions that could be laid down in issuing a licence of this nature. It will be observed that the applicant himself will mention in the application the fares, time-tables, and so on, which will not be deviated from unless there is some particular need to deviate from them. If there is any deviation, we are going to utilize the machinery now in force in respect of the Motor Appeal Board for an appeal to be made. Can anything be fairer than that? These are conditions that the Commissioner will lay down, firstly, fares and time-tables. There is the condition that fares and the time-table should be posted up in the bus itself; that the omnibus should be of the specified type; that it should be kept in a serviceable and fit condition; that passengers shall not be taken up or shall not be set down except at specified points or between specified points. Then, the conditions lay down the hours of work

for employees and the wages to be paid to them—those are matters provided in the existing Motor Car Ordinance.

I am sorry to say that the one great defect in the existing Motor Car Ordinance has been the inability to enforce certain conditions with regard to minimum wages, hours of work, and so on. We have had great difficulty in regard to those matters. Those difficulties, in the interests of the workers themselves, are likely to disappear in the future scheme of things.

Then, there are conditions with regard to speed-limits, and also with regard to mails and newspapers carried by buses. The provision made with regard to mails and newspapers reads as follows:

“(h) that mails or newspapers shall be carried to such places and at such times as the Commissioner may specify, if payment for such carriage is made in accordance with rates approved by the Commissioner.”

I should like to say one word on that provision. The need for it has arisen by reason of the fact that at the present moment there is one newspaper company—The Associated Newspapers of Ceylon—which use buses on certain routes for the purpose of carrying their newspapers. The other newspapers are either conveyed by buses or by other means of transport. The Associated Newspapers ply buses on certain routes, not as a service at all, which enable them to get their newspapers to their readers as early as possible. The loss they incur by running those buses is to some small extent compensated by the fact that they also carry passengers.

Representations were made to my Executive Committee on behalf of The Associated Newspapers that if exclusive licences are given, they would have to cease plying their buses on certain routes. I think there are only a very few buses of that type. I think one bus starts every day at 2 or 3 o'clock in the morning and returns in the evening, and goes off again the following morning. My Executive Committee did try to find out what could be done to preserve that service on the footing that it was a rather useful and desirable service, namely, that newspapers should reach their readers as early as possible. Well, this Sub-clause has been introduced to make it clear that when an exclusive licence is given to a company or to a unit for that particular

ular route, satisfactory conditions with regard to the conveyance of those newspapers should be imposed. If we cannot do that, provision is made in another Sub-clause for the Commissioner to permit, to that small extent, a deviation from the exclusiveness of the route by permitting buses already on the route to ply for the conveyance of newspapers.

I must say here that though my Executive Committee and I myself thought that going to that extent was not unreasonable, it is obviously a principle that cannot be extended to the extent of saying that any newspaper company who have in the past or do so at present or intend to do so in the future shall be permitted *ad lib* to use buses for the conveyance of newspapers, because the moment you do that, you do not precisely know to what extent it will go. We felt that that was the most that could be done as a fair and reasonable concession with regard to routes already used by newspaper companies to preserve the reasonable efficiency of their service. It is with that object in view that Sub-clause (h) and another Sub-clause with regard to newspapers have been introduced.

Clause 7 provides that the services shall be exclusive, except in certain cases where there is a small overlapping of routes. You simply cannot prevent, in certain cases, routes overlapping over very small distances. So that a licence is not completely exclusive in that in certain cases it is quite impossible to prevent a small overlapping. You will see, therefore, that the first proviso to Clause 7 deals with that question. Clause 7 (2) again provides for all that newspaper companies can reasonably claim under that head.

Clause 8 requires that notice of refusal should be given by the Commissioner. That is, when a number of people or a number of companies apply for one route, and when the Commissioner chooses to issue the licence to one entity, those that have been refused will be duly notified of the refusal. Those who have been refused a licence can, if they so wish, appeal to the Appeal Board. The Appeal Board will go into all the facts of the case, as to whether the Commissioner did act fairly and justly in issuing the licence to A and refusing it to B, C, and

[The Hon. Mr. Bandaranaike.]

D, B, C, and D can appeal against the refusal to the tribunal that already exists under the Motor Car Ordinance.

Clauses 9 and 10 are formal. The usual duration and effect of a licence will be for one year, but we have not definitely specified the actual period, because that is a matter in which certain discretion, with regard to routes and things of that sort, must be vested in the Commissioner.

Clause 11 merely deals with the question of transference or assignation or assignment of these licences to others. It sets down certain things that cannot be done without the prior sanction of the Commissioner.

Clause 12 deals with the revocation or suspension of a road-service licence issued to any person, if any condition imposed on the licence-holder is contravened. Once a licence is issued, there may be a continual breach of important conditions attached to the licence, and I think the authorities must have power in such a case, either to revoke or to suspend the licence for a specified period. It will be observed that the circumstances in which revocation or suspension can be made will only be in serious matters—a repetition of breach of conditions, and so on. It should also be observed that an appeal is provided against an order of the Commissioner revoking or suspending a licence in that manner.

Clauses 13 and 14 deal with appeals. The appeal tribunal which is set up already under the Motor Car Ordinance will hear appeals from all these matters, either refusal originally to grant a licence or suspension or revocation of a licence for any breach of the conditions that may be attached to the licence. Any case of revocation, suspension, or any variation of these conditions are all matters in which the aggrieved person has a right of appeal to the tribunal of appeal which has the power to make a full inquiry into the whole matter and make any order it wishes either affirming the Commissioner's original order, varying, or altering it, or setting it aside and making an entirely new order, after full consideration of all the facts of the case.

Clause 15 deals with offences and penalties. I do not think that the penalties provided in these cases are

excessive. The penalty for the first offence is a fine not exceeding Rs. 250; for a second or subsequent offence a fine not exceeding Rs. 500 or a period of imprisonment not exceeding three months.

Clause 16 is a Clause which enables the framing of necessary regulations which shall not have effect unless they are tabled in the State Council and are duly approved by it.

Clause 18 deals with transitory provisions—certain powers to deal with any difficulties that may arise in the period of transition from one system to another, and provisions that are going to be utilized to benefit those engaged in the bus industry. That is, certain difficulties may arise with regard to the work that they are carrying on which may require a certain specific order to deal with the difficulties that arise at the start, during the period of transition.

The First Schedule is important, and I should like briefly to refer to it in a few words. It will be observed that in paragraph 1 of the First Schedule is set out the order of priority of those whose claims would be considered for the granting of licences. Firstly, an application from a company or partnership comprising the holders of all the licences on that route; secondly, an application from a company or partnership comprising the holders of the majority of the licences at present on that particular route; thirdly, an application from a partnership comprising the holders of two or more of the licences referred to in sub-paragraph (i), or from a company or partnership which, or an individual who, has acquired the interests of the holders of two or more of such licences; fourthly, an application from a company or partnership which, or an individual who, is for the time being the holder of at least one of the licences referred to in sub-paragraph (i). Failing that, even one licence-holder can apply for this exclusive route licence. Fifthly, an application from an individual who for the time being holds, or from a company or partnership comprising persons who for the time being hold, licences under the Motor Car Ordinance, No. 45 of 1938, authorizing the use of omnibuses on routes other than the route in respect of which the application is made.

If none of these is possible, you can grant a licence to anyone engaged in the bus service at the present moment to ply on any route in the country. Failing that, you come to the last category: sixthly, an application not falling within any of the preceding sub-paragraphs being an application from a Ceylonese, or from a partnership of which all the members are Ceylonese, or from a company incorporated or deemed to be incorporated under any written law in force in Ceylon.

These were generally the categories specified by me in moving my motion, which I think the House will find acceptable. Even the Burgher Nominated Member (Mr. Wille) who was anxious over this question of partnership will see that paragraph 1 of the First Schedule fully provides for any possibilities outside mere bus companies which he could have contemplated.

Paragraph 2 of the Schedule is also important. You will observe that it deals with the question of compensation. The applicant is required himself to come to an agreement with any others plying on a particular route, with regard to compensation. If he has already come to an agreement with them, there is not going to be trouble. The only troubles arise where he is willing to pay compensation and he has not been able beforehand to come to any definite agreement with those who require to be compensated. In such a case the tribunal of appeal will fix a just and fair compensation which he will be required to pay, and if he does not pay such compensation his own licence can be dealt with and the compensation awarded by the tribunal of appeal can be recovered from him in a Court of Law. These are the only important provisions of the First Schedule.

I need not refer to the Second Schedule in detail, because it merely contains amendments necessitated by the new Ordinance. These are formal amendments with regard to the issue of licences provision for which exists in the present Motor Car Ordinance. That provision has to be amended as a result of the new Ordinance.

I might say that the response to the question of the formation of companies has been very satisfactory, and since the

passing of my motion by the State Council, agreement has been reached over 22 routes. There are roughly over 30 to 32 routes. Agreement has been reached as regards the formation of companies; some of them have already been formed.

**\*Mr. B. H. Aluwihare (Matale):** How many have been registered?

**\*The Hon. Mr. Bandaranaike:** Actually some 6 or more. Since that date others have agreed. Although they are not registered, they have agreed—I understand the figure is over 22—to form companies and run buses on these routes.

**\*Mr. Aluwihare:** I am afraid that that is to get tyres.

**\*The Hon. Mr. Bandaranaike:** I do not know. However, 6 have agreed. That is a satisfactory feature.

I should also like to state that in this matter I do not think that either the public or the House can lay the charge at the door my Executive Committee or myself that we have followed the tendency that was somewhat deplored in this House before, of trying to rush through important legislation on the footing that it is emergency legislation or legislation necessary for the war, without due consultation and explanation to the House.

I gave the House the assurance some time ago that if and when these schemes come forward, the House would be consulted without my acting at any moment over their heads and behind their back. A motion was introduced in this House which was fully debated so long ago as last July. This Bill now comes before this House. I would like to point out that as it is desirable that these licences should be dealt with by the end of this year, it is necessary that this Bill should be disposed of at least at this session of the Council—not to-day, of course.

**Mr. Susanta de Fonseka (Panadura):** How can you do that?

**\*The Hon. Mr. Bandaranaike:** I do not know how you can do it. But the point has been fully discussed. I am not even asking that all stages of this Bill should be passed to-day. I am perfectly willing to meet hon. Members if they want to take the Committee stage of this Bill on a subsequent day this week. But I do earnestly ask—and I think hon. Members will feel that that request is not

[The Hon. Mr. Bandaranaike.] unreasonable in view of the steps taken already—that this matter be dealt with in the course of this week.

I do not think it would be unreasonable if I were to put forward this request, that the Bill should be passed this week, because if it is postponed till November, it simply does not give us any time or any opportunity whatsoever to take the various steps that have to be taken. Applications have to be called for; the forms have to be prepared; applications have to be dealt with; appeals have to be heard, and so on. Everything will have to be dealt with by the end of December. I again very earnestly place before the House this point, that there has been no attempt in any way unreasonably to rush hon. Members in view of the fact that on the previous motion that was introduced most of the issues involved were fully discussed.

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

Question put accordingly, and agreed to.

Bill read the first time.

\***The Hon. Mr. Bandaranaike:** My suggestion is that we take the second reading now, and that the Committee stage be taken up on a subsequent date.

**Mr. Speaker:** Does the Hon. Minister therefore move to suspend Standing Orders to enable him to move the second reading of the Bill now.

\***The Hon. Mr. Bandaranaike:** Yes, Sir.

Question proposed from the Chair.

**Mr. Susanta de Fonseka:** I rise, Sir, to oppose that motion, that the second reading be taken up to-day. I do not want the Hon. Minister for a moment to feel that I am trying to obstruct the passage of the Bill. I have already assured the Hon. Minister that so far as I am concerned I am entirely in favour of this legislation as the Council has accepted the principle underlying the Bill.

But, Sir, I have a large number of amendments to bring up myself in due course. This Bill was published only about four days ago, and most of us

opposed the principle in the early stages have had no time to consult the parties affected by this Bill. I trust that, in the circumstances, the Hon. Minister will not press, and the House will not agree, to his request to take up now the second reading, which involves several principles I admit that most of our objections have already been met, but so far as the Clauses themselves are concerned, we would like to be in a position to consult those who know these matters a little more before we take up the second reading.

I hope the Hon. Minister will not press his request.

\***Mr. Aluwihare:** May I support the hon. Member, and in doing so I might say that it might be true that this legislation is urgent, but I do think that the Ministers might do us the courtesy of allowing us to have these Bills earlier when they mean to move all three readings at a sitting. As a matter of fact, these Bills came to us on Thursday, but most of us were away from Colombo for the week-end and we did not know that a Bill of this importance was being taken out of its ordinary course. I would ask that we be given the chance of studying a Bill like this. For myself, I happened to have come back for the Council meeting and I saw it this morning.

**Mr. Speaker:** What does the Hon. Minister say?

\***The Hon. Mr. Bandaranaike:** I do not wish to stand in the way of the reasonable request put forward by the hon. Members, and I do not mind the second reading being taken up to-morrow.

\***Mr. Aluwihare:** We can meet again as soon as the Minister likes—next week or so.

\***The Hon. Mr. Bandaranaike:** Already a motion has been passed adjourning the House till November, on the conclusion of business this week.

\***Mr. Aluwihare:** Yes; we will meet early in November.

\***The Hon. Mr. Bandaranaike:** I would earnestly request the House to consider the fact that that will be too late.

\***Mr. Aluwihare:** Let us meet some time next week.

**\*The Hon. Mr. Bandaranaike:** The House has already agreed to meet in November. I do not think most of Members will agree, after the third reading of the Appropriation Bill, to meet earlier than the usual period for which they adjourn. Therefore, I would appeal to hon. Members; I do not mind meeting them as far as I am able to by putting off the second reading till to-morrow.

**Mr. Speaker:** To-morrow is Private Members' day.

**\*The Hon. Mr. Bandaranaike:** Then, Thursday.

**Mr. Susanta de Fonseka:** With your permission, Sir, may I point out that the Hon. Minister's request to have the second reading this week can only be on the footing that a Committee of the whole House will consider this Bill? May I also point out that this is a Bill which falls particularly within Standing Orders 72 (1), and I believe 73 (1), which deal with Bills affecting private persons and the individual rights and interests of people affected? In those circumstances I think it is only proper that we should allow this Bill to go either to a Standing Committee of this House or to a Select Committee and the representations of people who are affected by this Bill should be heard. I hope the Hon. Minister will see the importance of it. For better or for worse, we are making a radical change.

**\*The Hon. Mr. Bandaranaike:** I shall consider the question of the Committee to which the Bill should be referred. Already representations have been made. Even if it was referred to a Committee of the whole House, I was under the impression that a Committee of the whole House, if it so desires, could hear representations, although we have nothing in our Standing Orders one way or another on that point. If hon. Members will take up the second reading to-morrow, we will see at the conclusion of the second reading what the wishes of the House are and what suitable arrangements can be made with regard to the proceedings at the Committee stage. I have no objection to that.

**Dr. A. P. de Zoysa (Colombo South):** Might I point out that owners who are affected by this measure have written to

the Minister asking for permission to make representation, and they have been told to write to the Clerk of the Council and the Clerk has informed them that the Bill was going before a Committee of the whole House and therefore their representations could not be made, while in minor matters the House had given permission to those who are interested in measures such as this to make representations?

**Mr. Speaker:** The question at present is about the second reading of the Bill only and not about reference to a Committee.

**Dr. de Zoysa:** Yes; if it is hurried through, the Committee stages will be taken up early this week, and that would mean denying these people the right of making representations.

**\*The Hon. Mr. Bandaranaike:** I shall consider that question. As to how far they are going to be denied the right of making representations, may I say that I had no intention whatsoever that they should be denied that right. The only question now is whether the second reading should be put off till to-morrow.

**Mr. Speaker:** If the Hon. Minister is unable to come to an understanding, I shall put the question to the House.

**\*The Hon. Mr. Bandaranaike:** I do not object to the second reading being taken up to-morrow.

**The Hon. Colonel J. L. Kotalawala (Minister of Communications & Works):** To-morrow is Private Members' day.

**Mr. H. R. Freeman (Anuradhapura):** To-morrow is Private Members' day. Government has had Private Members' days for weeks and weeks, and I do not think the House will give up to-morrow. Government cannot steal another day from us.

Question, "That the relevant Standing Orders be suspended to enable the second reading of the Bill to be taken up forthwith", put, and *negatived*.

**\*The Hon. Mr. Bandaranaike:** Then, Sir, I want the second reading to be definitely fixed for a certain date.

**Mr. Speaker:** That is, in November?

\***The Hon. Mr. Bandaranaike:** No, next Thursday.

**Mr. Speaker:** Does the House agree to take up the second reading on Thursday? [MEMBERS: To-morrow]—The Hon. Minister can give notice that he will take up the second reading at the next meeting of Council.

\***The Hon. Mr. Bandaranaike:** Let us fix it definitely.

**Mr. Speaker:** The Hon. Minister will be entitled to have the second reading taken up to-morrow or the day after, if he gives notice.

\***The Hon. Mr. Bandaranaike:** Cannot that be decided now, if the House so wishes?

**Mr. Speaker:** Unless there is a motion, I cannot ascertain the wishes of the House.

**Mr. D. Wanigasekera (Weligama):** I move that the second reading be taken up to-morrow.

**Mr. H. W. Amarasuriya (Galle):** I second the motion.

\***Mr. Aluwihare:** Under our Standing Orders, can a Private Member move that Private Members' day should be taken up for Government business?

\***The Hon. Mr. Bandaranaike:** If there is a difficulty about that, I move that it be taken up to-morrow.

\***Mr. T. B. Jayah (Nominated Member):** I think already a sufficient number of arguments have been urged by the hon. Member for Panadura (Mr. Susanta de Fonseka) as to why this Bill should not be rushed through. If it were necessary to rush it through, we might do it to-day instead of putting it off till to-morrow. It looks as if the Hon. Minister has not taken the arguments urged into consideration. After all, this is a very important Bill and many interests are affected. Hon. Members will remember that when the original motion was brought up, I supported it. But in this case I feel that we should not turn down the very reasonable request that the second reading should not take place to-morrow.

Question put, "That the second reading of the Bill be taken at the next sitting".

The Council divided (under Standing Order 68): Ayes, 20, Nöes, 16.

### WAR GIFTS (EXEMPTION FROM ESTATE DUTY) BILL.

The following item stood upon the Orders of the Day:

The Financial Secretary to move,—

That the Bill intituled "An Ordinance to exempt from Estate Duty gifts made for war purposes or to War Funds during the period of the present emergency", be now read the first time.

#### *Observations of the Financial Secretary.*

Under the existing law estate duty on gifted property is payable by the donee and is a charge on the property gifted. In cases where the gift is made direct to the Crown such property is exempt from Estate Duty as the Crown is the donee, but it must be aggregated with the property left by the deceased, if the gift has been made within three years of the death, and this may result in a higher rate of duty being chargeable on the estate than would otherwise be the case.

2. The extent of the loss to revenue which the Bill would cause cannot be estimated with any pretence of accuracy, but it would in any case be small, and the proposed relief is fully justified.

#### *Report of the Board of Ministers.*

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

**The Hon. Mr. H. J. Huxham (Financial Secretary):** I rise to move the motion standing in my name.

The effect of this Bill is not important, but it is desired to make sure that any person who makes a substantial gift for war purposes or to war funds, and is unfortunate enough to die within three years of making such a gift, will not have the uncomfortable reflection that his estate will be liable to the higher rate of duty than would be the case if the gift



he has made were omitted. It is, therefore, proposed to omit that gift from the value of the estate.

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

Bill read the first time.

**The Hon. Mr. Huxham:** I give notice that I shall move the second reading of the Bill at the next sitting.

**\*Mr. Aluwihare:** Does this mean that the Hon. the Financial Secretary is also going to take up some time of the House to-morrow?

**The Hon. Mr. Huxham:** I would like to take this Bill immediately after the Omnibus Service Bill of the Minister of Local Administration.

**\*Mr. Aluwihare:** It means that Private Members' motions will practically be ruled out to-morrow.

**Mr. Speaker:** It may not be taken up to-morrow; very probably it may be taken up the day after.

**\*Mr. Aluwihare:** Should not the question whether Private Members' day should be taken up for Government business come before us as a motion?

**Mr. Speaker:** This Bill will not be taken up to-morrow.

**\*Mr. Aluwihare:** Incidentally, to do away with Private Members' day, is I think—

**Mr. Speaker:** That question is not before us.

### MUNICIPAL ELECTORAL LISTS (TEMPORARY PROVISIONS) BILL.

**\*The Hon. Mr. Bandaranaike:** I move,—

That the Bill intituled "An Ordinance to provide for the suspension of the operation of the provisions of the Colombo Municipal Council (Constitution) Ordinance which require the annual revision or preparation of electoral lists", be now read the first time.

This is a very small Bill which has been necessitated by the fact that under the existing law the Municipal electoral lists have to be revised every year. The suggestion made is that annual revisions like this need not be made, with all the necessary steps that have to be taken in view

of the great difficulties in the way of doing so, particularly as a result of all these officers being engaged in various other work.

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

Question put accordingly, and agreed to.

**\*Mr. Aluwihare:** Surely this Bill is not urgent?

**\*The Hon. Mr. Bandaranaike:** This Bill has become very urgent because some of the steps necessary should have been taken months ago long before September.

**\*Mr. Aluwihare:** If it is so urgent as all that, the Hon. Minister should have taken action earlier. It becomes urgent only here.

**Mr. Speaker:** What is the motion that the Hon. Minister wants to bring forward?

**\*The Hon. Mr. Bandaranaike:** I move that leave be granted to suspend the relevant Standing Orders to enable me to move forthwith that the Bill be read a second time now.

**\*Mr. Aluwihare:** I oppose the motion, because, if these matters are urgent, both the Municipal Council and the Hon. Minister should have been aware of the urgency long before they came before the House. Months are allowed to elapse, and the thing becomes a matter of hours and minutes only when it has to be considered by us. I would ask the Hon. Minister to consider that point of view.

**\*The Hon. Mr. Bandaranaike:** I entirely appreciate the point of view that the hon. Member has put forward, but owing to the Budget discussions and the fact that I did not receive this Bill from the Legal Draftsman earlier, it could not be brought up before this. I regret it.

Question put, "That leave be granted to suspend the relevant Standing Orders to enable the Hon. Minister to move forth with 'That the Bill be now read a second time'".

The Council divided (under Standing Order 68): Ayes, 17; Noes, 3.

Leave being granted—

**\*The Hon. Mr. Bandaranaike:** I move, Sir, that the Bill be now read a second time.

Question, put accordingly, and agreed to.

Bill read a second time.

**\*The Hon. Mr. Bandaranaike:** With the approval of the Board of Ministers I move that the Bill be referred to a Committee of the whole Council.

Question put, and agreed to.

*In Committee—*

MR. SPEAKER presided as Chairman.

Clauses 1 to 3 ordered to stand part of the Bill.

Enacting Clause and Title ordered to stand part of the Bill.

**\*The Hon. Mr. Bandaranaike:** I move that the Council do now resume.

*The Council having resumed—*

MR. SPEAKER took the Chair.

**\*The Hon. Mr. Bandaranaike:** I move that the Bill be now read the third time.

**\*Mr. Aluwihare:** On a point of order. There has not been sufficient notice given of the motion, because the footnote to the item says:

"The mover will introduce a motion to suspend the Standing Orders to enable all stages of the Bill to be proceeded with on the same day. After the Bill has been read a second time a motion will be introduced to refer the Bill to a Committee of the whole Council. The approval of the Board of Ministers under Standing Order 77 (b) has been obtained for the purpose."

This footnote says nothing about the third reading.

**Mr. Speaker:** The third reading follows as a matter of course.

**\*Mr. Aluwihare:** But this is a motion.

**Mr. Speaker:** It is in order.

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

Bill read the third time, and passed.

#### †NOTARIES (AMENDMENT) BILL.

The debate on the following motion of the Hon. Mr. G. C. S. Corea, Minister of

Labour, Industry and Commerce) was continued:

"That the Bill intituled 'An Ordinance further to amend the Notaries Ordinance' be now read a second time."

**\*Mr. Aluwihare:** I understand that this Bill is to some extent the result of agitation by some of the Notaries themselves. But there are two points on which one feels rather apprehensive in regard to the whole policy of the Government in this matter. The first is, we have to remember, that most of the people in the rural areas anyway do not understand English, do not speak and much less do they write English. Therefore, it is very essential that the execution of deeds written in the vernacular should be rather encouraged than discouraged.

It very often happens, Sir, in our part of the country at least, that when people are confronted particularly with transfers or deeds of gifts, they say, "The deed of gift was written in English. Something was translated to us; we did not know exactly what was said, but we thought it was all right; and there is our thumb-print or our cross. We trusted the man. The deed was written in a different language; we did not understand it. We did not understand the full import of what we signed". Now, that is a grievance which very often, I think Members who practise in outstation Courts do come across.

The policy of the Government seems to be to increase the number of deeds written in English and to give every facility to the Notary who writes his deeds in English at the expense of the man who writes deeds in Sinhalese or in Tamil. In the first place, litigants, when they have to produce deeds in Court, are compelled to translate them at expense and file them of record. Secondly, you will find here that Notaries who write their deeds in Sinhalese and Tamil are not given the same privileges or the same facilities as their brother Proctor-Notaries who generally practise in English.

What actually happens is this: it has ceased to be the practice, although it was

† For the Observations of the Financial Secretary and the Report of the Board of Ministers, see the GAZETTE of August 31, 1942.

the legal requirement, that at the time at least of the taking of instructions and writing of the deeds, the Proctor-Notary attends at his office; he really has not got the time to do it. The clerk takes instructions; the deed is written by the clerk, and all that happens generally is that, if the Proctor-Notary is very scrupulous, he takes care that he is present at the signature to the deed. Sometimes, I have little doubt, even that does not happen. You will find that that is a statement of fact which has been found even by the Registrar-General. I believe hon. Members will find quotations from the Registrar-General's Report, at the end of the petition which has been circulated to Members.

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

#### MOTOR REGULATIONS.

\*The Hon. Mr. Bandaranaike: I move,—

That the Regulation made by the Executive Committee of Local Administration under sections 80 (1) and 174 of the Motor Car Ordinance, No. 45 of 1938, and tabled at the meeting of the State Council held on September 1, 1942, be approved.

Question put, and agreed to.

\*The Hon. Mr. Bandaranaike: I move,—

That the 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, and tabled at the meeting of the State Council on September 22, 1942, be approved.

Question put, and agreed to.

#### POOR LAW RULES.

\*The Hon. Mr. Bandaranaike: I move,—

That the rule made by the Executive Committee of Local Administration under section 31 of the Poor Law Ordinance, No. 30 of 1939, amending the Poor Law (Municipal Councils) Rules, 1940, and tabled at the meeting of the State Council on September 22, 1942, be approved.

Question put, and agreed to.

#### MOTOR CAR REGULATIONS.

\*The Hon. Mr. Bandaranaike: I move,—

That the regulation made by the Executive Committee of Local Administration under sec-

tions 164 and 174 of the Motor Car Ordinance, No. 45 of 1938, and tabled at the meeting of the State Council held on September 22, 1942, be approved.

Question put, and agreed to.

#### URBAN COUNCIL BY-LAWS.

\*The Hon. Mr. Bandaranaike: I move,—

That the by-law made by the Kotte Urban Council under sections 166 and 170 of the Urban Councils Ordinance, No. 61 of 1939, and published in *Gazette* No. 9,001 of September 4, 1942, be not disallowed.

Question put, and agreed to.

#### APPROPRIATION BILL, 1942-43.

Mr. H. E. Newnham (Nominated Member): Item 18 is merely a formal matter. The House might deal with it.

\*The Hon. Mr. Bandaranaike: It is not fair. The Acting Leader who was to move this item has been suddenly called away, and as the Budget is an important matter I rather hope that the House will not take it up suddenly like this.

\*Mr. Aluwihare: There is nothing that will be opposed in the Budget.

Mr. Speaker: Everything has been passed.

#### ADJOURNMENT.

\*The Hon. Mr. Bandaranaike: I move that the House do now adjourn, because all unopposed business has been dealt with.

\*The Hon. Mr. C. W. W. Kannangara (Minister of Education): I wish to mention a motion—

\*Mr. Aluwihare: That is opposed.

\*The Hon. Mr. Kannangara: I only wish to ask that it be taken up to-morrow, because if Council adjourns to-morrow—

Mr. Speaker: The Hon. Minister may bring it to the notice of the House to-morrow.

\*Mr. Aluwihare: Why are not Ministers aware of the urgency of business?

Mr. Speaker: The motion is that the House do now adjourn.

**\*Mr. S. Samarakody (Narammala):** You will remember, Sir, that during the last session of Council a very important debate took place in this House on the imposition of a ban on public meetings. In the course of that debate, it was quite apparent that Members were thoroughly disappointed with the manner in which the Acting Minister of Home Affairs had acted by allowing himself to be jockeyed into the position of receiving instructions from the Inspector-General of Police.

The situation to-day is that he has simply carried out the provisions of the order made under the Defence Regulations and exempted only certain public meetings; that is, religious meetings, processions, and any meetings convened and conducted by a Member of the State Council. A few such meetings are exempted, but nevertheless the ordinary man in the street cannot call a meeting in any of the Provinces in question except with the fiat of the Minister of Home Affairs.

Now, the Hon. Acting Minister of Home Affairs must realize that this House gave him specific directions that he must specify the kind of meeting he had in mind. If it was in regard to estate labour, he should say that meetings convened for the purpose of inciting the labourers are banned, and he ought to allow the ordinary man in the street to hold a meeting if it is lawfully convened for a lawful purpose.

Sir, I am very disappointed to find that the Hon. Acting Minister has simply been bluffing the House and also flouting the decision of the House. Instead of telling the authorities who may be forcing his hands, "I will have nothing to do with it. You had better do it under the Defence Regulations or whatever it may be. I cannot do anything, especially after the House has passed a resolution by a large majority condemning the ban"—instead of doing that, he has gazetted the same rigmarole in regard to the exceptions that he explained to us the other day.

On the last occasion, it was rightly pointed out that it was not the Governor or the Commander in Chief or the higher authorities who wanted those regulations, but that it was the Inspector-General of Police who had held a pistol at the Minister and said, "Look here, I want the

regulations passed by to-morrow; otherwise something disastrous is going to happen". If that is the way that Elected Ministers are treated by Heads of Departments, then it is best for the Ministers, if they are not prepared to do the dirty work for the higher authorities, to allow that type of work to be done by the three "Policemen"; the Elected Ministers ought to have nothing to do with it.

But on the contrary, I find that the Hon. Acting Minister has practically acquiesced in the matter and he wants the ban to continue. He has defied the decision of the House, and unless some satisfactory settlement is arrived at, I shall give notice of a motion of censure on the Minister of Home Affairs.

**\*Mr. S. Abeywickrama (Uduagama):** I would like the Minister to answer that question first, because mine is on a totally different point.

**The Hon. Mr. A. Mahadeva (Acting Minister of Home Affairs):** I am waiting for other Members to speak so that I can reply to all of them at the end.

**Mr. H. W. Amarasuriya (Galle):** After the passage of the motion in this Council condemning the order in question, I took it for granted that the Minister of Home Affairs would withdraw those recommendations of the Executive Committee which he had placed before the Council. Everybody expected him not to send up those recommendations to the Governor, in view of the decision of the State Council. In fairness to the Acting Minister, I must say that he sent up to the Governor both the recommendations of the Executive Committee and the decision of the State Council and asked the higher authorities to make their own decision in the matter.

I would have certainly preferred the Acting Minister not to have forwarded those recommendations of the Executive Committee. I would like to know whether that does not amount to flouting the decision of the State Council. If the Executive Committee had met after the decision of the Council had been arrived at, I do not think the Committee would have made those recommendations. As a Member of the Executive Committee of Home Affairs, I dissented from the original decision of the

Executive Committee and even at this stage I consider that there was really no justification for sending up those recommendations to the Governor because those recommendations were considered by this House as an amendment to the resolution of the hon. Member for Narammala (Mr. Samarakkody).

In the circumstances, I hope the Minister of Home Affairs will give the necessary explanation in defence of himself.

**\*Mr. Abeywickrama:** As the Hon. Acting Minister can speak only once on this motion, I would like to ask my questions at this stage. I handed these two questions to him in the morning so that he might have the answers ready:

In view of the widespread reports of assaults by Police officials on members of the public, will the Minister of Home Affairs be pleased to state what effective action he proposes to take to check this growing menace?

Will the Minister also state what is the punishment accorded to such Police officials if it is proved that they have committed assaults on members of the public?

I was prompted to ask these questions by various reports that have reached us regarding the unruly behaviour of members of the Police Force, who are alleged to take innocent people to Police Stations and there assault them for no reason at all. Even from your own district, Sir, there are reports, which we have read in the papers, about members of the public being waylaid and taken to Police Stations, where arrack is poured down their throat so that later they may be charged, if necessary, with drunken and disorderly behaviour on the public road.

Very often it happens that when Police Constables are going on their night rounds they get hold of innocent members of the public and take them to the Police Station. In the morning, if any friend or relation of the party goes to the Police Station to find out what had happened, or when a complaint is made against the Police, somehow or other a charge is made overnight against the innocent party who, in the meantime, has been put in the Police cell as a blind to meet the complaint made against the Constables.

The situation has become intolerable. When a man has been taken to the Police Station, and when relations go there to

see him, what happens is that a charge is brought against the man and he is fined Rs. 5 the next day in the Courts, and the Police Constable is saved from the consequences of his actions. Even Sub-Inspectors of Police are guilty of these acts. I dare say officers higher up—Superintendents and Assistant Superintendents—are not guilty of these practices, but the country should be saved from the Sub-Inspectors, Constables and Sergeants in the Police Force.

The day before yesterday, when I was at home and asleep at 12 midnight, a Village Committee Chairman came and complained to me that his brother-in-law had been taken to the Police Station at Baddegama and assaulted. I told him to make his complaint to the Inspector. He could not get at the Inspector. I telephoned to the Sergeant in charge of the Police Station and asked him, "What is the charge against the man?" He replied that the man had abused the Headman and that therefore he had been arrested and taken to the Police Station. I went to the station and asked the arrested man, "What is your complaint?" and he told me, pointing to the Constable "This gentleman assaulted me on instructions from the Headman". The man's hands were tied; and he was taken to the Headman's house at 3 A.M. Thereafter they detained him, and the Police Constable had assaulted him and taken him and locked him up at the Police Station.

Later, when I made a complaint, the Inspector held an inquiry, and informed me that the charge against the man was that he was drunk and disorderly. Anticipating the charge, I had asked the Inspector to hold the inquiry to smell the man, and it was found that he did not smell of liquor. He had taken no liquor—in fact he was starving for want of food. These starving people are taken to Police Stations and locked up on concocted charges.

This is the complaint all over the Island—in Matara, Galle, Ambalangoda, Jaffna—in every part of the country. We expect a great deal from the progressive Acting Minister of Home Affairs. This is a very important matter, and I hope he will put his best foot forward and

[Mr. Abeywickrama.]  
save the country from these "marauders" in the Police Force. I would like to have an answer to the two questions I have asked, and I would appeal to the Minister to save the poor people from assaults at the hands of men whom they feed. They are paid from the votes passed by this Council.

**Mr. S. Natesan (Kankasanturai):** There have been many serious complaints made recently about the abuse of authority by Police officers in the Northern Province, and I am glad that the hon. Member has referred to Jaffna. You will remember, Sir, that two Magistrates in Jaffna have passed very severe strictures on the conduct of the Police officers who figured in certain cases before them. There have been several unsavoury complaints made to the Minister of Home Affairs, and I am glad that he was in Jaffna recently where he personally heard the views of prominent members of the public who interviewed him.

I wish to draw attention particularly to a resolution recently passed by an association in Jaffna at a public meeting held there, asking that there should be a Commission appointed to investigate the excesses committed by the Police Department. I hope that the Minister will give practical shape to this resolution and appoint a Commission. I would like to know what he intends to do in the matter.

**The Hon. Mr. Mahadeva:** I do not know whether any other Member wishes to speak. I do not like to reply at this stage, before other Members have spoken, as I would not have a chance of replying to points made by speakers who follow me. I would like at this stage to reply only to the questions raised by the hon. Member Udugama (Mr. Abeywickrama) and the hon. Member for Kankasanturai (Mr. Natesan).

\***Mr. Samarakkody:** What about my question?

**The Hon. Mr. Mahadeva:** After I hear what other Members have to say I shall reply, as I will not have a chance of speaking again.

**Mr. Susanta de Fonseka (Panadure):** May I interrupt the Hon. Acting Minister? He cannot get up again to speak.

**The Hon. Mr. Mahadeva:** Then I will sit down.

**Mr. Speaker:** If no other Member wishes to speak, the Hon. Acting Minister will reply.

**Mr. G. A. H. Wille (Nominated Member):** I wish to make a remark or two about the modified order regarding public meetings. As I understand that modified order, the modifications were made by His Excellency the Governor only in deference to the wishes of the Executive Committee of Home Affairs. It has been said that because the Executive Committee of Home Affairs participated in some way in the modified order, therefore, there should be a vote of censure on the Acting Minister of Home Affairs. I cannot understand that argument. The Governor is part of our Constitution—whether we like it or not—and the Defence Regulations are also part of the Constitutional machinery in the present conditions. [MEMBERS: No, No!] Hon. Members may say "No", but it is obvious that the Defence Regulations are part of the Constitutional machinery of the Government at the present time. We have to face the fact that the Governor has issued the original order as well as the modified order on his own responsibility.

What is the good of our saying that the Minister of Home Affairs should not have taken part in any way in making these orders? That is inviting him to non-co-operate with the Governor. I do not think that that is a Constitutional attitude at all. I trust that we shall desist from pursuing the matter further.

**The Hon. Mr. Mahadeva:** I will first deal with the questions raised by the hon. Member for Udugama (Mr. Abeywickrama) and the hon. Member for Kankasanturai (Mr. Natesan). I am sorry to admit that reports of alleged assaults by the Police are being received daily by me, and also that reports of such alleged assaults appear very frequently in the public Press.

At present the procedure is this: when any complaint reaches me I forward it to the Inspector-General of Police for inquiry and report. He in turn, for the purpose of the local Police officer—the

chief of the local Police—for investigation and report. The results of these investigations, I find, as a rule, are a report to the effect that the allegations made have not been substantiated; and on reading through the notes of inquiry it is not possible for me to say that the finding on the evidence recorded is incorrect.

However, it must be admitted that there is a general impression that the procedure followed is unsatisfactory. For more than one reason, the public appear to wish in several instances that complaints should be investigated by other than Police officers; and also they feel in many cases that the complaints cannot be properly inquired into as long as the Police, against whom those complaints are made, are retained in the station because they feel that the available evidence will be tampered with.

Sir, I feel it is very important to devise some method which would give satisfaction and confidence to the public in these inquiries. I have an item on the Agenda of my Executive Committee for to-morrow's meeting. I do not know whether the matter can be tackled to-morrow itself, but there is an item which invites my Executive Committee to find out whether a more satisfactory method can be devised of investigating into these complaints. I would invite the co-operation of all Members of this House to assist me, if possible, with ideas which I can also submit to my Executive Committee.

As regards the second part of the question—what the penalty awarded to Police officers who are found guilty of assaulting prisoners while in custody is—I believe it is dismissal. But the difficulty, generally, is in establishing that an assault had taken place.

As regards the question which was raised by the hon. Member for Naram-mala (Mr. Samarakkody), the House will remember that it expressed its disapproval of the original order made under the Defence Regulations. I had a duty to perform when that occurred. My duty, as I conceived it to be, was to submit the decision of this House to His Excellency the Governor and also to bring to His Excellency the Governor's notice the decision arrived at by my Executive Committee and the amendments they thought necessary.

Whatever my own views are as to the proper method of dealing with the situation, I did not go to the extent of backing my Executive Committee's decision because I wanted His Excellency the Governor not to be hampered by any advice from me as Minister. I merely contented myself with reporting to His Excellency both the decision of this House and the decision of my Executive Committee. What has been the result? Admittedly, Sir, the result has been that more latitude is given to-day for holding meetings than existed under the original order.

I am not responsible for the Defence Regulations. If the House thinks that I must be punished for the acts of others—I will not say "being made the scape-goat"—it means only vacating a seat on the front benches. Perhaps my hon. Friend had better move a vote of censure on the Acting Home Minister if he is not satisfied with him.

I only want to ask some of these hon. Members whether it was an act of mine. Whose act was it? Was there any advice tendered, in the second instance? In the first instance, I admit I tendered, that advice, and whatever the House did, it expressed its opinion; I hoped that the episode was considered closed in view of the emergency that existed. Thereafter a new situation arose, and if they think that I am to be blamed for the decisions of others, I am prepared to take the blame.

I remember, a very similar incident arose in the course of a resolution adopted by this House. The House passed a resolution by a fairly substantial majority, asking for the release of the detenus. To satisfy myself as to what the precedent was on that occasion—

**Mr. Samarakkody:** No advice was tendered on that occasion.

**The Hon. Mr. Mahadeva:** Exactly so. I followed that precedent and tendered no advice. These are His Excellency the Governor's acts, when the House said as I understood it to have said, that no preventive action should be taken in advance, I felt that it was up to me only to submit the resolution adopted by the House. I do not know what more I could have done in the matter.

I may mention that this matter was discussed by the Board of Ministers this morning, and there the decision was

[The Hon. Mr. Mahadeva.]  
arrived at that preventive action was necessary in advance. The methods have not yet been discussed, and, as soon as a decision is arrived at, I shall submit the decision of the Board of Ministers to His Excellency the Governor.

What farther can I do? The matter must be left for the Governor's decision. Even the recommendations of the Executive Committee of Home Affairs, I wish to point out, were not adopted by

the Governor *in toto*. He departed in certain respects from those recommendations, as he had a perfect right to do. I can usefully add nothing more. I am always anxious to meet the wishes of this House, but what do they expect of me when the matter is not in my hands?

*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 23, 1942.*