



DEBATES

SESSION OF 1942.

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STATE COUNCIL OF CEYLON.

Wednesday, December 2, 1942.

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

ANNOUNCEMENTS.

Mr. Speaker: Mr. A. Mahadeva has been appointed by His Excellency the Governor to be Minister of Home Affairs with effect from the 2nd of December, 1942.

The Hon. Mr. D. S. Senanayake has been elected Vice-Chairman of the Board of Ministers, and he will accordingly be the Leader of the State Council, with effect from the 2nd of December, 1942.

PETITIONS.

***Mr. H. L. Ratwatte (Kegalla):** I rise to present a petition from S. M. Sally Marikkar and 88 others of Udu-deniya in Madige.

***Mr. E. W. Abeygunasekera (Nuwara Eliya):** I rise to present a petition from A. S. Meyenna Segu Fareeth of Deltota.

This petition should normally have been presented by the Hon. Minister of Health. As he is a Minister, I have been requested by the petitioner to present this petition to the House.

The petitioner states that the Galaha Police charged him falsely in two cases. The learned Magistrate held that the cases were fabricated and concocted by the Galaha Police. The petitioner also

states that he forwarded a petition to the Inspector-General of Police, which was automatically referred to the Superintendent of Police, Central Province, for inquiry. That inquiry was not conducted with an impartial mind, and the petitioner therefore prays that his petition be sent to the Hon. Minister of Home Affairs and that an impartial officer be appointed to inquire into the conduct of the Galaha Police and that suitable action be taken against them.

QUESTIONS.

(ORAL ANSWERS.)

61/42.

Assistant Government Agents (Emergency).

Mr. S. Abeywickrama (Udugama): Will the Hon. Minister of Agriculture and Lands be pleased to state—(1) The total number of Assistant Government Agents (Emergency) appointed? (2) Their names and the places where they are stationed? (3) The approximate population placed under each Assistant Government Agent (Emergency)? (4) The acreage of Crown high land issued to the cultivators by each Assistant Government Agent (Emergency) in his respective area? (5) The approximate extent of cultivable paddy lands in their respective areas? (6) The total amount spent by each Assistant Government Agent (Emergency) since the date of his appointment up to October 31, 1942, (a) on himself and the staff employed by him? (b) by way of assistance to cultivators?

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

(1) Total number of Assistant Government Agents (Emergency) originally appointed 19
Number of posts existing at present 18

(2)	Name.	Station.
...	Mr. C. B. P. Perera.	Minuwangoda
...	Mr. B. F. Perera	Gampaha
...	Mr. W. D. Gunaratne	Homagama
...	Mr. N. Moonesinghe	Horana
...	Mr. T. D. Jayasuriya	Matugama
...	Mr. M. W. F. Abeyakoon	Ambalangoda
...	Mr. S. C. Fernando	Akuressa*
...	Mr. N. Q. Dias	Beliatta
...	Mr. H. E. Tennekoon	Gampola
...	Mr. C. T. Perera	Urugala
...	Mr. R. W. Tennekoon	Nalanda
...	Mr. J. R. Sinnatamby	Jaffna
...	Mr. D. B. Ellepola	Narammala

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

[The Hon. Mr. Senanayake.]

Mr. M. Rajendra	...	...	Chilaw
Mr. C. P. de Silva	...	...	Polonnaruwa
Mr. L. Jayasundera	...	...	Pelmadulla
Mr. M. Chandrasoma (Acting)	...	...	Haputale
Mr. A. M. A. Azeez	...	...	Kalmunai

- (3) } Precise information is not available in this office.
 (4) } Reports on these points will be available when the information has been
 (5) } furnished by the officers concerned.
 (6) }

***Mr. Abeywickrama:** When will I get the information referred to in Questions Nos. (3) to (6)?

The Hon. Mr. Senanayake: As soon as the reports come in, I will give the information.

***Mr. Abeywickrama:** I want answers to Questions Nos. (4), (5) and (6). They are the most important questions.

The Hon. Mr. Senanayake: I have called for information. I will supply that information to the hon. Member as soon as the reports come in.

62/42.

Government Agents and Assistant Government Agents in Charge of Food Production.

Mr. Abeywickrama: Will the Hon. Minister of Agriculture and Lands be pleased to state—(1) How many Kach-

cheri Government Agents and Assistant Government Agents are themselves directly in charge of food production work? (2) When they were placed in charge of emergency food production work? (3) What Chief Headmen's Divisions are in their charge for food production work? (4) The approximate population under each Kachcheri Government Agent and Assistant Government Agent? (5) The acreage of Crown high land issued to the cultivators by each Kachcheri Government Agent and Assistant Government Agent in his area? (6) The approximate extent of cultivable paddy lands in their respective areas? (7) The total amount spent by each Kachcheri Government Agent and Assistant Government Agent in such areas by way of assistance to cultivators, since his appointment for emergency food production work up to October 31, 1942?

The Hon. Mr. Senanayake: (1) Number of permanent Revenue Officers directly in charge of food production work 18.

- (2) 29th December, 1941 ...
 (3) Revenue Officer.

Chief Headmen's Divisions in his charge for food production work.

A. G. A., Kalutara	...	Kalutara Totamune
G. A., C. P. (assisted by A. G. A. at headquarters)	...	Harispattu, Tumpane, Pata Hewaheta, Uda Hewaheta, Yatinuwara, Udunuwara, and Gravets
G. A., S. P.	...	Talpe pattu, Hinidum pattu and Gravets
A. G. A., Matara	...	Wellaboda pattu, Gangaboda pattu, Kandaboda pattu and Gravets
A. G. A., Hambantota	...	Magam pattu, East Giruwa pattu
G. A., N. P. (assisted by A. G. A. (E) at headquarters and Land Officer at Kilinochchi)	...	Delft Islands, Jaffna, Valikamam West, Valikamam North and East, Tenmaradchi, Vadamaradchi, Pachchilaipali-Krachi, Pooneryn
G. A., N.-W. P. (assisted by Land Officer at headquarters)	...	Wanni hatpattu, Hiriya hatpattu, Weudawili hatpattu and Dewamedhi hatpattu
A. G. A., Puttalam	...	Pitigal Korale North, Pitigal Korale South, Kalpitiya, Demala hatpattu
A. G. A., Mannar	...	Musali, Mantai and Mannar
A. G. A., Vavuniya	...	All within the district

Revenue Officer.	Chief Headmen's Divisions in his charge for food production work.
A. G. A., Matale ...	Matale South, and Pussella, Kumbaloluwa, Gurbibile and Raitalawa wasamas in Ambanganga korale
A. G. A., Nuwara Eliya ...	Walapane and Gravets
G. A., Sab. (assisted by Land Officer at headquarters)	Kukul korale, Nawadun korale, Kuruwiti korale, and Kolonna korale
A. G. A., Kegalla (assisted by two Land Officers at headquarters)	Paranakuru korale, Galboda and Kinigoda, Beligal korale, Three Korales and Lower Bulatgama
G. A., Uva ...	Yatikinda, Bintenne, Wiyaluwa, Welassa and Kandukara korale
G. A., E. P. ...	All in the province, exclusive of those within Trincomalee district and Batticaloa South constituency
A. G. A., Trincomalee ...	Tampalakamam pattu, Kadukulam pattu and Koddiyar pattu
G. A., N. C. P. ...	Nuwaragam palata, Hurulu palata and Kelegam palata
(4) } (5) } (6) } (7) }	Precise information is not available in this office. Reports will be furnished when statistics are obtained from the officers concerned.

***Mr. Abeywickrama:** In this case too answers have not been furnished to Questions Nos. (4) to (7).

The Hon. Mr. Senanayake: I shall send the information to the hon. Member as soon as the reports are available.

†RENT RESTRICTION BILL.

Pursuant to order, the Council resolved itself into Committee of the whole Council further to consider the Bill intituled "An Ordinance to restrict the increase of rent and to provide for matters incidental to such restriction."

In Committee—

MR. SPEAKER presided as Chairman.

CLAUSE 8.—(*Restriction of right to institute proceedings for ejectment*).

***The Hon. Mr. S. W. R. D. Bandaranaike (Minister of Local Administration):** It would be better, I think, at this stage, to put before the House the actual wording of these amendments that were agreed to yesterday, in the case of the earlier Clauses. They have been worded correctly now by the Legal Draftsman, and I would like to move them formally.

***Mr. B. H. Aluwihare (Matale):** We have had no copies supplied to us.

***The Hon. Mr. Bandaranaike:** I can read them out.

The Chairman: Let the copies be circulated.

***The Hon. Mr. Bandaranaike:** We have not received copies. We have just received the amendments and copies cannot be prepared now.

The Chairman: Copies will be circulated in a few minutes.

***Mr. Aluwihare:** We will take them up in a few minutes.

The amendment I suggest—

The Chairman: Let me have it in writing.

***Mr. Aluwihare:** I will read out the amendment and let you have it, Sir.

The amendment I suggest is a proviso to Clause 8. You will see that the form in which I put it is due to the form of the Clause.

Clause 8 takes away the right of a landlord to sue in the Courts and delays his action, he has to obtain the permission of the Assessment Board to sue. My purpose is that once the Assessment Board has given him permission to sue, you should help him to have a speedy recovery of his property, because you have overruled the Courts to the extent that you have laid down the requirement that the permission of the Assessment Board should be obtained.

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

[Mr. Aluwihare.]

In the English Rent Restriction Act there is no interference with recourse to the Courts. By your having an Assessment Board between the Courts and the landlord, you delay action by the landlord by the imposition of an inquiry by the Assessment Board. It is only fair that if you delay action by the landlord to that extent, you should, once he has obtained the permission of the Assessment Board, help him to secure a speedy remedy.

I suggest therefore that some provision such as that contained in the Small Tenements Ordinance be made in Clause 8, where permission to sue is given by the Assessment Board. My amendment is :

In any case where the landlord of any premises is authorized by the Assessment Board under section 8 to institute an action or proceedings for the ejectment of the tenant, the provisions of the Small Tenements Ordinance shall apply in the case of such premises and for the purposes of the recovery of possession thereof by the landlord, notwithstanding that the premises may not be a tenement within the meaning of that Ordinance :

Provided that for the purposes of the application of the provisions of that Ordinance in the case of any premises not being a tenement within the meaning of that Ordinance, any reference in that Ordinance to the Court of Requests shall be deemed to be a reference to the District Court of the district in which the premises are situated—

Provided further that nothing in the preceding provisions of this sub-section shall be deemed to prejudice or affect the right of any landlord or tenant to institute or maintain an action or proceedings in a competent court for the recovery of any sum due as arrears of rent or by way of damages—

I go on merely copying the relevant part of the Section of the Small Tenements Ordinance.

I will put it to the Hon. Minister this way. Take the ordinary case of the English tenant. After all, you are seeking to take over the provisions of an English Act. Take the position of an English landlord. Directly there is some default on the part of the tenant, there is always, for instance, the landlord's lien which operates at once. Now, under our law, there is nothing that operates at once. A man has to go to the Courts for everything. In the English Act there is nothing between you and the Courts. You can go to the Courts straightaway. The only thing is that the remedy you get from the Courts may be different.

Here you not only restrict it in the sense of the English Act, but you go further and put in a Board of Assessment in between without whose permission you cannot sue. Surely, if you delay action on the part of the landlord to that extent, then you could also, in fairness to the landlord, provide him with a speedier remedy where there is a *prima facie* case made out.

The landlord will first have to go before the Board of Assessment and make out a *prima facie* case. They are not going to give him permission to sue unless he makes out some kind of a case. Having made that out, and having obtained the required permission, surely he should be enabled to have a speedy recovery. Also, the processes of an action are not necessary for another reason, and that is that the tenant by then will have had ample notice of the claim of the landlord. There will have been the Board of Assessment who will have inquired into the matter or made some inquiry. So that all the long delays of the law need not follow.

That is the point I am trying to make in proposing this amendment. After all, this short-cut that I suggest will only apply in cases where you have given a privilege to the tenant. I do not think I need go over the ground I traversed last night. Where you grant this privilege, there must also, I feel, be that counter-acting safeguard on behalf of the landlord.

The Hon. Mr. J. H. B. Nihill (Legal Secretary) : Sir, the hon. Member has put forward a very reasoned appeal on behalf of his amendment, but I cannot help feeling that he is wrong when he suggests that this machinery for an application to be made by the landlord to the Assessment Board is something which has been inserted in order to delay the landlord's right in certain circumstances to get possession. I think the requirement that in certain circumstances the landlord should go to the Board is really put in there to give the landlord a chance of persuading the Board that there are special circumstances which would warrant the Board granting him permission to start an action for ejectment.

The hon. Member quite rightly has said that there is no similar provision in the English Act, but I think if you look

at the English Act you will observe that it is more restrictive rather than less restrictive on the landlord's right to start an ejectment action, because in the English Act, which follows very closely the provisos as set out in Clause 8 of our Bill, the principle is that there shall be no order for ejectment made by anyone unless the conditions set out in these provisos obtain; and unless those conditions do obtain the landlord cannot have any hope whatsoever of obtaining an ejectment order. If you look at Clause 8 of the Bill as now drafted, you will see that the landlord has a chance even if those conditions set out in the provisos do obtain. He has a chance of going to this Board and saying to the Board, "Well, that is the position, but there are exceptional circumstances in this case and I ask the Board, as a reasonable tribunal, to say that this is a case where I ought to be allowed to go to the Court and make an application for ejectment."

Therefore, Sir, as I see it, the main body of Clause 8 is really a Clause designed for the benefit of the landlord rather than for the benefit of the tenant, and if my argument is sound, then I cannot see why a landlord who has been enabled to get this concession from the Board should be given a further concession and be allowed to eject his tenant summarily in the way that the hon. Member suggests.

I think, there is yet a second objection to the amendment moved by the hon. Member—it was an objection which was stressed by the Hon. Minister very forcibly yesterday afternoon—and that is that this is really introducing into this Bill something which really purports to alter the fundamental law of the Island.

With regard to ejectment orders, is there any justification for doing that in a Bill of this nature? After all, this Bill, according to the Title, is a Bill for the restriction of rents and not a Bill for the eviction of tenants, and I myself cannot see that this is the time, under cover of a Clause of this kind, to introduce some far-reaching change in the ordinary procedure of eviction which applies under the law to-day to premises of a certain rental. It is quite true that in the case of small tenements this Legislature has provided a summary method of eviction, but, Sir, there is a very great deal of

difference between tenements, where the rent does not exceed Rs. 20, and premises where a high rental obtains, and I, therefore, hope that the Hon. Minister will resist this amendment.

***Mr. S. Natesan (Kankesanturai):** I want to move that this Clause be deleted. May I move that amendment, Sir?

The Chairman: I think the hon. Member can vote against the Clause standing part of the Bill.

***The Hon. Mr. Bandaranaike:** Many of these Clauses have already been passed.

The Chairman: The Clause as amended will be put to the House, and the hon. Member for Kankesanturai can then vote against it.

***Mr. Aluwihare:** I do not know whether it is really sufficiently appreciated that when you speak of not altering the law with regard to the landlord's rights you are altering radically the landlords' rights by this Bill; and when you say that the amendment proposed introduces a wide departure from the purpose of the Bill, I do not think you realize that in fact you are merely modifying one of the privileges—

The Chairman: I might remind the hon. Member that it would be better if he spoke in the third person, instead of addressing his questions to me. I know that the hon. Member is not putting the question to me, but it would be better if he speaks in the third person.

***Mr. Aluwihare:** Very well, Sir.

The Hon. the Legal Secretary was stressing the point that I was seeking to create a new right. I am not seeking to create a new right; all I am trying to do is to modify the extent to which the Hon. Minister seeks to derogate from the ordinary rights of a landlord. That is all I am trying to do.

The Bill before the House seeks to take away a man's right to sue except with the permission of the Board. Now there are two ways in which the question can arise. The question of permission can arise merely as an issue in the case. On the other hand, you can have one body giving the permission, and another

[Mr. Aluwihare.]
body deciding the case. You may have one body which sits when it likes; has its own holiday; sits only when it has enough work, and then gives permission; and once that permission has been obtained, you can have recourse to the ordinary Courts which sit everyday. The scheme of this Bill is that you apply to a body that may sit a month hence or a week hence, or sit according to the work in hand. It has to be paid fees; and then that body gives permission, say, a month hence. Then, having obtained that permission, the man must go to the Courts and then secure his judgment. The scheme of the English Act is entirely different. It is true that the County Courts give permission, but it will be part of the County Courts proceedings almost that the plaint should also be filed.

Further, I think, the Hon. the Legal Secretary forgets that the particular rights are preserved under the County Courts Act; that is, the ordinary plaint and summons can issue. That is the point I am making. If you have recourse to the Courts, that is, if you say that the first issue to be tried in this case is whether, in the particular circumstances, on the principle we have laid down, permission should be granted for a suit for eviction, then perhaps my objection would not hold, because there would be no delay; the one would follow the other. The Courts sit everyday, and it is the same Court that will act.

The scheme of our Bill is entirely different. As a matter of fact, the English Act does not know this Assessment Board; it knows only the Ordinary Courts. According to the provision here, you go before a Court, and the first issue the Court will try is whether, in the particular circumstances, on the policy of the Bill, permission ought to be given.

The Hon. Mr. Nihill: What about the provisos to Clause 8?

***Mr. Aluwihare:** I know, I am dealing with Clause 6 of the English Act, because you quoted the English Act. Clause 6 of the English Act says:

"No distress for the rent of any dwelling house to which this Act applies shall be levied except with the leave of the County Court."

Now, one of the first issues in the case will be whether the Court should give permission, in the particular circumstances, to this man to proceed with his action for eviction, or whatever it is. Then the ordinary case would proceed.

The scheme of our Bill is not that. You cut off the Court at a certain stage. That is the snag. If you agree to have the Courts, if you agree that these people should go to Court, and that the Courts should be governed by the principle you have laid down in the Bill, then, of course, most of these objections would not hold, because the whole thing would be tried as issues probably in the case; that is, whether leave should be given in the particular case would be one of the primary issues. The whole matter would be much more simplified.

The objection here is mainly to the interposition of a new body whose effect is bound to be delay. As a matter of fact, as everybody knows, the trouble with the landlords is that bad tenants give such an amount of trouble to them that they sometimes find that they cannot get them out.

There is another point that I would put to the Hon. Minister, about this Clause. Now, in the English law, supposing a landlord rightly or wrongly claims rent, he has the landlord's lien which acts at once without notice to the tenant. What happens in our law? We have to go to the Courts, obtain an order, and then come and seize the goods. In the normal course of affairs it is bad enough that there should be given sufficient time to the tenant to spirit away his goods. But what are you doing here? You are giving him more time by imposing the pre-requisite of the consent of a body outside the Courts. You are giving a man a further chance to take his goods away. That is the objection. If you say, "Have all this; scrap the Assessment Board; and let the Courts be the arbiter" well, I think, then you will really come into line with the English Act, and most of these objections would go.

The Hon. Mr. Nihill: Just one word if the Committee will bear with me. If the desire of the hon. Member is to come into line with the English Act, then I do not think he is right in saying that the

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English Act does not interfere with me landlord's lien to distress for rent, because Clause 6, which the hon. Member actually referred to, is a Clause which says that:

"No distress for the rent of any dwelling house to which this Act applies shall be levied except with the leave of the County Court."

That is not a Clause which relates to any restriction of the right on the part of the landlord to possess. It is merely a Clause which restricts the ordinary right which, without the Act, a landlord would have in England to distress for the rent, and it is a restrictive Clause on the right of the landlord to exercise his ordinary common law right; it was, therefore, considered necessary, I imagine, to put that into English legislation as an additional protection against the tenant. So I do not think the hon. Member is right in calling in aid Section 6 of the English Act.

With regard to the restriction on the right to possession, which is in Section 5 of the English Act, that Section lays down categorically that the landlord cannot get possession of his property unless certain conditions obtain; and those conditions are set out. I think, there are 11 sub-clauses. Well, of course, the County Court, before whom the ejectment suit is placed, will have first of all to look to see whether any of those conditions as set out in the Clause obtain. If they do not obtain then, of course, the landlord's action must be rejected out of hand.

Well, the point I made before is that our Clause as drafted is more lenient to the landlord, because what it says is that, if certain conditions obtain which are set out in the provisos, then the Court can use the ordinary machinery of ejectment and proceed to give the landlord his ejectment order. But if those conditions do not obtain, the landlord is still enabled to go to the Board and say to the Board, "Although I cannot get rid of the tenant because certain conditions do not obtain, I put it to you that the circumstances are so unusual and so exceptional in this case that you as the tribunal ought to give your certificate", and if he obtains that certificate he can go back to the Courts and start his ejectment action. And as I said, that being in the nature of a concession to the landlord, I can see no

further reason why he should be given a further concession by means of allowing a summary ejectment of his tenant.

***Mr. Natesan:** I want to point out an anomaly that arises from this Clause.

The Chairman: The hon. Member can speak when I put the Clause to the Committee. Let us now confine ourselves to this amendment. The amendment proposed by the hon. Member has been re-drafted in proper form as Sub-clause (2), and it is before me. It is practically the same. I shall first deal with this amendment, unless the hon. Member wishes to speak on the proposed amendment.

***Mr. Natesan:** Not on this particular amendment; I am thinking of the spirit of the whole Clause.

The Chairman: There will be an opportunity to debate it.

Mr. G. A. H. Wille (Nominated Member): With due deference to the Hon. the Legal Secretary, I desire to support the hon. Member for Matale (Mr. Aluwihare). I am not speaking as a landlord. I am not one, nor have I been instructed by any landlord. But I am bringing to bear my experience of the working of the law of landlord and tenant in our Courts.

In most of these cases the dice are loaded very heavily against the landlord. I do not deny that tenants being in humbler stations require some protection, but it should not be made difficult for a landlord to enforce his just rights against a tenant. The result of all this unnecessarily elaborate procedure will be for the tenant to be subject to heavier costs ultimately. For that reason, I support the hon. Member.

***The Hon. Mr. G. E. de Silva (Minister of Health):** I think this amendment is based on a misapprehension altogether.

As I said yesterday, the amendment of the hon. Member goes to the very root of the Bill which it is sought to introduce in order to prevent landlords from exacting unnecessarily high rentals from the tenants.

Sir, if I go into A's house and agree to pay him Rs. 50 as rent, the landlord cannot, after this Ordinance is passed, raise that rental and say that I must pay him Rs. 100 and try to eject me. Every

[The Hon. Mr. G. E. de Silva.]
time a lease bond is entered into, you find that certain Clauses are put in for the protection of the lessee and for the advantage of the lessor. For instance, if you do not pay the rental, you can be ejected. But the Court has held that even such a condition cannot operate unless the man goes to Court and asks for the assistance of the Court. In this case, the hon. Member did not place this view before the House.

It is true that in certain cases the landlord cannot come to Court unless he goes before the Assessment Board. But in a number of other cases the landlord can come to Court without getting the permission of the Assessment Board. What are those cases? According to this Bill, a landlord cannot harass a tenant and drive him away if the tenant is in the habit of paying his rent regularly month by month. Is it reasonable for any landlord to come to Court to eject a tenant? In such a case he cannot come to Court unless he goes to the Assessment Board and obtains permission. But if the tenant is in arrear of rent for one month, the landlord can come to Court without the permission of the Assessment Board.

That is one instance I want hon. Members to bear in mind. If I am a tenant, and I pay the rent that has been agreed upon regularly, is it fair and just for the landlord to come and eject me? So we are protecting the tenant to that extent. We are not allowing the landlord to come to Court unless the tenant is in arrear of his rent for one month.

So, Sir, the point that the hon. Member has in mind is not such a grave one as to justify our introducing a measure of the kind proposed into the body of an Ordinance which is intended to protect the tenant as well as the landlord, provided they carry out their obligations.

The other case is where the tenant wants to leave. He can be asked to go; he need not come to Court at all. The other case is where the premises are required for the use of the landlord. He can come to Court for that purpose. To that extent a restriction is placed on him. That is why this Bill seeks to prevent the landlord taking advantage of the position of a tenant who is paying his rent regularly. It is for that purpose

that this Ordinance is going to be enacted.

Now, if this amendment is passed, we will be taking away all the rights which the tenants have. Take the case of a man who is in occupation of a boutique. The landlord can say to the tenant; "You are making a lot of money now, and I must increase your rent by three times the present amount". Is it fair for that landlord to come to Court and sue the tenant in such a case? On the other hand, if the tenant is in arrear of rent for one month, the landlord can go to Court and eject him out of that boutique.

The other point is where the hon. Member for Matale confuses the whole matter. In this Bill there is the right to claim rental. The Small Tenements Ordinance is quite a different thing. You cannot claim rental under it; you can merely come to Court and file affidavit and say; "I have given this man a month's notice and he has not quitted. Therefore I am entitled to take possession". In that case, the rental must be under Rs. 20. Here, if it is a man paying Rs. 500 as rental for a shop, is the landlord entitled to come to Court to eject him from those premises? It is most unfortunate to allow a landlord to do that, because the man who has established that shop will lose all his custom. People do not realize these things. It is for that purpose that this provision has been made.

***Mr. Aluwihare:** I should like to ask the Minister of Health what the difference between the poor man paying Rs. 20 as rental and having his whole business in that little shop and the rich man paying Rs. 500 as rental and having his business in that big shop is. Apparently the Hon. Minister can think only of the man who pays Rs. 500 as rental.

***The Hon. Mr. Bandaranaike:** Before you put the amendment to the House, Sir, after all this talk, may I now raise a matter that is relevant to the section?

I am sorry that I cannot accept the proposed amendment for the very good reasons which I explained yesterday and which have been further discussed today. I was trying my level best to follow the precise reason which the hon. Member for Matale had when he moved the

amendment. It appeared to me to be this, that a certain delay would be caused, as a result of the provisions of Clause 8 of this Bill in a landlord ejecting a tenant. The delay is that, instead of the landlord being enabled to go straight to a Court of law and the Court deciding whether the tenant should be ejected at all and then ejection proceedings following, here there is the interposition of the Assessment Board which might cause a certain amount of delay which the hon. Member proposes to obviate by the steps he suggests. That, I understood, was really the crux of all the arguments in favour of the amendment he has moved.

But let us consider this point: in the first place, as the Hon. Minister of Health has pointed out, there are a number of conditions given in the provisos (a), (b) and (c) which would enable the landlord to go to Court without the authority of the Assessment Board. There is another proviso of a very far-reaching nature which I would move in due course, as a result of my accepting yesterday the amendment of the hon. Member for Matale (Mr. Aluwihare), whereby the landlord will be entitled, without any authorization by the Assessment Board, to go to Court and take action for ejection on the ground that the tenant was acting in such a way as to create a nuisance to the neighbours or was not keeping the premises in a good condition.

Then, anything falling outside these cases will have to be authorized by the Assessment Board, but the hon. Member anticipates some great delay in that, I do not think it is so. I am sure that this Assessment Board will deal with these matters extremely quickly and expeditiously.

Mr. Wille: Question!

***The Hon. Mr. Bandaranaike:** The hon. Member says, "Question!". Well, Sir, he is perfectly entitled to question it. Not only is it my opinion, but it will be the duty of anybody administering this Ordinance to see that applications under it are dealt with expeditiously.

In order, therefore, to avoid any delay, the extent of which is very doubtful—I can see that matters like that should be expeditiously dealt with—what does the hon. Member propose?

Mr. Wille: Not only delay, but expense.

***The Hon. Mr. Bandaranaike:** I am speaking of the hon. Member for Matale (Mr. Aluwihare), at least I prefer to deal with one at a time. I do not qualify one what; but one at a time. But to avoid that little delay, what does the hon. Member propose? He proposes entirely to change the law of the country with regard to ejection.

I think it was the Hon. the Legal Secretary who pointed out the conditions in which the Small Tenements Ordinance has been introduced applicable to houses, particularly houses, and so on, certain low level, as distinct from other houses, particularly houses, and so on, where the rental is high. The circumstances are entirely different. The circumstances under which summary proceedings, have been introduced in the case of small tenements are altogether different from the circumstances applying to other houses, business houses, and so on, which pay a very large rental. There are these little tenements, the occupants of which, overnight or within half an hour, are in the habit of fleeing with their beds, as in the days of Judea. They roll up their mats and pillows, and off they go.

Well, the hon. Member wants to apply that procedure to all kinds of premises and houses, under this Bill, on the one sole ground, as far as I can see, that a certain amount of delay would be occasioned by resorting to this Assessment Board and getting their authority to take action for ejection. I do not think that that is correct. I do not think we ought to introduce into this Ordinance an entirely new method for the ejection of tenants. That is not contemplated in our law as it stands. Because of this fear of a little delay, I do not think that the amendment is justified. It will cause more trouble than any advantages that may accrue.

The Chairman: I will now put the amendment to the House.

Question put, "That the following new Sub-clause (2) be added:

"In any case where the landlord of any premises is authorized by the Assessment Board under section 8 to

institute an action or proceedings for the ejection of the tenant, the provisions of the Small Tenements Ordinance shall apply in the case of such premises and for the purposes of the recovery of possession thereof by the landlord, notwithstanding that the premises may not be a tenement within the meaning of that Ordinance:

Provided that for the purposes of the application of the provisions of that Ordinance in the case of any premises not being a tenement within the meaning of that Ordinance, any reference in that Ordinance to the Court of Requests shall be deemed to be a reference to the District Court of the district in which the premises are situated—

Provided further that nothing in the preceding provisions of this sub-section shall be deemed to prejudice or affect the right of any landlord or tenant to institute or maintain an action or proceedings in a competent court for the recovery of any sum due as arrears of rent or by way of damages—”

The Committee divided (under Standing Order 68): Ayes, 5; Noes, 10.

The Chairman: The amendment is lost.

The Chairman: I will now put Clause 8, as amended.

***Mr. Natesan:** It seems to me that, in our anxiety to get the landlords to help their tenants, we are doing an injustice to the landlords. When there is a raid next time—which God forbid!—and the tenant leaves, the landlord cannot insist on the tenant giving notice. The tenant might not return at all to the house.

We are ignoring certain essential principles of fair play and justice, and we ought to allow the ordinary laws of the country to operate, instead of introducing all this legislation, which seems to be entirely one-sided.

Question, “That Clause 8, as amended, stand part of the Bill,” put and agreed to.

Clauses 9 and 10 ordered to stand part of the Bill.

CLAUSE 11.—(Establishment and Constitution of Assessment Boards).

Mr. Wille: I have an amendment to move, but before doing so, I wish to say

that yesterday I was rather unlucky with my amendments. But I am not discouraged by that. For this reason: yesterday, when I moved an amendment, the Minister of Local Administration practically threw the English Act in my face. By the amendment I want to propose in Clause 11, I want to see the provisions of the English Act brought in to help us, rather than this fantastic proposal of Assessment Boards.

I do not want to go into the merits of this question because they have been dealt with in connexion with the other amendments. I only want to say that it will be in the interests both of the landlord and the tenant not to have this conglomerate body of assessors or Boards of Assessment, but to have the ordinary law Courts.

Yesterday the Legal Secretary said that our Courts are already over-worked. If that is the case, I think it would be a good thing if lawyers of some experience were appointed to the different Courts to take up cases of this kind. The public will welcome it, and it will be far less costly both to the Government and to the landlords and tenants who will have recourse to the Courts under this Ordinance.

The Chairman: What is the amendment?

Mr. Wille: I am suggesting that the whole of this Section, excepting the last paragraph which defines “rural area”, be deleted; omit to the end of Sub-section (5) and substitute:

“The Court of Requests having jurisdiction in the place in which any premises are situated shall be the Court having jurisdiction for the purposes of this Ordinance, provided that in a rural area the village tribunal will be the Court for the said purposes.”

That is my proposition, and I hope those who know the difficulties that landlords and tenants have to experience will accept the amendment, instead of sanctioning a resort to Boards of Assessment.

***The Hon. Mr. Bandaranaike:** I am sorry to be very often in the position of differing from the hon. Nominated Member (Mr. Wille). For the very good reasons explained by myself and the Legal Secretary, it is not possible here to put the whole administration of this Ordinance upon Courts of law. The hon.

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Member honestly believes that the Presidents of Village Tribunals in rural areas are capable of doing this work, or are better qualified to do this work than a suitably chosen Board. The hon. Member referred to Courts of Requests, which are already overburdened and cannot be saddled with this extra work which is of a type with which the Courts will find it impossible to cope adequately and with satisfaction to the people concerned.

There may be one Court of Requests in a wide area, and all these unfortunate people who want orders under this Ordinance will have to go to that Court on a particular day. A Board can meet at various places and give satisfaction to those who come before it, just as much as other Boards do at present. Take, for instance, the Motor Tribunal, which meets at various centres now. It is convenient that it should do so. Similarly, in the case of other Boards dealing with tea and rubber control, and so on.

I do not mind considering any reasonable amendment to the actual constitution of these Boards as suggested here. In regard to that matter, I am in the hands of the House. I am open to suggestions which the House may make in that respect, but I strongly deprecate any attempt to "knock out" the Boards altogether. Even if you want to provide for an appeal from the decisions of the Board, I am willing to consider the views of the House, though the House will realize the difficulties in its way. I am opposed to the amendment proposed by the hon. Member.

Mr. Wille: The Hon. Minister has not explained why the English County Courts have not been displaced by any sort of Boards. He speaks of the distance that people have to travel to attend Courts of Requests—all assessment cases are now adjudicated there—and how long assessment cases take in Courts of law. To avoid these delays, a special officer can be appointed.

***The Hon. Mr. Bandaranaike:** Special Courts?

Mr. Wille: It will lead to less costly and more satisfactory results.

***Mr. G. R. de Silva (Colombo North):** I move another amendment—

***The Hon. Mr. Bandaranaike:** Let us finish with the amendment of the hon. Nominated Member first.

The Chairman: I want to hear what the proposed amendment is.

***Mr. G. R. de Silva:** I want to propose the deletion of certain words in Sub-section (2), the words starting with,—

“(a) the Mayor as Chairman of the Board, and two members of the Municipal Council . . .”

The same applies to Sub-section (3).

The Chairman: Let us confine ourselves to sub-section (2) now.

***Mr. G. R. de Silva:** Sub-section (2) (a) should be deleted.

The Chairman: Are there any other amendments to that Sub-clause?

***Mr. A. R. A. Razik (Nominated Member):** Delete Sub-sections (2) (a) and (2) (b).

Mr. Wille: It will come to deleting the whole Section.

***Mr. Aluwihare:** What are these Boards going to adjudicate on? They are going to judge whether the landlord is acting reasonably or not. From that point of view, it is not necessary to have people connected with the Municipal Council. What you want is people—responsible people—who know the conditions of things in this country and are also detached to a large extent, either from the technical administration of a Municipal Department, or from the political side of it.

The Chairman: Has the hon. Member any amendment to propose?

***Mr. Aluwihare:** I am explaining my amendment.

The Chairman: I would like to have the amendment first.

***Mr. Aluwihare:** The hon. Member for Colombo North (Mr. G. R. de Silva) has suggested the deletion of “the Mayor and two members of the Municipal Council”. I want to suggest the deletion of “the Municipal Commissioner”. I do not want to suggest the deletion of “the Municipal Assessor” and the “Government Valuer” because their particular

[Mr. Aluwihare.]
job is to assess properties; they will be of very great assistance. But I do say that instead of the other three members you can have lawyers or business people of a certain standard. You can have a panel of persons.

The Chairman: What is the hon. Member's suggestion?

***Mr. Aluwihare:** The suggestion is to delete (a) and (b), and in (a) have "three members from a panel to be appointed by the Minister of Local Administration——"

The Chairman: The hon. Member will retain (c)?

***Mr. Aluwihare:** That is "the Municipal Assessor".

The Chairman: What does the hon. Member propose as regards (e)?

***Mr. Aluwihare:** I would suggest that (e) be deleted. The Board is much too big. How many people are you going to have? [A MEMBER: Eight.] The full court met the other day, and did not agree with the lawyers on either side! This is what will happen here.

The Chairman: The hon. Member wants to add: "not more than 3 other persons appointed by the Minister out of a panel of seven selected by lot."

***Mr. Aluwihare:** Out of a panel of 7 people to be nominated by the Minister of Local Administration, not by the members of the Municipal Council——

The Chairman: It is not necessary to say that.

***Mr. Aluwihare:** It is much better to put it in, Sir.

The Chairman: The hon. Member wants to delete some of the other Sub-clauses: delete (a) and insert the suggested amendment; (b) will be deleted; (c) and (d) will stand, and (e) will be deleted.

***Mr. Aluwihare:** The reason why I suggest the retention of "the Municipal Assessor" and the "Government Valuer" is that they can reasonably be expected to be of very great assistance in these assessments. But the other people can be subjected to influences

which will always be impeached, especially in any kind of adjudication. Therefore it is much better that the Minister should choose these people.

The Chairman: The amendment is that Sub-paragraphs (a) and (b) be deleted and the following words be inserted:

"three Members be selected by lot out of a panel of seven persons to be nominated by the Minister of Local Administration."

***The Hon. Mr. Bandaranaike:** I wonder whether this is what the hon. Member wants to achieve: "the Municipal Assessor" and "the Chief Government Valuer" be retained as in sub-paragraphs (c) and (d) but omit (a) and (b); that is, retain (c) and (d) and in place of (e) say, "not more than five others," because, five and these two make seven, that is, the Municipal Assessor and the Government Valuer together with five others to be nominated by the Minister, excluding, presumably, members of the Municipal Council.

Mr. T. B. Jayah (Nominated Member): The idea is that out of a panel of seven persons only three will have to be selected by lot. You are not sure who will sit on the Board to hear a case.

***Mr. G. R. de Silva:** I oppose that amendment.

Mr. Jayah: Sir, it is good to have a Board like this to perform judicial functions when the Courts have no time. There is precedent for that. There is the Income Tax Review Board. Three gentlemen are selected out of a panel of 15 or 17 and those who are affected do not know exactly who will form the panel, with the result that you are sure that no undue pressure will be brought to bear on any particular person. There will be no question of undue influence being exercised. I think the suggestion of the hon. Member for Matale (Mr. Aluwihare) is a very good one and it should satisfy the House.

***Mr. G. R. de Silva:** Sir, the hon. Member made an exception with regard to the members of the Municipal Council.

***Mr. Aluwihare:** I would also include the Members of the State Council.

***Mr. G. R. de Silva:** I would leave it to the good sense of the Hon. Minister.

***Mr. Aluwihare:** Sir, I would agree with the hon. Member, because, as he knows, in our country especially, we have reached the stage when we question the impartiality of most tribunals, and it is much better that we deny ourselves that right. It is just as well that we should deny ourselves some of these privileges, in view of the general criticism that may be levelled against them. It is more a precaution against possible dissatisfaction.

***Mr. G. R. de Silva:** It is merely the exclusion of a set of people, and that is what I object to. If you say that the members of the Municipal Council and the Members of the Executive Committee of Local Administration are to be excluded, it would be all right; but to exclude only the members of the Municipal Council would not be fair.

***Mr. Aluwihare:** I would add that the Members of the State Council be excluded, if that would suit the hon. Member.

The Hon. Mr. Nihill: Before the amendments are put, I would like to ask the hon. Member for Matale (Mr. Aluwihare) about a certain point. It is not quite clear in my mind, by the way in which the amendment is drafted, how the selection of the three members by lot will take place. Is it the hon. Member's proposal that there should be a panel of seven members? Would the seven members be required to attend every meeting of the Board? I am not quite certain as to who would carry out the selection of the three members by lot; whether it will be done in the Ministry or at a meeting of the Board, or where.

***The Hon. Mr. Bandaranaike:** There is a further difficulty. It is not so much the getting of a panel of three members from the seven; on that body there must be the officials, such as the Municipal Assessor.

The Chairman: They are separate. Shall I read out the draft form of the amendment?

***Mr. Aluwihare:** Before you read it out, Sir, I would like to say that I do grant the difficulty of the Hon. the Legal Secretary. My whole purpose is to

leave the Assessors in to be of assistance to the Board.

The Chairman: The amendment says that three persons not being members of any local body be selected by the Minister in accordance with the regulations under this Ordinance from a panel of seven members. (c) refers to the Municipal Assessor and (d) to the Chief Government Valuer or an officer of his Department nominated by him.

The Hon. Mr. Nihill: That meets my point.

***The Hon. Mr. Bandaranaike:** All I would like to say is this: we are dealing with the Municipal Council. But when we get down to Urban Councils, it is extremely difficult to find people outside the local body. Even with regard to the Municipal Council, I would suggest that it is very invidious to exclude some representative of the local body in that area in administering the Ordinance. It is a very big reflection upon the work of the local body in that sense. Their revenue is dependent upon rates.

Mr. H. E. Newnham (Nominated Member): I suggest that the Board should disregard that altogether.

***The Hon. Mr. Bandaranaike:** I do not suggest that, but they have a very important interest in the administration of this Ordinance. Why do you wish, therefore, entirely to exclude any representative of a local body, which in that area must have a fairly important voice in the subject-matter of this Ordinance?

I would therefore suggest, for the consideration of the Committee, if hon. Members have no objection to doing so, that the "the Mayor or the Chairman of the Urban Council" might be left in. But there must be, in addition, "the Municipal Assessor" also left in although an Assessor exists only in Colombo. There is no Municipal Assessor either in Galle or in Kandy. Of course, there is no Assessor of any sort as such in Urban Councils, and you are not going to have anybody at all on this Assessment Board representing the local body, unless you bring in "the Mayor or the Chairman of the Urban Council." Not only that, but you are specifically excluding the possibility of a representative being nominated to the Board.

[The Hon. Mr. Bandaranaike.]

I feel that is not right. I see the point of my hon. Friend. As far as I am concerned, the only amendment I would suggest is that you leave in "the Mayor," because in the case of Galle and Kandy he is the only officer.

The Chairman: Does the Hon. Minister agree to the deletion of Sub-paragraph (a)?

***The Hon. Mr. Bandaranaike:** If hon. Members desire it, I do not mind even omitting "the Municipal Commissioner," though it is going to be a hardship in the case of Kandy and Galle, because there is no Municipal Assessor in Kandy and Galle. It will not operate detrimentally in Colombo because there is a Municipal Assessor here.

This is how it will be first applied. I think it is invidious and rather unnecessary to go as far as my hon. Friend suggests; so I would suggest, if the House has no objection, that we omit those two members and "the Municipal Commissioner" leaving "the Mayor" in. After all, he is the Chief Executive Officer. Surely he is not a leper, or something of that kind? Surely, a representative of the local body should very desirably be on the Board?

Mr. Razik: What about the landlords?

***The Hon. Mr. Bandaranaike:** I have a general power by which I can choose people from outside.

***Mr. Aluwihare:** Sir, the Hon. Minister wants to have an advocate on behalf of the Municipal Council, on the adjudicating body. That is what it amounts to. For instance, the Hon. Minister himself said that the Municipal Council is vitally affected, on account of the rates. There are various considerations that can be urged before the Tribunal, but they are exactly the considerations that most vitally affect the judgment of the tribunal.

The Chairman: I will now put the amendment to the House.

Mr. Wille: Sir, before you do so, I would like to say a word or two. I want to submit that all matters concerned under this Ordinance will be as between landlord and tenant. A municipal or

local body will have a very indirect interest, if at all.

With regard to what has been said about Village Tribunals, I want to point out that a President can even send a man to jail. What does the Hon. Minister say? That the President is not fit to say whether a bill is exclusive? Trifling matters are brought up; and the date fixed is the 1st of November, 1941. These are simply questions of fact which any ordinary person can decide if he has honesty of mind.

The Hon. Minister wants this elaborate body to sit in judgment on these simple matters. Besides that there is the important question of costs. There are to be levied fees for every application, so that it will become very heavy on all these landlords and tenants if we do not go to the Courts of law which are available to us.

***Mr. S. Samarakkody (Narammala):** The only thing I want cleared up is the question of the nomination of various members to this Board, which is to be done by the Hon. Minister. I want to know whether it means the Executive Committee of Local Administration or the Minister personally.

***Mr. Aluwihare:** Sir, the Minister has no existence as such except with his Committee.

***The Hon. Mr. Bandaranaike:** Yes, Sir; I always consult my Committee.

The Chairman: The proposal is to delete the words—

"the Mayor as Chairman and two members of the Municipal Council elected for the purpose by the Council".

***The Hon. Mr. Bandaranaike:** Well, Sir, I am against the deletion of that entirely. If you even put in one member in place of the Mayor and two members—

***Mr. Samarakkody:** Cannot I suggest "the Commissioner of Local Government"?

***The Hon. Mr. Bandaranaike:** The suggestion is that the whole of (a) be omitted; that is including the Mayor and the two members. If we are in favour of the retention of some person, such as the Mayor, for instance, then we will have to vote against the amendment.

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Mr. Wille: Cannot we get my amendment out of the way?

The Chairman: Which is the amendment of the hon. Member?

Mr. Wille: The substitution of the words I suggested.

The Chairman: What are the words?

Mr. Wille: I passed on the amendment—that the whole of the Clause, except the last paragraph, be deleted.

The Chairman: I said that I will have to go into the Clause itself before I put that amendment.

Mr. Wille: Assuming that my amendment is accepted, if it is not too bold an assumption, what is the good of discussing—

The Chairman: I must take up the amendments which bear on these Clauses before I take up amendments for the omission of these Clauses.

***Mr. G. R. de Silva:** I want to move an amendment.

The Chairman: An amendment to the proposed amendment? The proposed amendment is that sub-paragraph (a) be deleted. Then, what is the hon. Member's amendment?

***Mr. G. R. de Silva:** My amendment is that the words "two members of the Municipal Council elected for the purpose", be deleted.

Mr. Wille: We are floundering in a bog, Sir.

Mr. H. W. Amarasuriya (Galle): It is very undesirable to have the Mayor or members of the Municipal Council on this Board, because human nature is such that it is very difficult to keep out political influence.

The Chairman: I think we have debated this question sufficiently.

Mr. H. W. Amarasuriya: There is one reason why the Mayor also should be out of it. I think the proposal of the hon. Member for Matale (Mr. Aluwihare) should be accepted, because it is a very salutary provision to see that there is no political influence whatsoever in the matter of rating of houses.

The Chairman: I will split up the amendment into two. The amendment of the hon. Member for Colombo North (Mr. G. R. de Silva) is that the words "the Mayor as Chairman of the Board" be deleted.

***Mr. G. R. de Silva:** No, Sir. I want the retention of those words.

Question, "That the words 'and two members of the Municipal Council elected for the purpose by the Council' in clause (a) of Sub-Clause (2) proposed to be deleted, stand part of the Clause," put, and negatived.

Question put, "That the words 'the Mayor as Chairman of the Board' in clause (a) of Sub-clause (2) proposed to be deleted stand part of the Clause."

The Committee divided (under Standing Order 68): Ayes, 6; Noes, 11.

The Chairman: We come to (b).

***Mr. Aluwihare:** I move the deletion of (b).

Question, "That the words 'the Municipal Commissioner' in clause (b) of Sub-clause (2) proposed to be deleted, stand part of the Clause," put, and negatived.

The Chairman: Does the hon. Member press his amendment to delete (e)?

***Mr. Aluwihare:** Delete (e) and add the words I have suggested.

The Chairman: That is, the words "three persons not being members of any local authority to be selected in accordance with regulations made under the Ordinance from a panel of not more than seven persons to be appointed by the Minister."

***The Hon. Mr. Bandaranaike:** Am I to be precluded from choosing a member of the local body?

The Chairman: If the hon. Member insists upon it, well, I will put it to the House.

***Mr. Aluwihare:** I think that is a principle we should insist on because the Hon. Minister himself knows the kind of criticism that will be made, and apart from that, the kind of pressure that people are subjected to.

***The Hon. Mr. Bandaranaike:** I would move an amendment to that—to delete the words “not being members of the local body”. I think it is a very invidious distinction.

Question, that the words “not more than two other persons appointed by the Minister” in Clause (e) of Sub-clause (2), proposed to be deleted, stand part of the Clause,” put, and negatived.

The Chairman: Then, the Hon. Minister of Local Administration has moved that the words “not being members of any local authority” be deleted from the amendment proposed by the hon. Member for Matale (Mr. Aluwihare) which is to take the place of Clause (e).

***Mr. Aluwihare:** The amendment of the Hon. Minister really nullifies the amendments already accepted. We have already said, Sir, that so far as Municipal Councils are concerned, neither the Mayor nor two ordinary members—

The Hon. Mr. Nihill: Ex-officio.

***Mr. Aluwihare:** These are all ex-officio—members of a local authority ex-officio. Here you want to introduce anonymously what you refused specifically; that is all it amounts to. Therefore I do beg of the house to reject the amendment of the Minister.

The Chairman: The question is that the words “not being members of a local authority” do stand part of the proposed amendment.

Question put, “That the words ‘not being members of a local authority,’ proposed to be deleted, stand part of the question.”

The Committee divided (under Standing Order 68): Ayes, 11; Noes, 4.

Question, “That the words ‘three persons not being members of any local authority, to be selected from a panel of not more than seven persons to be appointed by the Minister’ stand part of Sub-clause (2),” put, and agreed to.

***Mr. Aluwihare:** Similar provision should be made in Sub-clauses (3), (4) and (5).

The Chairman: The hon. Member wants to have all these words deleted and some other words inserted.

***The Hon. Mr. Bandaranaike:** I do not know what the amendments actually are in Sub-clauses (3) and (4).

The Chairman: I thought the Hon. Minister had agreed to them.

***The Hon. Mr. Bandaranaike:** No. You find that the Assessment Board is constituted quite differently, under Sub-clauses (3) and (4).

***Mr. Aluwihare:** I am prepared to go through those amendments separately.

***The Hon. Mr. Bandaranaike:** I must know what the constitution is.

***Mr. Aluwihare:** What I propose is, in Sub-clause (3), to delete (a) and (c) and substitute the same provision as you have in Sub-clause (2). Then, it is the same thing with regard to Sub-clause (4): delete (a) and (c) and have the same provision as you have accepted before. Then, with regard to Sub-clause (5), delete (a).—

***The Hon. Mr. Bandaranaike:** Delete (a) in (5)? That is just the point I made: the Government Agent or Assistant Government Agent in a rural area—

***Mr. Aluwihare:** Well, Sir, if the Hon. Minister insists on it, I shall leave it in; but I am of opinion that it would be better to leave them out.

***The Hon. Mr. Bandaranaike:** With regard to Sanitary Board towns also, these towns are run purely by officials and nominated persons as far as they exist now. If you were to “knock off” the Chairman of the Sanitary Board, the person who holds that office, usually the Government Agent or the Assistant Government Agent, that in itself is going to create hardship. Many of these towns do not contain sufficient people, apart from these people, who can efficiently discharge these duties. I cannot find people to run these bodies in Sanitary Board towns.

***Mr. Aluwihare:** For instance, here the power of the Minister is to appoint not persons from the Sanitary Board—

***The Hon. Mr. Bandaranaike:** You cannot “knock out” those two members.

***Mr. Aluwihare:** But there is nothing which confines the Hon. Minister to a Sanitary Board in that amendment. It

is only an extension of the principle already accepted by the Minister under Sub-clause (4) (c). He has already taken power to appoint not more than three persons. So all we ask him to do is to appoint five persons from whom a panel can be chosen.

The Chairman: Then, "two members of the Sanitary Board" of the place?

***The Hon. Mr. Bandaranaike:** We will have to operate in Padiyapelella, for instance. There may not be a single person from outside to operate—

***Mr. Aluwihare:** The Hon. Minister's objection, on his own showing, cannot be substantiated, because he has already taken power to appoint these people from Colombo to operate in Padiyapelella.

The Chairman: What is the objection to two members from the Sanitary Board being appointed?

***Mr. Aluwihare:** That is the local authority. I think the general objection should hold good. I think we are now on the threshold of altering even the constitution of the Sanitary Board. We are going to make these Sanitary Boards also democratic in their constitution. So it is no use leaving these things in the hands of officials.

The Chairman: The hon. Member wants that provision deleted.

***The Hon. Mr. Bandaranaike:** It seems very awkward that a very valuable officer, who happens to be Chairman of the Sanitary Board, although his position is Government Agent or Assistant Government Agent, should be considered to be a member of the local body for the purpose of exclusion. It seems to be an extraordinary extension of this principle.

***Mr. Aluwihare:** If the Hon. Minister will pardon me, we are not legislating. The Hon. Minister has told us that the Sanitary Boards themselves are to be superseded by local authorities.

***The Hon. Mr. Bandaranaike:** This is till then. We are talking of the present.

The Chairman: At any rate, the House has agreed to have "the Government Agent" in the other Clause.

***The Hon. Mr. Bandaranaike:** Those are the most important people to administer the Ordinance in those areas.

***Mr. Aluwihare:** Take the case of our own Sanitary Board in Matale. It does not represent the village, it is composed mostly of people from the town, from the Urban Council.

The Chairman: The Matale Urban Council?

***Mr. Aluwihare:** People from the Matale Urban Council and from Matale town. Why should not the Minister nominate people from the various Sanitary Board areas? That is what I want him to do. Just at present, the nominations are mostly of people such as Crown Proctor, Chairman of the Urban Council, Executive Engineer and people like that. They do not know the rates of assessment.

***The Hon. Mr. Bandaranaike:** That amendment is going to make the working of this Ordinance extremely difficult. I am precluded from having any member of a local authority at all there.

***Mr. Aluwihare:** If the Hon. Minister is very anxious about Sub-clause (4), I will withdraw my objection and leave "the Chairman of the Sanitary Board" in it.

The Chairman: Then, we will drop the amendment proposed to that Sub-clause. The hon. Nominated Member (Mr. Wille) wants that Sub-clause to be deleted and a new Sub-clause inserted therefor. I will put the question in regard to that amendment. If the question, that the Sub-clause stand part of the Bill, is negatived, then the amendment of the hon. Member will be put.

Question put, "That Sub-clause (4), proposed to be deleted, stand part of the Clause."

The Committee divided (under Standing Order 68): Ayes, 16; Noes, 1.

Mr. Wille: What about my amendment? I wish it to be put.

***The Hon. Mr. Bandaranaike:** That was lost.

Mr. Wille: The Chair said that it would be put afterwards.

The Chairman: Yes; if the question that the Sub-clause stand part of the Clause was negatived.

***The Hon. Mr. Bandaranaike:** He does not understand anything.

Mr. Wille: Don't be impertinent.

***The Hon. Mr. Bandaranaike:** But it is true.

Mr. Wille: Don't be impertinent.

The Hon. Mr. Bandaranaike: I strongly object to that remark and I would ask you, Sir, to request the hon. Member to withdraw it.

The Chairman: I think mutual recriminations of this nature should cease.

***The Hon. Mr. Bandaranaike:** The hon. Nominated Member referred to a remark that I made as impertinent. That is an utterly improper statement to make.

Mr. Wille: His was a malicious statement.

The Chairman: Order.

***The Hon. Mr. Bandaranaike:** What do you want me to do, Sir?

The Chairman: I do not want the matter to be pursued any further. We understand one another very well.

***The Hon. Mr. Bandaranaike:** Well, Sir, if you imply by that that I understand the hon. Nominated Member, very well, I do; good Lord, I do.

Mr. Wille: We have our own opinion of you.

Clause 11, as amended, ordered to stand part of the Bill.

CLAUSE 12.—(*Proceedings before the Assessment Board.*)

***Dr. A. P. de Zoysa (Colombo South):** I move that the words "and shall not be called in question in any Court of law" be deleted from Sub-clause (12).

The Chairman: Are there any amendments to the earlier parts of the Clause? I will not accept any amendments to the earlier parts of the Clause unless they are moved now. The amendment proposed

by the hon. Member for Colombo South is that the concluding words of Sub-clause (12), namely, "and shall not be called in question in any Court of law" be deleted.

***Dr. de Zoysa:** I think even the Hon. Minister signified yesterday that he was prepared to consider that amendment.

Question, "That the words 'and shall not be called in question in any court of law' in Sub-clause (12) proposed to be deleted, stand part of the Clause, put, and negatived.

The Chairman: Those words will be deleted.

***The Hon. Mr. Bandaranaike:** There may be consequential amendments necessary to Sub-clause 12 (6) as a result of the amendments to Clause 11. I think the number of members to form a quorum should be changed.

The Chairman: The consequential amendments will be incorporated by the Legal Draftsman.

Clause 12, as amended, ordered to stand part of the Bill.

Clauses 13 to 15 ordered to stand part of the Bill.

CLAUSE 16.—(*Interpretation.*)

Mr. Newnham: I should like to ask the Minister whether the "appointed date" can be retrospective.

***The Hon. Mr. Bandaranaike:** The appointed date will not be retrospective.

Clause 16 ordered to stand part of the Bill.

Clause 17 ordered to stand part of the Bill.

CLAUSE 18.—(*Duration of Ordinance.*)

***Mr. Samarakkody:** I have an amendment to Clause 18. As you will see from the Objects and Reasons appended to the Bill, by this measure we want to place a restriction on the increasing of rents during the present emergency. Clause 18 simply says:

"This Ordinance shall cease to be in operation on such date as may be appointed by the Governor by Proclamation published in the *Gazette*."

I say that for many reasons the date on which this Ordinance shall cease to have effect must be really laid down in the Ordinance itself. This is a piece of rush legislation designed to meet the emergency that has arisen and, judged from many points of view, we must specify the date on which the Ordinance shall cease to be operative. I suggest that the words "on such" be deleted and the words "six months after the cessation of the present war or at an earlier date as may be appointed by the Governor" be substituted therefor.

The Hon. Mr. Nihill: I think there will be legal difficulty about the words. I think it should be put in in a more precise form than that. You may put it as "six months after the armistice" or "six months after the treaty of peace is signed".

***The Hon. Mr. Bandaranaike:** An armistice or treaty of peace with whom? There is a war on with Germany, a war with Italy and another with Japan; and an armistice or treaty of peace in the case of one war will not apply to another.

***Mr. Samarakody:** The present war is a war with Germany and Japan. There is no other war contemplated. There will be no confusion whatever if you accept my amendment.

***The Hon. Mr. Bandaranaike:** There is something that may be introduced, the Legal Draftsman says, to that effect, such as, for instance, the words "when the English Emergency Defence Act ceases to be operative". That Act was also passed for this emergency for this war.

The Chairman: Is that proposal agreed to? I will put the question.

Question, "That the Clause be amended by the inclusion of similar provision as in the Emergency Powers (Defence) Act of the Imperial Parliament," put, and agreed to.

Clause 18, so amended, ordered to stand part of the Bill.

The Chairman: The Committee agrees to the consequential amendments being made in the spirit of the amendments already approved.

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 amendments made to the Bill in Committee be approved. The Hon. the Legal Secretary can make the drafting and consequential amendments necessitated by the amendments made in Committee.

Question put, and agreed to.

***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.

ROMAN CATHOLIC ARCHBISHOP AND BISHOPS OF CEYLON INCORPORATION (AMENDMENT) BILL.

***Mr. R. S. Tennekoon (Katugampola):** I move that leave be granted to me to introduce a Bill intituled "An Ordinance to amend the Roman Catholic Archbishop and Bishops of Ceylon Incorporation Ordinance."

Question put, and agreed to.

SUPPLEMENTARY ESTIMATES, 1942-43.

The following item stood upon the Orders of the Day:

9. 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:—

(Agriculture & Lands.)

(1) **Supplementary Estimate, 1942-43.**

Head 71, Irrigation Extraordinary.

New Sub-head 95, Improvements to Nachchaduwa Tank, Nachchaduwa Scheme, N.-C. P.

Amount: Rs. 11,107 (revote).

Nature of Service: Acquisition of lands submerged by raising the water level in the tank.

Observations of the Minister of Agriculture and Lands.

The estimated total cost of this service is Rs. 35,000 and a sum of Rs. 11,107

was provided in 1941-42 Estimates to settle the cost of acquisition of the lands submerged by raising the water level in the tank, all construction work being complete. No revote was included in the Draft Estimates for 1942-43 as it was expected that the acquisition would be settled in full in 1941-42. But it has not been possible for the Government Agent, N.-C. P., to complete the necessary inquiries in connection with the land acquisition in time for payment of compensation before the end of September, 1942, and a revote of this sum of Rs. 11,107 is, therefore, required to settle the cost of land acquisition in 1942-43.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(Local Administration.)

(2) Supplementary Estimate, 1942-43.

Head 81, Salt Department.	Rs.	
Sub-head 6, Purchase of salt ...	4,800 (revote)	
New Sub-head 16, Saltern at Mannar ...	2,760	..
New Sub-head 17, Reconstruction of Lewaya bunds damaged by floods at Hambantota ...	28,985	..
	<u>36,545</u>	

Nature of Service: For completion of works and for payments for which voted funds have lapsed.

Observations of the Minister of Local Administration.

Sub-head: 6, Purchase of Salt—Rs. 4,800. This is a revote of the unexpended balance out of the sum of Rs. 12,000 voted by the State Council recently to pay for 1,000 tons of salt brought by a steamer as ballast.

New Sub-head: 16, Saltern at Mannar—Rs. 2,760. This is a revote of an unexpended balance out of a vote of Rs. 25,000 passed for this purpose.

New Sub-head: 17, Reconstruction of Lewaya Bunds damaged by floods at Hambantota—Rs. 28,985. This is a re-

vote of an unexpended balance out of a vote of Rs. 38,000 passed for this purpose.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(Health.)

(3) Supplementary Estimate, 1942-43.

Head 92, Medical and Sanitary Services.

Sub-head 1, Personal Emoluments, Item: Clerks.

Amount: Rs. 10 (token vote).

Nature of Service: Employment of 3 temporary clerks.

Observations of the Minister of Health.

The services of three teachers of the Education Department, who have been employed in the Financial branch of the Office of the Director of Medical and Sanitary Services since April, 1942, owing to the increase of work in that branch, were withdrawn on October 16, 1942. It is necessary to employ three temporary clerks in their place for the rest of the financial year 1942-43. A token vote of Rs. 10 is therefore sought as authority for this expenditure.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(Labour, Industry & Commerce.)

(4) Supplementary Estimate, 1942-43.

Head 103, Director of Commerce and Industries.

Sub-head 1, Personal Emoluments.

Amount: Rs. 1,687.50.

Nature of Service: To provide for the balance salary of D. C. I. for 1941-42 on the salary scale of £1,600—50—1,750.

*Observations of the Minister of Labour,
Industry and Commerce.*

The Board of Ministers at its meeting held on December 2, 1941, recommended that Mr. D. H. Balfour should be confirmed in the post of Director of Commerce and Industries and should be placed immediately on the appropriate point in the salary scale of Class I., Grade •I., of the Civil Service, viz., £1,600—50—1,750; it was further agreed that the new scale be personal to Mr. Balfour, that the post of Director of Commerce and Industries should be removed from the Cadre of the Ceylon Civil Service and that Mr. Balfour should be appointed to it if he desired to resign from the Civil Service. Mr. Balfour has accepted the conditions and expressed his willingness to resign from the Civil Service to take up the post of Director of Commerce and Industries.

According to this recommendation which has been approved by H. E. the Governor, Mr. Balfour would be placed on the scale of £1,600—50—1,750 with effect from October 1, 1941, at the point in the scale which Mr. Balfour would have reached on that date if he had been appointed to the post of that scale with effect from the date of Mr. J. C. W. Rock's retirement (July 1, 1940) with no arrears of salary and no retrospective pensionability. On this basis, Mr. Balfour should have received salary at £1,650 per annum from October 1, 1941, and at £1,700 per annum from July 1, 1942, with his incremental date thereafter falling on July 1. During the Financial Year 1941-42 Mr. Balfour has, however, drawn salary at £1,550 on his old scale and this Supplementary Estimate is presented to pay the balance due to him for the period October 1, 1941, to September 30, 1942, on the new scale. Provision in 1942-43 Estimates has been made on the new scale as approved by the Board of Ministers.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(Communications & Works.)

(5) Supplementary Estimate, 1942-43.

Head 121, Colombo Port Commission.
Sub-head 29, Roads and Buildings.

Amount: Rs. 35,000.

Nature of Service: Extensions to the Harbour Engineer's Boathouse premises.

*Observations of the Minister of
Communications and Works.*

The existing area for launch and boat building and repair work is inadequate and additional covered area is required to carry out the work in hand and in view without interruption due to the weather. In addition to the maintenance of all Government craft in Colombo, there are some 19 craft under construction or on order besides fitting out and repairing two hulls for the R. A. F.

Additional facilities are an urgent necessity and it is essential that the existing premises should be extended early to permit of these works being carried out.

Supplementary provision in Rs. 35,000, is, therefore, required for the purpose.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(6) Supplementary Estimate, 1942-43.

Head 121, Colombo Port Commission.
New Sub-head 39, Reconstruction of the Workshops.

Amount: Rs. 250,000.

Nature of Service: Reconstruction of the Harbour Engineer's Workshops.

*Observations of the Minister of
Communications and Works.*

The Machine and Fitting shops of the Harbour Engineer's Department require reconstruction as early as possible to cope with the increased work of the Department. The temporary arrangements already made are proving to be quite inadequate. It is also proposed to realign the main Railway line in order to reduce the delays to traffic. The make-up of

the sum of Rs. 250,000 required as supplementary provisions for the purpose is as follows:—

	Rs.
Construction of workshop walls ...	118,500
Construction of roof in asbestos with steel trusses ...	84,000
Installation of plant and machinery ...	30,000
Alteration of rail tracks and provision of new main line ...	17,500
	250,000

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(7) Supplementary Estimate, 1942-43.

Head 121, Colombo Port Commission.
New Sub-head 40, Purchase of three lorries.

Amount: Rs. 16,390.

Nature of Service: To meet the cost of three lorries.

Observations of the Minister of Communications and Works.

The establishment of branch workshops of the Harbour Engineer's Department made it essential that additional transport should be obtained, as the two lorries and one van owned by the department proved quite inadequate to cope with the additional work of conveying materials, &c., to and from the Harbour Engineer's Department and the branch workshops. Three lorries were therefore requisitioned by the Director of Transport for the department and supplementary provision of Rs. 16,390 being the assessed value of the three lorries is, therefore, required to meet the cost.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(8) Supplementary Estimate, 1942-43.

Railway Estimates.

Vote: Abstract G, Capital Works, New Item, Improvements to Gal-oya Station.

Amount: Rs. 8,000.

Nature of Service: Improvements to Gal-oya Station.

Observations of the Minister of Communications and Works.

Owing to the increased train service on the Batticaloa-Trincomalee Light Railway and the running of additional goods trains between Gal-oya and Hingurakgoda as from September 16, 1942, to meet Military requirements, it is considered both from the Railway and Military view points that improvements to the layout of the yard at Gal-oya are of urgent necessity in order to facilitate the admission of trains and shunting operations.

The matter has been discussed with the Military Authorities and the estimated cost of the work involved utilizing old serviceable material as far as possible, is Rs. 8,000.

No provision is made for this purpose in Railway Estimates for 1942-43. Hence a Supplementary Estimate for Rs. 8,000 should be made available as early as possible to enable the work to be taken in hand with the least possible delay.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

The following item stood upon the Addendum 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:

(Agriculture and Lands.)**(9) Supplementary Estimate, 1942-43.**

Head 60, Minister of Agriculture and Lands.

Sub-head 1, Personal Emoluments.

Amount: Rs. 5,500.

Nature of Service: To meet the salary of the Secretary to the Minister of Agriculture and Lands.

Observations of the Minister of Agriculture and Lands.

Consequent on the transfer of certain members of the Civil Service for emergency duty, an Assistant Settlement Officer has been seconded for service as Secretary to the Minister for Agriculture and Lands with effect from December 29, 1941, on the segment of the Civil Service Class II. scale starting at Rs. 8,300 per annum. The payment of arrears of salary and salary for the current financial year will cause an excess on the vote to meet which this supplementary estimate is submitted.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(10) Supplementary Estimate, 1942-43.

Head 71, Irrigation, Extraordinary.

New Sub-head 94, Restoration of Maruthamadukulam in Puthukudiruppu, Northern Province.

Amount: Rs. 2,000.

Nature of Service: For completion of the work.

Observations of the Minister of Agriculture and Lands.

The total cost of this service was estimated at Rs. 35,000 and no revote was applied for in the draft Estimates for 1942-43 as it was expected that all work would be completed in 1941-42 but owing to scarcity of labour it has not been possible to complete all the work as anticipated. In addition, the estimate which was prepared in 1940 is now found to be inadequate on account of the subsequent increase in cost of labour and materials. The revised estimate for completion of all

work amounts to Rs. 36,000 and a supplementary provision of Rs. 2,000 representing the unexpended balance at the end of September, 1942, is required to complete the work in 1942-43.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(Health.)**(11) Supplementary Estimate, 1942-43.**

Head 91, Quarantine.

Sub-head 1, Personal Emoluments.

Amount: Rs. 1,244.

Nature of Service: To restore to the permanent cadre the posts of Clerk to Quarantine Medical Officer, two Disinfecting Peons, and one Female Attendant Mandapam Camp, retrenched in 1939-40.

Observations of the Minister of Health.

It was found possible to retrench these posts in 1939-40 as the imposition by the Government of India of a ban on the emigration of unskilled labourers resulted in an appreciable decrease in the number of passengers passing through Mandapam. Circumstances have since changed and work in the Camp has again increased. It is therefore necessary to restore the retrenched posts. Supplementary provision in a sum of Rs. 1,244 is therefore sought.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(Labour, Industry & Commerce.)**(12) Supplementary Estimate, 1942-43.**

Head 104, Controller of Labour.

Sub-head 5, Charitable Payments and Grants.

Amount: Rs. 144,000.

Nature of Service: Payment of increased charitable allowances due to increase in cost of living.

Observations of the Minister of Labour, Industry and Commerce.

In view of the increased and increasing cost of living in the Island as a result of the War necessitating the payments of War Allowances and Dearness Allowances to the workers, it is felt that the same considerations should be given to those in receipt of charitable allowances. There are about 9,000 persons in receipt of Charitable Allowances and a further 3,000 cases now on the waiting list will be taken on to the paying lists this year. As changes in the economic and social conditions of the general public cannot but have their reactions on those in receipt of charitable relief, an increase of Re. 1 per head to all those cases is considered necessary. It is understood that the Public Assistance Committee in Colombo is now paying Re. 1 extra to each recipient of a charitable allowance.

A sum of Rs. 144,000 is required to pay this increase.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

(Communications & Works.)**(13) Supplementary Estimate, 1942-43.**

Head 121, Colombo Port Commission.

Sub-head 35, Fresh Water Main along North-east Breakwater.

Amount: Rs. 20,000.

Nature of Service: Augmenting water supplies at Graving Dock Guide Pier and Discharge Jetty.

Observations of the Minister of Communications and Works.

A sum of Rs. 20,000 has been provided in the Estimates, 1942-43, under Head 121, Sub-head 35, for the extension of the Municipal mains along the North-East Breakwater. The facilities for freshwater supplies to vessels under existing conditions are inadequate. It is, therefore, essential that improved supplies should be made available. The estimated cost of augmenting the water supplies is Rs. 20,000. Supplementary provision is, therefore, required to put the work in hand immediately.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

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

In Committee.—

MR. SPEAKER presided as Chairman.

(1) Irrigation: Nachchaduwa Scheme (Improvements to Tank).

The Hon. Mr. D. S. Senanayake (Minister of Agriculture and Lands): I move the following Supplementary Estimate standing in my name:

Head 71, Irrigation Extraordinary.

New Sub-head 95, Improvements to Nachchaduwa Tank, Nachchaduwa Scheme, North-Central Province.

Amount: Rs. 11,107 (revote).

Nature of Service: Acquisition of lands submerged by raising the water level in the tank.

This is a revote, Sir.

Supplementary Estimate (1) was passed.

(2) Salt Dept.: Reconstruction of Lewaya Bunds at Hambantota, &c.

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

	Rs.
Head 81, Salt Department	
Sub-head 6, Purchase of salt ...	4,800 (Revote)
New Sub-head 16, Saltern at Mannar ...	2,760 ..
New Sub-head 17, Reconstruction of Lewaya bunds damaged by floods at Hambantota ...	28,985 ..
	36,545

Nature of Service: For completion of works and for payments for which voted funds have lapsed.

Supplementary Estimate (2) was passed.

(4) Director of Commerce & Industries: Personal Emoluments.

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

Head 103, Director of Commerce and Industries.

Sub-head 1, Personal Emoluments.

Amount: Rs. 1,687.50.

Nature of Service: To provide for the balance salary of D. C. I. for 1941-42 on the salary scale of £1,600—50—1,750.

This Supplementary Estimate seeks to effect an adjustment in the salary scale of the Director of Commerce and Industries after his promotion on a fixed salary.

Supplementary Estimate (4) was passed.

(5) Colombo Port Commission: Extension to Harbour Engineer's Boathouse Premises.

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

Head 121, Colombo Port Commission.

Sub-head 29, Roads and Buildings.

Amount: Rs. 35,000.

Nature of Service: Extensions to the Harbour Engineer's Boathouse premises.

Supplementary Estimate (5) was passed.

(6) Colombo Port Commission: Reconstruction of Harbour Engineer's Workshops.

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

Head 121, Colombo Port Commission.

New Sub-head 39, Reconstruction of the Workshops.

Amount: Rs. 250,000.

Nature of Service: Reconstruction of the Harbour Engineer's Workshops.

Supplementary Estimate (6) was passed.

(7) Colombo Port Commission: Lorries.

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

Head 121, Colombo Port Commission.

New Sub-head 40, Purchase of three lorries.

Amount: Rs. 16,300.

Nature of Service: To meet the cost of three lorries.

Supplementary Estimate (7) was passed.

(8) Railway: Improvements to Gal-oya Station.

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

Railway Estimate.
Vote: Abroad & Capital Works—New Item, Improvements to Gal-oya Station.

Amount: Rs. 1,000.
Nature of Service: Improvements to Gal-oya Station.

Supplementary Estimate (8) was passed.

(3) Medical and Sanitary Services: Temporary Clerks.

***The Hon. Mr. G. E. de Silva (Minister of Health):** I move that Supplementary Estimate (3) standing in my name be passed:

Head 92, Medical and Sanitary Services.

Sub-head 1, Personal Emoluments, Item: Clerks.

Amount: Rs. 10 (token vote).

Nature of Service: Employment of 3 temporary clerks.

***Mr. B. H. Aluwihare (Matale):** The point I wish to make is this. Some time ago, when the Minister was asked whether the training of Midwives could not be undertaken in outstation hospitals, we were told that it could not be done. But now we find that, apart from Midwives, they are training Nurses in six months. That shows the humbug—

The Hon. Colonel Kotalawala: Just listen to the language used, Sir!

***Mr. Aluwihare:** If you cannot train Midwives in an ordinary hospital, how can you, under the present stress, train Nurses in six months?

They prevent us from having clinics without having what they call "properly-trained Midwives". They refuse to give us facilities for training them in our local hospitals. Yet, when they are pushed, they are able to turn out fully-trained Nurses in six months in local hospitals. How is that?

***The Hon. Mr. G. E. de Silva:** There are no fully-trained Nurses in six months' time; they are only taken on temporarily on account of the present emergency. If I do not do that, various places will be without the assistance they need.

[The Hon. Mr. G. E. de Silva.]

But Midwives are quite a different proposition. Can I send women who have been trained only for six months into the villages and expect them to look after expectant mothers and assist them in delivering the babies? It is impossible.

***Mr. Aluwihare:** That is a further point. You can have a Nurse look after the most serious cases in hospital after six months training because there is an emergency, but the emergency in the villages is not great enough for you to put forth an effort to train Midwives locally in hospitals.

Supplementary Estimate (3) was then passed.

**(9) Minister of Agriculture & Lands:
Salary of Secretary.**

The Hon. Mr. Senanayake: I move, Sir, that the following Supplementary Estimate be passed:

Head 60, Minister of Agriculture and Lands.

Sub-head 1, Personal Emoluments.

Amount: Rs. 5,500.

Nature of Service: To meet the salary of the Secretary to the Minister of Agriculture and Lands.

Owing to certain transfers in the Civil Service and the appointment of an Assistant Settlement Officer to the post of Secretary to the Minister of Agriculture, this money is required to make certain payments.

Supplementary Estimate (9) was passed.

**(10) Irrigation: Restoration of
Maruthamadukulam.**

The Hon. Mr. Senanayake: I move that the following Supplementary Estimate be passed:

Head 71, Irrigation Extraordinary.

New Sub-head 94, Restoration of Maruthamadukulam in Puthukudiruppu, Northern Province.

Amount: Rs. 2,000.

Nature of Service: For completion of the work.

Supplementary Estimate (10) was passed.

**(11) Mandapam Camp: Restoration of
Retrenched Posts of Clerks, &c.**

***The Hon. Mr. G. E. de Silva:** I move that the following Supplementary Estimate be passed:

Head 91, Quarantine.

Sub-head 1, Personal Emoluments.

Amount Rs. 1,244.

Nature of Service: To restore to the permanent cadre the posts of Clerk to Quarantine

Medical Officer, two Disinfecting Peons, and one Female Attendant, Mandapam Camp, retrenched in 1939-40.

Supplementary Estimate (11) was passed.

(12) Charitable Payments and Grants.

***The Hon. Mr. Corea:** I move that the following Supplementary Estimate be passed:

Head 104, Controller of Labour.

Sub-head 5, Charitable Payment and Grants.

Amount: Rs. 144,000.

Nature of Service: Payment of increased charitable allowances due to increase in cost of living.

This amount is required to pay increased allowances to persons who are now in receipt of charitable grants.

Supplementary Estimate (12) was passed.

**(13) Colombo Port Commission: Water
Supply to Graving Dock, &c.**

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

Head 121, Colombo Port Commission.

Sub-head 35, Fresh Water Main along North-east Breakwater.

Amount: 20,000.

Nature of Service: Augmenting water supplies at Graving Dock Guide Pier and Discharge Jetty.

Supplementary Estimate (13) was passed.

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

The Council having resumed—

MR. SPEAKER took the Chair.

The Hon. Mr. Senanayake: I move, that Supplementary Estimates (1) to (13), passed in Committee, be approved.

Question put accordingly, and agreed to.

Supplementary Estimates (1) to (13) were approved.

NEW WIRELESS TRANSMITTER.

The following item stood upon the Orders of the Day:

The Minister of Communications and Works to move,—

In terms of section 6 of the Public Works Loan (1937) Ordinance, (Chapter 285), it is hereby resolved that this Council authorises the expenditure

out of moneys raised under the authority of that Ordinance, of a sum not exceeding Rs. 100,000 from the sum of Rs. 245,000 specified in the second column of the Schedule to that Ordinance and appropriated thereby for "Radio Development", a purpose mentioned as item 32 in the first column of that Schedule.

Observations of the Minister of Communications and Works.

A sum of Rs. 245,000 is provided under item 32 of the Schedule to the Public Works Loan (1937) Ordinance (Chapter 285). In May, 1940, the State Council approved the release of Rs. 25,000 from this item for the provision of a Wireless telegraph transmitter for communication between Colombo and Rangoon. The main part of the equipment for this telegraph transmitter has now arrived and the Combined Signals Board agreed that the transmitter should now be assembled. It was further agreed by the Board that it would not be desirable to allocate this telegraph transmitter for permanent broadcasting work.

2. The combined Signals Board has agreed that, to provide for broadcasting facilities to cover the whole island short-wave, in addition to the existing low powered medium wave, is the most satisfactory at the present time.

3. The Vaithianathan Committee recommended that the aim of the Ceylon Government should be to provide a medium wave transmitter with a power of not less than 20 kilowatts, but there is no possibility of obtaining a transmitter of this type during the war period, and I doubt whether such a transmitter will be available for a considerable length of time after the cessation of hostilities. Moreover, the provision of a more highly powered medium wave transmitter will require a site outside Colombo, necessitating considerable building construction and other works, a programme which could not be undertaken in the present circumstances.

4. The type of transmitter which is offered by the Secretary of State appears to be the same as one of the transmitters at present in use by the Navy, which I understand is proving very efficient, and the Postmaster-General is strongly in favour of obtaining the transmitter which

is now available. I concur in his view. The cost (approximately Rs. 100,000) can be met from Loan Item 32 "Radio Development". In this connection I am advised that following the cessation of the war, the developments in radio are likely to be so far-reaching that it may prove desirable to develop the short wave rather than incur the expense of a high power medium wave transmitter. The transmitter which is offered can also be used for telegraph work, if and when required. Another factor in favour of the proposal is that modern receivers invariably provide for short wave reception, and it is unlikely, that, after the war, any receiving set will be manufactured, that does not provide for both medium and short wave receiving.

5. The Postmaster-General advises me that with this short wave transmitter it will be possible, to expedite the time when simultaneous transmission can be made in English and one of the vernacular languages, or alternatively separate programmes in both Tamil and Sinhalese, by means of the existing medium wave transmitter and proposed short wave transmitter.

Observations of the Financial Secretary.

The Financial Secretary concurs.

Report of the Board of Ministers.

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

The Hon. Colonel Kotalawala: I move the resolution standing in my name.

Question put, and agreed to.

CROWN LANDS BILL.

***Mr. Susanta de Fonseka (Deputy Speaker and Chairman, Standing Committee "A"):** I present the Report of Standing Committee "A" on the Bill intituled "An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid".

The Hon. Mr. Senanayake: I move that the amendments made by Standing Committee "A" in the Bill intituled "An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid", be taken into consideration.

CLAUSE 1.—(Short Title and Commencement.)

Amendment made by Standing Committee accepted; and Clause 1, as amended, ordered to stand part of the Bill.

CLAUSE 29.—(Title of Crown unaffected by vesting orders.)

Amendment made by Standing Committee accepted; and Clause 29, as amended, ordered to stand part of the Bill.

CLAUSE 49.—(Construction of Crown reservations.)

Amendment made by Standing Committee accepted; and Clause 49, as amended, ordered to stand part of the Bill.

CLAUSE 54.—(Summary Ejection of offenders in unlawful possession of Crown reservations.)

Amendment made by Standing Committee accepted; and Clause 54, as amended, ordered to stand part of the Bill.

CLAUSE 67.—(Appeals to the Governor.)

Amendment made by Standing Committee accepted; and Clause 67, as amended, ordered to stand part of the Bill.

CLAUSE 74.—(Rights of riparian proprietors.)

Question proposed, "That the amendment made by Standing Committee be accepted."

***Mr. H. F. Parfitt (Nominated Member):** I move the following amendment: that the words "or mechanical" be inserted after the word "domestic"

The Hon. Mr. Senanayake: This question was discussed at length. If you put in the word "mechanical", you will find all the water used for mechanical purposes and no water available for irrigating paddy-fields, etc.

The Hon. Mr. J. H. B. Nihill (Legal Secretary): The hon. Member cannot move its insertion now.

Mr. Speaker: I think an amendment to the proposed amendment can be made.

Question, "That the words 'or mechanical' be inserted after the word 'domestic', put, and negatived.

Amendment made by Standing Committee accepted; and Clause 74, as amended, ordered to stand part of the Bill.

CLAUSE 76.—(Permits to divert water and construct works and bridges.)

Amendment made by Standing Committee accepted; and Clause 76, as amended, ordered to stand part of the Bill.

CLAUSE 79.—(Communication of Government Agent's decision to applicant for permit.)

Amendment made by Standing Committee accepted; and Clause 79, as amended, ordered to stand part of the Bill.

CLAUSE 80.—(Right of aggrieved applicant to appeal to District Court.)

Amendment made by Standing Committee accepted; and Clause 80, as amended, ordered to stand part of the Bill.

CLAUSE 83.—(Cancellation of permits.)

Amendment made by Standing Committee accepted; and Clause 83, as amended, ordered to stand part of the Bill.

CLAUSE 85.—(Application of summary procedure for recovery of moneys due to Crown under instruments of disposition.)

Amendments made by Standing Committee accepted; and Clause 85, as amended, ordered to stand part of the Bill.

CLAUSE 95.—(Matters which may be provided for by regulation.)

Amendment made by Standing Committee accepted; and Clause 95, as amended, ordered to stand part of the Bill.

SECOND SCHEDULE.

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

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

The Hon Mr. Senanayake: 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.

SITTINGS OF COUNCIL.

The Hon. Mr. Senanayake: I move, Sir, that at the conclusion of this day's sitting, Council do adjourn until 2 P.M. on Tuesday, January 26, 1943.

Question put accordingly, and agreed to.

†WAR DAMAGE (IMMOVABLE PROPERTY) BILL.

***The Hon. Mr. Corea:** I move that the amendments made by Standing Committee "B" in the Bill intituled "An Ordinance to authorise payments in respect of war damage to immovable property and the collection of contributions towards the cost of such payments: and to make provision for matters connected therewith or incidental thereto" be taken into consideration; and that the Bill be thereafter read the third time and passed.

The Hon. Mr. Nihill: In regard to Clause 48, I may have a drafting amendment to make. But it will depend on whether the Committee accepts the deletion of Clause 50 which has been recommended by the Standing Committee. I understand that a motion will be made that Clause 50 do remain part of the Bill.

†For the Observations of the Financial Secretary and the Report of the Board of Ministers, see HANSARD of September 24, 1942.

Report of Standing Committee presented, November 20, 1942.

Mr. Speaker: There is no amendment to Clause 48.

The Hon. Mr. Nihill: It is consequential on the question whether Clause 50 remain part of the Bill or not, and if you will allow me to come back to Clause 48—if Clause 50 is put back—I will do so.

Mr. Speaker: Certainly; consequential amendments can be proposed at any time.

CLAUSE 48.—(Payments in respect of land sustaining repeated damage.)

Amendment made by Standing Committee accepted; and Clause 17, as amended, ordered to stand part of the Bill.

CLAUSE 19.—(Contributory property and contributory value.)

Amendment made by Standing Committee accepted; and Clause 19, as amended, ordered to stand part of the Bill.

CLAUSE 29.—(Collection of contributions.)

Amendment made by Standing Committee accepted; and Clause 29, as amended, ordered to stand part of the Bill.

CLAUSE 50.—(Certain expenses not to be a deduction for income tax or excess profits tax.)

Question proposed, "That the amendment made by the Standing Committee be accepted."

The Hon. Mr. C. E. Jones (Acting Financial Secretary): I move that Clause 50 do remain part of the Bill.

Mr. H. E. Newnham (Nominated Member): The reasons are not given.

***The Hon. Mr. Corea:** The House must be told what the amendment means. According to Clause 50, as it stood, these payments for war damages were not to be deducted for income tax purposes. But if you omit Clause 50 these payments of premia on account of war damage will be deducted as payments for income tax purposes. In War Damage Insurance Schemes, this deduction is allowed because it is considered to be an insurance scheme, whereas in these other schemes

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it is not allowed. That is the reason why we put in Clause 50 which does not permit of deductions. If that is removed, these deductions will be made, and I do not think it is quite fair that the deductions should be allowed.

Mr. Newrham: I would like to point out that this proposed amendment is in accordance with war risks, because the Insurance Ordinance which has already been passed follows the principles of the Income Tax Ordinance, and we had allowed deductions.

The Hon. Mr. Jones: I should like to say that this Bill has been based on the English Act practically throughout, and in this particular Clause the English Act definitely makes it clear that the contributions payable are treated as capital payments. I think it will be very undesirable to depart from the English Act unless there are very good reasons for it.

Another point I should like to make, Sir, is this: if this Clause is deleted, we shall have a certain amount of discrimination between the wealthy and the poor, because a wealthy company liable to excess profits tax will be allowed the expenses of these contributions and will really be in the position of being allowed a deduction of 50 per cent. on account of excess profits duty and 15 per cent. on account of income tax: in effect the two deductions will be paid by Government because of the fact that they will be exempted from these payments. The ordinary income-tax payer will get a certain amount of relief, but the poor man who is not within the income tax limit will not get any relief at all. That I think is undesirable and I move that this Clause do remain part of the Bill.

Mr. E. C. Villiers (Nominated Member): Sir, on the other side, I would like to say that anybody who pays an insurance premium is allowed to pass it through his accounts as ordinary expenditure. This is really not a form of insurance. It has not even the virtue of a proper insurance scheme. The Government asks us to pay into a pool, but does not guarantee to give us the money back when damage occurs. The pool is going to be contributed to by us, and I think it is only fair that the people who put money into it should be treated as if they

were contributing to an insurance scheme. That is all we ask for.

As for the plea that we should slavishly follow the English Act, surely this country has learned by now not to adopt a dog-like servitude and follow the English procedure. I think we might at least on this occasion have our own system.

***The Hon. Mr. Corea:** It will be a good thing to remember always that we do not adopt "a dog-like servitude" in other things too.

Question put, "That Clause 50 proposed to be deleted stand part of the Bill."

The Committee divided (under Standing Order 68): Ayes, 9; Noes, 8.

The Hon. Mr. Nihill: There is a slight drafting amendment which should be made in Clause 48.

Mr. Speaker: Is it in consequence of this amendment?

The Hon. Mr. Nihill: It is indirectly in consequence of it. It is the deletion of the words "and indemnities given" in the first line. The reason is that it was taken from the English Section, and is something which we have not got, I am told by the Financial Secretary.

Mr. Speaker: That is a consequential amendment.

CONSEQUENTIAL AMENDMENTS.

The following consequential amendments were ordered to be made:

- (a) *Clause 17 (8):* last line, the original reference to "section 53" to stand.
- (b) *Clause 19 (2) (c) (ii):* reference to be to "section 54".
- (c) *Clause 48:* delete the words "and indemnities given".
- (d) *Clause 51, 52, 53:* original numbering to stand.
- (e) *Clause 54:* (1) original numbering to stand.
(2) in definition of "war damage", original reference to "section 53" to stand.
- (f) *Table of Sections:* original numbering to stand.

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***The Hon. Mr. Corea:** 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.

AGRICULTURAL & INDUSTRIAL CREDIT CORPORATION (AMENDMENT) BILL.

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

The Minister of Labour, Industry and Commerce to move,—

That the Bill intituled "An Ordinance to amend the Ordinance intituled 'An Ordinance to provide for the establishment and regulation of the Agricultural and Industrial Credit Corporation of Ceylon'", be now read the first time.

Observations of the Financial Secretary.

The amendments proposed are intended, as stated in the objects and reasons, to give effect to certain suggestions made by the Secretary of State and the London Committee which originally formulated the proposal for the establishment of the Corporation. No additional financial implications are involved.

Report of the Board of Ministers.

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

***The Hon. Mr. Corea:** In the Addendum, there is only one item left, item 16. I move,—

That the Bill intituled "An Ordinance to amend the Ordinance intituled 'An Ordinance to provide for the establishment and regulation of the Agriculture and Industrial Credit Corporation of Ceylon'", be now read the first time.

I have made a full statement with regard to the Agricultural and Industrial Credit Corporation; I explained fully the reasons for this Agricultural and Industrial Credit Corporation when I introduced the Bill for the establishment of this Corporation. When that Bill was

sent to the Secretary of State for the Colonies, he said that he was prepared to approve of it and advise His Majesty the King to assent to it provided certain amendments which he suggested were incorporated in the Bill. We have agreed to that. The amendments proposed are explained in the Objects and Reasons appended to the Bill, and I think we might agree to them.

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

Question put accordingly, and agreed to.

Bill read the first time.

***The Hon. Mr. Corea:** I move that leave be granted to suspend the relevant Standing Orders to enable me to move the second reading of the Bill now. It is very necessary that we should finish with this Bill in order to be able to set up the Corporation as soon as possible.

Leave being granted—

***The Hon. Mr. Corea:** I move that the Bill be now read a second time.

Question put accordingly, and agreed to.

Bill read a second time.

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

Question put, and agreed to.

In Committee—

MR. SPEAKER presided as Chairman.

Clauses 1 and 2 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

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

The Council having resumed—

MR. SPEAKER took the Chair.

***The Hon. Mr. Corea:** 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.

SAVINGS CERTIFICATES: REGULATIONS.

***The Hon. Mr. C. W. W. Kannangara Minister of Education:** On behalf of the Minister of Communications and Works, I move the following motion standing in his name:

That the Regulation made by the Executive Committee of Communications and Works in pursuance of the powers vested in that Committee by section 27 of the Savings Certificates Ordinance (Chapter 292), and published in *Ceylon Government Gazette Extraordinary* No. 9,040 of November 25, 1942, be approved.

Question put, and agreed to.

VIDYALANKARA SABHA BILL.

The following item stood upon the Orders of the Day:

The Minister of Labour, Industry and Commerce to present under Standing Order 71 (5) the following report of the Executive Committee of Labour, Industry and Commerce on the Bill intitled "An Ordinance to incorporate the Vidyalankara Sabha, Kelaniya".

REPORT.

The proposal to incorporate the Vidyalankara Sabha by private Ordinance was considered by the Executive Committee of Labour, Industry and Commerce on November 10, 1942, and it decided to recommend its incorporation. It will be necessary for the Legal Secretary to approve of the form in which the Ordinance has been drafted.

(2) The Sabha has been variously referred to in the text as "the Sabha"

and sometimes as "the Corporation"; neither expression has been defined. It is suggested that—

(a) the expression "the corporation" be replaced by the specific words "the Sabha";

(b) the words "the Sabha" be defined to mean "the Vidyalankara Sabha" incorporated under this Ordinance.

(3) It is advisable that the consent of the gentlemen named as first members of the Council of the Sabha—in clause 4—be taken before the Sabha is incorporated.

***The Hon. Mr. Corea:** I present, Sir, under Standing Order 71 (5) the report of the Executive Committee of Labour, Industry and Commerce on the Bill intitled "An Ordinance to incorporate the Vidyalankara Sabha, Kelaniya".

***Mr. D. Wanigasekera (Weligama):** I move, Sir,—

That the Bill intitled "An Ordinance to incorporate the Vidyalankara Sabha, Kelaniya", be now read a second time.

Question put accordingly, and agreed to.

Bill read a second time, and allocated, under Standing Order 77 (b) to Standing Committee "B" (Mr. D. Wanigasekera being temporarily added to the Committee under Standing Order 142).

ADJOURNMENT.

The Hon. Mr. D. S. Senanayake: I move, Sir, that the Council do now adjourn.

Question put, and agreed to.

Adjourned accordingly at 4.30 P.M. until 2 P.M. on Tuesday, January 26, 1943.