

The State Council of Ceylon.

No. 65.

November 19, 1942.



DEBATES

SESSION OF 1942.

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STATE COUNCIL OF CEYLON.

Thursday, November 19, 1942.

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

MESSAGES FROM THE GOVERNOR.

Mr. Speaker: I have received the following Message from His Excellency the Governor:

Kandy, 18th November, 1942.

SIR,—I HAVE the honour to inform you that I have appointed Mr. C. E. Jones, Deputy Financial Secretary, to act as Financial Secretary to the Government of Ceylon, with effect from the 17th November, 1942, during the absence on leave of the Honourable Mr. H. J. Huxham, C. M. G.

I have, etc.
(Sgd.) A. CALDECOTT,
Governor.

The Honourable
The Speaker of the State Council,
Colombo.

PAPERS TABLED.

(Minister of Health): Regulations made by the Executive Committee of Health under Sections 66 and 78 of the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 172).

(Minister of Labour, Industry & Commerce): Supplementary Budget of the Ceylon Coconut Board for the year 1942.

NOTICES OF MOTIONS.

Mr. D. P. Jayasuriya (Gampaha): I give notice of the following motions:

(1) That this Council is of opinion that the Mahaweliwelyaya in Mahara Peruwa should be drained of water and made suitable for paddy cultivation, and that immediate action be taken so that the land may be in a cultivable state at the next season.

(2) That this Council is of opinion that Deputy Village Headmen should be paid a monthly allowance.

Supplementary Estimates: Setting off Excesses Against Under-Expenditure Within Same Head.

Mr. Speaker: The consideration of the motion moved on the 1st October last by the Financial Secretary to effect a change in the procedure hitherto adopted with regard to supplementary financial provision was postponed as I was of opinion

[*Note.*—An asterisk (*) against the name of a Member indicates that his remarks have not been August 14, 1942.

that such a change in the procedure of the Council was a matter for regulation by Standing Orders.

The Financial Secretary subsequently saw me on this question. Article 26 of the Ceylon (State Council) Order in Council provides that Standing Orders may be made for the regulation of the business and procedure of the Council and for certain other matters. The existing procedure with regard to supplementary financial provision has not been regulated by Standing Orders, but the practice has throughout been to seek the approval of the State Council by way of Supplementary Estimate for any excess expenditure under a Sub-head. The proper way to vary the existing practice is by provision in the Standing Orders. Therefore I rule that the motion, as it stands, is not in order.

LEAVE OF ABSENCE: Mr. K. R. NATESA IYER.

***The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry & Commerce):** With the permission of the House, I move the following motion standing in my name upon the Addendum to the Orders of the Day:

That Mr. K. R. Natesa Iyer, Member for Hattton, be granted leave under Article 15 (f) of the Ceylon (State Council) Order in Council, 1931, to absent himself from the meetings of the State Council from November 17, 1942, till January 31, 1943, on the ground of ill-health.

Question put, and agreed to.

NOTARIES (AMENDMENT) BILL.

The Hon. Mr. Corea: I move, Sir,—

That Mr. S. Samarakkody be temporarily added under Standing Order 142 to Standing Committee "B" to consider the Bill intituled "An Ordinance further to amend the Notaries Ordinance."

Question put, and agreed to.

†EXCISE (AMENDMENT) BILL.

The debate on the following motion of the Hon. Sir D. B. Jayatilaka (Minister of Home Affairs) was continued:

"That the amendments made by Standing Committee "A" in the Bill intituled "An Ordinance further to amend the Excise Ordinance" be taken into consideration.

The Hon. Mr. J. H. B. Nihill (Legal Secretary): Sir, the Hon. Minister of Home Affairs has asked me to see this Bill through, in his absence. Shall I do so?

+ Report of Standing Committee presented, August 14, 1942.

Mr. Speaker: Yes.

The Hon. Mr. D. S. Senanayaka (Minister of Agriculture & Lands):

There was an amendment proposed by the Standing Committee, but it was rejected by the House. So, the Hon. the Legal Secretary was asked to see whether it was necessary to make any consequential amendments.

The Hon. Mr. Nihill: The only consequential amendments are a matter of renumbering the Clauses, and that can be left to the Clerk of the Council. Clause 5 was put back into the Bill.

CLAUSE 7.—(Amendment of Section 43 of the Principal Ordinance).

Amendment made by Standing Committee accepted, and Clause 7, as amended, ordered to stand part of the Bill.

The Hon. Mr. Nihill: On behalf of the Hon. Minister of Home Affairs, I move that the Bill be now read the third time and passed.

Question proposed from the Chair, and debated.

***Mr. B. H. Aluwihare (Matale):** I oppose the third reading of this Bill.

Hon. Members will notice that in Committee various alterations were made, particularly the omission of Clause 3.

Mr. Speaker: Clause 3 was to be omitted, and the recommendation was accepted by the House.

***Aluwihare:** The decision of the Committee was overruled.

The Hon. Mr. Senanayake: That was not in regard to Clause 3; it was in regard to Clause 5.

***Mr. Aluwihare:** Yes, I know. You will see that under Clause 5 the Excise Commissioner sought to have for himself the most drastic powers in regard to the enforcement of the provisions of the Ordinance. Clause 5 says:

“ Any officer of the Excise, Police, Customs or Revenue Departments, not below such rank and subject to such restrictions as the Governor may prescribe, and any other person duly authorized in that behalf, may at any time—give such orders, directions or signals as may be necessary to stop any person upon whom, or to stop or cause to be

halted any vehicle, vessel or animal in or upon which, such officer or other person so authorized may in good faith, suspect any excisable article

It further goes on to say that he may—
“ detain and search without warrant any such person”

I think it also goes on to say that he may,

“ arrest without warrant any person believed in good faith by such officer or other person so authorized to have been found committing, in any place other than a dwelling house, an offence punishable under section 43 or section 44.”

Then it goes on to say:

“ seize and take into his custody without warrant any such excisable or other article”

Sub-clause (2) says:

“ Any person who fails or refuses to stop in compliance with any order, direction or signal given under the powers conferred by paragraph (a) of sub-section (1), and the driver or other person in charge of any vehicle shall be guilty of an offence”

What we understood in Committee was that this Clause legalized what had been expressly declared to be illegal by the Supreme Court. What happened was that an enthusiastic Excise Inspector put spikes across a road and spiked the tyres of a car. The Supreme Court held that not even an Excise Inspector can do that kind of thing; and the Excise Commissioner promptly brought in this Amending Ordinance, so that an Excise Inspector or anybody else is to be able to use any means to stop a vehicle. He can cause any damage to anybody provided he merely suspects him of the commission of an offence.

Sir, I did not think it possible that the House would allow such a provision to pass, because, in the exercise of these powers, there is bound to be an enormous amount of damage caused, which, to my mind, is quite incomparable with the offence that it is sought to prevent. Further, the damage to the individual in these cases cannot be recovered. The Crown does not take upon itself any legal liability in respect of the individual who suffers damage. It was, I believe, for those reasons mainly that the Committee decided to turn down that Clause.

Then, it is sought to enable an Excise Inspector to do most of these acts without a warrant. He is to be allowed to search persons and to detain persons,

without a warrant or without any orders from a judicial officer. That, again, was a consideration that weighed with the Committee. The Committee felt that putting these wide powers in the hands of an Inspector would be a source of great danger to the public.

I believe, the Hon. Minister of Home Affairs told us that in view of this amendment it was not intended to proceed with the Bill. Then suddenly we find, at least I find, that we are faced with the third reading of the Bill. I submit to the House that if it is sought to re-insert this Clause, the House should at least recommit the Bill to the Standing Committee where it can be discussed; otherwise, I suggest that we throw out the Bill. I do not believe that there is any other alternative open to us. I do hope the House will not pass the third reading of this Bill.

The Hon. Mr. Nihill: The position seems to be a little strange—

The Hon. Colonel J. L. Kotalawala (Minister of Communication & Works): Is the Hon. the Legal Secretary replying.

The Hon. Mr. Nihill: Yes; that is what I propose to do. Does the Hon. Minister wish to speak on the motion?

The Hon. Colonel Kotalawala: I wish to know whether the Hon. the Legal Secretary is now replying on behalf of the Hon. Minister of Home Affairs.

The Hon. Mr. Nihill: Unless some hon. Member wishes to address the House, I want to reply.

Mr. Speaker: Yes; will the Hon. the Legal Secretary proceed.

The Hon. Mr. Nihill: The motion before the House is that the Bill be now read the third time and passed. I do not know whether the hon. Member for Matale (Mr. Aluwihare) is therefore in order in suggesting that the House on this motion can, at this very late hour, recommit the Bill to Standing Committee.

***Mr. Aluwihare:** I am suggesting that they throw it out.

The Hon. Mr. Nihill: If that is the invitation which the hon. Member is

making to the House, of course, it is one which the House is at perfect liberty to accept. However, the position with regard to Clause 5 is that it was reinserted by the House during the report stage. I do not know whether the hon. Member was in his place when this Bill was passing through the report stage.

Mr. H. F. Parfitt (Nominated Member): No.

The Hon. Mr. Nihill: If he was, it is a matter of some regret that he did not then make the observations that he made today.

***Mr. Aluwihare:** I was not present during the report stage.

The Hon. Mr. Nihill: That is the position the hon. Member finds himself faced with. To him it must indeed be a very unpleasant situation. It is really too late for him today to do anything in this matter, except to invite the House to throw out the Bill altogether.

***Mr. Aluwihare:** On a point of personal explanation. The Hon. Minister of Home Affairs told us that the Bill was not being proceeded with in view of the amendment.

The Hon. Mr. R. H. Drayton (Chief Secretary): No.

The Hon. Mr. Nihill: I do not think I can accept that, unless the hon. Member can give me chapter and verse—

***Mr. Aluwihare:** We ought to have another Bracegirdle inquiry.

The Hon. Mr. Nihill: I think I have pointed out—

***Mr. Aluwihare:** The only thing is that the Hon. the Deputy Speaker said—

***Mr. Susanta de Fonseka (Deputy Speaker & Chairman, Standing Committee "A"):** That took place after the Committee had finished its deliberations. It was not in any way an official intimation to the Committee that the Hon. Minister was not proceeding with the Bill. He only said that it was useless proceeding with the Bill after the deletion of Clause 5.

Mr. Parfitt: At a meeting of the Home Affairs Committee, we considered it desirable to bring this to the House.

The Hon. Mr. Nihill: At any rate, the position was that the Committee did report back to the House. One of the recommendations of the Committee was that this Clause should be omitted, but the House, in its wisdom, on Tuesday, saw it fit to put the Clause back into the Bill.

That is the position. I do not think I need follow the hon. Member in debating the particular merits or demerits of this Clause. The position to-day is that although the Committee recommended the deletion of the Clause, the House saw it fit, on Tuesday, to overrule that recommendation and put the Clause back into the Bill.

The Hon. Mr. Senanayake: What about the spikes?

The Hon. Mr. Nihill: With regard to the question of spikes, there is nothing in this Bill, as far as I can see, that will protect an Excise Inspector who goes out of his way to use more force than is reasonable to stop a suspected person. That I think, is a general principle of law. It is true that there is a Clause in the Bill which gives the Excise Inspector power to use devices, whatever that word may imply, to enable a suspected person to be stopped on the road. But there, again, he must use that provision with caution and with reasonable care. It will still remain a tortious act on the part of an Excise Inspector if it is shown firstly, that he had not any really good grounds for believing a person to have committed an offence against the Ordinance; and, secondly, whether he was right or wrong in his belief, that he went out of his way to use some device which the situation did not call for.

***Mr. Aluwihare:** I think the Hon. the Legal Secretary will forgive me for interrupting him. Will he interpret the meaning of the words: "to use such powers or devices or take such other measures as may be necessary"?

The Hon. Mr. Nihill: That is my point. An unreasonable amount of force or an unnecessary amount of force would not be covered by the provision in the Bill. There are ways of stopping a motor car without putting down spikes and other things. This provision is meant for the better prevention of Excise offences. Any person who has not

committed an offence against the Ordinance can avoid molestation by stopping his car when asked to do so by an Excise officer.

As I said, I again feel that I am fathering somebody else's baby. At the moment I really feel that it is a waste of time for me to discuss the merits of this Clause again. I cannot believe that the House will nullify the decision it took on Tuesday. With the report before it, the House chose to put this Clause back into the Bill on Tuesday, and I cannot believe, that today—on Thursday—the House is going to refuse the third reading of the Bill because of its dislike of this particular Clause.

It is on those grounds that I ask the House to reject the last-minute appeal of the hon. Member for Matale (Mr. Aluwihare) and to give this Bill a third reading.

Mr. S. Samarakkody (Narammala): Sir—

Mr. Speaker: I have to put the question now. The third reading was moved by the Legal Secretary, and he has replied.

The Hon. Mr. G. E. de Silva (Minister of Health): I rise to a point of order. The Hon. the Legal Secretary has no status to move the Bill, because the mover of the Bill was not present. He can only reply to arguments.

The Hon. Mr. Nihill: I do not think the Hon. Minister of Health could have been in his place when I came here this afternoon and sought your direction in the matter. As I told you, Sir, I have been asked by the Hon. Minister of Home Affairs to sponsor the third reading of this Bill in his absence. And before I replied—I am very glad at the instigation of my Hon. Friend opposite me—I remained in my seat for several seconds in order to allow any hon. Member to continue the debate.

Mr. Samarakkody: I must confess that I was not quite aware of the statements made by the Hon. the Legal Secretary on this question. This motion was sponsored by the Hon. Minister of Home Affairs, and I was awaiting his reply with regard to the legal interpretation of certain Clauses in the Bill.

This matter came up before the Standing Committee, and we unanimously passed a certain Clause—

Mr. Speaker: I thought the hon. Member rose to establish the point that he was entitled to speak now, after the reply of the Hon. the Legal Secretary. Before the hon. Member goes into the merits of the case, he will have to rise to a point of order and submit that he is entitled to speak.

Mr. Samarakkody: I was not even aware that the Hon. the Legal Secretary was acting for the Minister of Home Affairs and that he was going to reply.

Mr. Speaker: That was what the Hon. the Legal Secretary stated at the beginning—that he had been requested by the Hon. Minister of Home Affairs to sponsor the Bill; and when the Hon. the Legal Secretary asked whether he should do so, I said “Yes.”

Mr. Samarakkody: In regard to the question asked by the hon. Member for Matale (Mr. Aluwihare)—

Mr. Speaker: I am sorry the hon. Member is not entitled to speak at this stage. I must put the question to the House.

Question put, “That the Bill be now read the third time.”

The Council divided under Standing Order 68: Ayes, 13; Noes, 19.

Mr. Speaker: The motion is lost.

†LAND REDEMPTION BILL.

The debate on the following motion of the Hon. Mr. D. S. Senanayake (Minister of Agriculture and Lands) was continued:

“That the Bill intituled “An Ordinance to make provision for the acquisition by the Crown of certain lands sold in execution of mortgage decrees or transferred by their owners in satisfaction of mortgage debts, for the alienation of such lands by the Crown and for matters connected with or incidental to the matters aforesaid”, (as amended) be now read the third time and passed.”

Amendment moved by Mr. G. A. H. Wille (November 17):

“That the word ‘now’ be deleted; and that the words ‘six months hence’, be substituted for the words ‘and passed’.”

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

Mr. Speaker: The hon. Burgher Nominated Member (Mr. Wille) is to continue his remarks. [A MEMBER: He has finished speaking.] His speech was interrupted on Tuesday, at 5.30 P.M.

Mr. G. A. H. Wille (Nominated Member): I shall not take more than 2 or 3 minutes.

When I was interrupted on Tuesday last, Sir, I was about to refer to the main provisions of the Bill under which redeemed lands were to be distributed to owners or their representatives and to certain other persons, namely, landless people or small holders. Agriculture being such a difficult—

The Hon. Colonel Kotalawala (Minister of Communication & Works): I rise to a point of order. The hon. Member concluded his speech on the last occasion and his amendment was seconded by the hon. European Nominated Member (Mr. Parfitt.)

Mr. Speaker: The hon. Member was interrupted at 5.30 p.m.

The Hon. Colonel Kotalawala: He has made his speech.

Mr. Speaker: He was not permitted to conclude his speech really. The hon. Member will please continue.

Mr. Wille: It is all due to a blunder.

The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands): That is why the hon. Member is speaking.

Mr. Wille: As I was saying, I do not know how far these poor landless people and smallholders will succeed in making agriculture a profitable industry.

As regards the mortgagors who are to be given back the lands, we know that they defaulted, and it was mainly in consequence of their default in respect of interest that they lost their lands. Anyway, under the proposed scheme they will have to pay instalments on the capital value. They are sure to default again, and the result will be that the land will have to be taken back by Government. Either Government is going to do agricultural business itself, or it will have to scrap the scheme so far as defaulters are concerned and perhaps the lands will be lost.

[Mr. Wille.]

The Bill deals with certain provisions as to how the money is to be found. When I say "money" I mean, according to the estimate of the Hon. the Financial Secretary, at least over Rs. 20,000,000 will be required. I do not want to go into details with regard to that. I only want to say that the Bill speaks of the votes of this House and of loans—and Heaven sets the mark!—of bequests and donations. This last provision was evidently put in either as a sop to those who were opposed to the Bill on grounds of its financial burden, or the framers of the Bill had a very poor practical sense of the real state of affairs.

Mr. H. F. Parfitt (Nominated Member): I rise to second the amendment moved by the hon. Burgher Nominated Member (Mr. Wille).

The House will have seen the dissent that was sent by me in conjunction with my colleague the European Nominated Member (Mr. Newnham) and that really covers the main provisions that we object to. I do not wish to waste the time of this House by repeating these particular points.

But I do want to stress one point to this House. The objection so far has not been fully realized, and I want to stress the onus which will be thrown on the purchaser of these properties. They may have purchased them at second-, third- or fourth-hand. It means that these particular purchasers of properties may have paid a price which, today, is consonant with the prices of commodities. But the hon. Minister of Agriculture and Lands has admitted that the Government can, at any time, claim to buy these properties. So that it means that a purchaser today may pay, in accordance with the market rates Rs. 800 for an acre of land. The Government can wait for a few months—when market rates have gone down—and come along and say, "We will buy these properties at very much lower figures." It means that the man who purchases that property may, in fact, find the land fleched from him by the Government in a year's time.

I want the House to realize that these purchasers are put in a very difficult

position. It will mean also that they are unable to raise money on mortgages of their property, because the property has no market value. A land may be worth Rs. 800 today, but in six months' time the price may come down to Rs. 200; and how in the world will it be possible to mortgage property? Who will put money on these properties knowing this fact, that the Government can come along, at any time and request that the land be sold at a particular figure.

That is the particular point I want hon. Members to consider in conjunction with the dissent I have already sent in. It is for that reason that I support the amendment of the hon. Burgher Nominated Member (Mr. Wille.)

Mr. S. Samarakkody (Narammala): I rise to support the hon. European Nominated Member, although I do not usually find myself in his company or in that of his colleagues.

As I pointed out at the second reading, I am opposed to this kind of legislation which is going to benefit one type of capitalist only. This is legislation designed to help impecunious planters who, through the mismanagement of their business, have come to grief. Now it is sought, by this Bill, to override the existing law with regard to creditors and rehabilitate those people who have been unable to manage their own affairs on these lands.

It may be contended that the entire land may not be given back to these people, that only a portion of it will be settled on them. The hon. Member for Dedigama (Mr. Dudley Senanayake) rightly pointed out that if this was expropriation it was all right. We can understand that. Expropriation must be for the benefit either of the State or of the public at large.

Now the tendency of legislation so far, especially in regard to Crown lands, is that all land which is at the disposal of the Crown should have the peasant as its primary consideration. I can understand it if developed lands are taken over and given back to a group of persons on a co-operative basis. If that is done, we can presume that it is definitely intended to benefit a class which, in my opinion, should be benefited.

For the reasons that I have given, I oppose the principle of the Bill and I support the amendment.

There is a further point with regard to the acquisition of properties that were sold under mortgage decrees. A property may have changed hands several times. What is the position? Is the Commissioner going to take back the land which has passed into the hands of 10 purchasers who had paid good value, and give it to the original owners? I can understand it if the position is clearly stated—that this Bill is intended to take back land acquired by moneylenders who are non-Ceylonese and hand it over to the Ceylonese. There is no such provision in the Bill. There is no need for legislation for taking land from "A" and giving it to "B" because, from the point of view of the State, the production of wealth from tea, rubber, or copra—whether it is produced by the hon. Member for Matale (Mr. Aluwihare) or myself—makes very little difference.

In my opinion this Bill should be rejected, and I therefore support the amendment of the hon. Burgher Nominated Member (Mr. Wille).

Mr. H. R. Freeman (Anuradhapura)

This is a rich man's Bill masquerading as a poor man's Bill and the Government seems to be in a hurry to get it through. I am not supporting the Bill.

***The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry & Commerce):**

There is one point to which I wish to direct the attention of hon. Members. There is no proposal here to purchase lands that were sold in execution of decrees, say in 1927 or 1928. If that were so, one can understand some of the objections raised.

There is a special reason for this measure—I thought that it was well known to hon. Members of this House—and that is that from 1929—everyone is aware of the fact—there was a very serious slump in the price of commodities which resulted in a slump in the values of land, and in view of the inability of certain people to pay off their debts or the interest due on their debts, large extents were brought under the hammer and sold, not because the debtors had been imprudent—there may have been some who were, but generally

it was not because they were imprudent—but because they were up against a set of circumstances over which they had no control.

When tea and rubber were affected in the same manner, of course, very strong organizations, which were world-wide in their ramifications and existed to protect the capitalists' interest in tea and rubber, brought up restriction schemes to protect the interests of tea and rubber. Unfortunately the same thing could not be done in the case of the poor Ceylonese who mainly depended on coconut, with the result that large extents, particularly of coconut land, were sold. What is sought now is to obtain the power to repurchase those lands.

It is a well known fact that when the Banking Commission inquired into this matter, a very large number of creditors—Chettiers and Indian merchants—admitted the fact that they did not want to secure these lands, but they had to buy them in because they could not recover their money by the sale of the lands, since land values had dropped sometimes from Rs. 1,000 to about Rs. 200 or Rs. 300 per acre in these circumstances, the land had to be bought in, it was said.

I do not understand hon. Members, who should know the conditions obtaining in the country, ignoring the situation which was created where not large capitalists but very moderate middle-class landowners, lost not only the lands they had mortgaged but all the lands they possessed, because under our law of mortgage it is not only mortgaged land that is sold in execution of decrees but all the lands which the mortgagor may possess. As a result there have been thousands of people rendered homeless, through the blight that befell commerce generally about the period in question.

I think the least we can do is to repair the damage that was done, by securing those lands, not for the sole purpose of handing them back to the original owners, but in order to try to assist the original owners as much as possible to recover part of their land, and to make the remainder of the land available for distribution among landless people. I know that there is a different point of view with regard to that matter. Some people would like to have this land

[The Hon. Mr. Corea.] secured and distributed among those who are without land without taking the previous owners into consideration, but that is a different principle. This measure aims purely at repurchasing the lands that were sold under those particular circumstances.

For those reasons I think the House should support this Bill.

***Mr. Dudley Senanayake (Dedigama):** I was amused by the arguments of the Hon. Minister of Labour, Industry and Commerce. They might have been very good arguments had the object of this Bill been to repurchase the lands that had got into the hands of foreigners, say, on account of the depression, and it was an endeavour to get that land back into the hands of the indigenous population. That is definitely not the purpose of this Bill. The Bill as it stands today is a measure by which land that has got into anybody's hands, be he Ceylonese or foreigner, can be taken back and given to the original owners. In this case I do not think the State is doing anything of any benefit whatever. It takes the land from a certain class—call it middle-class; call it the capitalist class; call it what you like—and hands it back to that same class. I do not think, leaving aside the question of profiting ordinary individuals, this should be an object in regard to which the State ought rightly to step in.

I did not actually oppose this Bill during the second reading, but I had certain objections to make. It was my desire to make this land alienable only to the landless. One of the classes that can come in under this Bill is the landless class, apart from the original owners. I would rather confine this law to the landless class. That is not a new policy but merely the carrying out of the present policy of Government. Today the Government gives out its own land to the landless, and now the Government can step in and buy up this land; and I say that it should be the right of the landless to be given this land.

While this Bill was being considered by the Standing Committee, I moved an amendment to give effect to my proposal but unfortunately only 3 Members supported it. During the discussion I was

assured that the intention of Government was not to hand back the entire land to the original owners, but to hand over to them a small extent of the land to enable them to exist on their present standard of living, so to speak, and that the majority who would benefit by this measure would be the landless class. I believe, Sir, we were assured that regulations would be framed to put that intention into effect. Therefore, if the assurance is given that those regulations will come up in that form in this Council I for one will not oppose this Bill, because I know that if that was the case the landless would benefit although not to the extent I would wish them to. I would therefore like to have an assurance from the Hon. Minister to that effect.

***Mr. G. G. Ponnambalam (Point Pedro):** Mr. Speaker, I do not propose to make a second-reading speech. I am sorry I missed the opportunity of speaking on the second reading, but I feel, in view of the remarks made by the mover and the seconder of this amendment, that I should not give a silent vote on this motion, as I shall be certainly supporting the amendment* that this Bill be read a third time six months hence.

I say this for a special reason. This Bill is one of a number of Bills that have been introduced by the Government of this country, and it shows the complete lop-sidedness of our legislative policy. I understand the sentiments of the hon. Member for Dedigama (Mr. Dudley Senanayake) about reclaiming land from the landed to be given to the landless. But why confine a scheme of reclaiming land to land that has been sold under mortgage debts? I do not see the point in that at all.

If in point of fact land should be taken from the capitalist class who to-day claim title to land, then the whole question is that of the right of private ownership of land. I can understand a plain, straightforward enunciation of policy by which it is maintained by Government that people must not have so many acres or must possess no acres at all. But where the question of private ownership of property is called into question, it is different. If that were so, if that were the policy then I am certainly in support of it, rather than, for instance, going to the wilds of Minneriya

and trying to reclaim from the jungle and the wild beast lands which have been captured by the jungle, by Nature, when there are thousands upon thousands of acres to-day in the hands of capitalist landowners which can be taken and divided among the landless.

Mr. Speaker: May I remind the hon. Member that we cannot have a second-reading speech at this stage.

***Mr. Ponnambalam:** Yes, Mr. Speaker; I said I was not making a second-reading speech.

Mr. Speaker: I hope the hon. Member will confine his remarks to the contents of the Bill as far as possible.

***Mr. Ponnambalam:** I am doing that, Mr. Speaker.

I say this: to confine the reclamation of land to land which has been sold in satisfaction of a mortgage decree would undermine the whole question of credit in this country. One does not know what the position of Government would be 5 years hence in respect of any other commodity. Mark you, I am saying this because one is likely to be misunderstood. But I say, in so far as we have accepted the basis of private ownership of property, and upon that basis certain consequences have flowed, if that basis of ownership has given rise to a certain system of credit, then I say it is utterly impossible just now to step in and alter it. It will be the worst kind of class legislation that could be enacted and would be enacted for the purpose of helping either incompetent or impecunious landlords who owned these lands 10 years ago.

Therefore, I oppose the third reading of this Bill.

***Mr. R. Sri Pathmanathan (Mannar-Mullaittivu):** I am not at all in agreement with the amendment moved by the hon. Burgher Nominated Member (Mr. Willé).

You have to take your mind back to the year 1929 in this matter. In 1929, you hardly had any opportunities for Ceylonese to borrow money on the security of their lands. If you went to the Exchange Banks with your title deeds and said, "Here is a land worth Rs. 50,000; give me Rs. 20,000", they

refused your request; they said that they were merely Exchange Banks for the negotiation of bills and to make money on exchange, and not to lend money on hypothecation of title deeds.

That was the difficulty confronting the Ceylonese. Now, of course, conditions are different. You have the Ceylon State Mortgage Bank and you can borrow money at reasonable rates of interest. That was why Ceylonese capitalists who desired to cultivate their lands and to grow coconut, rubber or tea did not have the same facilities as European planters. Europeans could borrow the necessary money somehow or other. With their glib tongues, they could wheedle the managers of banks into lending them money on the security of their lands. It was totally different in the case of the Ceylonese. The banks flatly refused to give Ceylonese credit on the security of land, for the reason I have stated.

That was why, most of the Ceylonese had to go to the Chettiars, the money-lending community of South India—the Natukottai Chettiars—and borrow money at exorbitant rates of interest; I believe, the minimum was 12 per cent. It was impossible for a landowner to borrow money at that rate of interest and then cultivate his lands at a profit. When the slump came—after the great Wall Street crash in 1929, you will remember, Sir, that everything slumped—the Natukottai Chettiars and others who had lent money pressed these people to repay their debts. They were in an impossible state of affairs, and that is the reason why they had to sell their lands at very low prices. Some of them had to sell even their ancestral lands; and they were in a very parlous state.

The Hon. Minister of Agriculture and Lands, I think, very rightly and very magnanimously brought this matter before the Secretary of State, and, I believe, after a great deal of discussion, he has agreed to this measure on certain conditions. And now for us to say that this is expropriation, and this, and that, and to ask us to give all to the landless is not fair. We are giving land to the landless. There are the Minister's colonization schemes—excellent schemes—going on. I say that this is not a Bill to protect the capitalists against the landless.

[Mr. Sri Pathmanathan.]

This is a Bill to help the capitalist who has lost all his wealth and put him again on his feet.

From that point of view, I support the Bill.

The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands): Sir, some of the arguments that have been brought forward for the rejection of this Bill are really surprising. Some hon. Members did bring forward these arguments, and they were considered more than once during the second reading and the Committee stage and yet they seem to repeat the same arguments now and want the Bill rejected. I shall try to deal with some of the remarks made. I shall take the milder objections first.

The hon. Member for Anuradhapura (Mr. Freeman) says that this is a Bill masquerading as one to help the poor while it is meant to help the rich, and that Government is trying to rush it through. I wonder whom my hon. Friend considers "the Government".

Mr. Freeman: The Minister moved that the question be put at the last sitting.

The Hon. Mr. Senanayake: Then my motion that the question be put makes me the Government, I presume, because I was wondering who "the Government" was.

This Bill is one that has not at all been hurried through this House. This Bill has been considered by more than one Council—at least the question of the remedy required for an existing evil has been considered not only by this Council but even by its predecessor, the Legislative Council. You might remember Sir, that the then Government, through its Attorney-General, made a statement to the Legislative Council to the effect that the Judges had been instructed to utilize the power they had of giving an extension of time, to those people who had mortgaged their lands, to pay up, so that their lands might not be sold, in the hope of something being done in the meanwhile.

At that time the then Government—the Legislative Council—realized that

there was an unfortunate situation created which they felt should be remedied. At that time practically the whole of the Sinhalese community, except for just a handful, had gone under because of the depression, and the Council considered it necessary to give relief. Unfortunately, the Legislative Council could not do that at that time. The last Council even passed a Bill providing that mortgage decrees that had been entered should not be executed for a certain period. That was not accepted by the Secretary of State; but that itself shows that the Council considered that some relief was necessary.

Then, I believe, this Council declared a moratorium for one year.

Mr. H. W. Amarasuriya (Galle): That was the last State Council.

The Hon. Mr. Senanayake: Yes.

Then what happened? This Bill was considered by the Ministry of Labour, Industry and Commerce and was then handed to us; and I am sure even my hon. Friend will admit that it could not have been considered in a hurry by my Committee. If there is, therefore, any Bill which has received consideration at the hands of a number of parties and Councils, I think, it is this Bill; and all of them considered that it was urgent. It has not been rushed through. If anything, there has been a delay and it is an unfortunate delay.

With regard to the remarks made by the hon. Member for Narammala (Mr. Samarakkody), I wish I had before me the speech he made when opposing the excess profits tax. He was pleading at that time for the impecunious coconut planter, and he said that that unfortunate man was subjected to all sorts of hardship. He went even further and said that he would rather have this Council dissolved than see the Bill passed. Today that same hon. Member feels that he must be on the other side.

Mr. Samarakkody: On a point of personal explanation. The Hon. Minister is deliberately misrepresenting me.

On that occasion I was against the invidious distinction they made in respect of the plumbago industry, by exempt-

ing it from the excess profits tax, because the Board of Ministers were either directly or indirectly interested in it, whereas coconut as an industry was being treated unfairly. I stood up for the coconut industry as a representative of that industry, and I am not standing up for a particular class of capitalist. I stood up for the coconut industry as a whole, and on that basis the criticism of the Hon. Minister, of my action, is unwarranted.

The Hon. Mr. Senanayake: Whatever the reasons may be, the hon. Member pleaded for an industry because of the unfortunate situation it was placed in. Although he speaks of people interested directly or indirectly in an industry, I wonder who the people are who are interested directly or indirectly either in plumbago or coconut. After all, it is no good trying to pose as a great social reformer at one time and then saying something else at another time. I would only say this: a person who was thinking of protecting the coconut industry must even now too think of that industry.

Mr. Samarakkody: I am not thinking of a class.

The Hon. Mr. Senanayake: It was not a class at this time. Coconut planters were not a class. It becomes the whole world when it comes to taxation, but when it comes—

Mr. Speaker: Shall we confine our remarks to this Bill?

The Hon. Mr. Senanayake: With regard to the provisions of the Bill itself, I just want to touch upon what the hon. Member for Point Pedro (Mr. Ponnambalam) said. He said that if it was a question of nationalizing the lands by taking them from the rich and dividing them among the rest, he would be with us, but he could not be with us because there is the possibility of creditors losing. Creditors assets should not be divided, or the advantages equalized. Of course, one wonders whether it is the principle that one is thinking of, or whether it is an argument that is being utilized with the object of defeating the end that one has in view.

The hon. Member said, "Take this away. I do not want this money to be spent on Minneriya or to be given to the wild beasts. Let the properties cultivated be divided among all the people." But my hon. Friend must realize that the lands that are cultivated amount to only $3\frac{1}{2}$ per acres per head; and if they are to be divided among all the people, it would not amount to even half an acre per head. So unless the wilds of Minneriya and the lands up to Jaffna are opened up, I am sure there will not be much room for the people to live comfortable lives.

***Mr. Ponnambalam:** Go on the motion.

The Hon. Mr. Senanayake: Unfortunately, the hon. Member went outside the motion and I have, therefore, to reply to him. Anyway, his arguments do not even deserve consideration. [Inter-ruption]. He would be able to make himself understood better if he were to speak to the wild animals.

With regard to the remarks of the other two Members who spoke, I might say that their arguments have been trotted out more than once. I only want to say that as far as our objects go—to give land to the landless—we have a Settlement Bill under which land is given to the landless. Even now what do we do? We acquire lands where there is no Crown land available, and give them to the landless.

But in this case we have two objects in view. One is to give an opportunity to those people who have been unfortunate, to continue an occupation in which they were engaged, to the limited extent of being enabled to maintain a standard of life which one would consider reasonable. It is not our intention to give them large estates or making them capitalists. As far as the other class is concerned, that is, the class that we are thinking of, the main object of this Bill is to give them some relief; at the same time the intention is not to give them the old lands, but to utilize this opportunity of settling them on other lands.

Question put, "That the word 'now' be deleted, and the words 'six months hence' be substituted for the words 'and passed.'"

The Council divided—Ayes, 10;
Noes, 32:

AYES.

De Zoysa, Dr. A. P.
Freeman, Mr. H. R.
Griffith, Mr. F. H.
Newham, Mr. H. E.,
C.M.G., V.D.
Parfitt, Mr. H. F.

Ponnambalam, Mr. G. G.
Ratnayaka, Mr. A.
Samarakody, Mr. S.
Vilkers, Mr. E. C.
Wille, Mr. G. A. H.

NOES.

Kruangara, The Hon. Mr.
Mr. C. W. W.
Senanayake, The Hon.
Mr. D. S.
Bandaranaike, The Hon.
Mr. S. W. R. D.
Cora, The Hon. Mr.
G. C. S.
Kotalawala, The Hon.
Colonel, J. L.
De Silva, The Hon.
G. E.
Abeywickrama, Mr. Simon
Aluwihare, Mr. B. H.
Amarasuriya, Mr. H. W.
Amarasuriya, Mr. T.
Batuwantadawe, Mr. U.
De Fonseka, Mr. Susanta
De Silva, Mr. G. R.
Dharmaretnam, Mr. S.

Goonesekera, Mr. H. A.
Gunasekera, Mr. D. D.
Gunawardana, Mr. R. S. S.
Howavitarne, Mr. Rajah
Ilangantilleke, Mr. J. H.
Jayah, Mr. T. B.
Jayasuriya, Mr. D. P.
Kannangara, Mr. R. C.
Kularatne, Mr. P. de S.
Mahadeva, Mr. A.
Pereira, Diwan Bahadur
I X
Rajapaksa, Mr. D. M.
Ratwatta, Mr. H. L.
Razik, Mr. A. R. A.
Siriwardana, Mr. H. de Z.
Sri Pathmanathan, Mr. R.
Tambimuttu, Mr. E. R.
Wanigasekera, Mr. D.

DECLINED TO VOTE.

Senanayake, Mr. Dudley

Mr. Speaker: The amendment is lost.

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

Bill read the third time, and passed.

†INCOME TAX (AMENDMENT) BILL.

The Hon. Mr. J. H. B. Nihill (Legal Secretary): You will recollect, Sir, that on Tuesday, in the absence of the Financial Secretary, I introduced the Income Tax Amendment Bill, and I gave notice that I will move the second reading to-day. I should like to have your direction, Sir, because the Hon. the Acting Financial Secretary is now a Member of this House. Perhaps it would be more appropriate if I handed over the charge of this Bill to him.

Mr. Speaker: Certainly.

The Hon. Mr. C. E. Jones (Acting Financial Secretary): I move, Sir,—

That the Bill intituled "An Ordinance to amend the Income Tax Ordinance", be now read a second time.

Question put accordingly, and agreed to.

Bill read a second time.

† For the Observations of the Financial Secretary and the Report of the Board of Members, see HANSARD of November 17, 1942.

The Hon. Mr. Jones: With the approval of the Board of Ministers, I beg to move that the Bill be referred to a Committee of the whole House.

Question put accordingly, and agreed to.

In Committee—

Mr. SPEAKER presided as Chairman.

Clause 1 ordered to stand part of the Bill.

CLAUSE 2—(Amendment of Section 7 of Chapter 188).

The Hon. Mr. Jones: I move the following amendment to Clause 2 (1):

(i.) Re-letter paragraph (b) as paragraph (c).
(ii.) Immediately after paragraph (a) insert the following new paragraph (b):—

(b) by the substitution, in paragraph (h), for the words "active list," of the words "active list (other than Members of any such Force raised in Ceylon," : and "

*Mr. B. H. Aluwihare (Matale): What is the reason for that amendment?

The Hon. Mr. Jones: New Clause 2 (1) (b) (hh) (i) is intended to exempt from income tax not only the official emoluments but also any income not arising in or derived from Ceylon of members of the Naval, Army or Air Force Services. But it was not intended that the exemption should include members of the Forces raised in Ceylon. The idea is that active services personnel who are moving from country to country should be exempted but not the members of the Ceylon Defence Force.

*Mr. Aluwihare: What is the difference? It is merely a provision to exempt English people and not Ceylonese, because, Sir, after all Ceylonese soldiers are fighting, and so are English soldiers.

The Hon. Mr. Senanayake: Actually, these people have come here for the purpose of defending our country and not for the purpose of residing here, and they are not earning a living in this country.

The Hon. Mr. Nihill: Of course, the House will realize that they are paying British income tax.

Amendment agreed to.

Sub-clause (1), as amended, ordered to stand part of the Clause.

The Hon. Mr. Jones: I move, Sir, the following amendment to Clause 2 (2):

line 4, for "thirty-nine," substitute "thirty-nine; and the amendment made in the said section 7 (1) by paragraph (b) of the said sub-section (1) shall be deemed to have come into force on the first day of October, nineteen hundred and forty-one."

***Mr. Aluwihare:** Is there no way of asking the British Government to give us a share of the income tax they levy from these people?

The Hon. Mr. Jones: This amendment refers only to the Ceylon Defence Force, and the British Government does not levy income tax from the personnel of the Ceylon Defence Force. This date is put in because it was from this date that the Ceylon Defence Force became an Imperial commitment.

***Mr. Aluwihare:** I was only dealing with the remarks made by the Legal Secretary. If, after all, these unfortunate people have to pay income tax, why should we not get the benefit of it?

Amendment agreed to.

Sub-clause (2), as amended, ordered to stand part of the Clause.

The Hon. Mr. Jones: I move the following amendment to Clause 2 (3):

line 2, for "paragraph (b)" substitute "paragraph (c)".

Amendment agreed to.

Sub-clause (3), as amended, ordered to stand part of the Clause.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3, ordered to stand part of the Bill.

CLAUSE 4.—(Amendment of Section 52 of the Principal Ordinance).

Mr. H. E. Newnham (Nominated Member): I move, Sir, that in Clause 4 (1) (a) the words "forty-two" be substituted for the words "forty-one". This Clause is designed to compel the people who control a company to distribute as much of the profits as possible so that they will have to contribute more income tax. It can reasonably be applied to the future. But the Bill as drafted proposes to pursue the matter as far back as 12 months or more. This will deal with profits for last year, for the year ending December 31, 1941. I

suggest that it should not be made as retrospective as that. The annual general meetings of these companies have already been held and everything has been done and finished on the basis of the profits for that year. I suggest that "1942" be substituted for "1941".

The Hon. Mr. Jones: I must object to the proposed amendment. There is a point, no doubt, in the hon. Member's statement that this is retrospective. It has to be remembered that income tax amendments, even in the United Kingdom, are retrospective. But the position here is that there is a Section in the Income Tax Ordinance which gives the power to the Income Tax Commissioner to take certain steps if he has reason to believe that a private company consisting of not more than 5 members has been taking steps to evade income tax. That Section was not strong enough for its purpose, and this is a stronger Section which is going to be substituted for that.

The argument against the hon. Members' proposal is that an honest company has no reason to fear anything at all. But the company that may have tried some dodge or other and was not caught under the old Section is caught under this Section which is stronger. I oppose the suggested amendment.

Mr. Newnham: The Acting Financial Secretary's arguments cancel each other. He admits that the present Ordinance has a provision for dealing with people who evade the payment of income tax. Precisely. I have no objection whatsoever to his dealing with people who evade the tax, and an honest company has nothing to fear under the present law. But this does not deal with people who evade income tax but with people who for reasons other than that do not distribute the profits. For instance, for the very reason that they require the money in the concern, or they want to save that money, they may not distribute it. A case of that nature, I have come across myself.

This provision is not intended to deal with evasion of income tax which the Financial Secretary admits can be dealt with under the present law. That is why I suggest that we should not go back on the savings of the people and make this provision retrospective.

The Hon. Mr. Jones: In reply to that, I would point out that in the old Section as in the new, the Income Tax Commissioner has full discretion as to whether he should use this Section or not, and I think the honest company has no reason to fear any penalty.

Question put, "That the words 'forty-two' be substituted for the words 'forty-one.'"

The Committee divided (under Standing Order 68): Ayes, 8; Noes, 15.

The Chairman: The amendment is lost.

Clause 4 ordered to stand part of the Bill.

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

The Hon. Mr. Jones: I move that the Council do resume.

The Council having resumed—

MR. SPEAKER took the Chair.

Question, "That the amendments passed in Committee, be approved," put, and agreed to.

The Hon. Mr. Jones: I move, Sir, that the Bill be now read the third time, and passed.

Question put accordingly, and agreed to.

Bill read the third time, and passed.

†VILLAGE COMMUNITIES (AMENDMENT) 'BILL.

***The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** This is a formal matter; this Bill effects certain formal amendments to the Village Communities Ordinance, and I gave notice on Tuesday that I would move the second reading of the Bill today.

I move,—

That the Bill intituled "An Ordinance to amend the Village Communities Ordinance" be now read a second time.

Question put accordingly, and agreed to.

Bill read a second time.

† For the Observations of the Financial Secretary and the Report of the Board of Ministers, see HANSARD of November 17, 1942.

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

Question put accordingly, and agreed to.

In Committee—

MR. SPEAKER presided as Chairman.

Clauses 1 to 28 ordered to stand part of the Bill.

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

The Hon. Mr. Bandaranaike: I move that Council do resume.

The Council having resumed—

MR. SPEAKER took the Chair.

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

Question put accordingly, and agreed to.

Bill read the third time, and passed.

†SUPPLEMENTARY ESTIMATES, 1942-43.

The following item stood upon the Addenda to the Orders of the Day:

The Leader of the State Council to submit for the approval of the Council the Supplementary Estimates set out in this item, to present to the Council the reports of the Board of Ministers on such Estimates, and to move the Council into Committee to consider the same:

(Chief Secretary.)

(1) Supplementary Estimate, 1942-43.

Head 5, Chief Secretary.

New Sub-head 14, Expenses of Ceylon Government Representative in India.

Amount: Rs. 52,295.

Observations of the Chief Secretary.

In view of the urgent need of creating a better understanding between India and Ceylon and of securing the speedy settlement of problems of mutual concern that arise from time to time between the two countries including questions of food supplies from India, the

† Supplementary Estimates (2) to (4) not reproduced.

Board of Ministers unanimously decided to seek the approval of the Secretary of State for the Colonies and of the Government of India to the appointment of a Special Representative of the Government of Ceylon at Delhi. That approval has been obtained.

The Board of Ministers, with the approval of His Excellency the Governor, invited Sir Baron Jayatilaka to accept the responsibilities of this high office. The Government of India has warmly welcomed the proposed selection of so distinguished a person as Sir Baron Jayatilaka to this post. Sir Baron has agreed to go to India. An inquiry whether the Government of Ceylon would agree to a proposal for a Representative of the Government of India in Ceylon of similar status has been answered in the affirmative.

The amount now asked is for the 10 months commencing December 1, 1942. Details of the expenditure are shown below:—

1. Personal Emoluments and Allowances:		Rs.	Rs.
1 Ceylon Representative—salary at Rs. 2,500 per mensem ...	25,000		
1 Personal Secretary to the Ceylon Representative—salary plus living allowance and rent allowance ...	5,300		
1 Peon—salary plus living allowance ...	995		
			31,295
2. Transport and Travelling:			
Transport and Travelling including local travelling ...		2,000	
3. Other Expenditure:			
Furnished house for Ceylon Representative at Rs. 600 per mensem (actual expenditure to be paid) ...	6,000		
Entertainment (actual expenditure to be paid) ...	5,000		
Adjustment for increased Income Tax in India ...	5,000		
Incidentals, including rent of an office ...	3,000		
			19,000
			<hr/>
Total ...		52,295	

Note.—The Ceylon Representative will use the Office Organisation of the Supplies Department for his purposes. There is therefore no additional cost on account of secretarial staff, office rent, incidentals, &c.

Observations of the Financial Secretary

The Financial Secretary concurs.

Report of the Board of Ministers.

The financial implications are as explained in the observations of the Chief Secretary. The Board of Ministers approves.

The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands): May I have the permission of the House to move the motion standing in the name of the Hon. Leader of the House, with reference to the Supplementary Estimates.

***Mr. B. H. Aluwihare (Matale):** How many days' notice must be given of a Supplementary Estimate?

The Hon. Mr. Senanayake: That is why I asked for the permission of the House to move the item. Five days' notice is required.

***The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** I have no objection to the Minister of Agriculture and Lands moving that item at this stage, but I must draw his attention to the great urgency of passing the Rent Restriction Bill.

The Hon. Mr. Senanayake: It can be taken up afterwards.

***The Hon. Mr. Bandaranaike:** I do not mind.

Mr. Speaker: The motion by the Minister of Agriculture and Lands is that items 23 and 25, Supplementary Estimates, of the Addenda to the Orders of the Day be taken up at this stage. Sufficient notice has not been given of these items, and the Hon. Minister wants the permission of the House to take them up now.

***Mr. Aluwihare:** I oppose the moving of these items without the requisite notice. The Ministers had plenty of time to give notice. After all, everybody knew of this; the Ministers had it in mind even on the last date the Council sat. The Minister of Agriculture and Lands himself told us that this project was being considered, and so one would imagine that the Ministers had plenty of time to give notice. Why is it that this is kept back for the last moment? As a matter of fact, I looked for it in the Agenda and did not find it. Then I thought that there would be a Supplementary Estimate in the

[Mr. Aluwihare.]
Addendum to the Orders of the Day, as always, to take us by surprise.

The Hon. Mr. Senanayake: I can give the reason. The reason was that we did not get the final reply from India before the Agenda was issued. So far as the giving of notice to this House goes, as has been pointed out by the hon. Member, everyone has had notice of this matter for some time. It was known that we were only waiting for the reply from the Indian Government. Admittedly sufficient formal notice has not been given, but really ample notice has been given to the House, as admitted by the hon. Member. If we take up this item for discussion today, it will save the necessity for meeting again.

The Hon. Mr. G. E. de Silva (Minister of Health): The hon. Member withdraws his opposition.

***Mr. Aluwihare:** If there is a reason, it is all right.

Mr. Speaker: The House agrees then to take up these Supplementary Estimates, and to go into Committee to consider them.

The Hon. Mr. Senanayake: I move that the Council do go into Committee to consider these Supplementary Estimates.

Question put, and agreed to.

In Committee—

MR. SPEAKER presided as Chairman.

(1) Ceylon Government Representative in India.

The Hon. Mr. R. H. Drayton (Chief Secretary): I move, the Supplementary Estimate under item 23, standing in my name:

Head 5, Chief Secretary.

New sub-head: 14, Expenses of Ceylon Government Representative in India.

Amount: Rs. 52,296.

Mr. Chairman, this is the long-awaited Supplementary Estimate in regard to which there has been considerable public discussion. The matter is now before the Council at the earliest possible moment, as the hon. Deputy Leader has just explained.

There are two ways in which projects like this can be put before the Council. There are two ways of doing most things, and probably, in regard to this matter,

there are some people who will think that the way taken is the wrong way, just as there are others who think that the way taken is the right way. It was possible for this Government to have put the project before this Council very many months ago, because it is a project which has been very seriously considered by the Board of Ministers for a long period of time as having been vitally necessary.

As time passed and events have occurred, not merely from month to month, but from week to week, even from day to day, it has become more apparent that they were right in their view that it was vitally necessary that, in present circumstances, this Government should have in Delhi someone to represent them in the many matters of very vital concern that have occurred during this year and which, quite obviously, will continue to occur certainly so long as this emergency lasts.

It is within the knowledge of this House that the Hon. Leader himself went to India recently specifically on what was a limited duty namely, in regard to food supplies. He was the third Minister whom the Government found necessary to send to India in regard to that particular question, the third Minister we found necessary to send this year. Mr. Chairman, it was the considered view of the Board of Ministers that it is a very desirable thing from the point of view of Ceylon as a whole that not merely for the purpose of the immediate problem for which he went to India, but for much wider purposes, it is highly desirable that a person should be permanently at Delhi to represent this Government there.

The functions of that representative are described in my Observations in the widest possible terms, and deliberately so described. They are described in these terms:

"the urgent need of creating a better understanding between India and Ceylon"

and of the urgent need:

"of securing the speedy settlement of problems of mutual concern that arise between the two countries."

That wide description, Mr. Chairman, has been chosen because it is not desired in any way to limit the functions of the Representative of the Government of

Ceylon in Delhi in advance. We do know from actual experience during the last few months that there are many questions on which we would like to have had someone in Delhi to be able to speak on our behalf at very short notice; not merely on questions of food; we have had labour questions: we had a problem which quite recently came before this Council. I may say that it is a small problem, but it is one in regard to which India feels that an explanation is required, and the explanation has been given which has satisfied India; namely, the provision which this Council thought necessary to put into that controversial measure, the Bill introduced by the Minister of Local Administration for the control of omnibuses: I refer to the provisions in regard to the percentage of Ceylonese capital in the companies to whom licences could be granted.

There is another matter which is under discussion between the two Governments; it has also been referred to in this Council, namely, the question of Village Tribunals and their jurisdiction. Those are only two of the many matters which occur to me as being matters still pending between the two Governments and in regard to which one does feel that Ceylon would be in a very much better position if one had, not only a Representative at Delhi, but also the right man. On that point the Board of Ministers, the Governor, the Secretary of State and the Government of India have no doubt whatsoever in regard to the choice made. All four authorities are of the view that the right choice has been made.

Now, Mr. Chairman, it is a very large thing to ask of one who has spent a very long life in the politics of this country and who has earned a reputation, not merely for being a politician, but for being a statesman, that today he should cease to take any further part in the political life of this country, that he should resign his Ministerial post, he should resign his seat in this Council, and he should join that privileged and pampered class of persons, namely, the bureaucrats. It is a large thing to ask of anyone to do it; that is to say, if one regards one's duties as being duties that can be spoken of in those contemptuous terms. But there is another term for "bureaucrat", and that is "public servant" —

*Mr. Aluwihare: Ambassador!

The Hon. Mr. Drayton—and that is "public servant." And my own view is that it is because the Leader of the House has always been a public servant, and will continue to be one in this post, that he is the right man for the post.

I beg to move that the Supplementary Estimate be passed.

Mr. S. Samarakkody (Narammala):

The Hon. Chief Secretary has moved a Supplementary Estimate for which this Council has been waiting for a long time. At the outset, Sir, I should like to state that the action taken by the Board of Ministers in connexion with their decision to send a Representative to India and a large staff—call it the staff of the Chief Representative, or the Purchasing Organization, or what you will—all these matters were not brought to the notice of this House until the whole scheme had been put into effect. In fact, we know that Mr. Vaithianathan, the Purchasing Commissioner, or whatever the designation may be, who was stationed at Delhi and who returned to the Island, has already been sent to India, and was seen off by various Ministers. Yet nothing was known to this House.

So that, that is the first point we must remember. During the period of emergency, when we decided to give a vote of Rs. 20,000,000—we had a long discussion about it the other day—we felt that new undertakings, new responsibilities, new schemes would be brought before this House at the earliest possible moment. But, it was after further questioning and some compulsion, as it were, that we obtained the assurance that at least the departure of the Leader of the House from this Council will not be effected until a Supplementary Estimate was placed before this House, and I venture to submit that if by any chance we did not get that assurance from the front benches, today the Leader would be installed at Delhi without our knowledge.

Now, let us examine the reasons given by the Board of Ministers for this step that they are taking. You know, Sir, the political history of this Island for the last five or ten years. The Indian question has loomed large, and many discussions have taken place, with regard to the question of Indian labour, with regard

[Mr. Samarakkody.]
to the question of Indian settlers in this country; and many conferences have been held both in India and in Ceylon but no satisfactory arrangement has been arrived at yet. It was stated that these questions should be postponed till after the war, and the situation remains just the same.

Now, it requires more than a mere statement to convince the people of this country of the necessity for this post. It is true that three Ministers have been to India and earlier, one had also gone to Rangoon, in connexion with the food supplies of this country.

We know the history, at least we know the achievements of some of those missions. On his first visit to India, the Hon. Minister of Agriculture and Lands was able to persuade the Indian Government to agree to the release of 38,000 tons of rice to be exported to Ceylon. There were many difficulties subsequent to his arrival here, because the Indian Government, delayed issuing the permits for the rice, with the result that the quota allowed for that particular month could not be exported during that month; so that the quantity received fell far short of expectations.

In order to expedite the issuing of permits and to remove certain difficulties as regards shipping, the Hon. Minister of Labour, Industry and Commerce went to Delhi, and after many conferences he managed to settle the matter with regard to permits, and a large quantity of rice did arrive monthly; it may be short of 38,000 tons—the quota promised—but as far as I know, I think we received something like 25,000 tons, or perhaps more.

The Hon. Mr. Senanayake: No, less than 25,000 tons.

Mr. Samarakkody: I am informed that it was less than 25,000 tons. I do not think that is correct. I should like to get that information from the Hon. Minister of Labour, Industry and Commerce.

The Hon. Mr. Senanayake: I am in charge of "Food", and I can give the correct information. It was less than 25,000 tons; it was 19,000-odd tons a month. That is an authoritative statement.

Mr. Samarakkody: I will accept that—19,000-odd tons; we will make it a round figure and call it 20,000. So that, Sir, the net result of the visit of the Hon. Minister of Labour, Industry and Commerce was that 20,000 tons of rice did come to Ceylon.

***The Hon. Mr. G. C. S. Corea (Minister of Labour, Industry & Commerce):**
Per month.

Mr. Samarakkody: Yes, monthly. That is about 50 per cent. of the original promise.

Now, let us see whether a further mission is necessary at the present time in order to secure foodstuffs. Let us consider the achievements of the last mission led by the Hon. Minister of Home Affairs and Leader of the House. He made a statement to this House which was examined by me at an early date, and I pointed out rightly that the net result of his mission was that the Indian Government would be aiming at sending 20,000 tons. Now I leave it to hon. Members to judge for themselves how successful the Leader has been in obtaining a larger quota of rice and other food supplies.

Let us further examine what arrangements he has made with the Indian Government for the export of this rice. As far as I understand, the Government of Madras has undertaken to export, at least to buy on behalf of the Ceylon Government, about 15,000 tons of rice. The reason for that arrangement is that if the Ceylon Government, through its various representatives, were to enter the rice market and try to buy this rice, prices would go up, and it is to the best advantage of Ceylon that the rice should be bought through a Governmental source; and for that purpose the Madras Government has kindly agreed to purchase this 15,000 tons for us.

Now, for what purpose, I ask you, is a mission costing nearly Rs.100,000—

The Hon. Colonel J. L. Kotalawala (Minister of Communication & Works):
Rs. 50,000.

Mr. Samarakkody: Why must we send such a mission for the purpose of obtaining the balance amount of 5,000 tons of rice? These are questions that baffle the public at large. In fact, with regard to the appointment—I shall deal with the person later—I think there is absolutely

no justification for such an appointment as far as obtaining food supplies is concerned.

Apart from that, Sir, as far as the political question is concerned, we had Sir Girja Shankar Bajpai and other leaders who conferred with the Ministers, and our point of view is very well known to India. I do not know whether negotiations in the political field are going to be reopened by our representatives. If so, this House ought to be informed, because there are certain conclusions this House has come to and certain directions it would like to give in this matter,

The Chairman: The hon. Member is going on to a new point. The sitting is suspended till 4.30 P.M.

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

Mr. Samarakkody: Sir, when we adjourned for tea, I was saying that there was no reason on the ground of getting food supplies, for sending a Representative to India.

At the very outset I stated that the Board of Ministers have not been fair by this House in not informing it of the arrangements made with regard to the Purchasing Commissioner who has been sent to India. I understand that already some scheme has been drawn up of which we know nothing. Some representatives in various provinces in India have been appointed without any reference to their credentials or suitability to hold responsible positions as agents or semi-agents, or whatever you may call them, of the Ceylon Government.

It has been brought to my notice that in Bombay a gentleman by the name of Mr. Singham has been appointed. I am credibly informed that there are certain claims against him by some English firm, and that there is a good deal of correspondence in connexion with these claims, with the Director of Commerce and Industries. Apart from that, there are various allegations made against him, both in India and outside India, with regard to his business status. I also understand that he has been selected as one of the Trade Representatives of this Government in Bombay.

I just casually mention this case. I should like to know who is responsible for making these selections. I should like to know whether it is the Hon. Minister of Home Affairs who made the selections. Have those responsible for these appointments gone into the credentials of these agents? I should also like to know whether it is proposed to give a chance to Ceylonese business men in India, or is it proposed entirely to depend on foreign business people?

Let us for a moment go back to the question of the necessity for appointing a Ceylon Representative for the purpose of settling various political disputes that may arise. As I stated earlier, the outstanding questions and problems have been gone into by both the Indian and the Ceylon Governments. Certain tentative proposals and agreements have been made, but no official sanction to these agreements has been forthcoming. The reason for it may be the present emergency.

So that, we must be told for what purpose this Representative is going to India. Is he going merely as an ornament? The public are left guessing as to the real purpose for which the Hon. Leader of the House has been selected for this appointment. It has been long felt by many Members of this House, as well as by the general public, that the Hon. Leader, for whom I personally have the highest respect and regard as a political leader, a social and religious worker, is no longer a suitable person for the leadership of this House. I have the utmost respect and regard for him; what I have to say is not to disgrace or demean him, but we must see that if this appointment is necessary, we send the right man for the job.

Sir, at the present moment, even if the purpose is the establishment of better relations with the Indians, who we feel are not well disposed towards Ceylon as a result perhaps of certain misunderstandings and misrepresentations made, we must consider whether the Hon. Leader is the most suitable man to send if we are to succeed in that mission. I shall give you my reasons. I do not think the Hon. Leader is in any way suitable for achieving that object.

Look at the position in India. The great national leaders of India are in-

[Mr. Samarakkody.]
 incarcerated. Every important nationalist, every important leader of the people in India is behind prison bars; and today we are supposed to be sending a mission and a Representative to win over the Indians to our point of view and to bring about better relations. That is utterly absurd.

Sir, as you know, when Pundit Jawaharlal Nehru was in Ceylon, some of us had the opportunity—and I say the good fortune—to meet him at any rate casually. We know what type of men the Indian Leaders are. When Pandit Nehru addressed various public meetings in that the Indian problem was only a small one as far as the Indians were concerned. After all, to 450,000,000 people, the question of 200,000 nationals is a very small problem.

So that is the point that we must remember. We must respect India. We must treat her as an equal and not as a foreigner. That is the point. They were rather hurt about the way in which we spoke of things, because, Pandit Jawaharlal Nehru definitely stated that we should have consulted India before we took certain steps. That was the grouse the Indian people had.

It is true that certain trade interests here may represent certain businesses in India. But why has it suddenly become a matter of paramount importance that a Representative should go to India from Ceylon? All these years we have managed our affairs without a Representative. Today we are only concerned about getting goods from India, and we are getting the goods from every quarter from where it is possible to obtain goods. In the course of the Hon. Leader's statement to this House, he made it abundantly clear that even on the last occasion, when the quota of rice fell short, it was not due to the handling of the matter by the Indian Government; it was due to local difficulties, such as shortages, freight troubles and various connected difficulties.

I say, that unless we are going to meet the Indian leaders, the national leaders with whom we can have free discussion, not only with regard to our political

future, but also with regard to trade and other relations, there is no need to go and negotiate with those who are there, to look after, not Indian interests, but their own interests. So, it is stupid and utterly absurd for the Hon. Leader of the House to go there, wine and dine with the Viceroy's Private Secretary or the Governor of a Province, waste all this public money, and for us merely to say that Ceylon's Representative has gone there to settle problems that may arise from time to time.

I say that apart from that, if we are sending a Representative to India, we must go and negotiate with the people who can deliver the goods. It is no good entering into agreements with somebody who cannot deliver the goods. So, whether we are going to have trade agreements or other agreements with regard to labour, we must wait until a stable Government comes into existence in India. That will be the time for us to send a Representative to discuss the outstanding problems of the day. Besides, we must examine the political career of the Hon. Leader of the House to see whether he is the most suitable man to be sent to India and is one in whom the Indian public will have confidence. If you examine his political career, you will find that he is not a suitable man to send especially at a time when there is so much antagonism between the British Government and Indian Nationalists. It will be a waste of time and money to try to negotiate with a party who is so stubborn and so foolish as to mess the problem by denying to the Indian people the right to govern themselves.

The Hon. Colonel Kotalawala: What about Mr. Jinnah?

Mr. Samarakkody: I know the views of the Hon. Leader of the House. In 1915 we remembered him as a greater leader of the people and an opponent of the Government. He had then been to jail accidentally, and he thereby came into fame. For a long time since then he was with the people, but you know what his position has been of late. He has now become a 100 per cent. Government man. The British Government has not a better and stronger pillar of

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support in this part of the world than the Hon. Leader of the House.

The Hon. Colonel Kotalawala: There is Mahatma Gandhi.

Mr. Samarakkody: We are asked to send this gentleman to India as our Representative. Whatever his other qualities may be, as far as I know, he is one who has an utter contempt for the Indian nationalist movement; he is one who has no respect for Indian leaders. [MEMBERS: Question!] He will go there merely for the purpose of dining and wining with the "big guns" across the water. I say that it is utterly absurd to send him there as our Representative.

Apart from that, do the people of this country have any confidence in the Leader of the House? I say, no. You will remember the incident connected with the Bracegirdle Inquiry, when the conduct of the Hon. Leader was in question, when the evidence he gave before that Commission of Inquiry was not accepted.

***Mr. R. S. S. Gunawardana (Gampola):** But we passed a vote of confidence in him.

Mr. Samarakkody: The Commission held that his version of the incident could not be accepted. This Council, however, felt that he was in the right and we all, including myself, joined in that vote of confidence in him. I will tell the reason why I, among others, supported that resolution of confidence in him.

The Chairman: Why go into old history?

Mr. Samarakkody: It is very necessary to show why we supported that vote of confidence in him. We supported it because of a confidence trick played on us, because we were given to believe that the time for resignation had not then arrived, because we were told that the moment for the Minister to fight the issue by resigning his seat was when Mr. Banks, the Inspector-General of Police, returned to Ceylon. On those grounds, some of us who met the Leader of the House then and discussed the

matter with him felt that we should support the resolution of confidence in him.

But today if we take an honest vote as to whether we want the Leader of the House to remain as our Leader, we would get 99 per cent. of the people saying "No". However, if you bring a vote of no-confidence in him, he will succeed in getting it defeated because of the personal position he holds in the country as a religious leader. The weakness of our Members is such that we cannot detach the personal element from any question of public importance; we are moved by considerations of the man rather than by his merits. That is the curse of this country.

I have the greatest respect for the Hon. Leader, but I say that his appointment as our representative in India at this time of the day is unwarranted. He may be a first-class leader to send to China or to Europe, or even to Japan, on a Buddhist mission; or perhaps he may be sent to Germany for the purpose of negotiating for peace. There are various other capacities in which the Hon. Leader could have been employed. For instance, there is the Ceylon University which has come into existence. His culture is admired and respected by every Member of this House and by every member of the public. A seat as the Vice-Chancellor or even as the Chancellor of that University would have been a fitting recognition of his services, of his culture and learning. But for this particular job of being our Representative in India, I say the Leader of the House is thoroughly unsuitable.

There is a feeling in the country that the Hon. Leader is not going to India of his own desire and that certain pressure has been brought to bear on him to relinquish his seat.

***Mr. S. Abeywickrama (Udugama):** By whom?

Mr. Samarakkody: Pressure both from within and without.

The Hon. Colonel Kotalawala: What is the pressure from within?

Mr. Samarakkody: A Minister asks me what I mean by "pressure from

[Mr. Samarakkody.] within." After the proposal to send a Representative to India was published, I asked a Minister whom I ran across for what earthly reason they were sending the Hon. Leader of the House to India. His reply to my question was—I do not know whether it was in jest or in earnest—"I do not know, but you will congratulate us on getting rid of him". [Interruption.]

The Hon. Mr. G. E. de Silva (Minister of Health): He must have pulled your leg (Interruption).

Mr. Samarakkody: If Members press me, I will come out with the name of the Minister.

So that, there is a certain feeling in the country that this is an attempt to get rid of the Hon. Leader of the House. Such action is utterly unfair by the country. If that is the motive of the Board of Ministers in sending the Hon. Leader of the House to India, if the Board of Ministers feel that the Hon. Leader has served his full term of usefulness, there are Constitutional methods of getting rid of him. They should bring to bear on him all manner of pressure to resign his seat, and if he does not relinquish his seat, the House should have the courage of conviction to pass a vote of no-confidence in him. Instead of doing that, the most curious method has been adopted, of (as Members of Parliament would put it) kicking him upstairs. The Hon. Leader of the House has been kicked upstairs! A "cushy" job has been found for him, a job in which he will have nothing to do has been created, and he is to be sent to India because it is felt that he is no longer useful in the sphere of politics.

I do not know whether it is on any truth that these rumours are based, but public opinion is that there is some truth in it, because every man in this country feels that this is an utterly absurd appointment. Nothing will be achieved at this moment even if the Minister of Agriculture and Lands or any other Minister were to go to India for the purpose for which it is sought to send the Hon. Leader. I have to speak out on this occasion, because I have to voice not only my own sentiments on this pro-

posal, but also the sentiments of the people whom I represent. I have spoken to several people in my constituency about this matter, and every one of them feels that this is an utterly unnecessary job. (Interruption). The hon. Member for Gampola (Mr. R. S. S. Gunawardana) interrupts me. I know that he is a very good advocate and I am anxiously waiting to listen to his advocacy in a few minutes.

***Mr. R. S. S. Gunawardana:** I am sorry.

Mr. Samarakkody: I hope he will not disturb me when I am speaking. As I said, this is not the time to send a representative to India. Let us await the time when we will be able to negotiate, on equal terms, with the party who will be in a position to deliver the goods.

Whatever other prophets may say, I am sure that before long, either with or without the consent of Britain, India will be a free country, either as part of the British Empire or outside it. That will be the time when, I hope, Ceylon will also gain freedom and occupy a similar position as India, either within or without the Empire. Then will be the time for us to send our representative to India to negotiate a lasting agreement so that the peoples of India and Ceylon may feel that they are one and whole-heartedly work for one purpose only.

I do hope that my criticism will not be taken as something directed personally against the Hon. Leader of the House. As I have said, I have the highest respect for him as a man. But as far as the post is concerned—the interests of the post are concerned—and even if we admit that this is partly a commercial job where he will have to meet merchants and make arrangements for the purchase of foodstuffs, the Hon. Leader is unsuitable. I do hope that hon. Members who have heard my views will not pass this Supplementary Estimate.

Before that I would also like to put this question to the Board of Ministers. Are we going to be given an assurance that, in the event of the Leader of the House giving up this job, it would be filled by another officer? Or is this job to be kept for another Minister who is to be

kicked upstairs? Or is this a convenient method devised by the Board of Ministers for getting rid of unwanted persons?

Mr. H. de Z. Siriwardana (Negombo) : I rise to join my hon. Friend the Member for Narammala (Mr. Samarakody) in entering an emphatic protest against the procedure adopted by the Board of Ministers in making this appointment.

Although the *Daily News* and the *Times* reported that the Leader of the House was going as an ambassador to India, we knew nothing at all about it. Even when the hon. Member raised this question the other day, the Hon. Minister of Agriculture and Lands said that there was no such intention and that the time would come for a vote to be taken on this question. But it now appears that they have made all arrangements, and also made representations to the Secretary of State and to the Government of India in this connexion. It also appears that they have made all arrangements and worked out the details and are now coming before the House for the necessary money.

We wish to know what the Hon. Leader is going to do; whether he is going to India as our ambassador; whether Ceylon, a Colony, can appoint an ambassador to another Colony. We also wish to know whether, when the Hon. Leader has been appointed our ambassador or agent in India, we can make representations to the Indian Government direct. At present, if we want to make any representations, we have to do so to the Secretary of State. I wish to know whether we will be able to make any representation to the Government of India through our Representative.

Mr. H. W. Amarasuriya (Galle) : No.

Mr. Siriwardana: If we will not be able to do that, I do not know what use we can make of our Representative in India.

I hope the Hon. Leader of the House will not consider my remarks as being personal. I have the greatest respect for him, and I think he has a record of public service which none of the other Members of this House can boast of. He started his public life before either the hon.

Member for Narammala (Mr. Samarakody) or I was born. But with regard to this appointment, as the hon. Member said, we have to represent not only our views but also the views of our electorates, and I can tell the House that my electorate thinks this is a useless appointment.

With regard to the appointment itself, I think it would be better to appoint a younger man if it is absolutely necessary to make this appointment. But I say that it is not necessary to do so. However useful a man may be, he cannot work well when he comes to a certain stage. There will come a time when he is unable to give the same attention to work as he did in his younger days. The Hon. Leader is not going to India only to obtain foodstuffs; he is going there as our Representative.

Some of the younger Members of this House are afraid that he is too old for that job, and that in his anxiety to get us food he might sacrifice our interests. You know, Mr. Chairman, that Marshal Petain, who was at one time a great soldier, had the entire confidence of the French people. We know how he is being led by others to-day. That is due to his old age.

If it is absolutely necessary to appoint a representative I feel that it would be far better to send a younger man. But my opinion is that this appointment is absolutely useless.

On the last occasion, we spent over Rs. 20,000; and what was the result? We read the report of the Hon. the Leader the other day. The result is nil. The only thing we learned was that he had been so many days in Madras, so many days in Calcutta, and so on. Although the Government of India promised to send us 36,000 tons of rice, they were unable to do so. They now say that they will try to send 20,000 tons monthly.

My own opinion is that instead of sending a Representative to India, it would be far better to spend that money in improving food production in this country. Although we voted Rs. 20,000,000 for emergency works, I am not satisfied with the amount spent on food production in this country.

It is true that we have appointed a large number of (Emergency) Assistant Government Agents. They hold meetings

[Mr. Siriwardana.]
and ask the people to produce food. But how can they produce food when they have no manure? I think practically 99 per cent. of the lands in my electorate are cultivated with coconut, cinnamon, and rice. It is only a few acres that remain uncultivated. The only cultivation that the people can engage in is the cultivation of yams like cassava and vegetables. We can do that for one or two years, but we cannot continue it year after year because we have no manure.

We cannot cultivate our fields because our minor irrigation works are not attended to. This matter was brought to the notice of the Hon. Minister of Agriculture and Lands. Even if the Hon. Minister is willing to construct anicuts and undertake minor irrigation works, he cannot do so because there is no cement available. Even if we were able to obtain the cement, we will find that there are no Irrigation Engineers available.

In my electorate I tried to get some *elas* cleared. I found that this work could not be attended to because the Engineer was busy engaged on other work. If you approach him he will say that he has not the necessary plans.

My idea is that instead of sending delegates to India, we must spend a great deal of money in improving agriculture. We have no manure at present. We must spend about Rs. 1,000,000 and obtain manure from other countries. We have no cement. We must enlist the help of the Commander in Chief and procure cement from India or some other country.

I oppose this vote.

Dr. A. P. de Zoysa (Colombo South) :
I take an entirely different view of this matter, especially because we are told that the Hon. Leader of the House should be our Representative in India. I have heard the Hon. the Chief Secretary on many occasions; and on every occasion I felt that I was listening to Mr. Drayton. To-day, however, I thought I was listening to the Hon. the Chief Secretary, and not to Mr. Drayton.

I was trying to find out actually why the Hon. Leader should leave these shores at a time when the country wants the experience, the knowledge and the

advice of a venerable leader like Sir Baron Jayatilake. I was wondering whether India was going to declare war on us, or whether India was going to invade Ceylon. These are days when one nation fights another nation or attacks another nation without a declaration of war. They can take us by surprise. Whatever the emergency may be, can you imagine the Prime Minister of England giving up his job, resigning the office of Prime Minister and going as ambassador to the United States? He may go and attend to certain matters, but he will not reside there.

I thought there must be something extremely important which not only required the immediate attention of the Hon. Leader but was a matter to which nobody else but he could attend. That was at least what I expected to hear. But, Sir, from the remarks of the Chief Secretary, I find that this proposal is definitely a disrespect to the leader of a representative body like the Ceylon State Council. To ask the Leader of the House to resign at a time when his advice is necessary at Board meetings, at War Councils and other Councils is a thing that cannot be thought of.

Mr. G. G. Ponnambalam (Point Pedro) : He wants to go!

Dr. de Zoysa : Just think of it—that such a leader should be sent out of the country! And what for? To be blunt—to be our Trade Representative.

The Hon. Colonel Kotalawala : No.

Dr. de Zoysa : Well, you can call him an ambassador or give him any other name; but what are you actually doing? Is it worthy of us to allow the Hon. Leader to become a bureaucrat. According to the new interpretation of the Chief Secretary, we are all bureaucrats. He says that a public man is a bureaucrat, that a public servant is a bureaucrat; and therefore the Hon. Leader is not taking up a petty job after resigning his seat in Council. It is a dishonour to him that he should go to India as an Agent of the Government.

If the Chief Secretary had convinced us that Indian feeling against us was so great that we must send a person whom the country respects to be detained as a

hostage in India, it would be a different matter. Then I could have appreciated it and understood it. If it was said that the treatment of Indians in Ceylon was so bad that India was incensed against us and we must give hostages, and therefore we must send the Hon. Leader of the House, I could have understood it.

Mr. Samarakkody: Send all the Ministers!

Dr. de Zoysa: But the Chief Secretary does not say that. The reasons given by the Chief Secretary are not at all convincing. That is why I said that I did not hear Mr. Drayton today but the Chief Secretary.

Then, are we to understand that the Hon. Leader is going as a spy to India? If that is so, let us pay him, not Rs. 2,500, a month, but much more. I am sure the Hon. Leader would not accept such a job. But then, what is he going for? When the Hon. Leader was in India he met the Indian leaders, Government officials and others and told them that there was no feeling against the Indians in Ceylon; that is all.

I do not think anyone will say that there is any feeling in this country against the Indians as such, or against the British or against any nationality. But there is distinctly feeling against the Indians, against the British and other foreigners where exploitation is concerned, where people feel that they have certain rights with regard to trade or economic matters like employment. If they feel that foreigners are taking away their jobs, there may be bad feeling. But can that be removed by sending some person to India to say, "Oh, there is no such feeling here"?

Let us take it for granted that there is actually feeling against foreigners in this country. In every country there is a certain element of feeling against foreigners when the people of the country feel that foreigners are exploiting the country; or it may be due to petty trade jealousies due to competition. Whatever it be, if there is bad feeling in this country, it can be removed by getting the Hon. Leader of the House to advise the people. Not only by advising the people, but by starting a campaign, we can have better relations with Indians established in this country. If there is bad feeling, it must

be removed by our conduct, by our actions in this country rather than by sending the Leader of the House to India.

Sir, supposing the Hon. Leader is there as our representative, can he remove the misrepresentations made by the Indians resident in Ceylon? So long as the Indians resident in Ceylon feel that they are badly treated, they will send messages to their friends complaining about it, and that can be removed by action here and not by our having a Representative in India who, on formal occasions, will appear before the Indian public and say, "Oh, there is no feeling against Indians in Ceylon".

Then we are told that there is the question of the Village Communities' Ordinance, the question of the franchise for the Indians here, and so on. These are matters which, I think, we have practically settled; and there is no feeling about them; it has actually died. Indian leaders came here; they had discussions, and reached agreements. I do not think there is much feeling in India about these matters. But even if there is such feeling, I say that it can be removed by action here and not by sending the Hon. Leader to India to say that such Ordinances have not been passed. If the Village Communities' Ordinance refuses to give the franchise to Indians, it is for us to amend that Ordinance and by that gesture show that we have no feeling against the Indians. That will speak for itself rather than the sending of a Representative to deny what actually exists here. What will be the position of the Hon. Leader when he actually feels that the Indians do not believe him?

***Mr. Ponnambalam:** Appoint a Commission!

Dr. de Zoysa: Then there is the question of labour. The Chief Secretary says that this is a question on which we ought to have a better understanding, and I think I have pointed out that better understanding can be brought about, not by sending a Representative to India, but by our actions in this country.

The Chief Secretary speaks of the speedy settlement of problems. What are the problems that can be speedily settled by such a Representative there

[Dr. de Zoysa.]
 who has the authority of this House to enter into such agreements? Now, I ask this question, and I believe it is quite pertinent: to whom is this Representative responsible, is he responsible to the Chief Secretary, is he responsible to the Government, or is he responsible to this House?

***Mr. Abeywickrama:** All three.

***Mr. Ponnambalam:** How can he?

Dr. de Zoysa: If he is responsible to this House, what power have we given him to make agreements? We have not asked him to enter into certain matters with regard to labour and such problems. Supposing our Representative says, without our authority, that the Indians will be given the franchise, and we here decide otherwise, what will be the position? We must know distinctly what his work is going to be.

Is it a matter of sending someone simply to be able to say, "We have a Representative there. Give him an easy time"? If anyone were to say that this is a reward or a pension for the Hon. Leader's services, I would say, "No", or is it, as the hon. Member for Naramala (Mr. Samarakkody), said a gentle riddance? We are all not agreed that the Hon. Leader is useless to us. He may have his failings, and there may be occasions when we may not agree with him, but that does not mean that the Hon. Leader, at a time like the present, should go to India, and go to India for the purpose of securing 5,000 tons of rice.

It is not 5,000 tons, but 10,000 tons of rice or more that should be demanded from the Indian Government so long as there is a distinct Indian population in this country. We must feed them, and if India has anything to spare, it must be demanded from her. But we need not do that. This Rs. 50,000 can be well utilized for food production. It can be given to the villagers to produce more food, and the time will come when, instead of begging for food from India, we would be able perhaps to send rice to India.

Sir, there is another purpose for which I would wish to see the Hon. Leader go to India; that is—I do not know; I have not had the honour of learning it from him—there are some people in

Ceylon, especially Buddhists, who think it would be an act of merit to die in their holy land, near Benares or near the place where Buddha attained enlightenment, near Saranath. I do not think that the Hon. Leader contemplates passing the remainder of his life in India.

But there is another way of his being of permanent use to us, not only to India, but in Ceylon as well, that is, for him to put on the yellow robe and become a monk and give back to India what is due from Ceylon. India sent Mahinda to us, and now it is time for a Mahinda from Ceylon to go to India and give back the Buddhist culture to the Indians. If for that purpose someone is to be sent to India then, I think, we should vote not Rs. 50,000 but lakhs and lakhs. The Government need not spend that money. Some of the great Buddhist leaders should be prepared to spend all the necessary money to convert India again to Buddhist thought and culture.

So much for the necessity for this vote. Now let us examine this vote on the question of economy. This is the time when Government, from the Governor down to the pettiest official, use an envelope a hundred times over. They write on one-eighth of a sheet of paper, and that too on both sides; all that for the sake of economy.

If that is so, I ask, cannot this work be entrusted to a trusted, tried Government official, or a bureaucrat as the Chief Secretary said, a bureaucrat who he knows will be better suited by reason of his experience and his ability? If that were done, there would not only be a saving of expenditure but we could also be sure that the officer concerned would carry out the work entrusted to him efficiently. Sir, the Hon. Leader who is to be sent now is going to meet the bureaucratic Government of India; and that is all the more reason why a bureaucrat—I mean a Civil Servant—should be sent to India who would in all probability be the better person to transact business with the Civil Service Government of India.

Then, again, is it necessary that we should ask India who our Representative should be? The Chief Secretary said that we had asked India whether the Hon. Leader would be acceptable as our Representative. By doing that—I do not think the Chief Secretary or the

Board of Ministers meant it—we have actually shown to the world that we have no one outside this Council who could be entrusted with an important mission like this. To my knowledge there are people in Jaffna, in the Kandyan and the Low-country provinces, who, though not now in Council have been politicians, and are known for their ability, who have been knighted, and who would be prepared, if they are convinced of it, to serve their country by spending on their own and going on a mission like this. But have you tried that avenue? Does the Chief Secretary suggest that the country is so poor of people that we have no man outside this Council who can be entrusted with a mission like this today? These are questions which we should ask. To my knowledge—I do not know all the people, yet of the people I know—I can think of a dozen people who will undertake this task, people who are able and experienced and people who will be honoured not only by the Indians but also by the people of this country.

Then, has the Hon. Leader told us what he actually did in India? He has only told us that he visited Delhi, Bombay and Madras. He ought to have told us what his difficulties were; and if he had made out a case that unless he and he alone goes to India no more rice could be obtained, then we would have agreed to passing this vote. Economically, I say that we are spending more money than is necessary.

I do not think the Hon. Leader though he can be useful in this Council and in the country, is fitted for this mission. We are actually dishonouring the country. We are making the country look ridiculous in the eyes of the world by taking such a step. Let us be honest to ourselves. We are all agreed that the Hon. Leader's services are extremely necessary to-day. If he is to be sent away, as was suggested, for the purpose of getting rid of him, then, I think, it is a very mean way of getting rid of a person whom they do not want. I want the Board of Ministers to be honest, upright and to say, "We do not want him".

Sir, the country does not understand this mission. People say that one Minister went to India and brought in so many tons of rice; another Minister went

there and brought in less; and the Hon. Leader went to India and brought in the least quantity of rice. Added to all that, we want him to go back again.

The question of food is supposed to be not the only problem. Then the question is, what are the other important problems? I ask again is India going to invade us, or are we to be attacked by India? Are there any problems of emergency which cannot be solved unless the Hon. Leader goes to India? Surely if the Ministers do not want to announce it publicly, they can at least hold a secret meeting of the House and tell us what the position is.

Judging from the remarks of the Hon. the Chief Secretary, there is nothing to show that an emergency exists, nor a great need or purpose for a representative in India who is likely to misrepresent us. I do not say that the Hon. Leader will deliberately do it, but he is such a venerable old gentleman that he might say something which might not be acceptable to the Indians. We must send a tried diplomat, if we want certain things to be settled. The Hon. Leader of the House is a Buddhist who will never tell a thing that is untrue. If he does not do that, then his diplomacy may prove a failure. I think the Chief Secretary will be the first person not only to regret the appointment of the Hon. Leader but to immediately recall him to the Island.

Sir, we should consider this matter very carefully, and we should not in any way allow the venerable Leader of the House to go on a mission which is not worthy of him.

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

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

The Council having resumed—

MR. SPEAKER took the Chair.

Committee report progress; to sit again.

RUBBER CONTROL REGULATIONS.

The Hon. Mr. Senanayake: I move, Sir,—

That the regulations made by the Executive Committee of Agriculture and Lands under sections 59 and 61 of the Rubber Control Ordinance, No. 63 of 1938, published in Gazette No. 9,020

of 6th November, 1942, and tabled at a meeting of the State Council on November 17, 1942, be approved.

Question put, and agreed to.

MOTOR REGULATIONS.

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

That the regulations made by the Executive Committee of Local Administration under section 174 of the Motor Car Ordinance, No. 45 of 1938, and tabled at the Meeting of the State Council held on November 17, 1942, be approved.

Question put, and agreed to.

OMNIBUS SERVICE LICENSING REGULATIONS.

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

That the regulations made by the Executive Committee of Local Administration under section 16 of the Omnibus Service Licensing Ordinance, No. 47 of 1942, and tabled at the meeting of the State Council held on November 17, 1942, be approved.

Question put, and agreed to.

MINOR HEADMEN: EXTENSION OF SERVICE.

*Mr. Abeywickrama: I move, Sir,—

That in the opinion of this Council all Minor Headmen who are due to retire on account of age limit should be given an extension of service till the duration of the war.

Motion ordered to be referred to the Executive Committee of Home Affairs, under Standing Order 57.

RUBBER: INCREASE OF PRICE.

*Mr. Abeywickrama: I move, Sir,—

That in view of the very high cost of production of rubber and the urgent necessity for producing the maximum output and in order to encourage such production, this Council is of opinion that the present price of rubber be raised to Re. 1 per lb. from 1st January, 1943.

Motion ordered to be referred to the Executive Committee of Agriculture and Lands, under Standing Order 57.

POISONS, OPIUM AND DANGEROUS DRUGS REGULATIONS.

The Hon. Mr. G. E. de Silva: I move, Sir,—

That the regulations made by the Executive Committee of Health under sections 66 and 78 of

the Poisons, Opium, and Dangerous Drugs Ordinance (Chapter 172) and tabled at the meeting of the State Council held on November 19, 1942, be approved.

Question put, and agreed to.

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

CEYLONESE BROTHERS OF ST. JOSEPH INCORPORATION BILL.

Mr. H. E. Newnham (Nominated Member): On behalf of the Deputy Chairman of Committees and Chairman of Standing Committee "B" I present,

(a) The Report of Standing Committee "B" on the Bill intituled "An Ordinance to amend the British Soldiers' and Sailors' Institute of Colombo Ordinance."

(b) The Report of Standing Committee "B" on the Bill intituled "An Ordinance to incorporate the Society of the Ceylonese Brothers of St. Joseph."

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

Mr. Newnham: I move, Sir, that the amendments made by Standing Committee "B" in the Bill intituled "An Ordinance to amend the British Soldiers' and Sailors' Institute of Colombo Ordinance" be taken into consideration.

Question put, and agreed to.

CLAUSES 2 AND 3.

Amendments made by Standing Committee accepted, and Clauses 2 and 3, as amended, ordered to stand part of the Bill.

NEW CLAUSE 4.—(Savings of rights of the Crown).

Brought up and read the First and a Second time, and added to the Bill.

The Hon. Mr. Newnham: I move, Sir, that the Bill be now read the third time, and passed.

Question put accordingly, and agreed to.

Bill read the third time, and passed.

CEYLONESE BROTHERS OF ST. JOSEPH INCORPORATION BILL.

***Mr. E. R. Tambimuttu** (Trincomalee-Batticaloa): I move, Sir, that the amendments made by Standing Committee "B" in the Bill intituled "An Ordinance to incorporate the Society of the Ceylonese Brothers of St. Joseph" be taken into consideration.

Question put, and agreed to.

CLAUSE 6.—(*Property vested in the Society.*)

Amendment made by Standing Committee accepted, and Clause 6, as amended, ordered to stand part of the Bill.

PREAMBLE.

Amendment made by Standing Committee accepted, and Preamble, as amended, ordered to stand part of the Bill.

Mr. Tambimuttu: I move that the Bill be now read the third time and passed.

Question put accordingly, and agreed to.

Bill read the third time, and passed.

AMENDMENT OF STANDING ORDERS.

***Mr. Susanta de Fonseka** (Deputy Chairman): I present the following Report of the Committee on Standing Orders on the amendment to Emergency Standing Order No. 1 of the State Council, proposed by the Hon. Leader of the State Council and referred to it under Standing Order 152 on November 3, 1942:

REPORT.

The Standing Orders Committee considered and recommend the adoption of the amendment proposed to emergency Standing Order No. 1 as amended by State Council resolution of June 4, 1942, to provide for the extension of the operation of the Emergency Standing Orders of the State Council till the thirty-first day of December, 1943.

ADJOURNMENT.

The Hon. Mr. D. S. Senanayake (Minister of Agriculture & Lands): I move, Sir, that the Council do now adjourn.

***Mr. T. B. Jayah** (Nominated Member): I understand, Sir, that the Board of Ministers has directed the Director of Education to inform the authorities of Assisted schools that the special assistance given to them might be withdrawn at any time. I do not know why such a step should have been taken by the Board without reference, either to the Executive Committee of Education, or to this Council.

It was only the other day that a detailed scheme was placed before this House to enable the schools to carry on, and the House passed it. I do not see the reason why this step should have been taken so soon after the passage of that scheme, because it will create a certain amount of uneasiness among certain Assisted schools and teachers. I do not know the reasons which prompted the Board to take this step. Perhaps the Hon. Leader of the House or the Minister of Education would be able to enlighten us on the matter.

Mr. Speaker: Is there any answer to that question? [*Pause.*] Are there any other questions which hon. Members wish to raise?

Mr. S. Natesan (Kankasanturai): I am surprised that there is no answer to that question. It is an important question.

Just a few days ago this Council passed a motion designed for the specific purpose of giving assistance to schools. The proposed step amounts to flouting the wishes of this Council—so soon after the Council had arrived at the decision. The Board of Ministers must give an explanation to the House if they have actually issued the order.

***The Hon. Mr. S. W. R. D. Bandaranaike** (Minister of Local Administration): Nobody appears to know what it is all about.

***The Hon. Mr. C. W. W. Kannangara (Minister of Education) :** I can look into the matter.

Mr. Speaker: Did the hon. Member give notice to the Minister that he would raise this question to-day? It is always advisable to inform the Minister con-

cerned of the questions which Members intend to raise.

I will now put the question.

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

Adjourned accordingly at 5.40 P.M. until 10 A.M. on Friday, November 20, 1942.