

The State Council of Ceylon.

No. 61.

November 4, 1942.



DEBATES

SESSION OF 1942.

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STATE COUNCIL OF CEYLON.

Wednesday, November 4, 1942.

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

PETITIONS.

Mr. R. S. Tennekoon (Katugampola): I rise, Sir, to present a petition from Wardu Vidanalage Punchi Naide of Karambalana in my electorate. He says that in 1918 he bought a land, and it was surveyed in 1926. He claimed the land before the Settlement Officer, but it was declared Crown land. He prays that it be given back or transferred to him.

NOTICES OF MOTIONS.

Mr. H. A. Goonasekera (Balangoda): I rise, Sir, to give notice of the following motion:

That this Council is of opinion that the D. B. C. road leading from the Palawela P. W. D. road to Kukul korale P. W. D. road via Kiriella village, a distance of about 5 miles, be handed over to the P. W. D. as this connection will serve several out of the way villages in the Nawadun and Kukul korales in Ratuapura District.

BRITISH SOLDIERS' AND SAILORS' INSTITUTE OF COLOMBO (AMENDMENT) BILL.

The following item stood upon the Orders of the Day:

The Chief Secretary to present under Standing Order 71 (5) the following joint-report of the Chief Secretary and the Executive Committee of Labour, Industry and Commerce on the Bill intituled "An Ordinance to amend the British Soldiers' and Sailors' Institute of Colombo Ordinance":—

Joint Report.

The Chief Secretary and the Executive Committee of Labour, Industry and Commerce consider the proposed legislation desirable.

The Hon. Mr. R. H. Drayton (Chief Secretary): I present, under Standing

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

Order 71 (5), the joint report of the Chief Secretary and the Executive Committee of Labour, Industry and Commerce, on the Bill intituled, "An Ordinance to amend the British Soldiers' and Sailors' Institute of Colombo Ordinance".

Mr. H. E. Newnham (Nominated Member): Sir, I rise to move the second reading of the Bill intituled "An Ordinance to amend the British Soldiers' and Sailors' Institute of Colombo Ordinance", standing in my name, the report on which has just been presented by the Hon. the Chief Secretary.

The object of the Bill is to enable the present British Soldiers' and Sailors' Institute to extend its activities outside Colombo to which it is restricted by the present Ordinance. There has been an Institute of this kind in the country for the last sixty years. The present building was erected some twenty years ago, partly from public subscriptions, and partly from a vote of the Legislative Council. The activities of this institute are restricted to Colombo at the present time, and it is anxious to be able to extend the same kind of work to Trincomalee, possibly to Galle and to other places outside Colombo.

The opportunity is taken to extend its activities to the Air Force as well as to the soldiers and sailors who are specified at the present time. The object of this Institute, under the present Ordinance, is to provide the privileges of club life for soldiers and sailors ashore in Colombo and the Institute "shall be maintained for the use of British Soldiers and Sailors without any distinction as to colour or race".

This Bill is brought up merely to permit an extension of the work being done at present.

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

Bill read a second time, and allocated, under Standing Order 77 (b), to Standing Committee "B".

PUBLIC SERVICE MUTUAL PROVIDENT ASSOCIATION (AMENDMENT) BILL.

Mr. G. A. H. Wille (Nominated Member): I rise to move,—

"That the Bill intituled "An Ordinance to amend the Public Service Mutual Provident Association Ordinance" be now read the first

[Mr. Wille.]

The present Ordinance provides that certain of the Committee Members of the Association may be ex-officio members. But when any of the posts that are held by ex-officio members are abolished, then the provision fails so far as the appointment of these members goes. What is proposed now is that the Governor should nominate certain members of Civil List standing in the place of ex-officio members.

Then there is another provision in the new Amending Bill, namely, that the accounts of the Association may be audited by the Auditor-General. The present provision is that the Auditors may be appointed by the Association. There are also certain verbal consequential amendments.

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

Question put accordingly, and agreed to.

Bill read the first time, and referred, under Standing Order 71 (5), to the Financial Secretary and the Executive Committee of Labour, Industry and Commerce.

SENIOR SCHOOL CERTIFICATE (ENGLISH) EXAMINATION: PRIVATE STUDENTS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. Ratnayake,—

That this Council is of opinion that private students should be allowed to sit for the Senior School Certificate (English) Examination.

Report of the Executive Committee of Education under Standing Order 57.

The Executive Committee considered, at its meeting held on December 4, 1940, the situation created by the delay caused in holding the London Matriculation Examination by war conditions and resolved that as a temporary measure the local Senior School Certificate Examination (English) should be thrown open to private candidates, i.e., candidates who are not presented from an approved school, provided they have already

passed the Junior School Certificate Examination (English). Subject to this qualification there is no objection to the motion.

The Hon. Mr. C. W. W. Kannangara (Minister of Education): Sir, this motion has practically been accepted; the suggestion has practically been adopted. There is no necessity to postpone consideration of the motion; because of the absence of the mover.

Question put, and agreed to.

KUNDASALE-NATTARANPOTA- MAHAWATTE ROAD, &c.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. Ratnayake,—

That the following roads should be opened up by the D. R. C., Kandy, this year:—

- (1) Kundasale-Nattaranpota-Mahawatta road;
- (2) Palletalawinna-Paranagama road;
- (3) Waradiwela road;
- (4) Udatalawinna-Madige-Meegammana road.

The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands): I do not think that the Kandy District Road Committee is quite a Government institution; it is a private body. I do not know whether we can pass a resolution with regard to the activities of the Kandy District Road Committee, merely because we give a grant; it is not controlled by the Government. I do not know whether we should not consider that point, because our passing resolutions is not binding on it and will have no effect. The item, however, may be deferred.

Mr. Speaker: Does the Hon. Minister rise to a point of order?

The Hon. Mr. Senanayake: As the hon. Member is not here, I do not like to rise to a point of order.

Consideration of item deferred.

MAGISTRATES: KNOWLEDGE OF VERNACULAR AND CUSTOMS OF PEOPLE OF LOCALITY.

The following item stood upon the Orders of the Day:

To continue the debate on the motion† of Mr. A. Ratnayake,—

That this Council is of opinion that all Magistrates should be able to read and write the vernacular and should possess a good knowledge of the habits and customs of the people of the place.

The Hon. Mr. J. H. B. Nihill (Legal Secretary): I oppose this motion. I do not know whether the House wishes to proceed with it in the absence of the hon. Member who moved it.

***Mr. B. H. Aluwihare (Matale):** This is a very important motion.

Mr. Speaker: Do hon. Members want to debate this motion?

***The Hon. Mr. Kannagara:** We will defer it.

***Mr. Aluwihare:** I would like to point out one case to the Hon. the Legal Secretary.

The Hon. Mr. Nihill: If the hon. Member will take over for the mover of the motion, we will discuss it this afternoon.

The Hon. Mr. Senanayake: I think it is only fair that the mover should be present when we discuss the motion.

***Mr. Aluwihare:** I agree to the motion being deferred.

Mr. Speaker: The Clerk of the Council will write to the mover.

DIVISIONAL REVENUE OFFICERS: SELECTION BOARD.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of the Hon. Mr. G. E. de Silva,

That in the opinion of this Council the Selection Board for the appointment of Revenue Officers should be discontinued and that the selection

should be made on the same lines as it is being done in the case of the Civil Service.

Report of the Executive Committee of Home Affairs under Standing Order 57.

The Executive Committee of Home Affairs considered this motion at the meetings held on September 30 and December 4, 1940, and February 28 and May 14, 1941. A written communication sent by the mover was also considered at one of the meetings.

2. The scheme for the recruitment of Divisional Revenue Officers, which has already been accepted by the State Council, requires that a written and *viva voce* examination, on both of which marks are assigned, should be held and that a Selection Board should thereafter interview candidates who attain a certain high standard and make a selection based on the results of the written and *viva voce* examination.

3. The Selection Board is intended for the purpose of securing the appointment of candidates who are temperamentally and physically suited to stand the strain of the exacting field work expected of these officers. In the absence of a regular system of nomination for this examination the Executive Committee is of opinion that the Selection Board should not be dispensed with, as it considers that a safeguard of this nature would be desirable to provide for the remote contingency of a candidate, who is obviously unsuitable for this service, qualifying to enter in by reason solely of the fact that he had attained a high order of merit at the examination. In actual practice, there has been no occasion for the Selection Board to disqualify any candidate. In the selections hitherto made, candidates who attained a high order of merit at the examination and came within the number required for each area, were offered appointments in due course. There has accordingly been no deviation whatever from the order of merit at the examination.

4. In the circumstances, the Executive Committee is of opinion that the Selection Board for the appointment of Divisional Revenue Officers, which is a part of the scheme of recruitment approved by the State Council, should be

Report of the Chief Secretary under Standing Order 57.

I concur in the Report of the Executive Committee of Home Affairs.

The Hon. Mr. G. E. de Silva (Minister of Health): This matter is being discussed by the Executive Committee, and the discussion has not been concluded. The item might be deferred.

The Hon. Sir D. B. Jayatlaka (Minister of Home Affairs): The Executive Committee of Home Affairs is reconsidering the whole matter.

Question, "That the motion be referred back to the Executive Committee of Home Affairs for further consideration", put, and agreed to.

COCONUT BOARD.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. R. A. Razik,—

That in the opinion of this House the Coconut Board should be scrapped forthwith in the interest of the Coconut Industry.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion on March 4, 1941. Mr. Razik though invited was absent. The motion does not give precise reasons why the scrapping of the Coconut Board is in the interest of the industry. The Committee is of the opinion that the scrapping of the Coconut Board will not be in the interest of the industry, for the following reasons:—

- (1) Such evidence as is available tends to show that compulsory auctions have stimulated competition and have increased the comparative prices of copra received by the producer.
- (2) The Board has done useful work in the general interest of the industry and the scope of the Board's activities can be developed still further under the Ordinance.

(3) The producers, whose opinions were canvassed, prefer the continuance of the Board.

(4) The chief opposition to the Board comes from the buyers who naturally prefer market conditions which, in the absence of the Board, would enable them to buy produce with less competition.

(5) The amount of the cess is not unreasonable in view of the benefits derived.

Mr. Speaker: Is the hon. Member withdrawing this motion?

Mr. A. R. A. Razik (Nominated Member): I would like to know whether the Hon. Minister would withdraw the cess?

***The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry & Commerce):** I might have to consider the matter.

Mr. Razik: If the cess can be withdrawn, then I shall be satisfied.

Mr. Speaker: The Hon. Minister has undertaken to go into the matter, and meanwhile the hon. Member might withdraw his motion.

Motion, by leave withdrawn.

VILLAGE TRIBUNAL CLERKS: PENSIONABLE STATUS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. D. P. Jayasuriya,—

That this Council is of opinion that the posts of Village Tribunal Clerks should be made pensionable.

Mr. Speaker: Shall we go on with this motion?

***The Hon. Mr. Kannangara:** The Financial Secretary has reported against it.

***Mr. R. S. S. Gunawardana (Gampola):** This motion too might be deferred—[*Interruption.*]

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Mr. Speaker: There is a special exception made in the case of certain motions on account of the importance of the subject-matter.

The Hon. Mr. Nihill: There are two reports which show that the subject-matter of the motion is not of very great importance. There have been only four instances where the people affected desired to be made pensionable.

The Hon. Mr. Senanayake: This is a matter that might stand over. There are a number of Village Committee Clerks of different types. [A MEMBER: These are Village Tribunal Clerks.] I think we might defer this motion.

Mr. A. Mahadeva (Jaffna): On a point of order. Should this motion not

have the approval of the Board of Ministers, as it contains financial implications?

Mr. Speaker: This is a general recommendation.

***Mr. R. S. S. Gunawardana:** It is a pious wish!

Mr. Speaker: There is no specific vote proposed.

The Hon. Mr. Senanayake: I was thinking of giving Mr. Jayasuriya an opportunity of expressing his views before we come to a decision on this matter.

Question, "That the debate on the motion be adjourned", put, and agreed to.

EMPLOYMENT EXCHANGE.

The debate on the following motion of Mr. A. P. de Zoysa was continued:

That in the opinion of this Council the Employment Exchange should be closed down.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion at its meeting held on June 24, 1941, when Dr. A. P. de Zoysa was present on invitation.

2. The Government of Ceylon Employment Exchange was established as one of the essential elements of the campaign to alleviate unemployment. In addition, useful purposes are served by the fact that it enables an estimate to be formed of the unemployment existing in Colombo and so of the remedial measures necessitated. Indications are also obtained of the spheres of activity in which there is likely to be employment and also opportunity is provided of introducing Ceylonese into occupations which were hitherto regarded as the special preserve of non-Ceylonese. An examination of the activities of the Exchange under these various Heads will indicate to members of the State Council the value of the work performed.

3. In the first week after the establishment of the Exchange the registration of the "unemployed" was carried out in various centres in Colombo. Since that date registration has been undertaken regularly at the Exchange itself. The total registrations are as follows:—

	Colombo.	Suburban UCC.	Outstations.	Total.
1938-39 ..	18,246	3,950	3,969	26,165
1939-40 ..	4,923	1,029	95	6,047
1940-April, 1941 ..	2,440	195	10	2,645
	<u>25,609</u>	<u>5,174</u>	<u>4,074</u>	<u>34,857</u>

These figures are in process of revision and so far only those of 1938 to 1939 are being reviewed. Of these, 50 per cent. of those registered have not renewed their registrations when invited to do so and one may judge from this that some of them may have found employment.

4. Incidentally, the figures cannot be considered as an accurate estimate of the number of unemployed in Colombo as some already in employment may have registered their names hoping to obtain posts offering better conditions of employment.

5. Since its establishment in September, 1938, the Exchange has secured for the "unemployed" 10,689 situations permanent and temporary. This number is distributed as follows:—

1938-39	..	1,806	..	average of 5 persons a day	} excluding 832 relief workers
1939-40	..	5,983	..	do. 16 do.	
October, 1940-April, 1941	..	2,900	..	do. 14 do.	
		10,689			

Though suitability and fitness for the work required is the main test in the selection of persons for consideration by employers, every opportunity is taken to give prior consideration to those cases where selection for appointment would bring relief to the maximum number of dependants.

6. The total number of orders from employers received by the Exchange was—

1938-39	..	..	..	..	1,047
1939-40	..	..	..	..	1,686
October, 1940-April, 1941	..	..	..	..	812

Of these, 2,006 were from Government and 1,449 from other employers.

7. Reference should be made to the educative work the Exchange performs in introducing Ceylonese to employment hitherto regarded as reserved for non-Ceylonese. Special success has been achieved with regard to conservancy labourers. In 1938-39, 186 permanent and 100 temporary posts of this nature were filled through the medium of the Exchange. In 1939-40, 51 permanent and 319 temporary and substitute posts were filled. In 1940 to April, 1941, 48 permanent and 158 temporary and substitute posts were filled. When it is remembered that at the time the Exchange was opened not a single Ceylonese registered himself as willing to undertake the work of a conservancy labourer, the Exchange must be congratulated on the success it has achieved in this direction.

8. In every sphere of activity equal success has been achieved, which has taken every opportunity to encourage Ceylonese labourers to take up all forms of employment.

9. Applications received at the Exchange also indicate that in certain spheres of employment there is a scarcity of work. With this data at its disposal the Department of Labour can suggest means by which labourers can undergo the necessary training to fit themselves for appointment in these occupations.

10. In a minor degree recruitment by Government Departments through the Exchange has enabled the selection especially of unskilled labourers from a wider sphere than before. By the utilization of the Exchange the possibility of danger of employment in certain Government Departments being limited to near relatives of those hitherto employed is eliminated.

11. Lastly, it must be mentioned that in the adoption of many forms of legislation designed to improve the conditions of employment, the Exchange plays an important part and though as yet Ceylon has not adopted many of these forms, the Exchange plays a useful part in the performance of the functions allotted to it and the expenditure voted annually by the State Council for its maintenance is being amply justified. Its discontinuance now that it has become a recognized institution in the placing of workers in employment would entail considerable hardship to the workers of Colombo.

12. For the above reasons the Executive Committee of Labour, Industry and Commerce is strongly opposed to the closing down of the Employment Exchange.

The Hon. Mr. Corea: I have reported at length on this motion, and I have reconsidered the matter after the report was sent to the Council. I find that, as a matter of fact, if a further report had been sent, it would have been clear that there are stronger reasons why the

Employment Exchange should continue. Instead of closing down the Exchange, my submission to this House is that we should, if there are any difficulties or any defects, remove or remedy them and perhaps establish a few more Exchanges. I was reading only a few days ago the

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report of the Industrial Conference held in India in which a very strong recommendation was made for the establishment of Employment Exchanges.

The existence of an Employment Exchange confers certain very important benefits both on labour seeking employment as well as on employers who wish to obtain the services of labour. I am sorry I am unable to give the House one important piece of information, namely the total number of people placed in employment since the Exchange was started. The figures given here are up to a certain date, but the figures thereafter, especially within recent times, have been very much larger. Therefore it is perfectly clear that there is a definite benefit accruing to the public by the existence of the Exchange.

This matter, as the House is aware, was considered by a Special Committee,—before the Exchange was established—and that Special Committee strongly recommended that there should be an Exchange. If there are any difficulties or any defects in the running of it—I do not know whether the mover has any in mind—those should be looked into and corrected if there are any. But on general principle, the establishment of an Exchange is of great importance and of value to those who are seeking employment. I would strongly urge the House therefore to continue the Employment Exchange.

The Hon. Mr. G. E. de Silva: I should like to recall the fact that this Exchange was established after a great deal of agitation in the country, because it was found impossible for people living in out-of-the-way areas to secure employment unless there was a place to which they could go and get their names registered and obtain information as to where they could secure employment.

I would ask hon. Members to consider the system that is adopted by the planting community to recruit labour for their purposes. At the present moment it is incumbent on this Government to produce the maximum output possible of coconut, rubber, tea and other produce. Now there is a great agitation being carried on that we have not got sufficient labour to obtain the maximum output, to produce as much as we possibly can.

The only means of gaining some idea of the problem of unemployment and of available employment for these people is the Exchange; there information would be available to the people living in a particular locality; otherwise, it would be impossible for a man who wants a job to secure employment. As a matter of fact, in my own constituency, I know, there are a large number of people who are out of employment and who are in the habit of making application to me personally as their Member. I refer these applications to the Exchange. Now they have become accustomed to going to the Exchange and getting the necessary information.

In that way a large number of labourers have been recruited. Therefore, it would not be advisable to close down these employment bureaux. I would, therefore, appeal to the mover, who perhaps understands only what is happening in the town of Colombo, not to jeopardize the interests of the people who are living in far-away places.

What is the object in closing down the Exchange? Labour Exchanges are known all over the world; they are known in every country. After a great deal of trouble and agitation we have established such an institution, and at a time like the present, to close down such an institution would be to deny information that is absolutely necessary to people who are living outside Colombo. I would, therefore, appeal to the hon. Member to allow this Labour Exchange to continue.

Mr. R. S. S. Gunawardana: I shall be wanting in my duty if I fail to express my very deep appreciation of the work that is done by the Exchange. I have on various occasions found the assistance of the Exchange very useful, where a certain number of people have secured employment as a result of the existence of the Exchange who would have found it otherwise impossible to find employment. I have been there; and I have seen how methodically and systematically the work is being done.

I do not know what the hon. Member's case is. If the Exchange is a burden on the country and there is not a sufficient return from it or it does not supply a public utility service then I can understand the case for the abolition of the

[Mr. R. S. S. Gunawardana.]
Exchange. But it would appear to any fair-minded person that the discontinuance of the Employment Exchange will only cause greater hardship than the hardship, if any, that is actually caused by its existence.

At the moment, a certain number of people secure employment as a result of the information supplied and assistance given to them. I think the Exchange serves a useful purpose, and far from abolishing it, I think there is a strong case for the extension of the activities of the Exchange to provincial towns like Kandy, Jaffna and Galle. Far from being an experiment, so far as the country is concerned the Exchange has been a very great success; and if there is scope for development, I hope the hon. Member for Colombo South (Dr. de Zoysa), who certainly takes a deep interest in the matter, will indicate the lines on which such development can proceed. If the hon. Member feels that there are any defects, or if he is not satisfied with the way in which the Exchange is run the remedy should not be to scrap it altogether. Personally I feel that it would be a great mistake to close down this very useful institution.

Far from scrapping the Exchange, I would ask the Hon. Minister to extend its activities.

Mr. H. F. Parfitt (Nominated Member): I do not think anyone in this House would be keen on closing down Labour Exchanges which have proved in other countries to be perhaps one of the only solutions to the labour difficulties of those countries. But I do feel that there might be greater care and greater organization employed in these Exchanges to ensure more careful inquiries into what a man can do and what he has done, so that when a firm does ask for a certain type of employee, they would be able to obtain a man who understands the work for which a firm wants one. In that direction, I think, there can be considerable improvement made in these Labour Exchanges.

I distinctly remember that when Labour Exchanges were established in the Southern Province for estate labourers, the agitation in this House was very strong for Sinhalese labourers to go on

estates and, I think, the Labour Exchange there collected anybody it could lay its hands on, whether he was suitable for estate work or not. I think the same procedure is being adopted in regard to other types of employment.

I personally would oppose a motion for the abolition of Labour Exchanges, but I am glad that I have had this opportunity of saying that the organization in these Exchanges could be improved, and could be so formed that when employers required employees, they would know that they were going to get the type they require and the type that would do the work required.

***The Hon. Mr. Corea:** I should like to point out to the hon. Member that in the Central Exchange that is how it is done.

Dr. A. P. de Zoysa (Colombo South): Originally this Labour Exchange was formed in order to obtain statistics of the unemployed in this country. I doubt whether even to-day the Minister is able, through this Labour Exchange, to furnish us with statistics as regards unemployment in this country.

The Minister's greatest argument is that during the several years of its existence, this Exchange has provided employment for people. But supposing this Exchange did not exist, does he mean that the people who have secured employment through it would not have obtained employment? Whether there has been a Labour Exchange or not, people would have been employed. But it may be said, for the Minister, that he had the opportunity of selecting the people who were best suited to a particular type of work. I concede that.

But at the same time you must remember that there are cases where people who were badly in need of employment could not get it because certain officials or employers had given their promise that they would not employ people unless they come through the Labour Exchange. The result is that it has worked hardship on poor starving families. The employers say that there is work, but that the people must come through the Labour Exchange; and the Labour Exchange works like a machine. They have a certain way of sending people for employment. They say that the unemployed must wait for their turn. But the

unfortunate thing is that until their turn comes, the poor families cannot starve. There have been great hardships caused that way.

I do not say that a Labour Exchange is not necessary. I agree with the Hon. Minister; I agree with all the Members that a Labour Exchange is necessary in any country where there are unemployed people. But my idea, as I explained to the Minister and his Executive Committee, is to abolish the Central Labour Exchange so that the different Municipalities and Urban Councils may have their own Labour Exchanges.

Here we have one Exchange for the whole Island. The result is that if people who are unemployed and who live in Kandy, Galle, Jaffna and other places want to get work they have to register at this Labour Exchange. Instead of that, what I suggested to them was that they should abolish the Central Exchange and allow every Municipality and Urban Council to have its own Labour Exchange. If workers of a certain type, such as carpenters, are required, for instance, by Negombo, the Negombo Urban Council could apply to the Moratuwa Urban Council for a number of workmen of that type.

Therefore if you abolish the Central Labour Exchange and allow Labour Exchanges to be established in all important towns or by all Municipalities and Urban Councils, you will be doing a service to the unemployed. What happens at present, by your having one central Labour Exchange, is that the Colombo residents are without employment. People from other places, are given employment because they have registered at this Exchange. The Minister should realize the amount of heart burning it causes the Colombo residents to see people from Negombo, Ragama, Homagama and other places given work in Colombo through this Labour Exchange while the Colombo residents cannot get employment.

Instead of having this Central Exchange, if each Urban Council—I would even extend it to Village Committees—has its own Labour Exchange, the problem will solve by itself. The local authorities would know for what sort of work people are fitted.

If these Exchanges are established in Municipal and Urban Council areas

instead of in Colombo alone, they would function better and perhaps render greater service to the unemployed in the country.

Question put, the Council divided (under Standing Order 68): Ayes, 2; Noes, 9.

Mr. Speaker: The motion is lost.

NON-PROCTOR NOTARIES: SELECTION OF SECOND OFFICE.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. R. S. Tennekoon,—

That in the opinion of this Council the law should be so amended as to enable non-proctor notaries to select their second office in the same manner as proctor-notaries are entitled to do at present.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

This motion was considered by the Executive Committee of Labour, Industry and Commerce at its meeting held on June 24, 1941.

2. Mr. R. S. Tennekoon was not present, though invited.

3. Notaries are of two kinds, proctor notaries and non-proctor notaries. The former are appointed under section 3 of the Notaries Ordinance (Chapter 91); which entitles every proctor of the Supreme Court to a notarial warrant provided that he fulfils certain conditions. The latter are appointed under section 4 of the Notaries Ordinance as vacancies occur.

4. By section 10 of the Notaries Ordinance, no notary is allowed to have more than two offices under ordinary circumstances. For special reasons, however, the Registrar-General may permit a notary to have a third office, provided that it is placed in the charge of a partner or assistant who is a notary. Proctor-notaries are not subject to any other restrictions as regards their offices. On the other hand, every non-proctor notary is bound by rule 35 (a) of section 30, which provides that—

He shall live and hold office at such places as he may elect, subject to the approval of the Governor.

It appears that Mr. Tennekoon wishes to have this rule revoked.

5. At the present time, advantage is taken of rule 35 (a) to ensure that notaries' offices are opened wherever they are needed. This object is achieved by dividing the Island into small areas, appointing a certain number of non-proctor notaries to practise in each of these areas, and requiring them to hold office in the places that appear to be most convenient. In this way, the interests of the public are served, and it does not appear that any injury is caused to the notaries. In this connexion, it may be observed that the All-Ceylon Notaries' Association has passed a resolution objecting to Mr. Tennekoon's proposal.

6. If the present restrictions on the location of non-proctor notaries were removed, it seems probable that the majority of the notaries practising in a given area will decide to hold office in the chief business centre of that area. In that event, the interests of people living in outlying places will suffer; and on the other hand it is likely that competition among the notaries will become more acute, and will lead to malpractices. In these circumstances the Executive Committee of Labour, Industry and Commerce is not in favour of Mr. Tennekoon's proposal.

Mr. R. S. Tennekoon (Katugampola) : Before I withdraw this motion, I wish to make one remark. Originally when I introduced this motion, I found that the non-Proctor Notaries were at a disadvantage in regard to selecting their second office. But now I find that the Hon. Minister is taking steps to restrict the number of offices of Proctor-Notaries, with the result that they would soon be in the same position as non-Proctor Notaries.

I would like to withdraw this motion.

Motion, by leave, withdrawn.

CATTLE-BRANDING, &c.

The following item stood upon the Orders of the Day :

To continue the debate on the motion of Mr. R. Sri Pathmanathan,—

As theft and misappropriation of cattle are increasing in the dry zone area of the Wannu, on account of the repeal by Government of regulations

concerning branding of cattle and issue of cattle vouchers, this Council is of opinion that the said regulations should be reintroduced early or in the alternative (a) private branding of cattle should be regulated and cattle owners should be made to register their private brands in the local kachcheries to facilitate identification of village cattle, (b) removal of buffaloes from one district to another should be prohibited except on a permit issued by the Government Agent, or Assistant Government Agent, or a responsible officer authorised by him, as buffaloes are essential for paddy cultivation.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on June 25, 1941, considered the above motion moved by Mr. R. Sri Pathmanathan, M.S.C.

2. New regulations under the Cattle Ordinance have been passed, making the registration and branding of cattle optional in duly proclaimed areas and prohibiting the sale and transfer of cattle so branded and registered without a proper voucher certified by the Headmen. These regulations appeared in the *Gazette* of May 31, 1940.

3. The question as to which areas should be proclaimed is left merely to the discretion of the respective District Agricultural Committees. The following areas have so far been proclaimed:—

Galle, Matale, Batticaloa, Badulla, Matara, Nuwara Eliya, Anuradhapura, Kandy, Hambantota, Ratnapura, Kurunegala, Colombo, and Jaffna.

Mr. R. Sri Pathmanathan (Mannar Mullaitivu) : I accept the report of the Executive Committee, and would ask for permission to withdraw my motion.

Motion, by leave, withdrawn.

FLOODS: COMMISSION TO INVESTIGATE CAUSES, &c.

The debate on the following motion of the Hon. Mr. G. E. de Silva was continued:

That in the opinion of this Council immediate steps should be taken to appoint a Commission to investigate into

the incidence of periodical floods and to devise ways and means of minimising the effect of floods if they cannot be averted altogether.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on July 9, 1941, considered the above motion moved by Mr. G. E. de Silva, M.S.C.

2. Before a Commission can sit and deliberate on the causes of floods there must be set up the necessary organization to collect data for the deliberations. Reference may be made in this connection to the Memorandum dated September 10, 1940, prepared by the Director of Irrigation, and tabled at a meeting of the Board of Ministers held on February 25, 1941.

3. Owing to pressure of other works it has not been possible to allot staff for the creation of the River Gauging Subdivision contemplated on page 4 of that memorandum, which is a pre-requisite to any study of flood problems.

4. When all the necessary data have been collected, analysed and subjected to a scientific "post-mortem" a committee could be appointed "to consider and report on measures for the better conservation and organization of water resources and supplies of the country and where necessary control them to the better advantage of the community".

5. What the Director of Irrigation is doing and has been doing in this connection for the past few months is to collect data and put them into usable form. A start has been made on the examination of the water resources of the Island. Catchments are being considered individually as time permits. Work in this connection has been given first place on all the major works priority lists.

6. The appointment of a Commission as contemplated in the motion would be premature in the circumstances.

***Mr. R. S. S. Gunawardana:** I think this is a very important subject which has been discussed on various occasions. In fact, it is very refreshing that the Hon. Minister of Health has introduced this motion even at this stage. I only trust that the Hon. Minister will see that

his colleagues in the Board of Ministers give effect to his wishes in the matter and see that the country is afforded this very great relief that he is seeking.

It is not necessary to speak of the havoc that has been caused in recent years by floods. Surely the subject is capable of scientific investigation, and if we have not got the necessary men to tackle this question, I think a Commission should be appointed for the purpose. Commissions have been appointed in the past, but recent events, particularly events during the past two years, make it imperative that a Commission should sit and decide this question.

The Hon. Mr. Senanayake: There is a great deal of information and data which have to be ascertained before a Commission can come to a decision. There are floods, it is true, but no Commission can say how they could be tackled unless all data and information are placed before it. We are working on those lines at present. We consider that the time is inopportune to appoint a Commission. If the hon. Member would withdraw his motion—

The Hon. Mr. G. E. de Silva: I cannot withdraw it.

The Hon. Mr. Senanayake: As far as I am concerned, I am not going to oppose this motion. All I can say is that the Department and my Committee are just now trying to obtain the necessary data in order that we might evolve schemes.

If the Hon. Minister of Health and other Members feel that a Commission should be appointed, I will have to stay my hand with regard to the schemes we are evolving, because I do not know what recommendations the Commission would make. If it is the wish of the House that I should stay my hand till a Commission reports, I will not have the slightest objection. Now it is proposed that a Commission should be appointed to go into this question and make recommendations. So it would be presumption on my part to imagine that this Commission will make its recommendations according to the views I hold. If I cannot presume that, I will have to stay my hand in regard to any action that I may have to take, until the Commission has reported. [Interruption.]

[The Hon. Mr. Senanayake.]

Can I spend any money on any schemes before the Commission comes to a decision? If I do that, the Council might ask me, "What right had you to spend money?" Then I will have to say, "I had no right".

That is why I ask the Hon. Minister to withdraw this motion. Of course, if the House wants me to stay any action on my part, I will bow to that decision.

Mr. D. Wanigasekera (Weligama):

The position taken up by the Minister of Health will, as the Minister of Agriculture and Lands points out, prevent any steps being taken by the Irrigation Department. I think the Department has got down a special officer to go into the subject of the recurrence of periodical floods. One scheme has already been prepared and other schemes for the protection of certain areas from floods are in course of preparation. If a Commission is appointed, as the Hon. Minister of Agriculture and Lands has pointed out, all those steps will have to be stayed.

As for the occurrence of floods, floods are not something that have occurred recently; from the dawn of time, floods must have occurred.

Ceylon had an irrigation system in the old days, but constructed in such a manner that the country was free from floods. All the water that ran down to the sea was utilized for the benefit of humanity. We have heard of the great saying of King Prakrama Bahu that not a drop of water should be allowed to enter the sea before it had served human needs. On that principle, he built storage tanks and constructed various systems of irrigation, so that the water that flowed down during the two monsoons was conserved and used for irrigation.

With all the modern engineering knowledge at our disposal, steps should be taken by an expert, or a number of experts, to investigate the problem and draw up schemes. If we can spare sufficient money for the purpose, I am sure that preventive methods can be adopted to stop the occurrence of floods.

The Minister of Agriculture and Lands tells us that the little work that is now going on in that direction would be held up if a Commission is appointed. We should not bring ourselves to that

position and hold up work that is already going on. The Commission will take a number of years to report, and the attempts that our Irrigation Department is making to tackle the problem would be held up, and the floods would play havoc in the countryside. Devastation by floods would continue.

I think some workable scheme ought to be devised. If our Engineers can satisfy us that they are competent to carry out the work and take steps to see that the water is conserved, and that devastation by floods does not take place, a Commission of Inquiry is not required; otherwise the Minister ought to support the demand for a Commission. We ourselves would like to support the demand for a Commission, but we are faced with the difficulty mentioned by the Minister of Agriculture and Lands. The responsible Minister says that the work is being carried out.

The problem of recurrent floods should be taken immediately in hand, in connexion with the Kelani-ganga, the Kalu-ganga, the Gin-ganga, the Maha-oya, the Mahaweli-ganga and all the other rivers. [Interruption]. In the case of the Nilwala-ganga, we have a scheme but it is not complete yet. There are difficulties in the way of a rapid completion of this scheme. Even a Member of the Executive Committee of Agriculture and Lands is putting difficulties in the way of that scheme. Other schemes have been contemplated and are being prepared. I do not see how else we can tackle this problem. It is a very serious problem, and I think the House should give serious consideration to these facts and try and put matters right.

Mr. H. W. Amarasuriya (Galle):

What we want is not so much a Commission "to investigate into the incidence of periodical floods", as desired by the mover. I think everybody is aware of the incidence of floods in this country. We do not want a Commission to go round collecting evidence about the existence of something which is already accepted by everybody in this country, by the Minister of Agriculture and Lands and also by the Irrigation Department. The incidence of floods is well known. We do not want a Commission to investigate that, but what we do want is an expert who can devise ways and means for preventing the flooding of these rivers.

The Hon. Mr. Senanayake: We have an expert.

Mr. H. W. Amarasuriya: The Hon. Minister says that we have an expert, but this expert, who came to the Island a few years ago, has not yet been able to improve conditions in this country. We have the same problem; in fact, it seems to be getting worse from year to year. If the expert we have now is not competent to tackle the problem—

The Hon. Mr. Senanayake: He is quite competent; he is one of the most competent experts in the world.

Mr. H. W. Amarasuriya: We might think of getting down a few more experts—in fact we shall have a board of experts—to go into the matter; not a Commission. We want something practical, and I think the Minister of Health also visualizes something of that nature. I do not think he wants a report of an academic nature to the effect that these floods do occur and that much damage is done, & etc. We want something of a practical nature. If the expert we now have in the Island cannot tackle the problem, he might be given some assistance, by the employment of men who have had experience of tackling these problems in other countries. We should have a board of experts to evolve a scheme for tackling the problem at once.

Mr. R. C. Kannagara (Morawaka): As the hon. Member has pointed out, the incidence of floods in this country is known to all of us. It is an annual occurrence, and floods are becoming more and more common now. Unless estates are compelled by legislation to adopt soil-conservation measures, I do not think we can stop the serious damage that is being caused by these floods. The Minister of Agriculture and Lands should inquire from the Director of Irrigation what is happening to the Committee that was appointed to advise about the introduction of legislation to enforce protection for the very valuable agricultural soil of which some of the estate areas are being denuded yearly.

The hon. Member for Weligama (Mr. Wanigasckera) said that I, although an agriculturist and a Member of the Executive Committee of Agriculture and Lands

was against flood-protection schemes. I am not against any flood-protection schemes. I have been a very earnest supporter of the Minister's schemes in this direction, but lately there have been a recurrence of floods in the Matara District, and about three crops of paddy have been damaged. It is heart-rending to go to these areas and see the damage caused by the recent floods. The people there attribute it to the Nilwala-ganga Flood Protection Scheme. I do not know; I am unable to say whether it is due to that scheme or not, and I have asked the Minister to send the Director of Irrigation to investigate.

The hon. Member who is very eager to push this particular scheme through at any cost, ought to realize the difficulties of the people at a time like the present, when 300 to 400 acres of paddy are damaged by floods. The last two crops have been ruined, and one man told me that he has lost 37 bushels of seed paddy. He had sown his paddy-fields three times and on the last occasion all the paddy was washed away by floods.

The situation imperatively demands that the Minister and the Director of Irrigation should investigate the matter and find out whether the flood-protection scheme is the real cause of all this damage, or whether it is due to abnormal floods. That is my position. I am not against the Nilwala-ganga Flood Protection Scheme or any other flood-protection scheme.

The Hon. Mr. G. E. de Silva: The hon. Member for Galle (Mr. H. W. Amarasuriya) criticized my motion without even knowing its exact terms. It is difficult to believe that a responsible Member of this House would get up and say what the hon. Member said about a motion which is in front of his eyes. As he does not appear to have read the motion, I shall read it out for his benefit:

"That in the opinion of this Council immediate steps should be taken to appoint a Commission to investigate into the incidence of periodical floods and to devise ways and means of minimizing the effect of floods if they cannot be averted altogether."

Do you understand what that means?

Mr. Speaker: The Hon. Minister should address the Chair.

The Hon. Mr. G. E. de Silva: I hope the hon. Member will now understand the implications of my motion.

Mr. H. W. Amarasuriya: I was discussing the second part of the motion; I said that the first part was unnecessary. No Commission is necessary, but I agree with the second part of the motion.

The Hon. Mr. G. E. de Silva: The explanation makes the position of the hon. Member worse than it was. The incidence of floods is mentioned in the first part of the motion, and in the second part a request is made for remedial measures. For that purpose a Commission is needed. The hon. Member reads the first part of the motion and omits the second part, and says that there is no meaning—

Mr. Speaker: The hon. Member did not omit the second part of the motion.

The Hon. Mr. G. E. de Silva: He did not read the motion, or refer to the fact that I had asked that remedial measures should be adopted.

Mr. H. W. Amarasuriya: Go back to the Kandy Police Court!

The Hon. Mr. G. E. de Silva: If some of these Members could go to the Kandy Police Court, they would be reformed; they would acquire some common sense, in spite of the fact that I may not be there myself!

The Minister of Agriculture and Lands says, "I have got experts; do not prevent my experts from carrying out the work. Do not appoint a Commission and thereby prevent my experts from carrying out the work". Did anybody prevent his experts from carrying out the work of minimizing the effect of floods all these years?

The Hon. Mr. Senanayake: You want a Commission.

The Hon. Mr. G. E. de Silva: They have failed and failed miserably, and if anybody tells me that these experts have succeeded in minimizing the effects of floods in this country, I say "No, they never succeeded in doing that". Anybody who has recently seen the effects of floods in this country would realize that they have become worse and worse.

The hon. Member for Morawaka (Mr. R. C. Kannangara) put his finger on one

cause of these floods. Some of the estates do not take any precautions to prevent silt coming down and thereby increasing the difficulties created by floods. But I go further and say that the problem should be tackled at the very source, at the spot where the streams get swollen. In all the schemes of flood-protection we have adopted hitherto, we have tried to tackle the problem at the end—just before the water enters the sea. That is an impossible task.

We have the Kelani River Flood Protection Scheme, but has it prevented the damage or minimized its extent compared to what it was before the flood-protection scheme was introduced? No, Sir. It may be that damage has been minimized in one area, but it has increased in another.

The problems have been solved in other countries. They are not peculiar to Ceylon. Other countries have tackled and solved similar problems. In other countries, ways and means have been found to deal with these difficulties, but our Irrigation Department which has been in existence for over 50 years has not done anything to solve our problems here. Are we going to keep quiet merely because the Irrigation Department has experts of its own?

The hon. Member for Weligama (Mr. Wanigasekera) says that the Nilwala-ganga Scheme is a very good scheme, but a Member of the Executive Committee of Agriculture and Lands says that the Minister has sent the expert in the Department to find out whether the Nilwala-ganga scheme has increased the floods.

The Hon. Mr. Senanayake: He did not say that.

The Hon. Mr. G. E. de Silva: He said, "We are sending the Director of Irrigation to find out whether that is so".

The Hon. Mr. Senanayake: No.

The Hon. Mr. G. E. de Silva: On whose advice did they start the Nilwala-ganga scheme? Was it not carried out after investigation, after obtaining expert opinion? The Irrigation Department and various other Departments must have been consulted, and on the advice of those Departments the scheme was

[Mr. Tennekoon.]
ingly. But what does this report say? That the Katugampola Electoral District does not contain perennial rivers. The Maha-oya is a perennial stream, and that is in my electorate, Sir.

The report goes on to say:

"As the Electoral District contains no perennial rivers which can be diverted to ameliorate irrigation conditions, but essentially consists of well-defined irrigable valleys of limited possibilities, any improvement possible in these facilities will be examined as and when directed by the District Agricultural Committees in accordance with the present policy of this Committee."

I do not think that that policy is correct. What we should do is to prepare a scheme on the lines I have suggested of the available works in the District rather than wait until the actual distress occurs.

Question, put, and agreed to.

REPAIRS OF DAMAGE TO ELAS, AMUNAS, &c.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. Ratnayake,—

That this Council is of opinion that the damages to elas, amunas, and breaches of bunds affecting paddy fields caused by the recent rains should be immediately repaired at Government expense.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on June 25, 1941, considered the above motion moved by Mr. A. Ratnayake, M.S.C.

2. Such repairs as are not within the means of the cultivators or involve some degree of technical skill have been done.

Question put, and agreed to.

PROTECTION FOR MOUTH OF KALU-GANGA.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of [the late] Mr. C. Batuwantudawe,—

That this Council is of opinion that a scheme to protect the mouth of the

Kalu-ganga from being blocked by the sand bar and to widen the "bottle neck" behind the Teak Bungalow, which impedes the flow of flood water, should be devised before any major flood scheme of the Kalu-ganga is taken in hand.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on July 31, 1941, considered the above motion moved by the late Mr. C. Batuwantudawe, M.S.C.

2. The mouth of the Kalu-ganga was opened in 1928 and has remained open but is gradually moving southwards. Observations at the mouth of the Kalu-ganga have been continued and it is obvious that the ocean drift is from north to south and even if a bund is constructed there will always be a tendency for the mouth of the Kalu-ganga to move southwards, unless this ocean drift can be stopped or diverted. To try out possibilities of doing the latter a model has been constructed at the Laboratory in connection with the Wellawatta outlet which, though smaller, is similar to the Kalu-ganga mouth in some respects. If any feasible solution is found, it will be tried out at Wellawatta before any action is recommended for the river mouth at Kalutara.

Question put, and agreed to.

FARM SCHOOL FOR TAWALANTENNA.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. Ratnayake,—

That this Council requests the Hon. the Minister for Agriculture and Lands to start a practical farm school at Tawalantenna near Madugoda to give an intensive training in agriculture to those who pass out of the schools.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on July 31, 1941, considered the above motion moved by Mr. A. Ratnayake, M.S.C.

2. The Committee is in favour of the establishment of more farm schools, but is of opinion that there should be more qualified officers to take charge of such schools. Until the services of such officers are secured, there is no use in opening new schools.

Question put, and agreed to.

CATTLE-BRANDING REGULATIONS.

The following motion of Mr. A. P. Jayasuriya was, by leave, withdrawn:

That this Council is of opinion that the regulations issued by the Executive Committee of Agriculture and Lands, relating to the branding of cattle and published in *Gazette* No. 8,618 of May 31, 1940, be enforced in every district in this country.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on July 31, 1941, considered the above motion moved by Mr. A. P. Jayasuriya, M.S.C.

2. The regulations have been so framed as to give each district the option of adopting them, and they have been adopted in several districts. The Committee sees no reason at present to amend the regulations as suggested in the motion.

PRISON LABOUR: EMPLOYMENT ON FOOD PRODUCTION.

The debate on the following motion of the Hon. Mr. G. E. de Silva was continued:

That in the opinion of this Council Prison labour should be employed more for producing foodstuffs which are being imported from outside Ceylon.

Report of the Executive Committee of Home Affairs under Standing Order 57.

This motion was considered at the meeting of the Executive Committee of Home Affairs, held on March 27, 1939, at which the Hon. the Minister of Agriculture and Lands, and the Land Commissioner were present by invitation. The mover was not present though invited.

2. The proposal underlying the motion is impracticable so far as the existing twelve prisons are concerned, as these prisons, with the exception of Mahara Prison, are situated in the heart of towns with no land available in or near them for any agricultural activities. Even at Mahara no suitable Crown land is available for the purpose.

3. The principle enunciated in the motion has however been adopted in the establishment of the Training School for Youthful Offenders which will be opened shortly. This principle will also be borne in mind in selecting sites for future prison establishments, if such become necessary.

4. The closure of urban prison establishments and their construction in localities where land is available for growing foodstuffs is quite impracticable and such impracticability will be enhanced by the prohibitive cost in respect of buildings, transport and additional staff.

5. In the circumstances, the Executive Committee is unable to recommend the acceptance of the motion.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on July 9, 1941, considered the above motion moved by Mr. G. E. de Silva, M.S.C.

2. The Committee is in agreement with the report of the Executive Committee of Home Affairs.

The Hon. Mr. G. E. de Silva: The object of this motion, Sir, is to help in the production of food. As you are aware, in certain areas where prisoners are stationed now, lands are available for food production. If this country is going to get the producers to feed the prisoners and allow the people who are actually producing that food to starve, there will be a serious situation in this country. Hon. Members realize how important it is for us to cultivate every inch of ground that is available. We are going with a begging bowl to other countries to get our food when we have millions of acres which are not being put to any use.

If a simple proposition like the one contained in this motion cannot be put

[The Hon. Mr. G. E. de Silva.]
into operation, I ask you, Sir, what self-government do you want for this country? We will never be able to get any self-government. If we cannot put a simple proposition like this into practice, woe be to us, and to the idea of self-government and ruling our own country. If a report of this nature could be made, to the effect that prisoners cannot be utilized for producing food, I say it could be made only by people who have no vision, by people who do not have the ability to tackle a question like this in the proper manner.

But, Sir, the day will come when we will have to give an account of our stewardship of this country. Then we shall realize the folly of spending millions to send various people to other countries to secure food for us while thousands of able-bodied men are allowed to while away their time or do something which is not profitable to this country. Therefore I would beg of hon. Members to pass this motion and to insist that it be implemented.

Question put; the Council divided (under Standing Order 68): Ayes, 13; Noes, 5.

ESTATES: SUBORDINATE STAFF IN KEY POSITIONS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. K. R. Natesa Iyer,—

That this Council is of opinion that such subordinates or servants on estates whose income depends on the number of labourers that turn out for work should not be given key positions on the estates, viz., maintaining pocket check rolls, keeping rice stores, supervising child feeding, having weed-ing contracts, &c., and that close relations of such subordinates or servants should not be allowed to hold key positions as clerks, conductors, rice storekeepers, &c.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

This motion was considered by the Executive Committee of Labour, Industry and Commerce at its meeting held on August 25, 1941.

2. Mr. Natesa Iyer who is a member of the Executive Committee of Labour, Industry and Commerce explained that this motion was intended to exclude Kanganies and their relatives from monopolizing all "key positions" on estates. It was pointed out to Mr. Natesa Iyer that it would be difficult, if not impossible, to give effect to this proposal both administratively and by law and he agreed to withdraw the motion.

Mr. Newnham: The mover of this motion is absent.

Mr. Speaker: The mover had agreed to withdraw it.

The Hon. Mr. Senanayake: Although he has agreed to withdraw it, he must be present here to do so.

Mr. Speaker: Then I will put the motion, and the House can reject it.

Question put, and negatived.

ARBITRATION BOARDS: MERCANTILE AND ESTATE STAFFS.

The following motion of the Hon. Mr. G. E. de Silva was, by leave, withdrawn:

That in the opinion of this Council legislation should be introduced to create Arbitration Boards to inquire into dismissals and other complaints of Mercantile and Estate Staffs employees who are in receipt of salaries less than Rs. 150 per month.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion on September 24, 1941.

2. Mr. Geo. E. de Silva was present on invitation.

3. The creation of the proposed Boards would deprive an employer of his rights of dismissal and of infliction of punishment on employees of the mercantile and planting industries.

4. The relations of employer and employee have been recognized in democratic countries to be the subject of negotiation and already trade unions composed of employees have taken a prominent part in making representations with regard to the dismissal and punishment of their members. The Committee

sees no reason why legislation should be enacted in this country to deprive trade unions of one of their recognized functions in which considerable progress has already been made.

5. The Committee therefore considers that if this motion is adopted the relationship between the employers and employees will be considerably jeopardized if a third party were to be allowed to intervene whenever an employer desired to seek a change of employee for any reason whatsoever.

6. The Committee does not recommend the adoption of this motion.

RODIYA KUPPAYAMA, BEMINIGALLA: FREE GRANT OF LAND.

The following motion of Mr. R. S. Tennekoon was, by leave, withdrawn:

That in view of the fact that the Rodiya Kuppayama at Beminigalla in Katugampola Hatpattu consists of only about 6½ acres of land for 77 people living in 17 houses, this Council is of opinion that at least another 17 acres of land adjoining or in the vicinity of the Kuppayama should be granted to them free of charge.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on June 25, 1941, considered the above motion moved by Mr. R. S. Tennekoon, M.S.C.

2. The Rodiya settlement referred to is situated in the village of Manawa Kuppayama, B. S. P. P. 2,569 in Katugampola Hatpattu. The present Kuppayama covers an extent of 9 acres 1 rood and 10 perches. An extent of 17 acres and 23 perches adjoining and to the west of the Kuppayama has already been reserved for the future expansion of the settlement, and 13 acres out of this have already been allotted under the Land Development Ordinance to 13 landless persons from this Kuppayama. The balance extent will also be similarly alienated.

3. It is not possible to give free grants of Crown land without the approval of the Secretary of State for the Colonies. It will be beneficial to those people to take land under the Land Development Ordinance.

SUGAR: GOVERNMENT MONOPOLY OF IMPORTATION.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. U. Batuwantudawe,—

That in the opinion of this Council a Government monopoly for the importation of sugar be established without delay.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion on August 18, 1941.

2. Mr. Batuwantudawe, who was present on invitation, explained that the main purpose of his motion was to ensure that Ceylon got adequate supplies of sugar and that at a reasonable price.

3. There are in the sugar import trade in Ceylon 29 importers, all of whom are registered under the Essential Commodities Reserves Ordinance, and who are required to hold reserve stocks amounting to 53,894 bags of sugar, equivalent to 30 days' supply for the population of Ceylon. In addition to these reserves importers hold trading stocks to carry on their normal sales which amount generally to an equal number of bags over and above the reserve they are required to hold; these reserve stocks which are essential to the security of the sugar supply of Ceylon are held at no expense to Government. The merchants who normally import sugar have a wide experience in the sugar trade which is recognized as being of a very speculative nature and they are in the best position to purchase and ship sugar to Ceylon at the lowest possible price. They compete freely with one another in the matter of price which is governed by the laws of supply and demand and have, since the commencement of the war, supplied Ceylon's sugar requirements satisfactorily.

4. The local selling price of Java sugar, which constitutes the bulk of the sugar imported into Ceylon has increased from the pre-war rate of approximately Rs. 25 per bag to the present level of Rs. 32 to Rs. 40 per bag. But this increase in price is due to an increase of

Rs. 2 per bag in the import duty, higher freight and insurance charges and higher cost in the country of supply. Sugar prices are governed partly by International agreement in regard to production and partly by the world demand for sugar and not by any particular set of traders; Ceylon's imports of sugar constitute such a fractional part of the world demand for sugar that purchasers must pay the price at which Java is prepared to sell sugar; Java will not sell sugar to Ceylon at a lower price than the ruling price so long as other markets are available in which the ruling price can be obtained. There is, moreover, no indication that Ceylon importers of sugar are entirely unreasonable on the question of price.

5. Ample supplies of sugar are available in Java to meet all Ceylon's requirements and there is no indication that the normal channels of trade are likely to break down. The Executive Committee does not consider that at present the existing methods of the importation of sugar by importers should be interfered with, particularly as imported sugar is not such an absolutely essential commodity to Ceylon as potential supplies of local jaggery exist.

6. The Executive Committee considered:—

(i.) that a Government monopoly trading in a speculative commodity would be liable in a falling market to lose enormous sums of money; and

(ii.) that it would be necessary for Government to hold the reserve stocks and trading stocks of sugar and finance the holding of such reserves which are now held and financed by importers;

and was of opinion that it would be most improbable that such a Government monopoly would be able to purchase sugar in Java at a lower or even at the same price that individual importers competing against each other can now purchase sugar. Any single large buyer such as the Ceylon Government entering such a speculative market to make large purchases to meet essential requirements of a whole country (which the market knows the purchaser *must* buy at any cost) will be compelled to pay a price

much higher than those paid by private organizations which buy in small lots to meet the varying demands from different countries for which the organizations cater.

6. The Executive Committee decided against the creation of a Government monopoly for the importation of sugar.

Report of the Financial Secretary under Standing Order 57.

The Financial Secretary concurs generally in the report of the Executive Committee of Labour, Industry and Commerce.

Question put, and agreed to.

STATE MORTGAGE BANK AND BANK OF CEYLON: LOANS ON SECURITY OF CROPS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of the Hon. Mr. G. E. de Silva,—

That in the opinion of this Council immediate steps should be taken to amend the law relating to the Constitutions governing the State Mortgage Bank and the Bank of Ceylon, in order to enable the said Banks to grant loans on the security of crops growing on the lands.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion at its meeting held on September 24, 1941.

2. Mr. George E. de Silva was present on invitation.

3. The Committee is in agreement with the object of the mover of this motion but considers that the immediate amendment of the law relating to the constitutions governing the State Mortgage Bank and the Bank of Ceylon, to enable the said Banks to grant loans on the security of crops growing on the land, will be tantamount to piecemeal legislation. The Committee considers that the whole question of the Ceylon law of mortgage and the adequacy of the existing commercial law from the point of view of credit needs examination by

a Commission. Until this is done, the Committee does not recommend an amendment of the constitutions governing the State Mortgage Bank and the Bank of Ceylon.

Report of the Financial Secretary under Standing Order 57.

The Bank of Ceylon Ordinance already provides for loans against crops and that institution will, I believe, make such loans as soon as the general law is amended in such manner as to render crops suitable security for loans, which is not the case at present.

2. The purpose of the State Mortgage Bank is to grant long-term loans on immovable property. The grant of short-term loans against crops is not an activity which should in my opinion be undertaken by that institution.

***The Hon. Mr. Corea:** I want to make a short statement on one point raised in this motion. We are in entire agreement that some amendment to the existing legislation should be made to enable money to be borrowed on the security of pending crops. We have asked for the necessary legislation for that purpose. I believe the Hon. the Legal Secretary is examining the whole question of mortgage laws. Speaking from recollection, I think the position taken up by the Legal Secretary was that it was difficult to have legislation dealing with only this one point, and that the amendment sought depended on the alteration of the whole system of Roman Dutch Law relating to mortgage. That question is being examined at the moment.

The Hon. Mr. G. E. de Silva: If the Hon. Minister gives me the assurance that he will look into this matter and bring up the necessary legislation in due course, I am prepared to withdraw this motion.

The Hon. Mr. H. J. Huxham (Financial Secretary): I would like to know if the Hon. Minister is pressing his motion.

The Hon. Mr. G. E. de Silva: Yes.

The Hon. Mr. Huxham: I should like to offer a few comments on the motion myself. As regards the Bank of Ceylon, there is no need to amend the Ordinance for this purpose as it has the power to

grant such loans. What we want is to have the general law amended.

As regards the State Mortgage Bank, I regret I must oppose any proposal which seeks to make that Bank, which is a long-term loan institution, grant short-term loans on crops.

The Hon. Mr. G. E. de Silva: In that case, I want the Minister to implement that part of my motion which can be given effect to immediately. The other part of the motion that cannot be given effect to may be deferred.

Mr. Speaker: Then, does the Hon. Minister wish to withdraw his motion?

The Hon. Mr. G. E. de Silva: Yes, Sir.

Motion, by leave, withdrawn.

SHOOTING INCIDENT AT NEGOMBO ON AUGUST 23, 1940.

The debate on the following motion of [the late] Mr. C. E. P. de Silva was continued:

That this Council is of opinion that His Excellency the Governor should be requested to appoint a Commission to inquire into the circumstances that led to the shooting by the Police at a crowd in Negombo on August 23, 1940, resulting in the deaths of five persons and injuries to several.

Report of the Executive Committee of Home Affairs under Standing Order 57.

This motion was considered at two meetings of the Executive Committee, held on March 28 and July 10, 1941. The mover was absent though invited.

2. On a motion moved by Mr. G. E. de Silva, Member for Kandy, requesting that all papers relating to the shooting incident in Negombo be tabled, the Executive Committee decided that the following papers be tabled:—

- (a) The finding at the Magisterial inquiry;
- (b) The Inspector-General of Police's reports No. M 315/40 dated August 26, 1940, August 30, 1940, September 11, 1940, and January 28, 1941;
- (c) The Superintendent of Police, Western Province's report

of November, 16/19, 1940, on the subject of the Negombo riot;

(d) Application to the Magistrate by the Inspector, Negombo, dated August 23, 1940, and the Magistrate's endorsement thereon;

(e) The Inspector-General of Police's letter to the Magistrate dated September 2, 1940; and

(f) Two petitions at pages 93 and 100 of the Court Record.

3. Steps have accordingly been taken to lay on the table of the House the papers referred to above. A certified copy of the full proceedings of the Magisterial inquiry is also available for examination. This inquiry was held by a senior judicial officer who has made every endeavour to obtain the version of the public with regard to the incident in question by examining all the available witnesses, most of whom were summoned without reference to the Police.

4. In the circumstances, the Executive Committee is of opinion that this is not a case which calls for the appointment of a Commission, as no useful purpose will be served by holding another inquiry into the circumstances that led to this shooting incident.

Report of the Legal Secretary under Standing Order 57.

The Legal Secretary concurs in the report of the Executive Committee of Home Affairs.

The Hon. Sir D. B. Jayatilaka: The motion is to appoint a Commission to inquire into an incident that took place in 1940. That matter has been investigated by a Judicial Officer, and therefore it is useless to appoint a Commission now to inquire into it. Two years have elapsed since the occurrence of that incident.

The Hon. Mr. Senanayake: It would be rather interesting to know whether this motion has lapsed or not. It is true that the motion has been introduced and that it is now before the House but, at the same time, the hon. Member who introduced it should be alive to have it disposed of. Unfortunately the hon.

Member is not alive. How is he to present his "baby" here? The "baby" may be alive.

Mr. Wille: The motion having been moved it is now in the possession of the House.

The Hon. Mr. Senanayake: The House is in possession of the motion, but the motion is in the custody of someone else. What is the effect of it?

***The Hon. Mr. Kannangara:** That is, on a Member's death all his motions must "die" with him?

The Hon. Mr. Senanayake: When a Member dies, I think all the motions standing in his name should lapse.

Mr. Speaker: The motion is in the possession of the House, and therefore the House has to decide upon it.

The Hon. Mr. Senanayake: That is, we are having to-day more than the authorized number of Members. The Members who are dead are also functioning in this House! I do not know how that is possible. There should only be a certain number of Members functioning in this House. The Member who introduced this motion is not at present a Member of this House, and I should therefore like to know whether the motion is in the possession of the House or not. As far as I know, only a Member of this House can bring forward a motion in this House.

Mr. Speaker: Having moved a motion, a Member cannot withdraw it even if one Member objects to its withdrawal. Let us vote on the motion, and dispose of it.

Question put, and negatived.

ESTATES FOR SALE: PURCHASE FOR SETTLEMENT ON LANDLESS VILLAGERS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. Ratnayake.—

That this Council is of opinion that the estates which are situated in thickly populated areas now put up for sale should be purchased by Government on a loan raised for the purpose and settled on landless villagers.

*Report of the Executive Committee of
Agriculture and Lands under
Standing Order 57.*

The Executive Committee of Agriculture and Lands, at a meeting held on October 29, 1941, considered the above motion moved by Mr. A. Ratnayake, M.S.C.

2. The principle underlying the motion has already been accepted and a vote of Rs. 500,000 is included in the Estimates for 1941-42.

3. If suitable estates in thickly populated areas are advertised for sale the question of acquiring them will be considered.

Question put, and agreed to.

**UNEMPLOYMENT RELIEF
SCHEMES: DAILY WAGE OF
Re. 1.12.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. E. Goonesinha,—

That all persons working in the various unemployed schemes conducted by Government since the year 1931 be now paid Re. 1.12 as per Government Schedule for daily-paid employees.

*Report of the Executive Committee of
Labour, Industry and Commerce
under Standing Order 57.*

This motion was considered by the Executive Committee of Labour, Industry and Commerce on September 24, 1941.

2. Mr. A. E. Goonesinha was present on invitation.

3. The Executive Committee of Labour, Industry and Commerce considers that it is incorrect to look upon the various schemes in which the unemployed are at present engaged as "relief" schemes. The schemes are ones which could normally have been undertaken by Government in the usual course of public utility work. The improvements now being effected at the Ratmalana Aerodrome, for example, can scarcely be called a "relief" scheme. The Committee is therefore, of the opinion that all these schemes should be considered as ordinary Government works and that their control and management should be transferred to the Works Department of the Government. The labourers employed therein should be placed on the prevailing scale of

salary for daily-paid labourers under the Government and the length of service of these workers in the so-called "relief" schemes should be taken into account for purposes of calculation of salary.

4. It is expected that if this proposal is accepted, the object of the mover of this motion will be achieved.

*Report of the Financial Secretary under
Standing Order 57.*

The Financial Secretary concurs in the report of the Executive Committee of Labour, Industry and Commerce.

Question, put, and negatived.

PENSIONS FOR ESTATE STAFFS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion† of Mr. A. Ratnayake,—

That this Council is of opinion that Members of Estate Staffs who have served on Estates for more than a certain number of years should be given a reasonable pension when they are over the age of 55.

The Hon. Mr. Senanayake: What is the use of our deciding on this question? Are we going to give pensions to members of the staffs employed by estates?

The Hon. Mr. G. E. de Silva: You must legislate. Other people should give the pension.

Mr. Aluwihare: If this is an important motion, we should wait till the mover is present to discuss it.

Consideration of item deferred.

**FREE CHENA PERMITS FOR
VILLAGERS OF BAMBARA-
BOTUWA.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion‡ of Mr. H. A. Goonesekera,—

That this Council is of opinion that free chena permits should be issued to the villagers of the Bambarabotuwa area, which consists of three Arachy Wasamas, in the Nawadun korale of the Ratnapura District.

† Report of the Executive Committee of Labour, Industry and Commerce not reproduced.

‡ Report of the Executive Committee of Agriculture and Lands not reproduced.

Mr. Speaker: The mover of this motion was here a while ago, but he has not given any reason for his absence at the moment. I think we must vote on this motion.

The Hon. Mr. Senanayake: I should like to offer a few words of explanation before you put this motion to the vote. Free permits for chena cultivators are issued in the dry zone; but in the wet zone there are certain allotments made to different villages. So that, there is no necessity to give effect to this motion. That is why I oppose it.

Mr. Aluwihare: I do not think the Hon. Minister realizes the fact that the mover of this motion does not want permits to be abolished. He only wants permits to be issued free. That is what the motion seeks.

The Hon. Mr. Senanayake: Free permits are issued even now.

Mr. Aluwihare: That is what the motion wants done. Then, why should the Minister oppose it?

The Hon. Mr. Senanayake: Free permits are allowed in certain areas; but the mover wants free permits to be issued in areas where they are not now issued. He wants the issue of free permits to be extended to some other areas as well.

Mr. Speaker: Does the Hon. Minister object to such extension?

The Hon. Mr. Senanayake: There are certain areas where free permits are not issued. In other areas they are issued.

Mr. Speaker: Not in the Ratnapura District?

The Hon. Mr. Senanayake: One part of the Ratnapura District comes into the dry zone, and the other part is in the wet zone. The concession of free permits is not given in the wet zone. Chena cultivation in the wet zone is harmful as it will promote soil erosion.

***Mr. Aluwihare:** I am sorry I was not present when the mover appeared before the Committee—if he did appear before it. But it does seem that he does not want anything special to be done with

regard to chena cultivation. If chena permits are to be issued, they should be issued free. That is what he wants done.

The Hon. Mr. Senanayake: In the first instance, chena permits should be issued to these people.

***Mr. Aluwihare:** I think this motion ought to be deferred.

Mr. H. R. Freeman (Anuradhapura): The mover has not come here to explain the motion. I, therefore, think the motion should be turned down.

***Mr. Aluwihare:** There is a certain indulgence we grant to hon. Members who are absent at the moment their motions are taken up. I move that this item be deferred.

Consideration of item deferred.

SALARY SCALES: SESSIONAL PAPER XVIII. OF 1937.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. E. Goonesinha,—

This Council strongly disapproves of the chaotic, meagre, and adversely novel proposals made in Sessional Paper XVIII. of 1937, and is, therefore, of opinion that the Government and the Board of Ministers should take immediate steps:—

- (1) to give effect forthwith to the recommendations in Sessional Paper XLVIII. of 1928 to all employees from Class III. downwards (including the minor grades) with a reduction, only of the initial salary of the 1928 Class III. Scale, as indicated in Sessional Paper XVIII. of 1937, but without effecting any other reduction or alteration in the main structure of the salary scales, increments, and so on, or modification of the methods of efficiency bars, and so on, contained in Sessional Paper XLVIII. of 1928;
- (2) to improve the salaries and conditions of service of the daily-paid hands in all Government

Departments, as the recommendations of the 1928 Select Committee were accepted by the Secretary of State and the Legislative Council, but was *only deferred in 1930* owing to financial stringency while subsequently the salary scales of the Staff Officers only of the Police Department and several more Staff Officers belonging to the Civil List grades having been largely enhanced without fulfilling at all the repeatedly definite promise held out to the Lower Grades of the Clerical Service and Minor Employees by the then Legislative Council between the years 1928 and 1930.

Report of the Financial Secretary under Standing Order 57.

At its meeting held on March 6, 1941, the State Council agreed to a motion to the effect that the recommendations in Sessional Paper XVIII. of 1937 as amended by the Board of Ministers should be put into operation and this has now been done in respect of the General, Postal and Railway Clerical Services and the Clerical Service of the Department of Electrical Undertakings.

2. The 1926 Select Committee recommended in Sessional Paper XLVIII. of 1928 that the salary scales of nearly all employees of Government below the senior grades should be scaled up substantially. Their recommendations have not been adopted.

3. There have been, since the 1926 Select Committee published its report, two Commissions and two Select Committees of the Council who have reported on the salary scales of Government officers. The salary scales proposed by the Retrenchment Commission of 1939 and those proposed by the Select Committee of the Council on the reports of that Commission are at present under consideration by the Board of Ministers and will be brought before the Council with the recommendation of the Board at an early date. With two sets of salary scales already under consideration it is not practicable to hark back to the report

of yet another Select Committee published thirteen years ago and to introduce scales taken from that report which are in most cases higher than any which the Ceylon Government have ever paid at the very time when decisions are being arrived at on the recommendations of the two most recent bodies who have investigated the salary scales of the Government service. The Council will have the opportunity of expressing its views on the salary scales of the lower grades of the Government service when the salary recommendations of the Retrenchment Commission and of the Select Committee on the reports of that Commission are brought before it.

Question put, and negatived.

HOUSE OF COMMONS: CONTRIBUTION TOWARDS COST OF RECONSTRUCTION.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. G. G. Ponnambalam,—

That this Council is of opinion that it should make a contribution towards the cost of reconstruction of the House of Commons which has suffered damage recently from Nazi bombing.

Report of the Financial Secretary under Standing Order 57.

I see no objection to a moderate contribution towards the cost of reconstructing the House of Commons after the War, if funds then permit. If the motion is accepted, the local representative of the Empire Parliamentary Association might inquire whether a contribution would be welcomed.

Question put, and negatived.

TEA AND RUBBER CONTROL: APPEALS FROM DECISION OF BOARD.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa,—

That this Council is of opinion that it should be made possible for a person dissatisfied with the decisions of the Boards of Appeal of the Tea or Rubber

Control Department, to appeal to the Supreme Court on questions of law.

*Report of the Executive Committee
of Agriculture and Lands under
Standing Order 57.*

The Executive Committee of Agriculture and Lands, at a meeting held on October 29, 1941, considered this motion.

2. From the point of view of the administration of the Ordinance it is very essential that appeals should be disposed of with the least delay possible. For example, if the issue of coupons depends on an appeal decision—and this is so in a large number of appeal cases—and the appeal has to be taken to the Supreme Court it might take several months, perhaps years, before the decision is arrived at. Meanwhile, coupons issuable one year may have lapsed to the detriment both of the successful party and of the industry.

3. Also, it was presumably the intention of the legislature to make it as inexpensive as possible for proprietors, and so on, to have their grievances redressed. That was perhaps another reason why the decision of the Board of Appeal was made final and conclusive for the purposes of the Ordinance.

4. It might also be mentioned that a decision of a Board of Appeal in regard to the question of the proprietorship of an estate or smallholding shall not operate as *res adjudicata* on any question in any civil action in which the title to a registered estate or smallholding shall be put in issue (section 22 (3) of the Rubber Control Ordinance, No. 63 of 1938, and Section 11 (4) of the Tea Control Ordinance).

5. There are very competent lawyers on the Tea and Rubber Appeal Boards and their decisions on questions of law have been acceptable, with hardly an exception, for the last seven years.

6. The Committee recommends that the motion be opposed.

Question put, and negatived.

Mr. Speaker: I think hon. Members should be told that they should remain in their seats when Private Members' motions are discussed; otherwise these motions will be disposed of in their absence.

**TEMPORARY CLERKS IN
GOVERNMENT SERVICE.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. E. Goonesinha,—

That all temporary clerks employed in Government service who have been employed for over 5 years be made permanent forthwith.

*Joint Report of the Chief Secretary
and the Financial Secretary under
Standing Order 57.*

The general trend of recent policy has been for recruitment to the regular Clerical Services of Government to be made by competitive examination after advertisement. The continuance of this policy is recommended by the Select Committee of the State Council appointed to consider the Reports of the Retrenchment Commission. Such a policy ensures equality of opportunity for all while a system of recruitment to the permanent staff of Government merely on the grounds that an officer has, after more or less fortuitous selection, worked for a fixed period as a daily-paid clerk is open to obvious objection.

2. As a corollary to this it has also in recent years been the policy of Government that temporary clerks should not, in their own interest, generally be employed for excessive periods. It is, however, clear that Government must retain the right to employ temporary officers for special jobs or for unusual increases of work even if such temporary employment continues occasionally for more than 5 years. If Government does not require the services of a temporary officer after, say, 6 years, Government must be free to dispense with his services, and not be compelled to employ for the rest of his working life an officer whom Government does not require.

3. If temporary employment for 5 years were to result automatically in the absorption of the temporary officer in question into the regular Clerical cadre of Government the consequence would clearly be that a better qualified man would be kept out of that service, since there is at present no lack of qualified candidates for the Clerical Examinations

while a person who was able to pass the examination would not serve for 5 years in a temporary capacity.

4. As a result of this motion the Treasury has called for particulars from all Government Departments of clerks recruited on a temporary basis who had served on April 1, 1941, continuously for over 5 years. The replies indicate that there are a number of such clerks recruited in widely different circumstances. The Treasury now proposes to examine these cases in the light of the special circumstances pertaining to each, with a view to ascertaining whether equity demands any action in the case of any of them.

5. We regret, however, that we cannot support the proposal in the motion that any temporary clerk in Government service with 5 years' service should thereby be made permanent, irrespective of the circumstances of his employment.

Question put, and negatived.

MINOR EMPLOYEES IN GOVERNMENT SERVICE; REVISION OF SALARY SCALES.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa,—

That this Council is of opinion that immediate steps should be taken to revise the scales of salaries for minor employees of the Government services in order that those employees should get living wages instead of the starvation wages paid to-day.

Report of the Financial Secretary under Standing Order 57.

A motion is shortly to be brought before the State Council, proposing certain alterations in the salaries of future entrants to Government Service. If this motion proposes better salaries for officers of the type indicated in the present motion and is passed by the Council, a similar improvement in salaries will be granted to existing officers. If on the other hand the motion does not propose any improvement in the salaries of future officers of this type, and is accepted by Council, no ground would exist for holding that existing officers are under-paid.

Mr. Speaker: Was there any request made by the hon. Member before he left, in regard to this motion?

Mr. E. R. Tambimuttu (Trincomalee-Batticaloa): He told me to request that his motions be allowed to stand over.

Mr. Speaker: Why did the hon. Member leave?

Mr. Tambimuttu: He expected to come back soon.

Mr. Freeman: He has gone to the Municipal Council meeting.

Question put, and negatived.

PUBLIC TRUSTEE: TRANSFER OF FUNCTIONS TO BANK OF CEYLON.

The following motion of the Hon. Mr. G. E. de Silva was, by leave, withdrawn:

That in the opinion of this Council the Public Trustee's Department should be abolished and its functions and duties handed over to the Bank of Ceylon.

Report of the Legal Secretary under Standing Order 57.

From time to time the question whether the Public Trustee's Department should be abolished or not has been debated both in Council and outside it. The reason for this is, probably, the fact that the Department is unfortunately still unable to be self-sufficing. The answer to the question, where an answer has been given, has invariably been in the negative, and the latest judgment on the department is that pronounced by the Retrenchment Commission, whose report has been published as Sessional Paper XIV—1939. The Commissioners state in paragraph 195 of their report on page 52 as follows:—

“Whatever decision is reached, we consider that the Public Trustee is a necessary officer in this country as in other countries where the institution of private property obtains. Since the large proportion of small estates in Ceylon entrusted to the Public Trustee (this is reported to be over 60 per cent. of the trusts in his charge) will make the economical working of the department difficult, the tax-payer will

have to be reconciled, in the interests of the community as a whole, to a small deficit in the working of the Trusts Section of the Department for some years to come." This deficit can, however, be largely reduced, on the present scale of fees, by an increase not so much in the quantity of work coming to the Public Trustee as in the value of the trusts entrusted to him."

2. When the Department was inaugurated, Government had the advantage of a report of a Committee with the Honourable Mr. L. H. Elphinstone, the then Attorney-General, as Chairman. The report of that Committee was published as Sessional Paper XXX. of 1927. In that report the following observations were made:—

- (1) That there is in Ceylon a very real demand for the appointment of a Public Trustee whom testators and others desiring to create a trust can appoint with the knowledge that his integrity is guaranteed by the Government.
- (2) The only safe view for the Government to take is that for some years there will be a deficit in the working of the office which will have to be borne by the taxpayer.
- (3) The large number of small estates in Ceylon will make the economical working of the Public Trustee Office difficult, it having been found both in England and New Zealand that small estates are unprofitable to the Public Trustee. But it is the small estates which especially require protection against incompetent or dishonest administration.
- (4) Public expenditure on the Public Trustee for the protection of small estates may be classed with expenditure on the police or on any other activity of Government, having for its object the protection of the poor against fraud.

3. This conception of the Public Trustee has apparently been overlooked by the mover of the motion when he

contemplates the transfer of the Public Trustee's functions and duties to the Bank of Ceylon. The Bank of Ceylon like any other commercial bank has been empowered by the statute creating it (No. 53 of 1938) to undertake and execute trusts and also to undertake the office of executor or administrator. But the fundamental difference between the functions of the Bank of Ceylon and those of the Public Trustee lies in the fact that while the Bank of Ceylon will do trustee's business, undertaking only "trusts that seem desirable" (*vide* 1 (j) in the first schedule of the Bank of Ceylon Ordinance, No. 53 of 1938) the Public Trustee is prohibited from "declining to accept any trust on the ground only of the small value of the trust property" (*vide* section 9 of the Public Trustee Ordinance, Chapter 73). It is quite clear that if all the trusts now being administered by the Public Trustee are transferred to the Bank of Ceylon the latter corporation will find itself administering a large number of uneconomical trusts to its financial disadvantage.

4. The mover has also apparently overlooked the fact that besides being executor, administrator and ordinary trustee, the Public Trustee has various other duties, such as curator of the estate of a minor, manager of the estate of a lunatic, attorney for persons absent from Ceylon, manager of a convict's property, investigator of accounts of private trusts and custodian of proceeds of sale under the Entail Ordinance. He is also vested with certain functions and duties under the Buddhist Temporalities Ordinance. It is not known whether it is suggested that these varied functions are also to be entrusted to the Bank of Ceylon.

5. The Bank of Ceylon, no doubt, even to-day, has a trustee department like any other commercial bank. In so far as its work in that department is concerned it is a competitor to the Public Trustee Department. There will be members of the community who will prefer the administration of their trusts by commercial banks as there will be other members of the community who will select the Public Trustee. It is well known that the actual work that is done for banks who act as trustees and administrators is done on their behalf by solicitors to whom heavy fees are paid. The

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community must be allowed to make its choice.

Report of the Executive Committee of Home Affairs under Standing Order 57.

The Executive Committee considered this motion at two meetings held on August 16, 1940, and November 24, 1941.

2. So far as this Executive Committee is concerned, the Public Trustee is in charge of the administration of the Buddhist Temporalities Ordinance and this function could not be transferred to the Bank of Ceylon, as proposed in the motion.

PENSIONS OF RS. 100 AND UNDER: ADDITION ON ACCOUNT OF INCREASED COST OF LIVING.

The debate on the following motion of Dr. A. P. de Zoysa was continued:

That in the opinion of this Council pensions of those who received hundred rupees and less should be increased to avoid the hardships caused to such persons owing to the war.

Report of the Financial Secretary under Standing Order 57.

A pension once granted to a Government servant is considered to be unalterable except in very exceptional circumstances. The increase in the cost of living in the United Kingdom is more than in Ceylon, but no increase has been granted to United Kingdom pensioners although serving officers have had their salaries increased on account of the rise in prices.

Pensions now being paid in Ceylon are either based on salaries paid when the cost of living was higher than it is to-day, or if based on pre-1921 salaries, still receive a cost of living addition based on prices higher than the present ones.

In these circumstances no case is considered to exist at present for any addition to pensions on account of the increased cost of living.

***Mr. S. Abeywickrama (Udugama):** I would like to ask the Hon. the Financial Secretary whether pensioners are receiving the war allowance that is being given to Government Servants. It is nothing but right, if the value of the rupee is less and we have given an increase of wages to the other people, that pensioners should also be given

some allowance during the period of war. I would ask the Hon. the Financial Secretary whether any scheme is in preparation or whether the pensioners are being given an allowance. My question has a certain bearing on this motion.

The Hon. Mr. Senanayake: That question is a little outside the terms of this motion. This motion deals with people who receive a pension of Rs. 100. My hon. Friend refers to other pensioners as well.

***Mr. Abeywickrama:** I will limit myself to those drawing less than Rs. 100.

The Hon. Mr. Huxham: As I have explained in my report on this motion, it is traditional to regard a pension as not subject to change in any but the most exceptional circumstances. For instance, when we had a salary cut in 1933, the cut was applied to all salaries but no similar cut was applied to pensions. When a man retires and his pension is calculated and awarded to him, the tendency is to look upon it as an annuity for life which will not be altered.

I agree that in the last war, when the cost of living rose even more than it has risen so far during this war, extra allowances were made to Government pensioners in Ceylon. The question has been considered recently by the authorities concerned, whether we have reached the stage when allowances must be given to pensioners drawing small pensions. But the decision was that we have not yet reached that stage.

***Mr. Abeywickrama:** This is very unsatisfactory.

Question put, and negatived.

PANNEL-OYA STORAGE TANK.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. S. Dharmaretnam,—

That in the opinion of this Council "Pannala-oya Reservoir" should be constructed to feed Sagaman Tank in Akkaraipattu.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on

December 4, 1941, considered the above motion moved by Mr. S. Dharmaretnam, M.S.C.

2. It is considered undesirable to tackle this project, which could only be undertaken at the expense of the more important and such more pressing needs of the Pattipalai-arū Scheme. Mr. Dharmaretnam concurred with this view.

3. The Pannel-oya Storage Tank project is entirely independent of the Gal-oya Scheme and aims to improve the supply under Sagamam. Preliminary surveys of the proposed bund sites were undertaken in 1936 and showed that a bund is feasible. The surveys were only confined to the bund site and did not embrace either tank capacity or additional irrigable extent possibilities.

4. Preliminary calculations indicate that a tank capable of storing about 60,000 acre feet is feasible, although the North-East Monsoon yield is unlikely to exceed an average of 30,000 acre feet. A tentative outside estimate of probable cost of a suitable tank is in the neighbourhood of one million rupees. This tank would act purely as a supplementary storage reservoir and the cost of any additional channels to command additional land not at present commanded by Sagamam or Vammidi has not been included in this figure.

5. The available storage from impounding the Pannel-oya which has a catchment at the bund site of 44.6 square miles would be ample to provide two cultivations for all the existing fields under Sagamam and probably sufficient to allow for the full development of another 1,000 acres, if available.

6. It is anticipated that, when details of cost are worked out and if full advantage of machinery is taken, the figure of one million rupees would however be sufficient to include for irrigation facilities for the additional 1,000 acres, but at this stage I obviously could not guarantee this expectation.

7. The capital cost of the present scheme is Rs. 185,000 and provides as stated above for one annual cultivation. Increase of capital cost to Rs. 1,185,000 should provide a second cultivation for 2,736 acres and two cultivations for an additional 1,000 acres.

An increase in land valuation of Rs. 150 per acre is anticipated on the existing fields—say an appreciation of

Rs. 400,000 and an appreciation of Rs. 250 per acre on the additional 1,000 acres or Rs. 250,000, making a total appreciation of Rs. 650,000, and we might have to spend one million rupees to achieve this.

8. In terms of cultivation, however, the scheme appears more promising. In brief it means that we could ensure one crop on additional 4,736 acres (a Yala on 2,736 acres and both Yala and Maha on 1,000 acres) for this capital outlay on irrigation works—an expenditure of Rs. 210 per acre of single cultivation.

Mr. Tambimuttu: The Executive Committee has considered it undesirable to tackle this project. The mover of this motion, who is a Member of that Committee, has agreed with that view.

Mr. Speaker: Has he agreed to this report?

Mr. Tambimuttu: The hon. Member is not here to withdraw his motion.

Mr. Speaker: Has he asked the hon. Member to do so?

Mr. Tambimuttu: No.

Question put, and negatived.

CLERKS FOR ATTENDING TO CORRESPONDENCE IN SINHALESE AND TAMIL.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa.—

That in the opinion of this Council those who have passed the Senior School Leaving Certificate Examination or similar examinations in Sinhalese or Tamil should be employed as clerks in Government offices to attend to correspondence in Sinhalese or in Tamil.

Report of the Chief Secretary under Standing Order 57.

Clerks in Government offices are recruited by competitive examinations and Sinhalese and Tamil will, from January 1, 1943, be compulsory subjects at all such examinations for candidates who are Sinhalese or Tamil. This measure will ensure an adequate supply of clerks who are able to attend to correspondence in Sinhalese and Tamil.

Question put, and negatived.

MINOR EMPLOYEES IN GOVERNMENT SERVICE: REVISION OF SALARY SCALES.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. U. Batuwantudawe.—

That in the opinion of this House the salaries of all minor employees of Government should be increased in conformity with the recommendations set out in the Report of the Select Committee published as Sessional Paper XII. of 1940.

Joint Report of the Chief Secretary and the Financial Secretary.

A motion will shortly be brought before the State Council, proposing certain alterations in the salaries of future entrants to the public service as a result of the recommendations made in the reports of the Retrenchment Commission and of the Select Committee appointed to consider those reports.

If this motion is passed the salaries of existing officers will be improved in accordance with any improvements made in the salary scales applicable to future entrants.

Question put, and negatived.

ASSISTANT SHROFFS: UNIFORM SALARY SCALE.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. U. Batuwantudawe.—

That this House is of opinion that the present salary scales of Assistant Shroffs be abolished and a uniform scale starting at Rs. 840 per annum, rising up to a maximum of Rs. 2,100 per annum by annual increments of Rs. 60, be introduced instead.

Report of the Financial Secretary under Standing Order 57.

The scales now in force for Assistant Shroffs are—

	Rs.	
1 Deputy Shroff, Currency Department, Treasury	} 2,100—120—2,700	
1 Chief Assistant Shroff, Railway		
1 Assistant Shroff, Customs	} 1,500—60—2,100	
17 Assistant Railway Shroffs,		

3 Assistant Shroffs, Department of Electrical Undertakings	} 720—120—1,680	
6 Assistant Shroffs, Currency Department, Treasury		
3 Assistant Shroffs, Customs	} 900—60—1,380	
1 Assistant Shroff, Colombo Port Commission		
20 Assistant Shroffs, Currency Department, Treasury	} 630—30—840	
11 Assistant Shroffs, Customs		
1 Assistant Shroff, Colombo Kacheheri	} 660—30—780	
1 Assistant Shroff, Jaffna Kacheheri		
37 Assistant Shroffs in various Kacheheries; Fiscal's Office, Colombo; Currency Department, Treasury; Prisons Department; Colombo Port Commission, and Post Office	} 390—30—660	

The Select Committee of the State Council appointed to consider the Reports of the Retrenchment Commission in its report (Sessional Paper XII. of 1940) has grouped the posts in 4 Classes with the following salary scales:—

- Group I.—Rs. 1,500—2,340.
- Group II.—Rs. 1,200—1,800.
- Group III.—Rs. 840—1,500.
- Group IV.—Rs. 480—1,200.

The recommendations of the Select Committee are now before the Board of Ministers. In view of the varying importance and responsibilities of the different posts of Assistant Shroff, I cannot agree to their all being graded on a single scale. The Council will, however, have an opportunity of expressing their views on this question when the recommendations of the Board of Ministers on the reports of the Select Committee are brought before it.

Question put, and negatived.

GOVERNMENT ARCHIVIST'S DEPARTMENT.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. Ratnayake,—

That in the opinion of this Council the Department of the Government

Archivist should be made a separate Department under the Ministry of Education.

Report of the Executive Committee of Education.

The Executive Committee of Education is in favour of the constitution of the Archives into a separate department and placing it under its general control. It is not, however, considered possible to effect the change-over in the present emergency. The Executive Committee recommends the acceptance of the motion but effect will be given to it only after conditions return to normal.

Report of the Chief Secretary.

The Chief Secretary concurs.

***The Hon. Mr. Kannangara:** This matter was considered by the Executive Committee of Education, and it is in favour of the motion. But the proposal cannot be given effect to just now.

***Mr. Aluwihare:** Apart from that, to create another department for the Archives would, I think, be absurd. You may put this department under the Museum.

***The Hon. Mr. Kannangara:** That is what we want to do.

***Mr. Aluwihare:** But certainly not create another Department.

Question put, and negatived.

CAUSEWAY ACROSS MI-OYA AT MAHAUSWEWA.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. J. H. Hangantileke,—

That this Council is of opinion that a causeway should be built across the Mi-oya at Mahauswewa on Uswewa-Nawagattegama D. R. C. road.

Report of the Executive Committee of Communications and Works under Standing Order 57.

The motion was considered by the Executive Committee of Communications and Works at its meeting held on February 10, 1942.

The Committee resolved to report that provisions for the work would be included in the draft Supply Bill Proposals, 1942-43, for consideration.

Question put, and agreed to.

TELEGRAMS: EXTENSION OF FREE-DELIVERY RADIUS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. D. P. Jayasuriya,—

That this Council is of opinion that the radius within which telegrams are delivered free of portage charges should be increased from 3 to 5 miles.

Report of the Executive Committee of Communications and Works under Standing Order 57.

The motion was considered by the Executive Committee of Communications and Works at its meeting held on February 10, 1942.

2. Mr. D. P. Jayasuriya was present as a member of the Executive Committee.

3. The Executive Committee resolved to report that it is in favour of the adoption of the proposal.

Mr. D. P. Jayasuriya (Gampaha): The report is in favour of the motion. I accept the report.

Question put, and agreed to.

COCONUT BOARD: COMMISSION OF INQUIRY INTO WORKING.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of the late Mr. C. E. P. de Silva,—

That in view of the dissatisfaction prevailing among producers and dealers of coconut produce, this Council is of opinion that His Excellency the Governor should be requested to appoint a Commission to inquire into the working of the Coconut Board.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

This motion was considered by the Executive Committee of Labour, Industry and Commerce on August 15, 1938, on November 10, 1938, and again on February 17, 1942. The Committee adheres to its opinion that it is not necessary to appoint a Commission to inquire into the working of the Ceylon Coconut Board. A full report on the working of the Ceylon Coconut Board has been made to the

State Council in connection with Mr. A. R. A. Razik's motion for the abolition of the Coconut Board.

The Executive Committee does not think that any occasions have arisen, or that any developments have taken place, to necessitate the examination of the working of the Ceylon Coconut Board by a Commission.

Question put, and negatived.

WEEKLY PAYMENT OF WAGES.

The debate on the following motion of Mr. S. Abeywickrama, was continued.

That this Council is of opinion that all Government Labourers should be paid weekly wages from next month.

Report of the Financial Secretary under Standing Order 57.

As a general rule, employees on daily rates of pay, who have in the past been paid monthly, now receive part of their pay on account at weekly or fortnightly intervals.

2. As regards employees on monthly salaries of Rs. 100 or less, arrangements have been made that an advance on account of the monthly salary up to 25 per cent. may be given on or after the 7th of the month.

***Mr. R. S. S. Gunawardana** (*rising out of his place*): I strongly support this motion as the conditions of living have completely changed.

Mr. Speaker: The hon. Member must go back to his seat and speak.

***Mr. R. S. S. Gunawardana** (*rising in his place*): I am sorry. The conditions of living have completely changed and it is very necessary that there should be a change in the system of payment made, because in the good days of old it was possible for a labourer to obtain rice and other provisions on credit and pay the bill at the end of the month; now that is not possible. It is impossible to get credit, and it is very desirable that the system of payment of wages weekly should be introduced.

The Hon. Mr. Senanayake: If that is so, would it not be desirable to amend the motion, because on estates there is a term called "*Nalaiki*" which means "to-morrow". So they will always say, "*Nalaiki*".

***Mr. R. S. S. Gunawardana:** I move that the last three words "from next month" be deleted.

Mr. Speaker: The word "weekly" will have to be inserted after the word "Wages".

Are those amendments agreed to?

Members: Aye.

The Hon. Mr. Huxham: I would explain to the House that arrangements are now in force whereby monthly-paid labourers draw advances usually twice a month in respect of their wages; and I must say that if wages have to be calculated and paid weekly it would mean an enormous increase in the clerical work of Government which it would be extremely difficult to do during the present emergency when we are so short of staff. I have received reports on the question and I am assured that the present arrangement works very well. The labourers still pay a number of their expenses monthly, and it is more suited to Ceylon conditions that they should receive at the end of the month considerably more than one week's pay.

The House, or some Members at any rate, will recollect that the experiment of fortnightly payment was tried several years ago and was discontinued at the request of the labourers themselves. I think therefore, Sir, that the present arrangement, whereby, they draw a certain sum about the 10th of the month, a further sum about the 20th and the balance at the end of the month is suited to Ceylon conditions, and a complete recalculation and payment of wages every week would be an extremely difficult and involved matter which it would be difficult to undertake at the present time.

The Hon. Colonel J. L. Kotalawala (Minister of Communications & Works): I wish to speak a few words on this subject.

As soon as war broke out, or just after that, commodities went up in price. I had several conferences with different labour associations, and it was brought to my notice, both by the workers in the Government Factory and the Railway Workshops, that weekly-paid wages would involve them in difficulty in that their house rents and some other items of expenditure have to be paid monthly.

[The Hon. Colonel Kotalawala.]
As in England, if we can get the house-owners in Ceylon to put the rents on a weekly basis, then I think it would be time to start the payment of wages weekly. But as long as houses are rented and boutiques give credit on a monthly basis, it was pointed out, it would be difficult for people to carry on under a system of weekly payment of wages.

It was as a result of that that the system of paying advances was introduced, because the argument at that time was that the amount drawn at the end of the month was sufficient to pay the house rent and certain other bills, and that the weekly advances drawn would be sufficient for the purpose of purchasing provisions. When I insisted at that time on the payment of wages weekly, it was the desire of the workers that it should not be so. They themselves came in deputation and said so.

Personally I would like the system of payment of wages weekly to be introduced by Government as well as by private firms, and a system of weekly payment of rents also introduced, as the weekly wage is much better for the labourer. For instance, if he can give a week's notice to his landlord and move off, it would be better than giving a calendar month's notice as at present. People ought to be able to change residences within a week of notice.

I suggest for the present that we accept the system of paying advances, as stated by the Financial Secretary.

***Mr. R. S. S. Gunawardana:** What are the advances given?

The Hon. Colonel Kotalawala: I think fortnightly or weekly advances are given, but every week a man is entitled to draw an advance.

***Mr. R. S. S. Gunawardana:** What is the percentage of the advance?

The Hon. Colonel Kotalawala: I think 50 per cent. is kept back for the last week, because that covers the house rent and certain other bills; the advances are given purely for the purpose of paying for the rice, which is rationed, and other currys-tuffs and articles which they buy at Sunday Fairs, and so on.

***Mr. Abeywickrama:** Sir, after the contribution of the Minister of Communications and Works I have no alternative but to withdraw the motion. Deputations have waited on him, but people have made representations to us also to the effect that it is extremely difficult for them to carry on in view of the present circumstances where traders demand cash across the counter for the articles required. There seems to be a conflict of opinion; but as long as advances are paid, I shall not press my motion.

One thing that is clear is the mentality of the Financial Secretary where matters affecting the under-dog are concerned. The payment of wages weekly is an accepted principle throughout the world. Even the Servicemen here are paid weekly. Commodities that could have been obtained on a month's credit before the war now have to be paid for in cash.

I do not know whether Government Departments have an undue hold on labourers by keeping back a certain amount out of their wages so that they cannot leave their jobs. Surely the principle that a labourer is worthy of his hire should be applied. I shall watch the situation for about three months and introduce another motion if necessary. I am myself serving on the Sub-Committee which is going into this question.

Mr. Speaker: Does the hon. Member move to withdraw the motion?

***Mr. Abeywickrama:** Yes, Sir.

Motion, by leave, withdrawn.

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

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

MAGISTRATE'S COURT, MATARA: SESSIONS AT MORAWAKA AND DENIYAYA.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. R. C. Kannangara,—

That in the opinion of this Council the Matara Magistrate's circuit court should sit four days in the month at Morawaka and Deniyaya; and dispose of all Morawak korale criminal and civil cases.

Report of the Legal Secretary under Standing Order 57.

At present the Magistrate, Matara, sits at Deniyaya on the third Friday, and at Morawaka on the third Saturday of each month, to deal with criminal cases. No civil work is dealt with in either circuit court: apart from the fact that there is not sufficient time for civil work the fact that there is no permanent court staff, either at Deniyaya or at Morawaka, as well as the fact that there are no proctors resident and practising at either place, requires the various steps in a civil suit to be taken at Matara.

2. The nature and volume of work in the Magistrate's Court, Matara, is such that the despatch of business in that court will suffer if the number of monthly sittings at Deniyaya and Morawaka is increased; the Magistrate will, as a result of such increase, have to be away from his station on these further days.

It is not practicable to make any satisfactory arrangement for the work in the Magistrate's Court, Matara, on these further days or to detail another Judicial Officer to hold circuit sessions at Deniyaya and Morawaka on these further days.

3. For these reasons the Legal Secretary is of opinion that the motion cannot be accepted.

The Hon. Mr. Nihill: Sir, this motion cannot be accepted.

Question put, and negatived.

RICE: PRICE PER MEASURE.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. E. Goonesinha.—

That this House, whilst condemning the action of Government in embarking upon a scheme of profiteering in rice, demands that the charge per measure be absolutely in proportion to the expenses incurred.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion at its meeting held on March 24, 1942.

2. Mr. A. E. Goonesinha was absent though invited.

3. On January 1, 1942, the Food Controller's Department commenced purchasing rice at the Granaries for storage in the various Railway Goods Sheds and other available stores in the Island, in order to build up a reserve equal to two or three weeks' consumption of each district. The prices then ruling were those published in *Gazette Extraordinary* No. 8,834 of December 20, 1941. According to these prices, the average estimated prices of each of the three main varieties (now retailed for sale) at the Granaries on January 5, 1942, were as follows:—

	Rs.	c.
Ordinary ...	14	14
Special (Samba) ...	17	19
Special (Broken raw) 22 26½	do.	112 do.

4. It was therefore decided to sell the rice at Rs. 14.35, Rs. 17.40 and Rs. 22.66, respectively, plus rail freight and other transport charges. The addition to the cost is therefore only 21 cents in the case of 80 measure bags and 29½ cents in the case of 112 measure bags. The labour charges only at the Granaries end are 9½ cents and 13½ cents, respectively, thus allowing only 11½ cents and 15½ cents to cover all other expenditure in the purchase and distribution of rice and also losses due to drriage, pilferage, deterioration, &c., incidental to the trade. This margin is now found to be totally inadequate to meet these expenses and losses.

5. On January 24, a new price order was issued, introducing an all-round reduction in the prices. On February 2, a new price order was issued, in which some of the prices payable to importers were slightly increased.

6. The prices appear high when compared with the present prices payable to importers as new crop rice began to come in, but more than 150,000 bags of rice were purchased before the fall in the prices of rice.

7. In order that the retail price charged to the consumer may remain unaltered for as long a period as possible, it is not proposed to alter the retail prices every time the prices payable to importers are altered. Profits, if any, made by the Food Control Department will be taken into consideration when the retail

price is next altered and at certain times it may happen that the retail prices are lower than the importers' prices plus transport charges.

Question put, and negatived.

MATERNITY HOMES FOR BATTICALOA SOUTH.

The debate on the following motion of Mr. S. Dharmaretnam was continued:

That this Council is of opinion that two Maternity Homes be provided in Batticaloa South in suitable areas.

Report of the Executive Committee of Health under Standing Order 57.

A Cottage Hospital and a Maternity Home are to be constructed at Villaveli and in Mannunai, respectively. This is a substantial addition to the medical facilities in the area. The construction of a Maternity Home in Batticaloa South may be considered in the next financial year, if funds are available.

*Mr. Aluwihare: I wonder whether the Hon. Minister will tell us what the general policy is, because, in some areas, the Medical Department argues in this way.

This district has been so long neglected and so many of the population have died out that now the population is not sufficient to warrant the construction of a hospital. That is how it is stated. That was stated to me by a very high officer in the Department who was on circuit with the Hon. Minister. So, the population remaining do not warrant the construction of a hospital, and they say that therefore they will not have a hospital. The result is that the remaining population dies out.

I know that the Hon. Minister feels keenly about this matter, and I do hope that he will publicly state that that is not the policy and that in those areas medical facilities will be provided within a reasonable distance of their homes.

Mr. Tambimuttu: Sir, the report says that "a Maternity Home in Batticaloa South may be considered in the next financial year, if funds are available". I think two financial years have now passed; and I want to know whether anything has been done.

The Hon. Mr. G. E. de Silva: The policy that I am going to adopt is this:

I want to multiply the number of hospitals and the number of maternity homes in areas where there are small populations as well as in areas where there are large populations. My policy is to get rid of malaria, if possible, within the next three or four years, and, in pursuance of that policy, I hope hon. Members of this Council and the Hon. Ministers who are associated with me will be able to implement the programme that I have and which I am going to bring before the Board of Ministers and, subsequently, before the Council within a few months.

When that policy is put before this House the hon. Member for Matale (Mr. Aluwihare) will realize that the object, not only of the Board of Ministers, but also of myself and my Committee, will be to construct hospitals which we have neglected to do all these years.

Question put, and agreed to.

"MIDWIFE": CHANGE OF DESIGNATION TO "MATERNITY ASSISTANT".

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. S. Dharmaretnam,—

That this Council is of opinion that the designation "Midwife" should be altered to "Maternity Assistant".

Report of the Executive Committee of Health under Standing Order 57.

The designation "Midwife" is in common use and signifies precisely the functions of the person so designated. It is not considered necessary to change the designation. The adoption of the designation "Maternity Assistant" will involve the amendment of the Medical Ordinance (Chapter 90) where the designation "Midwife" appears.

The Hon. Mr. G. E. de Silva: I do not think that this matter need be pursued further, because whether it is Midwife or "Maternity Assistant" it does not in any way affect the status. If this matter is pursued, we will have to amend the Medical Ordinance and take up the time of the Council and the country for no purpose whatsoever. So I would ask hon. Members to vote against this motion.

Question put, and negatived.

Nov. 4, 1942]

Debates.

**REGISTERS OF MARRIAGES,
BIRTHS & DEATHS, AND OF
TITLE DEEDS.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. E. W. Abeygunasekera,—

That in view of the present situation this Council is of opinion that steps should be taken to remove all Registers of Births, Marriages and Deaths and all Registers of Title Deeds to a safer place for the duration of the war.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

This motion was considered by the Executive Committee of Labour, Industry and Commerce on March 15, 1942.

2. Mr. E. W. Abeygunasekera was absent, though invited.

3. It is presumed that the motion has reference to the duplicate registers of Marriages, Births and Deaths registered in the Island and notarial duplicates which are housed in the Registrar-General's Office as the Central Record Office and the Colombo Land Registry. These have now been shifted to safer areas.

The Trincomalee Land Registry has also been shifted to a safer area while it is proposed to shift the Land Registries at Galle and Jaffna.

Question put, and agreed to.

**RELIEF TO GOVT. PEONS AND
MINOR EMPLOYEES.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa,—

That in the opinion of this Council immediate steps should be taken to relieve the hardships caused to peons and minor employees of the Government by the high cost of living.

Report of the Financial Secretary under Standing Order 57.

Peons and minor employees of the Government referred to have been in receipt of a cost of living allowance with effect from March 1, 1941.

Question put; the Council divided (under Standing Order 68): Ayes, 6; Noes, 1.

**WEEKLY PAYMENT OF
SALARIES & WAGES.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. D. P. Jayasuriya,—

That this Council is of opinion that all monthly and daily-paid Government Employees be paid their salaries and wages weekly in view of the prevailing conditions particularly as dealers and vendors of foodstuffs are now refusing credit and supply provisions on a cash basis only, and in view of the introduction of rice rationing.

Report of the Financial Secretary under Standing Order 57.

The arrangements made for paying employees on daily rates of pay more frequently than in the past and for granting advances on account of the monthly salary to those monthly-paid employees drawing Rs. 100 per month or less has been outlined in the Report of the Financial Secretary on Mr. Simon Abeywickrama's motion that all Government labourers should be paid weekly wages, appearing as item 845 on Part II. of the Orders of the Day for the session commencing on May 19, 1942.

It is not considered necessary to provide such facilities for all Government employees.

Mr. D. P. Jayasuriya: Sir, this is a similar motion to that of the hon. Member for Udugama (Mr. Abeywickrama) which we dealt with just now. I would ask for permission to withdraw it.

Motion, by leave, withdrawn.

**REPATRIATION OF TRAVAN-
COREAN DAILY-PAID
LABOURERS.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. S. Natesan,—

That in view of the threatened ruin of the tobacco trade of Jaffna with Travancore consequent upon the raising of the duty on Jaffna tobacco by the Travancore Government from Rs. 135 to Rs. 200 per candy, which will lead to the unemployment and destitution of a large section of the

people of Jaffna Peninsula, this Council is of opinion that the repatriation of the Travancorean daily-paid labourers should be suspended by Government with a view to starting immediate negotiations with the Government of Travancore.

Report of the Chief Secretary under Standing Order 57.

The Chief Secretary is not aware of any scheme for repatriation of Travancorean labourers in the sense used in the motion. If the motion is intended to refer to the scheme for retirement with gratuities of certain classes of non-Ceylonese Government daily-paid labourers, the Chief Secretary would observe that the scheme has now been fully carried out and that suspension is therefore out of the question.

Further Report of the Chief Secretary under Standing Order 57—vide item 122 of the Minutes of the Meeting of the State Council held on November 13, 1941.

The Chief Secretary is aware that proposals were under consideration for a visit by the Registrar of Co-operative Societies to Travancore to discuss the tobacco question generally. It has since been found necessary to defer the visit in view of the present state of emergency, but it is proposed that the visit shall take place when circumstances are again favourable. Meanwhile it is understood that a temporary reduction of the duty on Ceylon tobacco imported into Travancore has, subject to certain conditions, been granted by that Government.

Question put, and negatived.

EVACUATION ADVANCES FOR PENSIONERS.

The following motion of Mr. D. P. Jayasuriya was, by leave, withdrawn:

That this Council is of opinion that advances not exceeding two months' pension should be granted to pensioners drawing Rs. 300 and under a month and living within the target areas for evacuation purposes.

Report of the Financial Secretary under Standing Order 57.

The grounds on which advances to meet the cost of evacuation have been granted to officers working in target areas

are that they have to remain in those areas and may properly wish to send their families elsewhere. This consideration does not apply to pensioners, who are free to move with their dependants wherever they like.

In any event, advances for evacuation purposes have now ceased.

EVACUATION ADVANCES: RAISING OF SALARY LIMIT.

The following motion of Mr. D. P. Jayasuriya was, by leave, withdrawn:

That this Council is of opinion that the salary limit of Rs. 300 a month and under imposed in connection with the granting of advances to Government Officers for evacuation purposes should be raised to Rs. 500 and under.

Report of the Financial Secretary under Standing Order 57.

The matter was considered several times before, and it was decided not to increase the salary limit. The grant of advances for evacuation of families is now stopped.

DISMISSAL OF MR. S. K. DEWADASON, STEWARD, KURUNEGALA HOSPITAL.

The debate on the following motion of Mr. H. R. Freeman, was continued:

Arising out of the reply to Question 55/41 (d), this Council is of opinion that as the scrutiny by the "prisoner's friend" was held in the absence of the accused the inquiry should be reopened and held anew.

Report of the Chief Secretary under Standing Order 57.

The departmental inquiry against Mr. S. K. Dewadason, formerly Steward of the Kurunegala Hospital, was held in February, 1939. The witnesses at this inquiry were Dr. K. Ponniah, Kader Saibo Majid, and Dr. D. B. D'Alwis. It is reported that the witness, Kader Saibo Majid, cannot now be traced.

2. Public Service Regulation 110 applies to this case and this inquiry was held in accordance with it. There is no provision in the Public Service Regulations or elsewhere for a further inquiry in the presence of a "Prisoner's

3. All disciplinary orders are, however, subject to review by His Excellency and the Secretary of State for the Colonies. On receipt of a petition by any person aggrieved by such a disciplinary order, the file is obtained from the Department concerned and is examined by an Assistant Chief Secretary. Special instructions have been issued to the officer concerned to scrutinize the disciplinary proceedings noting especially any points in the petitioner's favour and any defects in the procedure which might, in any way, have prejudiced the petitioner. It was to this scrutiny that the Chief Secretary referred in his statement to Council recorded at pages 910 *et seq.* of the State Council of Ceylon Debates of 1938 (Volume I.). His report and the file are carefully examined by the Deputy Chief Secretary and by the Chief Secretary before submission to His Excellency.

4. In the present case in addition to the examination outlined above, the case has been specially examined on the instructions of His Excellency. It has also formed the subject of a memorial to the Secretary of State who saw no reason to intervene.

5. I consider that after this lapse of time it will be difficult to hold a fresh inquiry and I do not think that there is reason to expect any fresh light on this question even if one is held.

Mr. Freeman: Sir, the Hon. the Chief Secretary's report is a good target. One of the Government witnesses whom it names said at the inquiry:

"At this stage, as Mr. Dewadasan's leading questions do not bear any relevance to the inquiry at hand I refuse to allow further questioning and close the inquiry."

This shows the intolerant mentality of the officer of the Department interested, and this when a man's job and livelihood are at stake in an inquiry based on an anonymous petition.

Another witness named in the reply was a bogus substitute for a cooly who stole the meat; the original cooly who was caught red-handed by the authorities should have been prosecuted on the spot, but this was not done. They produced a substitute.

The trouble in these cases arises from a vicious Government order to Heads of

Departments when dealing with petitions such as in this case. The order is: "The reporting officer must invariably conclude with a recommendation to Government of the answer which he considers should be given to petitioner".

Does this leave an accused any chance at all? The Government maxim is, "Everything is presumed to be rightly done". The accused must have been unpopular owing to the number of times he had asked for help in his work. So the authorities in the Department were anxious to get rid of him. This may also account for the savage punishment, while bigger people get off with nominal sentences. There are many such cases.

The accused says that he had not a bad record, but when I asked the late Chief Secretary what his record was, his reply was, "I do not consider it desirable to discuss the record of any particular officer on the Floor of this House". What a disingenuous reply! Probably this man was dismissed for an unsatisfactory record.

Everything about a "Prisoner's friend" in paragraphs 2 and 3 of the report of the Chief Secretary is irrelevant because there is no "Prisoner's friend" except in cases which go before a tribunal such as the Public Services Commission. There is no "Prisoner's friend" for the lower grades such as this. In this case a Secretariat officer was sent to inquire, after the departmental inquiry, and he reported in the absence of the accused at the inquiry. That is utterly wrong.

I therefore ask the House to accept the motion.

Question put, and agreed to.

EVACUATION ADVANCES FOR OFFICERS RESIDING AT PELIYAGODA, &c.

The following motion of Mr. D. P. Jayasuriya was by leave, withdrawn:

That this Council is of opinion that Peliyagoda, Hendala, Kandana and Dandugama Peruwas should be regarded as "Target areas" and Government Officers drawing Rs. 500 a month and less, living in these areas, should be granted advances of two months' salary to enable them to evacuate their families.

Joint Report of the Chief Secretary and the Financial Secretary under Standing Order 57.

This matter is now closed as no further advances for evacuation are being granted.

**GOVERNMENT WORKSHOPS:
WORK DURING HOLIDAYS.**

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. A. E. Goonesinha,—

That in view of the hardships experienced by workmen generally as a result of war conditions this Council demands that all Government workshops such as Railway, Government Factory, Harbour, &c., should continue to work during the Christmas holidays excepting the 25th, 26th, and 1st January.

Joint Report of the Financial Secretary and the Executive Committee of Communications and Works under Standing Order 57.

Work was given to all who wanted to work except in the Railway where it was not possible to do so. Opportunity is taken during the holiday period, December 24 to January 2, at the Ratmalana workshops to attend to essential machine and plant repairs which cannot be done during working days. This year owing to the carrying out of certain Air Raid Precautions measures more men than usual were given work.

Question put, and negatived.

VILLAGE TRIBUNALS: RECORDS OF JUDGMENTS.

The debate on the following motion of Mr. E. W. Abeygunasekera was continued.

That in the interests of justice the copies of judgments by the Presidents of Village Tribunals, to which signatures of contestants in Village Tribunal Cases may be taken as in cases which are amicably settled, &c., be in the vernacular as contestants not conversant with English are at present unaware of the contents of the judgments to which their signatures are obtained.

Report of the Legal Secretary under Standing Order 57.

The motion is based on the assumption—

- (i) that the parties to an amicable settlement of a case in the Village Tribunal are unaware of the terms of settlement which are entered of record; and
- (ii) that the parties to such a settlement are literate and can read and understand the terms of settlement if they are recorded in Sinhalese or in Tamil.

2. With regard to (i.), the relevant Rule of Civil Procedure for Village Tribunals reads thus:—

“29. Whenever an amicable settlement between the parties has been arrived at before the Village Tribunal it shall be the duty of the President to make a record in the proceedings of the terms of such settlement, which record shall be explained to and signed by the parties, and every such settlement shall have the force of a judgment.”

As the record of the terms of settlement must be explained to the parties it cannot be said that the parties are unaware of the terms of settlement.

3. With regard to (ii.), it is doubtful whether, except in a small percentage of cases, the standard of literacy of parties to cases in Village Tribunals is such as to ensure that such parties will be able to read and understand the terms of settlement—even if such terms are recorded in Sinhalese or in Tamil.

4. For the above reasons the Legal Secretary is unable to accept the motion.

***Mr. Abeywickrama:** If this motion is open to debate, I would like to make a few comments.

In the interior, when a case is settled, the Presidents of the Village Tribunals sometimes write the terms of settlement in the English language. Very often the people themselves have complained to us that they do not know the terms of settlement. After all, it is only a small request that has been made by the hon. Member, that where the President of a Village Tribunal settles a case, not the whole proceedings, but only the terms of settlement be written in the vernacular.

I think that is a very reasonable request and I would appeal to the Hon. the Legal Secretary to accede to it. It is not the whole proceedings that is required to be in a vernacular language, but only the record of the terms of settlement.

Certain Presidents of Village Tribunals who are sometimes inclined to side with some people merely write the judgment like this: "You agreed to such a thing on such a date". After all, we insist on every Government Servant knowing the national language; and this is an instance where we can confer some benefit on the poor people in the villages. Sometimes the Presidents of Village Tribunals think it a disgrace to write their own language.

I would, therefore, suggest that hon. Members should consider this matter and pass this motion; and I would appeal to the Hon. the Legal Secretary to accept this small departure, small in that only the record of the terms of settlement is to be recorded in the vernacular.

***Mr. Aluwihare:** I support this motion with all the emphasis that I am capable of, for this added reason. [*Interruption.*] There are Members of this House who make remarks largely because they know neither language perfectly.

I have just come across a case where a Village Headman was charged for perjury. I will give you one bit of translation. It was a case of murder, and the Village Headman said:

මම කේරලට කතාකෙරුවා. නුමුත් එයා උසර දුන්නේ නැහ.

He had stated that in the diary; and in the Information Book of the Police, a Sergeant who knew English but imperfectly translated it and said, "I spoke to Kerala", but he left out the other part—"but he made no reply". In the Police Court, the Headman made the same statement, and in the Supreme Court he made the same statement; and it was there correctly translated, "I spoke to Kerala but he made no reply". He was convicted of perjury, because in the Information Book his statement had been recorded as, "I spoke to Kerala". That was one of the counts.

In the face of that kind of thing, can you refuse to have the vernaculars as the medium of carrying on the administration of justice? How can you even refuse to

give this very small redress that has been asked for by the mover of this motion? What are the excuses that have been given? The second excuse is so good that it deserves to be repeated:

"that the parties to such a settlement are literate and can read and understand the terms of settlement if they are recorded in Sinhalese or in Tamil".

That is your excuse, but you are willing to record a judgment in a language which it is certain not a single person who comes before that court will be able to read or understand. That, Sir, is the way justice is administered. I would ask the Hon. the Legal Secretary to grant us some relief in this matter.

As a matter of fact, it was not a long time ago that actually in the Village Tribunals all the proceedings were conducted in Sinhalese. It is only from recently that proceedings are being conducted in English, I do not know for what reason. There will be no difficulty in insisting again that Sinhalese be used in these courts.

Mr. Wanigasekera: This is a long-felt need, and I hope the Hon. the Legal Secretary will take steps to see that the judgments given in these village courts are written in Sinhalese or Tamil as the case may be, because when a villager goes before a Tribunal where the case is conducted in Sinhalese, he will know what the judgment is if it is written in Sinhalese. This is a long-felt need and I would, therefore, support the motion.

Mr. Sri Pathmanathan: I know, when a case goes up in appeal the person who decides the appeal is a person who does not know the Sinhalese language. That is a question which has to be very seriously considered and settled; also, this matter must be carried, if it is to be carried to the lowest Court, to the highest Court as well.

Question put, and agreed to.

MR. M. DE S. A. WIJAYA-NAYAKA, ASST. GOVERNMENT VETERINARY SURGEON.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa,—

That in the opinion of this Council Martin de Silva Abeywickrama Wijayanayaka, who was appointed as

Assistant Government Veterinary Surgeon by His Excellency the Governor on February 26, 1932 (prior to the appointment of the Pereira Commission), subject to confirmation by the Secretary of State for the Colonies, should have been treated as an old entrant although the confirmation of the appointment by the Secretary of State for the Colonies was delayed until July, 1933, and his salary should have been paid on the old scale; he was paid acting salary calculated on the old scale from August 1, 1931, to July 11, 1933, and his appointment was confirmed with effect from November 1, 1931.

Report of the Financial Secretary under Standing Order 57.

The post of Assistant Government Veterinary Surgeon, which carried a salary scale of £500—25—700, became vacant with effect from November 1, 1931, by the promotion of its holder, Mr. M. Crawford, as Government Veterinary Surgeon. Mr. Wijayanayaka, who at the time was in the special class of the subordinate service of Assistant Veterinary Surgeons and drawing a salary of Rs. 5,400 per annum, was appointed to act in the vacant post. In 1932, his appointment to the vacant post was proposed to the Secretary of State, who considered his qualifications inadequate for the duties assigned to the post and asked for a further report after Mr. Wijayanayaka had acted in the post for a year. Mr. Wijayanayaka is in possession of Indian qualifications only, whereas normally the holder of this post should be a M.R.C.V.S.

2. In 1933, the question of the appointment of Mr. Wijayanayaka to the vacant post was again taken up. A decision had to be reached in regard to the salary to be assigned to him on promotion. I proposed the scale Rs. 6,000—400—8,000, but the Executive Committee of Agriculture and Lands considered the scale Rs. 4,800—240—7,200, recommended by the Salaries and Cadres Commission adequate, and the Board of Ministers accepted this scale. Mr. Wijayanayaka was eventually confirmed in the post on the scale of Rs. 4,800—240—7,200. When the Select Committee on Salaries and Cadres in Sessional Paper VIII. of 1934 proposed for the post of

Assistant Government Veterinary Surgeon a salary of Rs. 5,400—300—7,500, Mr. Wijayanayaka was transferred to that scale with effect from June 1, 1934. On representations made by Mr. Wijayanayaka in March, 1937, the question of his salary was reconsidered and with the approval of the Board of Ministers he was placed on the midway scale of Rs. 6,480—360—9,000, with effect from October 1, 1936, at the point in the scale which he would have attained had he originally been appointed on that scale.

3. Mr. Wijayanayaka was throughout treated as a non-new entrant. As, however his promotion was not a normal promotion it was in order for his salary on promotion to be fixed by the Board of Ministers. He had no claim to the salary of £500—25—700 as he did not possess the M.R.C.V.S.

Report of the Chief Secretary under Standing Order 57.

I concur in the above report.

*Mr. Aluwihare: May I know what "M.R.C.V.S." stands for?

The Hon. Mr. Huxham: For "Member of the Royal College of Veterinary Surgeons".

In this case the fixation of the salary in the case of a promotion of this kind was entrusted by the State Council to the Board of Ministers, that is to say, the tendering of advice as to what the salary should be. The hon. Member has moved a motion which in effect asks the House to take into its own hands the fixation of salary in these cases. I would deprecate that course.

Question put, and negatived.

WAR ALLOWANCE: OFFICERS DRAWING Rs. 500 PER MENSEM AND UNDER.

The following motion of Mr. D. P. Jayasuriya was, by leave, withdrawn:

That this Council is of opinion that War Allowances should be paid to officers in receipt of monthly salaries of Rs. 500 and under.

Report of the Financial Secretary under Standing Order 57.

The question of war allowances to Government officers has received very careful consideration.

The increase in the cost of necessities, such as common foodstuffs is forced upon us by increased prices in the countries of production and increased cost of freight, insurances, &c. The increase per family is not unduly large in comparison with a substantial salary, and it is considered that the recipient of such a salary ought to be able to meet that increase by suitable economies in his standard of living.

As regards luxury and semi-luxury articles, the war has of necessity reduced drastically the quantity available for consumption in Ceylon. No increase of purchasing power will increase the quantity for sale. It follows that, if the amount of money available for such purchases is increased, the only result will be a further rise in prices, followed by further claims for increased remuneration, without any improvement in the standard of living—a process sometimes described as the vicious spiral of inflation.

The policy of Government should therefore be to make up to its employees who earn a bare living wage the bulk of the increase in the cost of living and to give relief at decreasing rate to employees above the bare living wage until the point is reached when the employee can be expected to meet the increased cost of necessities by reducing his purchases of luxuries and semi-luxuries; at this point the war allowances should be nil. At the present level of the cost of living this point under the existing Government scheme is reached at Rs. 220.90 per month.

Whether Rs. 220.90 is the proper figure must be a matter of opinion: I certainly do not think that a case can be made out, if the above principles are adopted, for extending the war allowance up to Rs. 500 at the present level of prices.

RAILWAY: HALTING-PLACE AT GONGITOTA.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. D. P. Jayasuriya,—

That this Council is of opinion that a Railway halting-place should be established at Gongitota.

Report of the Executive Committee of Communications and Works under Standing Order 57.

The motion was considered at a meeting of the Executive Committee of Communications and Works held on May 19, 1942.

Mr. Jayasuriya was present as a member of the Committee.

The Committee by a majority of four to two resolved that it was not in favour of the provision of a Railway Halt at Gongitota.

Mr. Speaker: Is the hon. Member withdrawing this motion?

Mr. D. P. Jayasuriya: No, Sir.

Question put, and agreed to.

PROHIBITION OF HORSE-RACING

The following motion of Mr. D. Wanigasekera was, by leave, withdrawn:

That this Council is of opinion that steps should be taken to introduce legislation to prohibit horse racing in this country.

Report of the Executive Committee of Home Affairs under Standing Order 57.

The motion was considered by the Executive Committee of Home Affairs at the meeting held on May 19, 1942, at which the mover was present.

2. In view of the amendments to the law relating to betting and gaming, which are now before the State Council, the mover agreed that it would not be necessary to proceed with this motion. He accordingly proposes to withdraw the motion.

UNCERTIFICATED TEACHERS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. S. Dharmaretnam,—

That this Council is of opinion that steps should be taken to issue certificates to those uncertificated teachers who have already served a period of over 15 years or so, and that their salary should be raised.

Report of the Executive Committee of Education under Standing Order 57.

The Executive Committee of Education at a meeting held on May 19, 1942, considered the above motion. The Executive Committee is in favour of placing uncertificated teachers in Vernacular and Bilingual Schools who have been in service for 15 years or over on a salary of Rs. 360 per annum, as the Executive Committee was of opinion that teachers who had served for over 15 years should at least be paid a living wage.

The Executive Committee therefore recommends the acceptance of the motion.

Report of the Financial Secretary under Standing Order 57.

There are at present approximately 600 uncertificated teachers with service of 15 years and over. Of these, 440 teachers are on a salary of Rs. 240 per annum and 160 on Rs. 300 per annum. The immediate cost per annum will be Rs. 62,400 and a further addition of Rs. 6,000 per annum for a considerable number of years to come.

Neither the Retrenchment Commission nor the Select Committee has recommended an increase to their salaries and in any case this is not the time for increasing salaries.

On the argument that they should be given a living wage, it will be difficult to resist the grant of an increase to those with service of less than 15 years, whose number will be considerable.

These teachers are in receipt of a war allowance to cover the extra cost of living, e.g., those on Rs. 240 per annum will draw Rs. 78 per annum and those on Rs. 300 per annum Rs. 99 per annum for June, 1942, under the new scheme of war allowance passed by the State Council.

It is open to these teachers to become eligible for a higher salary if they pass the requisite examination.

In the circumstances the Financial Secretary is opposed to the issue of certificates to these uncertificated teachers with service of 15 years and over and to the proposed increase of their salary to Rs. 360 per annum.

*The Hon. Mr. Kannangara: The Executive Committee is in favour of the

motion, but the Financial Secretary has pointed out certain difficulties.

Question put, and negatived.

JAGGERY FACTORIES.

The following item, stood upon the Orders of the Day:

To continue the debate on the motion of the Hon. Mr. G. E. de Silva.—

That in the opinion of this Council jaggery factories should be established in the various villages in order to encourage the jaggery industry.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The above motion was considered by the Executive Committee of Labour, Industry and Commerce at its meeting held on July 9, 1941.

Mr. G. E. de Silva was present on invitation.

The Committee was of opinion that the production of jaggery can be more effectively stimulated by encouraging its manufacture on a cottage industry scale. A Government Factory if established would be in competition with cottage industries.

Instructions are being issued to the various revenue officers to encourage production of jaggery in this manner. Meanwhile, experiments are also being conducted with a view to improving the keeping qualities of jaggery.

Question put, and agreed to.

LEGISLATIVE ENACTMENTS: RECTIFICATION OF ERRORS IN REVISED EDITION.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. B. H. Aluwihare,—

That in view of the judgment of the Appeal Court in the King v. Ahammadu Ismail, 20, C.L.W. 41, it must be made clear to all concerned that no alteration or amendment of the law contained in or arising from the revised Legislative Enactments (section 6, Ch. I.), unless specially authorized by the Legislature in a Bill particularly relating thereto, is not effectual.

Report of the Legal Secretary under Standing Order 57.

In pursuance of the powers conferred by section 6 of the Revised Edition of the Legislative Enactments Ordinance (Chapter I.), a Bill for the rectification of errors in the Revised Edition of the Legislative Enactments was passed by the Council on May 27, 1941, and has been enacted as Ordinance No. 14 of 1941.

2. The amendments effected by Ordinance No. 14 of 1941 include the rectification of the error dealt with in the judgment of the Supreme Court in the case of King vs. Ahammadu Ismail, 20 C.L.W. 16 (not 41). In view of the enactment of the Ordinance and of the fact that the decision in the case referred to has been reported in the law reports, no further action is considered necessary to make the legal position clear to those concerned.

The Hon. Mr. Nihill: The report of the Legal Secretary on this motion states:

"In view of the enactment of the Ordinance and of the fact that the decision in the case referred to has been reported in the law reports, no further action is considered necessary to make the legal position clear to those concerned."

I suggest that the hon. Member would probably wish to withdraw the motion.

Question put, and negatived.

MICROSCOPISTS, BACTERIOLOGICAL INSTITUTE.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa,—

That in the opinion of this Council microscopists attached to the Bacteriological Institute working at present in different laboratories should be promoted as laboratory assistants to fill in the vacancies of laboratory assistants.

Joint Report of the Executive Committee of Health and the Chief Secretary under Standing Order 57.

The microscopists attached to the Bacteriological Institute were recruited on a temporary basis. They have no claim to appointment to the grade of Laboratory Assistant and the Director of Medical and Sanitary Services does not consider that they would be able to perform all the duties required of the holder of

these posts. Not one of the microscopists possesses the minimum educational qualification necessary. It is regretted that this proposal cannot therefore be supported.

Question put, and negatived.

RAILWAY: EX-FITTER L. D. THOMAS APPU.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. D. P. Jayasuriya,—

That this Council is of opinion that L. D. Thomas Appu of Kandana, who was employed as a fitter (Tin Ticket 3276) in the Way and Works Department of the Railway from 1928 to 1932, and who was discontinued upon being convicted in a Court of Law of assaulting another man, should be given work.

Report of the Chief Secretary under Standing Order 57.

L. A. D. Thomas was convicted in September, 1932, on his own plea of causing simple hurt with a knife to two persons, one being a woman. He was sentenced to four months' rigorous imprisonment, the Magistrate considering that it was not possible to take any but a serious view of the case.

At the time of his conviction he had only four years and two months' service.

The Chief Secretary does not recommend his re-employment though there is no technical bar to this as he has merely been discontinued and not dismissed.

Question put, and negatived.

TEACHERS' EXAMINATIONS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa,—

That in the opinion of this Council Teachers' Examinations should be open to candidates who have passed the Senior School Certificate Examination.

Report of the Executive Committee of Education under Standing Order 57.

The above motion was considered by the Executive Committee of Education at its meetings held on June 25, 1941, July 9, 1941, September 4 and 29, 1941,

June 4, 1942, Dr. de Zoysa, the mover, being present. With a view to reducing the number of unemployed teachers it was decided in October, 1937, to suspend the Vernacular Teachers Certificate Examination after 1938 and the fact was publicly announced immediately in the newspapers, the Sinhalese and Tamil Education Gazettes. Later, on representations made by those who had passed a part of the Examination and by those uncertificated teachers in the teaching profession it was decided to hold the examination—restricting it to such persons. The present conditions of eligibility for admission to the Teachers Certificate Examination (Sinhalese and Tamil) are as follows:—

(i.) Candidates must—

(a) be uncertificated teachers who are in service on the eligible staff of Government or Assisted Schools* ; or

(b) have passed in either Part I. or Part II. of the Vernacular Teachers' Certificate Examination previously.

(ii) The following candidates will be permitted to take a single subject in which they have failed at a previous examination in order to complete Parts I. and II. of the examination:—

(a) Candidates who have passed in Part I. and have failed in a single subject in Part II. at the examination held in 1940, but who have not sat for it at the examination held in 1942.

(b) Candidates who have passed in Part I. and failed in a single subject in Part II. at the examination held in 1942.

Candidates who wish to ascertain the subject in which they failed in Part II. at the 1942 examination should apply

* Teachers in recognized or certified schools and acting or excess teachers are not eligible for admission to this examination.

for such information to the Education Office.

Exemptions and Concessions:—

(a) Registered Teachers holding a confirmed Third Class Vernacular Teachers' Certificate (Old Regulations) will on passing this examination be awarded a Second Class Certificate.

(b) Candidates who have passed the Examination for Teachers' Certificate in drawing will be exempted from Art at this examination.

(c) Candidates who have passed the Intermediate Examination in Grade II. of the Oriental Studies Society, Colombo, and the Bala Pandit Examination of the Oriental Studies Society, Jaffna, will be exempted from Language and Literature.

The conditions of eligibility for the English Teachers' Certificate Examination are as follows:—

Candidates must—

(a) be English Teachers permanently employed on the staff of a school; or

(b) have passed in either Part I. or Part II. of the English Teachers' Certificate Examination or have been referred in a subject in Part II. previously; or

(c) have passed the Senior School Certificate (English) or equivalent examination and hold a guarantee from the Manager of a registered, recognized, or certified school that the candidate on passing the examination will be employed in the first vacancy on the staff of the school, providing that the successful candidate shall not have obtained other employment or have withdrawn his claim to be employed in that school (the guarantee should be forwarded with the application for the examination to this office for reference and return).

The examinations as indicated by the name are essentially for those who wish to qualify as teachers, and it was found that the number of those who had qualified through these examinations was very much more than could be absorbed into the Schools. There is thus a large number of unemployed holders of the Teachers' Certificate who are clamouring for employment but who cannot all be granted their request for some years to come.

2. The removal of the restrictions on the admissions to the Sinhalese or Tamil Teachers' Certificate Examination will, therefore, result in the large majority of the candidates who annually pass the S.S.C. Examination sitting for the Teachers' Examination as a matter of course, and expecting employment as teachers. The demand for Sinhalese and Tamil teachers will, for a long time to come, be far below such a large annual supply. The inevitable consequence will be that, as in the past, unemployment among qualified teachers will reach alarming proportions and give rise to increasing discontent and unhealthy competition.

3. According to the latest available statistics there are over 1,000 unemployed (trained and untrained) teachers awaiting appointments. Even after allowing for the number of those who have secured employment, the total of unemployed certificated teachers remains large. If the number of unemployed teachers is reduced at the present rate a considerable number of years will elapse before the existing unemployed certificated teachers are absorbed into the profession. The adoption of the motion, therefore, will merely aggravate still further the problem of unemployment among teachers to the detriment of the profession as a whole.

4. The Executive Committee of Education at its meeting held on July 9, 1941, considered the question of the Teachers' Examinations and decided that the question might be satisfactorily settled if a higher academic examination in Sinhalese and Tamil was instituted and a scheme is now being drafted to set up a higher academic examination as contemplated. This examination, when established, will give scope to those candidates who wish to acquire a greater knowledge to widen their intellectual horizon.

5. In view of the large number of unemployed teachers awaiting appointments the Executive Committee does not recommend the adoption of the above motion.

*The Hon. Mr. Kannagara: This motion is opposed.

Some of the concessions asked for have been granted, with certain modifications. The scheme is now working satisfactorily. This motion need not be passed.

Question put, and negatived.

PRICE CONTROL: SUNDRIES.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. E. W. Abeygunasekera,—

That this Council is of opinion that the sale price per hundredweight of sundries should also be controlled.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion at its meeting held on July 8, 1942.

2. Mr. E. W. Abeygunasekera was absent, though invited.

3. Action has already been taken on the lines indicated in the motion.

Question put, and negatived.

FOOD: TRANSPORT OF GRAINS AND MINIMUM PRICE FOR PADDY.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. E. W. Abeygunasekera,—

That this Council is of opinion that immediate steps should be taken by Government to prohibit the transport of paddy, kurakkan, maize, and other grains from the Nuwara Eliya District and that the minimum price per bushel of paddy be fixed at Rs. 2.50 in the Nuwara Eliya District.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion at its meeting held on July 8, 1942.

2. Mr. E. W. Abeygunasekera was absent, though invited.

3. Action has already been taken on the lines indicated in the motion.

Question put, and negatived.

REFUSAL TO SELL ARTICLES OF FOOD.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. E. W. Abeygunasekera,—

That in view of the persistent refusal of retail dealers, boutique keepers, &c., to supply the general public with certain essential sundries, such as chillies, flour, green peas, onions, &c., the Ministry of Labour, Industry and Commerce should take immediate steps to remedy this state of affairs.

Report of the Executive Committee of Labour, Industry and Commerce under Standing Order 57.

The Executive Committee of Labour, Industry and Commerce considered this motion at its meeting held on July 8, 1942.

2. Mr. E. W. Abeygunasekera was absent, though invited.

3. Action has already been taken on the lines indicated in the motion.

Question put, and negatived.

HAVELOCK RACECOURSE.

The following motion of Mr. S. Abeywickrama was, by leave, withdrawn:

That whilst appreciating the action of the Stewards of the Galle Gymkhana Club in handing over their grounds at Boosa for Military purpose, this Council condemns the action on the part of the Stewards of the Ceylon Turf Club in refusing the Galle Gymkhana Club permission to hold their December Meet in their racing grounds and that in order to avoid ill-feeling and discontent among their Majesty's subjects in Ceylon, this Council requests the Hon. the Chief Secretary to take over the Havelock Race Course at an early date for any military purposes that there might arise in the near future, such as an internment camp for war prisoners or temporary barracks for the Ceylon Defence Force.

Report of the Chief Secretary under Standing Order 57.

The circumstances regarding the Havelock Race Course having now changed, the mover of this motion has agreed to withdraw it.

CULTIVATION OF MANAVARI LANDS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. S. Dharmaretnam,—

That this Council is of opinion that in order to prevent thousands of acres of Manavari lands going out of cultivation immediate steps should be taken to enact rules and regulations for the control and supervision of the cultivation of such lands.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands at a meeting held on July 8, 1942, considered the above motion.

Mr. Dharmaretnam was present as a Member of the Executive Committee.

2. By-laws relating to the cultivation of Manavari lands are now in force.

Question put, and agreed to.

SUB-POST OFFICE FOR DODANGODA.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. Simon Abeywickrama,—

That in the opinion of this Council a Sub-Post Office should be established at Dodangoda to serve the Telikada-Mujuwana Village Committee area.

Report of the Executive Committee of Communications and Works under Standing Order 57.

The motion was considered at the meeting of the Executive Committee held on July 7 and 8, 1942.

2. Mr. Simon Abeywickrama was present as a member of the Executive Committee.

3. After discussion the Executive Committee expressed itself in favour of establishing a Sub-Post Office at Dodangoda.

Question put, and agreed to.

RESTORATION OF NEDUM KULAM TANK.

The following item stood upon the Orders of the Day :

To continue the debate on the motion of Mr. J. H. Ilangantileke,—

That in the opinion of this Council the Nedum Kulam Tank within the Urban Council area of Puttalam should be restored by Government at an early date.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on July 8, 1942, considered the above motion.

Mr. Ilangantileke was present as a member of the Executive Committee.

2. The question should be put up through the local Divisional Agricultural Association to the District Agricultural Committee for investigation by the Irrigation Department.

Question put, and agreed to.

LEASE PERMIT DUES.

The following item stood upon the Orders of the Day :

To continue the debate on the motion of Mr. H. R. Freeman,—

That as it is discovered that dues under lease permits (Form G. A. C. 144) are not waivable (as in the case of Land Development Ordinance permits) before lessees are ejected or lands abandoned, this Council is of opinion that lease permit dues should be made waivable by Revenue Officers before ejection from their holdings in the case of meansless and destitute lease permit-holders.

Report of the Executive Committee of Agriculture and Lands under Standing Order 57.

The Executive Committee of Agriculture and Lands, at a meeting held on

July 8, 1942, considered the above motion.

Mr. Freeman was present as a Member of the Committee.

2. The Committee is in favour of the acceptance of the motion.

*The Hon. Mr. Kannangara: The Executive Committee accepts this motion.

Mr. Freeman: I want to say that although there is a food "drive" on, many people are being evicted from their lands, and this motion should stop this nonsense. The Executive Committee took the same view.

Question put, and agreed to.

EVACUATION ADVANCES: REPAYMENT.

The following item stood upon the Orders of the Day :

To continue the debate on the motion of Mr. A. P. Jayasuriya,—

That in view of the rising cost of living and hardship caused, this Council is of opinion that the evacuation advances made to Government Servants should be made payable in easy instalments with effect from January, 1943, as is done by the Colombo Municipality, and that deductions to be made on pay sheets of May, 1942, onwards should be forthwith suspended.

Report of the Financial Secretary under Standing Order 57.

It was realized when it was decided to grant advances for evacuation of families that in many cases the recipients would find difficulty in maintaining two establishments with a rising cost of living and at the same time repay the advances. It was for this reason that the repayment was spread over a period of 18 months, which is an exceptionally long period for the repayment of an advance on which no interest is charged.

2. The only justification for altering the terms on which the advances were accepted would be that there was reason to think that prices would be lower in 1943 than they are at present. Unfortunately there is no reason whatsoever to

think that this will be the case, and in fact prices may well have risen further by then.

3. It may incidentally be mentioned that the longer the repayment is put off the higher will be the proportion of officers who go on pension. Some of these may not be eligible to commute their pensions, before the advances are settled. It is obvious that the repayment of an advance from a pension will be far harder than repayment from salary while the officer is still in service.

4. The acceptance of the motion cannot be recommended.

Question put, and negatived.

COMPENSATION FOR OWNERS OF REQUISITIONED PROPERTIES.

The debate on the following motion of Mr. S. Abeywickrama, was continued:

That this Council is of opinion that persons whose properties are requisitioned by the Military should be paid adequate compensation immediately they are served with a notice to quit their premises.

Report of the Chief Secretary under Standing Order 57.

The full compensation due in respect of the requisitioning of immovable property is the rental value of the premises and such rental value must be agreed between the parties concerned or, in default of agreement, assessed by a tribunal. Full compensation cannot be paid at the time the notice of requisition is served because the identity of the person entitled to the compensation has not been established and the amount of the compensation payable has not been agreed on by the parties or, in default of agreement, assessed by the tribunal. There is, therefore, of necessity some delay in making final payment, although every effort is being made, both by the Government and the Services, to reduce the delay to a minimum. Interim payments can, however, be made and are being made.

To meet cases of hardship resulting from immediate vacation of premises when immediate vacation is necessary funds have been made available by this Government from which Revenue Officers

can in necessitous cases make immediate advance payments, up to Rs. 20 per family, to persons who are forced to leave their houses at short notice. In addition arrangements have been made to obtain, at the time of requisition, an approximate assessment of the compensation payable in order that an interim payment may at once be made without prejudice to final settlement.

The Chief Secretary considers therefore that there is adequate provision for the making of advance payments in respect of properties requisitioned. Difficulties and delays have undoubtedly arisen as a result of the requisitioning of a very large number of properties within a very short period of time but these are now being progressively resolved and the general position as regards payments for the requisition of immovable properties is already greatly improved.

***Mr. Abeywickrama:** I press this motion. Since moving it, I have brought to the notice of the Chief Secretary the unsatisfactory position—

The Hon. Colonel Kotalawala: Is the hon. Member replying to the debate?

***Mr. Abeywickrama:** I will sit down if the Hon. Minister wants to speak in support of this motion.

The Hon. Colonel Kotalawala: We are supporting it.

***Mr. Abeywickrama:** I thought the Hon. Minister was going to make some contribution to the debate.

The Hon. Mr. Drayton: I have made the position clear in my Observations as to what can, and cannot, be done. Where one is concerned with requisitioning of property, it is not a matter of paying capital value; it is a matter of paying a rental value, putting it shortly—periodical payments in the nature of rent. That must require assessment, and it must require investigation as to who is entitled to receive the money.

So that when it is said in the motion that persons whose properties are to be requisitioned are to be paid adequate compensation immediately they are served with a notice to quit, that is to say a requisition order, one is asking for

something that is quite impossible—that with the requisition order there should be made a payment, namely, the first month's rent. That really cannot be done. As I have explained in my Observations, arrangements are made for payments on account until there has been an assessment of the rent which will be either acceptable to the owner or not. If it is not acceptable, then arrangements exist for arbitration proceedings. Furthermore, one must have time at any rate to discover whether one is paying the money to the person entitled to receive it.

I appreciate fully the object that the hon. Member has in mind—

A quorum not present, and division bells rung. Later, a quorum being present—

The Hon. Mr. Drayton: As I was saying, I fully appreciate what the hon. Member has in mind, but the actual proposal which is stated in terms in the resolution is one to which one cannot give effect.

I would ask him to consider this position: say, in a particular case, a requisition order is served on an occupier of property, and an amount of Rs. 50 is tendered with the order; that amount may be wholly unacceptable to the occupier but he may not be the owner. What happens? Will he just say, "Take your money away"? Or, does he take it on account without prejudice to his right to say, "I want Rs. 150"? Or, as I say, he may not be the person who is entitled to receive the money at all. After all, the person who pays out must be certain that he gets a valid discharge when the receipt is given. He must be certain that he is paying the right person.

I am only pointing out the actual difficulty in the specific proposal contained in the motion. It just cannot be done. So that the difficulty which the hon. Member has in mind is a difficulty, though one sympathizes with the hon. Member, that cannot be overcome by these means. What I do suggest is, as I point out in my Observations, steps being taken to meet the difficulty that the hon. Member has in mind, though

they are not the steps that he proposes in the motion.

It is only for that reason that I say that I am bound to oppose it. It is because effect cannot be given to it.

The Hon. Colonel Kotalawala: The reason why the Hon. the Chief Secretary feels that he should oppose this motion is because he thinks that he would not be giving the money to the right man.

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

The Hon. Colonel Kotalawala: But he can serve the notice on the right man to get him out of the house. He knows the right man when he wants to get him out, but he does not know the right man to pay the money. If he can find out the proper person on whom to serve notice to quit, surely, he would also know the right man to receive payment? It is all well and good, if I am the occupier of a house, to serve me with notice to quit, and then later tell me, "Well, I do not know whether you are the man who is entitled to get the money. But I know that you are the man whom I want to eject from the house." If the Chief Secretary says that it is necessary to have a week or ten days to make payment, I can understand it. But he says that the onus is on me to prove that I am the owner of the house.

The Hon. Mr. Drayton: I do not say that.

The Hon. Colonel Kotalawala: How does the Department function in regard to this matter? Houses are being requisitioned in this fashion and petitions are being sent to the Chief Secretary by various people saying that they want the money, that they are greatly inconvenienced, and so on. But nothing seems to happen. Surely, if there is a will, there is a way. If there is an organization to find out who is the man who should be evicted, then there can be an organization also to find out who the man who is entitled to receive payment is. I know of a particular case where for the last eight months no money has been paid.

Mr. Tambimuttu: It is not the case that there is difficulty in finding out who is entitled to receive payment. I have

[Mr. Tambinuttu.] personal experience of a case. Two years ago, they acquired a well belonging to a certain property. I am the executor of that estate, and I am entitled to receive payment, but every time I see the Government Agent about it, he says that the value has not been assessed yet. I saw him personally, Sir, and yet nothing has been done; and in the meantime I cannot use the well. But since my tenant is a Military officer he is supplied with water from a specially-constructed tank. Otherwise I will not get any rent at all.

It is not a question of not knowing the right person to receive payment. Nobody has claimed payment against me in this case, for instance. But they just put it off. Nobody is concerned with paying compensation or whatever you may call it. They do not care whether any man is paid or not, or whether the owner is inconvenienced.

***Mr. Aluwihare:** The statement of the Hon. the Chief Secretary rather lends colour to a complaint made to me, and that is this, that there is no admission of liability on the part of the Government to those they evict. The Government feel themselves free having evicted a man, when they are liable to pay compensation, to adjudicate in the matter.

Surely, Sir, whenever the payment is made, there should be an admission of liability to the person they evict, because the house is at the moment in the possession of the man who is evicted. Further, what about the damage caused to the premises? The complaint made to me was especially in regard to a house requisitioned for the purpose of storing copra. They said that there was no insurance; that the house was being damaged; that no payments were being made, and the Government had not up to date even written to the owners or the possessors a letter admitting liability. Surely, that at least should be done.

The Hon. Mr. Nihill: I only want to say just a word about this motion.

I think I agree entirely with the remarks of the Chief Secretary with regard to the impracticability of the motion in the terms in which it is drafted. I think what really is in the mind of every hon. Member who has spoken

apparently in favour of the motion as drafted is that what is required is the speeding up of the settlement of these requisition claims, and I think every Member of this House will be in agreement with that general principle, including my Hon. Friend the Chief Secretary.

But when you get down to an examination of the precise wording of this motion, one realizes that it would be fantastic for the House to pass the motion in this form. If the motion was merely the expression of a pious hope that there should be an oiling of the machinery of requisition and the payment of compensation should speedily follow the requisition, then I am quite sure that it is a motion which would commend itself to the good sense of this House.

I am sure hon. Members realize that we have a thick book of Compensation Regulations and that that machinery is in daily practice. There is the machinery of requisition. Naturally a requisition is something which is usually done in a hurry. A demand is made by the Military from the Requisitioning Officer, and they say, "It is necessary for our purposes to have a certain building", and so on, and the requisition itself has to be done in a hurry, and it will be quite impossible, as the Hon. the Chief Secretary has pointed out, and very dangerous indeed from the point of view of justice to the tenant if the Requisitioning Officer can go round and say, "Clear out. Take Rs. 50. That is the compensation for this building". That is the kind of thing which I believe is practised in Germany on a large scale. Apart from that, the wretched tenant has no possibility of redress. But it is a very different thing in this country. You have compensation regulations modelled almost entirely on their counterpart in England where they are drawn up by experts, and, as I say, if any hon. Member wants to read them, I can tell him that they run into several pages of Defence Regulations. Under those compensation regulations every step is provided for. It is true—

Mr. Speaker: It is almost 5.30 now.

***Mr. Abeywickrama:** I want to ask the permission of the House to continue this debate, which is normally allowed.

Mr. Speaker: Only a Member of the Board of Ministers can move the suspension of the Standing Order when proceedings are interrupted at 5.30 P.M. and no other Member can.

***Mr. Abeywickrama:** I would ask the indulgence of the House to continue my remarks on this motion. Such indulgence is normally granted.

Mr. Speaker: Only a Member of the Board of Ministers can move the suspension of the Standing Order as regards interruption of proceedings at 5.30. There is no such motion to suspend the Standing Order, moved by a Member of the Board of Ministers. I therefore cannot entertain the proposal of the hon. Member.

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

CASH ADVANCES PAID FOR PURCHASING SEED PADDY.

The following item stood upon the Orders of the Day:

To continue the debate on the motion[†] of Mr. Simon Abeywickrama,—

That in the opinion of this Council cash advances paid to needy cultivators to buy seed paddy for the Yala season should not be recovered but treated as assistance given to them as such advances were paid as Government had no seed paddy available for free distribution.

***Mr. Abeywickrama:** I oppose this motion.

***Mr. Aluwihare:** If there is any opposition to this motion by the hon. Member we will throw it out. It is his own motion.

Mr. Abeywickrama: I must adduce arguments and discuss the motion. If the House permits me to adduce arguments in favour of the motion, I am prepared to carry on.

Mr. Speaker: Does the hon. Member oppose this motion?

The Hon. Mr. Huxham: Can a Member oppose his own motion?

Mr. Speaker: I think we must proceed with the work.

***Mr. Abeywickrama:** What is sauce for the goose must be sauce for the gander!

Mr. Speaker: Order, please.

CEYLON DEFENCE FORCE: TRAINING SCHOOL FOR OFFICERS.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Dr. A. P. de Zoysa,—

That in the opinion of this Council a Training School for the training of officers for the Ceylon Defence Force should be established.

Report of the Chief Secretary under Standing Order 57.

A Training School was established at Diyatalawa in February, 1942, for the training of officers and non-commissioned officers of the Ceylon Defence Force.

Question put, and agreed to.

VIDANE ARACHCHI'S DIVISION, AMBANA.

The following item stood upon the Orders of the Day:

To continue the debate on the motion of Mr. Simon Abeywickrama,—

That in the opinion of this Council the present Ambana Vidane Arachchi's area in Wellaboda pattu exclusive of Polgahawila headman's area should be attached to Bentota-Walallawita korale and Polgahawila Village Headman's area to Gangaboda pattu.

Report of the Executive Committee of Home Affairs under Standing Order 57.

The Executive Committee of Home Affairs considered this motion at the meeting held on October 2, 1942.

2. Geographically the Vidane Arachchi's division of Ambana is detached from the rest of Wellaboda pattu and the change advocated in the motion will produce a more satisfactory boundary. A change in the Village Committee areas is also involved, as Ambana Vidane Arachchi's division forms part of the Hikkadewa Village Committee area.

[†] Report of Executive Committee of Agriculture and Lands not reproduced.

3. The Hon. the Legal Secretary and the Hon. the Minister of Local Administration, who were consulted, have no objection to the proposal contained in the motion.

4. The Executive Committee of Home Affairs, therefore, recommends the acceptance of the motion and the alteration of the existing boundaries of the Chief Headmen's divisions accordingly.

Question put, and agreed to.

RAILWAY: TERM OF MALARIA SERVICE.

The following motion of Mr. D. P. Jayasuriya was by leave, withdrawn:

That this Council condemns the action of the Hon. the Chief Secretary in acting contrary to the decision of this Council regarding the reduction of the term of malaria service of the officers of the Railway Department.

MOOLOYA ESTATE LABOUR DISPUTE; CENSURE—RESIGNATION OF MINISTERS.

The following motion of Dr. A. P. de Zoysa lapsed under Standing Order 56 (2):

That this Council censures the Honourable the Ministers for rashly tendering their resignations, and for acting in an irresponsible manner in relation to incidents directly or indirectly connected with the Mooloya incident.

MINISTER OF EDUCATION: MOTION OF NO-CONFIDENCE.

The following motion of Mr. S. Samarakody lapsed, under Standing Order 56 (2):

That this Council has no confidence in the Hon. the Minister of Education.

MINISTER AND MEMBERS OF EXECUTIVE COMMITTEE OF HOME AFFAIRS: APPROVAL OF REGULATIONS.

The following motion of Mr. H. W. Amarasuriya lapsed under Standing Order 56 (2):

That this Council condemns the action of the Hon. the Minister and Members of the Executive Committee of Home Affairs in agreeing to regulations made by His Excellency the Governor and published in the *Government Gazette* of July 4, 1941, classified under various categories, such as the corruption of public morals, control and winding up of certain organizations, search of persons in and about certain

search of premises, &c., which are calculated to usurp the functions of Courts of Law and seriously undermining the liberty of the individual.

MOTIONS REACHED DURING ABSENCE OF SPONSORS.

The Hon. Colonel Kotalawala: We must have a ruling of some sort with regard to the procedure to be followed when Members are not here to move the motions standing in their name.

Mr. Speaker: On what point is a ruling required?

The Hon. Colonel Kotalawala: If Members are not here to move their motions, those motions must lapse.

Mr. Speaker: If sufficient reasons are given for the absence of Members when motions standing in their name are taken up, the House generally allows those items to stand over. If sufficient reasons are not given, the House will proceed with the items. If a Member is absent when an item standing in his name on the Order Paper is reached, and therefore fails to move the motion, that motion will lapse. If it is an item on which the debate is to be continued, it will be continued notwithstanding the absence of the mover, unless a motion is moved for the adjournment of the debate and such motion is accepted by the House.

***Mr. Aluwihare:** I want to raise one other point. I do not see the reason why Private Members should be treated in that way and Ministers treated in another way. When Ministers are not in their seats, the motions standing in their names are not allowed to lapse. There have been a number of instances when Ministers were absent from their seats when resolutions and Supplementary Estimates standing in their names were taken up after the tea interval, although they had been present up to 4.0 P.M. But their motions have not been allowed to lapse.

Mr. Speaker: If the hon. Member can bring to my notice any such instance only can he make that complaint. I do not think I have made any discrimination as between a Minister and a Private Member.

***Mr. Aluwihare:** I accept that assurance, with gratitude.

Mr. Speaker: If I make a distinction, it is to maintain the privileges of Private Members. I think the House knows that.

Mr. Susanta de Fonseka (Panadure): With regard to the next two motions standing in the name of the hon. Member for Dumbara (Mr. Ratnayake), I think in the afternoon the Hon. Minister of Agriculture and Lands drew your attention to the fact that the hon. Member was unwell and in the circumstances, in the afternoon, you agreed to allow the motions standing in the name of that hon. Member to stand over. May I ask, Sir, in those circumstances, to permit these two motions also to stand over.

Mr. Speaker: What are the motions?

Mr. Susanta de Fonseka: The first two motions standing on page 45.

Mr. Speaker: Does the hon. Member move, on behalf of the hon. Member for Dumbara, that those two motions do stand over?

Mr. Susanta de Fonseka: I move that those two motions do stand down over.

Question put, and agreed to.

STATEMENT MADE BY MR. WINSTON CHURCHILL: "ATLANTIC CHARTER".

The following item stood upon the Orders of the Day:

The Hon. Mr. G. E. de Silva to move,—

That in view of the statement made by the British Premier, Mr. Churchill, that the principles set out in the Atlantic Charter do not apply to India, Burma and Ceylon, this Council disapproves the discrimination created thereby, which deprives these countries of their inalienable right to decide and determine the forms and conditions of their own political future.

The Hon. Colonel Kotalawala: I have the authority of the Hon. Minister to

move the motion standing in his name, and I move it on behalf of the Hon. Minister.

***Mr. G. G. Ponnambalam (Point Pedro):** You have no right to do so.

***Mr. Aluwihare:** May I point out that the two signatories to the Atlantic Charter do not seem to know what it means. So I do not see why we should bother.

Mr. Speaker: The point is that the Hon. Minister is not here. The subject-matter of the motion is opposed by certain hon. Members, I believe. I think, in the absence of the Hon. Minister who gave notice of this motion, order must be made that the motion lapses under Standing Order 56 (2).

***Mr. Aluwihare:** Then your ruling, Sir, is that if a Member does not inform the House that some disability prevents his attending his motion lapses after 3 months?

Mr. Speaker: Yes.

The Hon. Mr. Drayton: The opportunity to a Member, of asking some other Member to move a motion on his behalf, is an opportunity which I think some do not realize they have, namely that they can have their motions taken up and disposed of if they only ask another Member to move the motions when they are unable to be present, as the Ministers do very frequently when they find that they cannot be present.

Order made: Motion to lapse under Standing Order 56 (2).

CAUSEWAY BETWEEN PANNAI AND ALLAIPIDY.

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

That this Council is of opinion that Government should immediately commence work on a causeway between Pannai in the town of Jaffna and Allaipiddy in the Island of Mandaitivu.

Motion ordered to be referred to the Executive Committee of Communications and Works, under Standing Order 57.

RICE AND WHEAT FLOUR: REDUCTION OF PRICES.

Mr. S. Natesan (Kankasanturai): I move,—

That this Council is of opinion that in view of the acute distress prevailing amongst the majority of the people of the Island, due to the recent increase in the price of rationed rice as well as to the high price at which wheat flour is sold, Government should immediately reduce the price of rice and wheat flour.

Motion ordered to be referred to the Executive Committee of Agriculture and Lands, under Standing Order 57.

EGGS: REMOVAL OF BAN ON IMPORTS FROM INDIA.

Mr. Natesan: I move,—

That this Council is of opinion that in view of the abnormal increase in the price of eggs due to shortage of local supply, the ban on the import of eggs from Travancore State and Tuticorin should be immediately removed.

The Hon. Mr. Senanayake: There is no ban now.

The Hon. Mr. Huxham: I wonder if the hon. Member wants this motion formally referred to me; apparently he wants a ban to be removed which does not exist.

Mr. Natesan: Notice of the motion was given when the ban existed.

The Hon. Mr. Senanayake: There was no ban in existence at any time.

Mr. Natesan: They may reimpose the ban.

***Mr. Ponnambalam:** Is there a quota?

The Hon. Mr. Senanayake: No.

Motion ordered to be referred to the Executive Committee of Agriculture and Land under Standing Order 57.

OLD AGE PENSIONS.

Mr. P. de S. Kularatne (Balapitiya): I move,—

That in the opinion of this Council a scheme should be introduced without delay.

Old Age Pensions to Ceylonese men and women over sixty-five years of age whose income is below Rs. 150 per annum.

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

SOCIAL SERVICES: COMMISSION OF INQUIRY.

Mr. Kularatne: I move,—

That in the opinion of this Council a Commission should be appointed to inquire into the provisions and working of the existing public social services of the Island, to report what, if any, alterations, extensions and developments should be made in regard to them, and to consider and make recommendations for the introduction of further public social services, such as National Health Insurance, Contributory Old Age Pensions and Unemployment Insurance, which are absolutely essential to provide for the personal welfare of the individual citizen.

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

RELIEF TO RATEPAYERS: HOUSE PROPERTY RENTALS.

Dr. M. C. M. Kaleel (Colombo Central): I move,—

That in view of the unprecedented situation created by the war this Council requests the Hon. the Minister of Local Administration to grant immediate relief to the ratepayers of Colombo and other local bodies, where the sudden and abnormal drop in the rentals of house property render the grant of such relief imperative and equitable.

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

DISPENSARIES FOR INDURUWA AND MAHA EDANDA.

Mr. Kularatne: I move,—

That in the opinion of this Council dispensaries should be established in the following villages:—

Induruwa in the Bentara Walallawiti korale and Maha Edanda in the Wellaboda pattu.

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

MATERNITY HOMES FOR INDURUWA, MAHA EDANDA, &c.

Mr. Kularatne: I move,—

That in the opinion of this Council maternity homes should be established in the following places:—

Bentota, Induruwa, Kosgoda and Urugasmanhandiya in the Bentara Walallawiti korale and at Maha Edanda and Meetiyaogoda in the Wollaboda pattu.

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

APOTHECARIES: DAILY ATTENDANCE AT DISPENSARIES.

Mr. Kularatne: I move,—

That in the opinion of this Council arrangements should be made for the apothecary-in-charge of a dispensary to be in daily attendance at the dispensary.

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

PROPAGANDA FILMS IN SINHALESE.

The following motion of Mr. A. P. Jayasuriya lapsed under Standing Order 56 (2):

That inasmuch as the film has been recognized as the best medium of propaganda and the Department of Information is at present using English and Tamil films for war propaganda throughout the country, this Council is of opinion that propaganda films in Sinhalese as well should be used in order that such propaganda may have the maximum effect in the rural areas.

QUARTERS FOR GOVERNMENT APOTHECARIES.

Mr. J. H. Ilangatileke (Puttalam): I move,—

That in the opinion of this Council all Government Apothecaries should be provided with quarters close to their respective institutions.

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

INCOME TAX: INCREASE OF FAMILY ALLOWANCES.

Mr. Ilangatileke: I move,—

That in the opinion of this Council all allowances in respect of the members of the families who are liable to pay Income Tax should be in-

creased as the allowances remain in the same form from the time of the enforcement of Income Tax.

Motion ordered to be referred to the Financial Secretary for report, under Standing Order 57.

KATARAGAMA: INCLUSION IN SOUTHERN PROVINCE ADMINISTRATIVE LIMITS.

Mr. Abeywickrama: On behalf of the hon. Member for Hambantota (Mr. Rajapaksa), I move,—

That in the opinion of this Council the administrative limits of the Southern Province should be extended so as to include the village of Kataragama in the Southern Province.

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

FOOD: BOARDS OF CONTROL.

The following motion of Mr. G. R. de Silva lapsed under Standing Order 56 (2):

That with a view to ensuring the proper enforcement of the distribution of foodstuffs and the control of prices, this Council is of opinion that Boards of Control should be associated with the Ministry to which is allocated Food Control and Control of Prices of Commodities in emergencies and that such Boards of Control should be set up in every Provincial Town and should include representatives of the people.

EDUCATION DEPARTMENT: COMMISSION OF INQUIRY.

The following motion of Dr. A. P. de Zoysa lapsed under Standing Order 56 (2):

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

MUNNAKKARA BRIDGE.

Mr. D. P. Jayasuriya: On behalf of the hon. Member for Negombo (Mr. Siriwardana), I move,—

That this Council is of opinion that, as the projected closing of the Munnakkara Bridge and the building of a causeway would cause serious loss and damage to the inhabitants both of Negombo Town and of the Island of Munnakkara, a bridge with a central span of at least 40 feet be constructed.

Motion ordered to be referred to the Executive Committee of Local Administration under Standing Order 57.

SOIL EROSION; LAND ACQUISITION FOR REAFFORESTATION.

Mr. Abeywickrama: On behalf of the hon. Member for Dedigama (Mr. Dudley Senanayake), I move,—

That in view of the large scale destruction which has been caused and which continues to be caused to this country in the way of soil erosion, the silting of rivers, malaria and floods, by the indiscriminate clearing of land in the up-country areas in the past, this House is of opinion that the Government should proceed to acquire these lands under the Land Acquisition Ordinance for the purpose of reforestation and other soil conservation measures.

Motion ordered to be referred to the Executive Committee of Agriculture and Lands, under Standing Order 57.

TEACHERS IN MAINTAINED SCHOOLS.

***Mr. Ponnambalam:** I move,—

That this Council is of opinion that the teachers of maintained schools which were taken over by the Government in May, 1938, be confirmed as old entrants on the terms and conditions of employment as laid down in Circulars No. B 7 of February 12, 1939, and B 15 of June, 1935.

May I make a correction in the line before the last line? I move to substitute the words "February 12, 1935" for "February 12, 1939," and to add the words "as old entrants" after the words "in May, 1938".

Amendment agreed to.

Motion ordered to be referred to the Executive Committee of Education, and the Financial Secretary for report, under Standing Order 57.

NEW COURT-HOUSE FOR MAGISTRATE, MANNAR.

Mr. D. P. Jayasuriya: I move,—

That this Council is of opinion that a new Court-house should be provided for the Magistrate, Mannar, as the building at present in use is unsatisfactory as there is hardly sufficient room and not even Chambers for the Magistrate.

Motion ordered to be referred to the Legal Secretary for report, under Standing Order 57.

KANDANA POLICE.

Mr. D. P. Jayasuriya: I move,—

That this Council is of opinion that an independent Commission or a Sub-Committee of the

Executive Committee of Home Affairs should be appointed to inquire into the injustices committed by the Kandana Police.

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

COPRA AND COCONUT PRODUCE: PURCHASE BY MINISTRY OF AGRICULTURE & LANDS.

The following motion of Mr. S. Samarakkody lapsed, under Standing Order 56 (2):

That with a view to co-ordinating the purchase of all agricultural commodities under one Ministry and as the purchase of Tea and Rubber on behalf of the United Kingdom is made by the Ministry of Agriculture and Lands, this Council is of opinion that the purchase of Copra and Coconut produce should also be made by the Ministry of Agriculture and Lands.

CLOSURE OF TEA AND COFFEE BOUTIQUES.

***Mr. Abeywickrama:** On behalf of the hon. Member for Colombo North (Mr. G. R. de Silva), I move,—

That this Council is of opinion that in view of the fact that Tea and Coffee boutiques were declared by Defence Regulation published in *Government Gazette* No. 8,915 of April 17, 1942, to be services essential to the life of the community, the new practice of compelling their closure under the guise of action under Defence Regulation published in *Government Gazette* No. 8,989 of August 18, 1942, is irregular and should be discontinued.

Motion ordered to be referred to the Chief Secretary for report, under Standing Order 57.

ADJOURNMENT.

The Hon. Mr. D. S. Senanayake (Minister of Agriculture and Lands): I move that Council do now adjourn.

Question proposed from the Chair and debated.

Dr. M. C. M. Kaleel (Colombo Central): There is a very important and urgent matter which I wish to bring to the notice of the House, and more particularly to the notice of the Hon. Minister of Labour, Industry and Commerce.

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Last week the Commissioner of Commodity Purchase, through the Assistant Government Agent, gave notice to a number of very poor people living in San Sebastian, a very congested area, to leave their premises within 24 hours so that he could use those tenements for storing copra. The people affected came and saw me about the matter; I went to the Assistant Government Agent and asked him whether it was right on his part to call upon these very poor people, who could hardly afford to pay their house rent, to leave within 24 hours. He himself felt, Sir, the injustice of it, and he told me that he was helpless and that the order had come from the Commissioner of Commodity Purchase. He appeared to have washed his hands of this dirty business after giving the notice. Then I got in touch with the Commissioner of Commodity Purchase, and he was willing to give an extra week to these people to get out of those tenements.

Sir, San Sebastian is a very congested area and the people living there are extremely poor; some of them pay rents of Rs. 4 and Rs. 5 a month for their tenements. It is a grave injustice to ask them to leave within so short a time, because they cannot find accommodation for themselves and their families even within a month if they are asked to leave their tenements. Moreover, the Commissioner was not even willing to pay advances to these people so that they might find houses. They should either be given adequate compensation in advance, or the Commissioner of Commodity Purchase should find them proper houses to live in while copra is stored in the tenements.

Furthermore, San Sebastian is a very undesirable area for storing such a dangerous and inflammable article as copra because it is a very congested and thickly-populated area. The numbers of the tenements are 130/1; 130/2; and so on. Thirty-seven are affected.

I would ask the Hon. Minister to go into this matter and see that these poor people are not ejected from their tenements. I find that some of these tenements will hardly hold a cart-load of copra. When there are big bungalows and acres of land available in other parts of the city, I do not know why this parti-

cular area where the poorest people live and which is so congested should be selected.

Some time ago the Civil Defence Commissioner and the Mayor of Colombo had (what are called) fire-gaps created in this very area to prevent fires spreading in the event of the enemy attacking with incendiary bombs. Now the Commissioner of Commodity Purchase is doing just the opposite. He wants to dump an inflammable article in this area, where the Civil Defence Commissioner created fire-gaps to prevent fires spreading; should the enemy drop incendiary bombs in the area the consequences would be very dangerous if copra is stored there.

I would request the Minister to go carefully into this matter and see that these people are not ejected without at least finding them proper housing or giving them decent compensation so that they may find proper places to live in, and also sufficient time to find houses. At the present moment, there is a great amount of congestion in the city. One of the persons affected, I find, is a boutique-keeper who has been running his boutique for many years; and to order him to go out of business in 24 hours is quite unjustifiable. I hope the Hon. Minister will attend to this matter. I have the numbers of the houses and tenements with me, and can give them to the Hon. Minister.

The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry and Commerce): The hon. Member mentioned this matter to me late yesterday afternoon, and I am already looking into it and trying to see what can be done to assist these people.

Dr. Kaleel: To-morrow is the last day; and they will be ejected.

***The Hon. Mr. Corea:** Does the week end to-morrow? I understood him to say that he had obtained a week's time from yesterday. I shall certainly see, before to-morrow passes, that some action such as is possible is taken.

Our difficulty must also be realized. The hon. Member said that bungalows and acres of land were available in the city. But we cannot store copra anywhere except in the area prescribed by the Municipal Council itself.

Dr. Kaleel: Might I say that the Municipal Council have strong objections to this move? They do not want copra stacked there.

***The Hon. Mr. Corea:** There is a certain area prescribed for commercial purposes, and we cannot go outside it. But I see the hon. Member's point of view. If these places are inhabited and we can make other arrangements, I shall see that something is done to prevent these people being moved out of these small tenements. It is not that we want to move them, or that the Commissioner of Commodity Purchase wants to do so without any reason.

***Mr. B. H. Aluwihare (Matale):** I want to ask another question. Is there any truth in the statement that already we are committed to sending an ambassador to the Government at Delhi, at least that the Government of India has agreed to receive Sir D. B. Jayatilaka as ambassador?

The Hon. Mr. D. S. Senanayake (Minister of Agriculture and Lands): As was indicated yesterday, certain correspondence is going on in regard to this matter, but there is not sufficient information and no conclusion has been reached for us to make any definite state-

ment or proposal to the House. As soon as that stage is reached we will come before the House and make a statement.

Mr. H. R. Freeman (Anuradhapura): Is "ambassador" the right word?

The Hon. Mr. Senanayake: We have not come to a final conclusion even with regard to the description of the person. While the matter is being considered, we cannot say anything about it.

***Mr. G. G. Ponnambalam (Point Pedro):** When is a Supplementary Estimate likely to be brought up?

The Hon. Mr. Senanayake: When the necessity for one arises. We do not want a Supplementary Estimate passed before we have finally decided upon the matter and made all arrangements for the purpose. Then we will come with a Supplementary Estimate.

***Mr. Ponnambalam:** I understand that one is coming up on Friday.

The Hon. Mr. Senanayake: Then certainly by now we would have given notice of it.

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

Adjourned accordingly at 6 P.M. until 2 P.M. on Thursday, November 5, 1942.