46 වන කාණ්ඩය
11 වන කලාපය
(1 වන කොටස)

සිකුරාදා
1962 පෙබරවාරි 16

පාර්ලිමේන්තු විවාද

(හැන්සාඩ්)

නියෝජිත මන්ත්‍රී මණ්ඩලයේ
නිල වාර්තාව

(අශෝධිත පිටපත)

අන්තර්ගත ප්‍රධාන කරුණු

ප්‍රශ්නවලට වාචික පිළිතුරු

මන්ත්‍රී මණ්ඩලයේ කටයුතු

Criminal Law (Special) Provisions Bill :

දෙවන වර කියවීම—විවාදය ඉදිරියට ගෙන යන ලදී.

தொகுதி 46
இல. 11
[பகுதி I]

வெள்ளிக்கிழமை,
16, பெப்ரவரி 1962

பாராளுமன்ற விவாதங்கள்

(ஹன்சாட்)

பிரதிநிதிகள் சபை

அதிகாரபூர்வமான அறிக்கை

(பிழைதிருத்தப்படாதது)

பிரதான உள்ளடக்கம்

Volume 46
No. 11
[Part I]

Friday
16th February, 1962

PARLIAMENTARY DEBATES

(HANSARD)

HOUSE OF REPRESENTATIVES

OFFICIAL REPORT

(Uncorrected)

PRINCIPAL CONTENTS

පිළියෙල කරන ලද මන්ත්‍රී මණ්ඩලය

1962 පෙබරවාරි 16 වන සිකුරාදා

පූ. භා. 10 ට මන්ත්‍රී මණ්ඩලය රැස්විය. කථානායකතුමා [ගරු ආර්. එස්. පැල්පොල] මූලාසනාරූඪ විය.

ප්‍රශ්නවලට වාචික පිළිතුරු

ගාල්ලේ මාණ්ඩලික නිලධාරීන් සඳහා නිවාස ඉදි කිරීම

1. **ඩබ්ලිව්. දහනායක මයා.** (ගාල්ල)
(திரு. டப்ளியு. தகனாயக்க—காலி)
(Mr. W. Dahanayake—Galle)

මුදල් ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) පුද්ගලිකව කුලියට ගත් නිවාසවල ජීවත් වන ගාල්ලේ සේවය කරන සියලුම මාණ්ඩලික නිලධාරීන්ගේ තනතුරු එතුමා සඳහන් කරනවාද? (ආ) ගාල්ලේ, රෙසිඩන්සි භූමියේ නිවාස කීපයක් ඉදි කළ හැකි බවත්, ඉතිරි කොටස් සියල්ලම ගාල්ලේ, හීන්පැන්දෙල පොදු සේවා නිවාස ප්‍රදේශයේ ඉදි කළ හැකි බවත් එතුමා දන්නවාද? (ඉ) මේ සඳහා සැහෙන තරම් මුදල් එතුමා වෙන්කර දෙනවාද?

ගරු මෛත්‍රීපාල සේනානායක (කර්මාන්ත, ස්වදේශ හා සංස්කෘතික කටයුතු පිළිබඳ ඇමති—මුදල් ඇමති වෙනුවට)
(கௌரவ மைத்திரிபால சேனாநாயக்க—கைத்தொழில், உள்நாட்டு, கலாச்சார விவகார அமைச்சர்)
(The Hon. Maithripala Senanayeke—Minister of Industries, Home and Cultural Affairs)

(අ) විස්තර මෙසේය: දකුණේ ප්‍රධාන පරිවාස නිලධාරි. විශේෂඥ වෛද්‍ය නිලධාරීන්. නිවාස වෛද්‍ය නිලධාරීන්. බාහිර රෝගීන්ගේ අංශයේ වෛද්‍ය නිලධාරීන්. වෙනත් ශ්‍රේණිවලට අයත් වෛද්‍ය නිලධාරීන්. දන්ත ශල්‍ය වෛද්‍ය නිලධාරීන්. රෝහල් ලේකම්. දිස්ත්‍රික් නඩුකාර තැන. අතිරේක දිස්ත්‍රික් නඩුකාර තැන. අතිරේක මහේස්ත්‍රාත්. ඉඩම් රෙජිස්ට්‍රාර් සහ අතිරේක දිස්ත්‍රික් රෙජිස්ට්‍රාර්. සහකාර අලෙවි කිරීමේ කොමසාරිස්. සමුපකාර සංවර්ධන උප කොමසාරිස්. සහකාර කම්කරු කොමසාරිස්. කණිෂ්ඨ කාර්මික විද්‍යාලයාධිපති. දිස්ත්‍රික් පාඨශාලා පරීක්ෂක. අධ්‍යාපන කාර්යාලයේ ගණකාධිකාරී. දකුණු පළාත බටහිර කොටස භාර පොලිස් අධිකාරි. පොලිස් උප අධිකාරි. සෞඛ්‍ය සේවා අධිකාරි. සෞඛ්‍ය අධිකාරි කාර්යාලයේ ලේකම්/ ගණකාධිකාරි. ළය චිකිත්සාගාරයේ ප්‍රධාන වෛද්‍ය නිලධාරී. ළය චිකිත්සාගාරයේ සහකාර වෛද්‍ය නිලධාරී. පළාත් පාලන සහකාර කොමසාරිස්. දකුණු දිසා වන නිලධාරී. සුරාබදු අධිකාරි. විදුලි ඉංජිනේරු තැන. දිස්ත්‍රික් කෘෂිකර්ම ව්‍යාප්ත නිලධාරි. (ආ) ඔව්. ගාලු දිස්ත්‍රික්කයේ ප්‍රසිද්ධ වැඩ දෙපාර්තමේන්තුවේ විධායක ඉංජිනේරු තැන විසින් වාර්තා කර ඇති පරිදි රෙසිඩන්සි භූමියෙහි දිස්ත්‍රික් විනිශ්චයකාර තැනට නිවාසයක් සෑදීමට යෝජනාවක් ඇත. හීන්පැන්දෙල "5 බී" ශ්‍රේණියට අයත් නිවාස දෙකක් දැනට තිබෙන අතර, තවත් එකක් සෑදීමට යෝජනාවක් ඇත. මේවා හැර මෙම භූමි ප්‍රදේශයේ තව තවත් නිවාස ගණනාවක් තැනීමට ඉඩ කඩ තිබේ. (ඉ) මෙම ප්‍රශ්නය මුදල් තත්ත්වය සතුටුදායක වූ විට සලකා බලනු ලැබේ.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

මුදල් තත්ත්වය සතුටුදායක වීමට උවමනා නැති බව ගරු ඇමතිතුමා දන්නවාද? ආණ්ඩුවේ සේවකයකුට නිවාසයක් සාදා දුන්නාම ඒ සේවකයාට ආණ්ඩුවෙන් දෙන "රෙන්ට් එලවන්ස්" නොහොත් ගෙවල් කුලී සහනාධාර මුදල නොගෙවන බව ගරු ස්වදේශ කටයුතු භාර ඇමතිතුමා දන්නවාද? එසේ නම් වැදගත් සේවාවල යෙදී සිටින නිලධාරීන්ට නිවාස ක්‍රමයක් ඇති කරන්ට සූදනම් කරනවාද?

ගරු මෛත්‍රීපාල සේනානායක
(கௌரவ மைத்திரிபால சேனாநாயக்க)
(The Hon. Maithripala Senanayeke)

මුදල් කොපමණ ඉතුරු වුණත් දැනට පවතින මුදල් තත්ත්වය අනුව රජයේ සේවකයින්ට නිවාස සාදා දීමට මුදල් ප්‍රමාණවත් නොවන බව ගරු මන්ත්‍රීවරයාට ඒ පිළිතුරෙන් පෙනී යන්න ඇති.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

ආණ්ඩුවේ සේවකයින්ට නිවාස සාදා දීම ආණ්ඩුවට අලාභයක් නැති වැඩක් බව ගරු ස්වදේශ කටයුතු භාර ඇමතිතුමා පිළිගන්නවාද?

ගරු මෛත්‍රීපාල සේනානායක
(கௌரவ மைத்திரிபால சேனாநாயக்க)
(The Hon. Maithripala Senanayeke)

දැනට පවතින මුදල් තත්ත්වය අනුව එසේ නිවාස සාදා දීම අපහසු බවයි ප්‍රකාශ කරන්නේ.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

එසේ නම් නිවාස සාදා දීම සඳහා ආණ්ඩුවට ණය ලබාගන්න අමාරුද?

ගරු මෛත්‍රීපාල සේනානායක
(கௌரவ மைத்திரிபால சேனாநாயக்க)
(The Hon. Maithripala Senanayeke)

නිවාස සෑදීමට වඩා වැදගත් කටයුතු වලට ඒ ණය මුදල් යොදවන්න තිබෙනවා.

අනුරාධපුරයේ ආණ්ඩුවේ දිසාපති තැන පුද්ගලික ගිවිසුමකින් අලියෙක් විකිණීම

2. **ඩබ්ලිව්. දහනායක මයා.**
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

කර්මාන්ත, ස්වදේශ හා සංස්කෘතික කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) අනුරාධපුරයේ ආණ්ඩුවේ දිසාපතිතැන මෑතකදී පුද්ගලික ගිවිසුම කින් අලියෙක් විකුණු අවස්ථාවේ, ඔහු විසින් කළ යුතුව තිබුණු පරිදි සාමාන්‍ය ටෙන්ඩර් ක්‍රමයට වෙනත් අන්දමකින් කටයුතු කිරීම සඳහා පූර්ව අනුමතිය ඉල්ලා සිටියේ ද? (ආ) සාමාන්‍ය ටෙන්ඩර් ක්‍රමයට වෙනස් අන්දමකින් කටයුතු කරන විට, ඔහු විසින් කළ යුතුව තුබූ පරිදි, 898 (ii) (අ) දරණ මුදල් රෙගුලාසිය යටතේ ඔහු විසින් කර්මාන්ත, ස්වදේශ හා සංස්කෘතික කටයුතු පිළිබඳ අමාත්‍යාංශ යේ නිත්‍ය ලේකම්ගෙන් ආවරණ අනුමැ තිය ඉල්ලා තිබේද? (ඉ) ආවරණ අනුමැ තිය ඉල්ලා සිටියේ ගනුදෙනුව සිදු වී කොප මණ කලකට පසුවද?

ගරු මෛත්‍රීපාල සේනානායක
(கௌரவ மைத்திரிபால சேனாநாயக்க)
(The Hon. Maithripala Senanayeke)

(අ) නැත. මේ අලියාට කෑම දීම සඳහා රු. 2088.75 ක වියදමක් දැරීමට සිදු වී ඇත. මෙය අලි වියදමක් නිසා, ඌ රුපියල් 3088.25 ට විකිණීමෙන් නියම ලාභයක් ලැබෙන බව පෙනී ගියේය. රුපියල් එක් දාහකට තරම් අඩු මිලකට, කෑම සඳහා මුලදී වියදම් වී තිබුණ සුළු මුදල් ප්‍රමාණයත් එකතුකොට විකිණීමට පවා කිසිවෙකු කලින් සොයාගත නොහැකි විය. (ආ) ඔව්. (ඉ) මාස 10 කට පසුවය.

බන්ධනාගාර දෙපාර්තමේන්තුවට මාරු කළ පිස්කල් ගාඩ්වරුන්ගේ රාජකාරි කටයුතු සේවක වරප්‍රසාද

3. **පී. සී. ඉඹුලාන මයා.** (ருவன்வெல்ல)
(திரு. பீ. ஸீ. இம்புலான—ரூவான்வல்ல)
(Mr. P. C. Imbulana—Ruwanwella)

කර්මාන්ත, ස්වදේශ හා සංස්කෘතික කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) (i) පිස්කල් ගාඩ්වරුන්ගෙන් කොට සක් 55.10.1 වැනි දින සිට බන්ධනාගාර දෙපාර්තමේන්තුවට මාරු කළ බවත් ඔවුන් ආරක්ෂක පියන් නමැති පදවි නාම යෙන් හැඳින්වූවත් බන්ධනාගාර මුරකරු වන්ගේ රාජකාරි කටයුතු පවරා ඇති බවත්; (ii) මෙම සේවක කොට්ඨාශය එකම දෙපාර්තමේන්තු රෙගුලාසිවලට යටත් වූවත් බන්ධනාගාර මුරකරුවන්ට දෙපාර්තමේන්තුව විසින් දෙන ලද වරප්‍ර සාද ඔවුන්ට නොදී ඇති බවත්; (iii) 1955 දී රජය විසින් මුලින් පිළිගන්නා ලද ඔවුන්ගේ වෘත්තීය සමිතිය තාවකාලිකව නවත්වා ඇති බවත් එතුමා දන්නවාද? (ආ) මෙම සේවකයින්ගේ ඉල්ලීම් ගැන සලකා බලා එතුමා ඔවුන්ට සැහෙන සහන යක් ලබා දෙනවාද? (ඉ) ඔවුන්ගේ වෘත්තීය සමිතිය නැවත පිළිගෙන ඔවුන්ගේ දුක්ගැනවිලි සම්බන්ධව වෘත්තීය සංග මයේ නියෝජිත පිරිසක් සමග සම්මුඛ සාකච්ඡාවක් පවත්වනවාද?

ගරු මෛත්‍රිපාල සේනානායක
(கௌரவ மைத்திரிபால சேனாநாயக்க)
(The Hon. Maithripala Senanayeke)

(අ) (i) නැත. පිස්කල් දෙපාර්තමේන්තුවෙන් ආරක්ෂක පියන්වරුන්ගේ කොටසක් 55.10.1 වන දින බන්ධනාගාර දෙපාර්තමේන්තුවට මාරුකරනු ලැබ ඔවුන්ට ආරක්ෂක පියන්වරුන් වශයෙන් නිලනාමය දී ඇත. බන්ධනාගාර නියාමකයින්ගේ (ගාඩ්වරුන්ගේ) රාජකාරි ඔවුන්ට පවරා නැත. පිස්කල් දෙපාර්තමේන්තුවේදී රිමාන්ඩ් සිරකරුවන් උසාවිවලට ගෙනයෑම සහ උසාවිවලින් ගෙන ඒමටද, සිරමැදිරිවල නවත්වා ඇති රිමාන්ඩ් සිරකරුවන් රැක බලා ගැනීමටද මෙම සේවකයින් යොදවා ඇත. (ii) නැත. මුදල් රෙගුලාසි, පාලන රෙගුලාසි සහ භාණ්ඩාගාර නියෝගයන් අනුව මොවුන්ට නිමි වරප්‍රසාද දෙනු ලැබේ. (iii) 1955 ඔක්තෝබර් මාසයේදී මොවුන් මෙම දෙපාර්තමේන්තුවට මාරු කිරීමට පෙර, "සමස්ත ලංකා තාවකාලික පිස්කල් සුළු සේවක සංගමය" යනුවෙන් වෘත්තීය සමිතියක් පිහිටුවා එලෙසම ලියාපදිංචි කරන ලදී. මෙම වෘත්තීය සමිතිය 1960 දී "සමස්ත ලංකා බන්ධනාගාර පිස්කල් ආරක්ෂක සේවක සංගමය" යනුවෙන් ලියාපදිංචි කොට ඇත. මොවුන් බන්ධනාගාර නිලධාරි මණ්ඩලයේ සාමාජිකයින් බැවින්ද, පාලන රෙගුලාසි 247 යටතේ වෘත්තීය සමිතියක් පිහිටුවා ගැනීමට නොහැකි බැවින්ද, ඒ බව වෘත්තීය සමිති රෙජිස්ට්‍රාර් වෙත දැනුම් දීමෙන් පසු මෙම සමිතියේ ලියාපදිංචිය අවලංගු කරන ලදී. (ආ) මෙම නිලධාරීන් විසින් ඉදිරිපත් කරන ලද කරුණු සහ ඉල්ලීම් සලකා බලා ඇති අතර දිය හැකි හැම දෙයක්ම ඉටුකොට ඇත. (ඉ) මොවුන්ගේ වෘත්තීය සමිතිය නැවතත් පිළිගැනීමට පාලන රෙගුලාසි 247 යටතේ කළ නොහැක. මොවුන් දෙපාර්තමේන්තුවේ හවුල් සංගමයේ සාමාජිකයින් වන බැවින්, සලකා බැලීම පිණිස මොවුන්ගේ දුක්ගැනවිලි එම හවුල් සංගමය වෙත ඉදිරිපත් කළ හැක.

අනුරාධපුර බන්ධනාගාරයේ එච්. පී. එම්. ගුණවර්ධන අප්පුහාමි සහ එච්. එම්. කුරුප්පු යන අය අතර ඇති වූ අරගලය

4. වෛද්‍යාචාර්ය ඩබ්ලිව්. ඩී. ද සිල්වා (බොරැල්ල)
(டொக்டர் டப்ளியு. டீ. டி சில்வா—பொறல்ல)
(Dr. W. D. de Silva—Borella)

කර්මාන්ත, ස්වදේශ හා සංස්කෘතික කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) අනුරාධපුර බන්ධනාගාරයේ එච්. පී. එම්. ගුණවර්ධන අප්පුහාමි සහ එච්. එම්. කුරුප්පු නමැති ජේල්ගාඩ්වරු දෙදෙනා අතර 1961 ජනවාරි 21 වැනි දින විනෝද ශාලාවේදී අරගලයක් ඇතිවීම නිසා 1961 පෙබරවාරි 1 වැනි දින සිට එච්. පී. එම්. ගුණවර්ධන අප්පුහාමිගේ වැඩ නවත්වා ඇති බවත්, 1961 නොවැම්බර් 18 වැනි දින ඒ ගැන විභාගයක් පැවැත්වූ නමුත් එය සම්පූර්ණ නොකොට කල්දමා ඇති බවත් එතුමා දන්නවාද? (ආ) මේ ගැන වහාම විභාගයක් පවත්වා මෙම නිලධාරියාට නැවත රැකියාව ලබා දීමට එතුමා ක්‍රියා කරනවාද? එසේ නම් කවදාද?

ගරු මෛත්‍රිපාල සේනානායක
(கௌரவ மைத்திரிபால சேனாநாயக்க)
(The Hon. Maithripala Senanayeke)

(අ) පරීක්ෂණය 1962 ජනවාරි 25 වන දින අවසාන කරන ලදී. ප්‍රමාදය වූයේ නිලධාරියා විසින් වරින්වර ඉදිරිපත් කරන ලද කරුණු හේතුකොටගෙනය. (ආ) නිලධාරියා සේවයෙන් පහ කිරීමට නියෝග කොට ඇත.

ගාල්ලේ අධ්‍යාපන කාර්යාලයේ ලිපිකරු වෙකු ගා/දික්කුඹුර සිද්ධාර්ථ පාසැලේ ගුරුවරයකුට හිරිහැර කිරීම

5. ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

අධ්‍යාපන හා ගුවන් විදුලි කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) ගාල්ලේ අධ්‍යාපන කාර්යාලයේ ලිපිකරු වෙකු විසින් ගා/දික්කුඹුර සිද්ධාර්ථ අධ්‍යක්ෂ පාළිත පාසැලේ ගුරුවරයෙකුට මහ පාරේදී අවහිර කොට අපවාද කිරීම පිළිබඳව 1961 ඔක්තෝබර් 18 වන දින

[බබිලිව්. දහනායක මයා.]

ගාල්ලේ උප අධ්‍යාපන අධ්‍යක්ෂ තැනට පැමිණිල්ලක් ලැබුණේද? (ආ) මේ වනාහි ප්‍රශ්නගත ගුරුවරයා විසින්, ලිපිකරුගේ කිට්ටු ඥාතිවරයෙකු වන ප්‍රධානාචාර්යවරයාට විරුද්ධව කරන ලද පැමිණිල්ලකින් පසුව වූ සිද්ධියක් බව එතුමා දන්නවාද? (ඉ) 1961 ඔක්තෝබර් 18 වන දින කරන ලද පැමිණිල්ල සම්බන්ධයෙන් විභාගයක් පැවැත්වීමට උප අධ්‍යාපන අධ්‍යක්ෂ තැන අකැමැති වූයේ මන්ද? (ඊ) චෝදිත සිද්ධිය සම්බන්ධයෙන් සම්පූර්ණ හා අපක්ෂපාත විභාගයක් පැවැත්වීමට එතුමා කටයුතු කරනවාද?

වී. ටී. ජී. කරුණාරත්න මයා. (අධ්‍යාපන හා ගුවන් විදුලි පිළිබඳ පාර්ලිමේන්තු ලේකම්)

(திரு. வீ. ரி. ஜீ. கருணாரத்ன—கல்வி, ஒலிபரப்பு அமைச்சரின் பாராளுமன்றக் காரிய தரிசி)

(Mr. V. T. G. Karunaratne—Parliamentary Secretary to the Minister of Education and Broadcasting)

(අ) මෙවැනි පැමිණිල්ලක් ගුරුවරයා විසින් කර නැත. නමුත් ගාල්ලේ පාර්ලිමේන්තු මන්ත්‍රීතුමා ගාල්ලේ අධ්‍යාපන කාර්යාලයේ සේවයේ නියුතු ලිපිකරු එන්. පී. ඒ. නන්දපාල මහතාගේ මෝටර් බයිසිකලය ගා/දික්කුඹුරේ පාසැලේ බී. රුබන් නමැති උප ගුරුමහතාගේ ඇඟේ හප්පන ලද බව විදුලි පුවතකින් 1961.10.18 වැනි දින ගාල්ලේ සහකාර අධ්‍යක්ෂ වෙත දන්වන ලදී. (ආ) නැත. (ඉ) මූලික විභාගයක් පවත්වන ලෙස ගාල්ලේ සහකාර අධ්‍යාපන අධ්‍යක්ෂට දන්වා තිබේ. (ඊ) එසේය, මූලික විභාගයෙන් අවශ්‍ය බව පෙනී ගියහොත්.

කේරි විද්‍යාලයේ දෙමළ අංශය වසාගෙන යාම

7. එස්. තොන්ඩමන් මයා. (පත් කරන ලද මන්ත්‍රී)

(திரு. எஸ். தொண்டமான்—நியமன அங்கத்தவர்)

(Mr. S. Thondaman—Appointed Member)

අධ්‍යාපන හා ගුවන් විදුලි කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) කොළඹ කේරි විද්‍යාලයේ දෙමළ අංශය සුහුසුලුව වසාගෙන යන බවත්, එහි ප්‍රතිඵලයක් වශයෙන් ප්‍රදේශයේ දෙමළ ළමයින් කිව නොහැකි තරමේ දුෂ්කරතා වන්ට ගොදුරු වී සිටින බවත් එතුමා දන්නවාද? (ආ) මේ තත්ත්වය නැති කිරීමට එතුමා කුමන පියවරක් ගැනීමට අදහස් කරන්නේද?

වී. ටී. ජී. කරුණාරත්න මයා.

(திரு. வீ. ரி. ஜீ. கருணாரத்ன)

(Mr. V. T. G. Karunaratne)

(*a*) No. This school has closed down the Tamil stream of the primary section from January 1962. The decision to close it down was notified to parents in October 1960. This was done as a result of the numbers in the primary section falling rapidly in 1960. The number in each class in 1960 was as follows:

Standard II	2
Standard III	7
Standard IV	15
Standard V	8

(*b*) It is not proposed to take any action in this matter. The few children who were displaced could find accommodation in the nearest Tamil school.

තොන්ඩමන් මයා.

(திரு. தெண்டமான்)

(Mr. Thondaman)

Is the hon. Parliamentary Secretary aware of the fact that the school authorities closed down the infant class a few years back as a result of children not seeking admission to it? Is he aware that the drop in the number of children was not due to the fact that no children were available in the area but due to the fact that the management deliberately closed down the infant class first and each year they are closing down a few classes?

වී. ටී. ජී. කරුණාරත්න මයා.

(திரு. வீ. ரி. ஜீ. கருணாரத்ன)

(Mr. V. T. G. Karunaratne)

I am not aware of that fact. The attendance had decreased, and as a result the primary section was closed down.

තොන්ඩමන් මයා.
(திரு. தொண்டமான்)
(Mr. Thondaman)

Is the hon. Parliamentary Secretary aware that the management refused to admit children to the lower classes and closed them down ?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரீ. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

I shall look into the matter.

කැ/කොබ්බෑවල කීර්තිරත්න විද්‍යාලයේ උපගුරු එස්. එම්. මුණසිංහ මහතාට විරුද්ධ චෝදනා විභාගය

8. පී. බී. බාලසූරිය මයා. (ගලිගොමුව)
(திரு. பீ. பி. பாலசூரிய—கலிகொமுவ)
(Mr. P. B. Balasuriya—Galigomuwa)

අධ්‍යාපන හා ගුවන් විදුලි කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) කැ/කොබ්බෑවල කීර්තිරත්න විද්‍යාලයේ ජ්‍යෙෂ්ඨ උපගුරු එස්. එම්. මුණසිංහ මහතා රුපියල් 3,000ක් පමණ වටිනා ලී රජයේ අවසරයක් නැතුව විකුණු බවට එකී පාසැලේ හිටපු ප්‍රධානාචාර්යවර එච්. එස්. කරුණාරත්න මහතා 1960.10.26 වන දින ඔහුට විරුද්ධව යවන ලද පෙත්සම විභාග කළ නමුත් ඒ විභාගයේ ප්‍රතිඵල මේ දක්වා නොදැන්වූ බව එතුමා දන්නවාද? එසේ නම්, ඊට හේතු කවරේද? (ආ) ඔහු පාසැල් ගොඩනැගිල්ලක ලී සහ පාසැල් පොත් විකුණු බවත්, 1959/60 වර්ෂයට අසත්‍ය වියදම් ලැයිස්තුවක් ඉදිරිපත් කළ බවත් පෙත්සම්කරු ඉදිරිපත් කළ චෝදනා සම්බන්ධයෙන් විභාගයක් පැවැත්වූ බවත් එතුමා දන්නවාද? (ඉ) එම විභාගයේ ප්‍රතිඵල මොනවාද? (ඊ) ප්‍රතිඵල තවම ඉදිරිපත් කොට නැත් නම් ප්‍රමාද වීමට හේතු මොනවාද? (උ) පෙත්සම්කරුට එකී පෙත්සම්වල ප්‍රතිඵල දැනගන්නට නොලැබුණු හෙයින් 1961.8.2 වැනි දින හා 1961.8.31 වැනි දින නැවත ඔහු මතක් කිරීම් යවා අන්තිමේදී 1961.9.28 වැනි දින අගමැතිණිය වෙත යැවූ පෙත්සමද අමාත්‍යාංශය වෙත හරවා එවූ නමුත් මේ වනතුරුම ඔහුට එහි ප්‍රතිඵල දන්වා නැති බව එතුමා දන්නවාද? (ඌ) එතුමා ඒ ගැන තුමක් කරන්නේද?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரீ. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

මෙම ප්‍රශ්නයට පිළිතුරු දීමට කල් ඉල්ලා සිටිනවා. කැගල්ලේ අධ්‍යාපන කාර්යාලයෙන් තවම පිළිතුරු ලැබී නැහැ.

ප්‍රශ්නය මතු දිනකදී ඉදිරිපත් කිරීමට නියෝග කරන ලදී.

හාලි ඇල බදි/දික්වැල්ල රජයේ දෙමළ පාඨශාලාවට ප්‍රධානාචාර්යවරයා පත් කිරීම ගැන විරෝධය දැක්වීම

9. තොන්ඩමන් මයා.
(திரு. தொண்டமான்)
(Mr. Thondaman)

අධ්‍යාපන හා ගුවන් විදුලි කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) හාලි ඇල බදි/දික්වැල්ල රජයේ දෙමළ පාඨශාලාවට ප්‍රධානාචාර්යවරයා පත් කිරීම පිළිබඳව දෙමළ දෙමව්පියන් විසින් විරුද්ධත්වය ප්‍රකාශ කරන ලද බව එතුමා දන්නවාද? (ආ) පත්වීම කරන ලද්දේ සාමාන්‍ය ක්‍රමයට පටහැණිව හා මේ දෙමළ පාඨශාලාව මුස්ලිම් පාඨශාලාවක් බවට පත්කිරීමේ අදහසක් ඇති වද? (ඉ) එසේ නම්, මේ වෙනස කරන ලද්දේ කවදද? එවැනි තත්ත්වයක් ඇති වීමට මුල් වූ හේතු මොනවාද?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரீ. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

(*a*) Only a telegram protesting against the appointment of a Muslim headmaster to Bd/Dickwella Government Muslim school has been received. There is no confirmation of this telegram. (*b*) No. The appointment has been made in accordance with the existing normal practice. (*c*) With effect from 1.11.61 when it was discovered that this school was in point of fact a Muslim majority school in accordance with departmental rules.

තොන්ඩමන් මයා.
(திரு. தொண்டமான்)
(Mr. Thondaman)

Is it the policy of the Government to convert all Tamil schools in the plantation areas into Muslim schools and refuse admission to Tamil children ?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரீ. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

According to departmental rules, when the majority of children in a school are Muslims we appoint a Musl.m headmaster.

තොන්ඩමන් මයා.
(திரு. தொண்டமான்)
(Mr. Thondaman)

Is the hon. Parliamentary Secretary aware of the fact that in up-country areas departmental officers visit schools and instruct the principals of those schools not to admit Tamil children, and in this way try to convert a Tamil school into a Muslim school ?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரீ. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

We have not given any such instructions. We admit all children.

තොන්ඩමන් මයා.
(திரு. தொண்டமான்)
(Mr. Thondaman)

I have myself complained about this matter to the Hon. Minister of Education. Will the hon. Parliamentary Secretary look into this matter and take action against the officers who are trying to instruct principals of schools not to admit Tamil children ?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரீ. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

I will look into the matter.

ජ්‍යෙෂ්ඨ සමතුන් නොවූවන් දැනට සේවයේ යෙදී සිටින අයට හෙදි සහයිකා විභාගයට පෙනී සිටීමට ඉඩ දීම

11. ඉම්බුලාන මයා.
(திரு. இம்புலான)
(Mr. Imbulana)

සෞඛ්‍ය කටයුතු පිළිබඳ පාර්ලිමේන්තු ලෙක්මිගෙන් ඇසූ ප්‍රශ්නය: (අ) (i) හෙදි සහායිකා විභාගයට පෙනී සිටිය සැක්කේ ජ්‍යෙෂ්ඨ සමතුන්ට පමණක් බවත්; (ii) පළපුරුද්දත්, අධ්‍යාපනය හා බුද්ධියත් ඇති තරුණ අය විශාල සංඛ්‍යාවක් සෞඛ්‍ය දෙපාර්තමේන්තුවේ සිටින නමුත් ජ්‍යෙෂ්ඨ පාඨශාලා සහතික පත්‍ර සුදුසුකම නොමැති හෙයින් ඔවුන්ට විභාගයට පෙනී සිටිය නොහැකි බවත් එතුමා දන්නවාද? (ආ) එබැවින්, සේවයේ එක් තැනකම නතරවීම හා කලකිරීම වළක්වා ඔවුන්ගේ බලාපොරොත්තු දියුණු කරගැනීම සඳහා මේ විභාගයට පෙනී සිටීමට අවස්ථාවක් ලබා දෙනු පිණිස දැනට සේවයේ යෙදී සිටින අය සම්බන්ධයෙන් මේ විභාගය සඳහා ජ්‍යෙෂ්ඨ පාඨශාලා සහතික පත්‍ර සුදුසුකම ඒතුමා අත් හරිනවාද?

ජේ. පී. ඔබේසේකර මයා. (සෞඛ්‍ය කටයුතු පිළිබඳ පාර්ලිමේන්තු ලේකම්)
(திரு. ஜே. பீ. ஒபயசேக்கர—சுகாதார அமைச்சரின் பாராளுமன்றக் காரியதரிசி)
(Mr. J. P. Obeyesekere—Parliamentary Secretary to the Minister of Health)

(*a*) (i) Yes ; (ii) Yes. Nurse-aide training was instituted for the purpose of improving the training of auxiliary nursing. The recruitment of attendants has now ceased and a basic educational qualification for a nurse-aide is considered very desirable, more so as it will give the opportunity of promotions to higher grades in the nursing service. (*b*) The question of lowering the educational qualifications of attendants of the Health Department who have the necessary experience and aptitude is being considered at present in connection with a scheme of promotion of employees to a certain number of posts in the nurse-aide service by competition among themselves. The formulation of such a scheme is under active consideration at present.

ඇමෙරිකාවෙන් ලී ඉරුම් යන්ත්‍ර දෙකකට ඇනවුම් ඉදිරිපත් කිරීම

13. අනිල් මුණසිංහ මයා. (අගලවත්ත)
(திரு. அனில் முனசிங்ஹ—அகலவத்த)
(Mr. Anil Moonesinghe—Agalawatta)

කෘෂිකර්ම, ඉඩම්, වාරිමාර්ග හා විදුලි බලය පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) කැළෑ සංරක්ෂක නිලධාරි විසින්

ඇමෙරිකාවෙන් තවත් ලී ඉරුම් යන්ත්‍ර දෙකකට ඇනවුම් ඉදිරිපත් කර ඇති බව එතුමා දන්නවාද? (ආ) ජපානය බටහිර ජර්මනිය, හංගේරියාව, හා සෝවියට් රාජ්‍ය වැනි යන්ත්‍ර නිෂ්පාදනය කරන රටවලින් වැඩ විස්තර පත්‍රිකා අනුව ටෙන්ඩර් නොකැඳවන ලද්දේ මන්ද? (ඉ) මෙම රටවලින් ඒ හා සමාන යන්ත්‍ර ලබාගත හැකි බවත් ඒවා කාර්මික අතින් හොඳ හා මිළෙන් අඩු ඒවා බවත් එතුමා දන්නවාද?

ගරු සී. පී. ද සිල්වා (කෘෂිකර්ම, ඉඩම්, වාරිමාර්ග හා විදුලි බලය පිළිබඳ ඇමති හා සභානායක)

(கௌரவ சீ. பீ. டி சில்வா—கமத்தொழில், காணி, நீர்ப்பாசன, மின்விசை அமைச்சரும் சபை முதல்வரும்)

(The Hon. C. P. de Silva—Minister of Agriculture, Land, Irrigation and Power and Leader of the House)

(*a*) The Conservator of Forests has not ordered 2 Lumber Harvesters from America. (*b*) Action has already been taken to call for world-wide tenders for the purchase of 2 Lumber Harvesters. (*c*) Does not arise.

ආහාර නිෂ්පාදන ඕවර්සියර් සී. ඩබ්ලිව්. කුමසාරු

ජේ. ආර්. ජයවර්ධන මයා. (දකුණු කොළඹ පළමුවන මන්ත්‍රී)

(திரு. ஜே. ஆர். ஜயவர்தன—கொழும்பு தெற்கு முதலாம் அங்கத்தவர்)

(Mr. J. R. Jayewardene—First Colombo South)

කෘෂිකර්ම, ඉඩම්, වාරිමාර්ග හා විදුලි බලය පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) මාතර දිස්ත්‍රික්කයේ කන්දබොඩ පත්තුවේ ආහාර නිෂ්පාදන ඕවර්සියර් සී. ඩබ්ලිව්. කුමසාරු ධම්පහල ගම්බද උසාවියේ අංක 3484 දරණ නඩුවේ වරදකරු කොට රුපියල් 50ක් දඩ ගසන ලද බවත්, ඔහු වරදකරු බව ඇපෑලේදී තහවුරු වූ බවත් එතුමා දන්නවාද? (ආ) මේ සම්බන්ධයෙන් ඔහුට විරුද්ධව දෙපාර්තමේන්තුව මගින් ගෙන ඇති පියවර කුමක්ද? එසේ ක්‍රියා කර නැත්නම්, ඒ මන්ද.

ගරු සී. පී. ද සිල්වා

(கௌரவ சீ. பீ. டி சில்வா)

(The Hon. C. P. de Silva)

(*a*) Yes. (*b*) His increment has been deferred for one year.

පළාත් පාලන සභාපතිවරුන් විසින් පළාත් පාලන සේවකයන්ට ගෙවිය යුතු වැටුප් නොගෙවීම

18. **අනිල් මුණසිංහ මයා.**

(திரு. அனில் முனசிங்ஹ)

(Mr. Anil Moonesinghe)

පළාත් පාලන හා නිවාස කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) සමහර පළාත් පාලන සේවකයින්ට ඔවුන්ට නියමිත වැටුප් ඇතැම් පළාත් පාලන සභාපතිවරුන් විසින් නොගෙවන බවත්, දැනට අගලවත්ත මහපත්තු ගම් කාර්ය සභාවේ ප්‍රධාන ලිපිකරු වශයෙන් සේවය කරණ එස්. ඩී. පතිනායක මහතා මීගම ඉත්තපාන වැලිපැන්න ගම්කාර්ය සභාවේ ලිපිකරුවෙකු වශයෙන් සේවය කළ කාලය තුළදී ලැබිය යුතු වමියක හිඟ වැටුප් මුදලක් එම ගම්කාර්ය සභාවේ සභාපති විල්මට් ජයනෙත්ති මහතා විසින් නොගෙවා ඇති බවත් එතුමා දන්නවාද? (ආ) එසේ නම්, "චොක්ෂි" වාර්තාවේ 25 වෙනි පරිච්ඡේදයේ 2 වෙනි වගන්තියේ 1160 දරණ ඡේදය අනුව ඇස්. ඩී. පතිනායක මහතාට මීගම—ඉත්තපාන—වැලිපැන්න ගම්සභාපති විල්මට් ජයනෙත්ති මහතාගෙන් ලැබිය යුතු වමියක හිඟ වැටුප් මුදල ලබාදීමට එතුමා ක්‍රියා කරනවාද? (ඉ) පළාත් පාලන සේවයේ යෙදී සිටින සේවකයින් විශාල සංඛ්‍යාවක් පළාත් පාලන සභාපතිවරුන්ගේ අයුතු වැඩ පිළිවෙල නිසා කරදරවලට මුහුණපාන බැවින් "චොක්ෂි" වාර්තාවේ 25 වෙනි පරිච්ඡේදයේ 2 වෙනි වගන්තියේ 1160 දරණ ඡේදය ක්‍රියාවේ යෙදවීමට එතුමා ක්‍රියා කරනවාද? එසේ නම් කවදාද?

ටී. බී. තෙන්නකෝන් මයා. (ප්‍රවාහණ හා රජයේ වැඩ පිළිබඳ පාර්ලිමේන්තු ලේකම්—පළාත් පාලන හා නිවාස කටයුතු පිළිබඳ ඇමති වෙනුවට)

(திரு. ரீ. பி. தென்னகூன்—போக்குவரத்து, கட்டுவேலை அமைச்சரின் பாராளுமன்றக் காரியதரிசி)

(Mr. T. B. Tennekoon—Parliamentary Secretary to the Minister of Transport and Works)

(අ) මම දනිමි. (ආ) මීගම ඉත්තපාන වැලිපැන්න ගම්කායයි සභාවේ සභාපති, පතිනායක මහතාට ගෙවිය යුතු වැටුප් මුදල ගෙවීම ප්‍රතික්ෂේප කරයි. එය ගෙවීමට ඔහුට බල කිරීමට නීතියෙන් ඉඩක් නැත. (ඉ) යෝජිත පළාත් පාලන සේවා ආඥාපණතේ සංශෝධන කෙටුම් පතේ මීට සුදුසු විධිවිධාන ඇතුළත් කරනු ලැබේ.

ලංකාවේ දැනට පදිංචි වී සිටින ඉන්දියානු වන්ට ඉන්දියාවේ ස්ථිර පදිංචිය සඳහා යාමට තිබෙන අවහිරකම්

19. **ටී. විලියම් ප්‍රනාන්දු මයා.** (නුවර එළිය)

(திரு. ரீ. வில்லியம் பெர்ணாண்டோ—நுவரெலிய)

(Mr. T. William Fernando—Nuwara Eliya)

අගමැතිගේත්, රාජ්‍යාරක්ෂක හා විදේශ කටයුතු පිළිබඳ ඇමතිගේත් පාර්ලිමේන්තු ලේකම්ගෙන් ඇසූ ප්‍රශ්නය: (අ) දැනට ලංකාවේ පදිංචිව සිටින ඉන්දියානුන්ට ඉන්දියාවේ ස්ථිර පදිංචියට යෑමට ලංකා රජයෙන් හෝ ඉන්දියානු රජයෙන් අවහිර තිබේද? (ආ) එසේ අවහිරකම් තිබේනම් ඊට හේතුව කුමක්ද? (ඉ) නුවර එළියේ ඔලිෆන්ට් වත්තේ එන්. රාමන් නමැති තැනැත්තා දරු පවුලත් සමග ඉන්දියාවේ ස්ථිර පදිංචියට යෑමට 1959 යේ සිට අවසර ඉල්වා සිටියදීත් මෙතෙක් අවසර නොදීමට හේතුව කුමක්ද? (ඊ) මෙවැනි අවහිරකම් මගහැරවීමට එතුමා කටයුතු සලසනවාද?

ගරු මෛත්‍රීපාල සේනානායක (කර්මාන්ත, ස්වදේශ හා සංස්කෘතික කටයුතු පිළිබඳ ඇමති—අගමැතිගේත් රාජ්‍යාරක්ෂක හා විදේශ කටයුතු පිළිබඳ ඇමතිගේත් පාර්ලිමේන්තු ලේකම් වෙනුවට)

(கௌரவ மைத்திரிபால சேனாநாயக்க—கைத்தொழில், உள்நாட்டு, கலாச்சார விவகார அமைச்சர்)

(The Hon. Maithripala Senanayeke—Minister of Industries, Home and Cultural Affairs)

(අ) නැත. (ආ) අදාළ නොවේ. (ඉ) එන්. රාමන් මහතාට ඉන්දියාවට පිටත්වී යාම සඳහා ලංකා රජයෙන් අවසරයක් අනවශ්‍යය. (ඊ) අදාළ නොවේ.

ටී. විලියම් ප්‍රනාන්දු මයා.

(திரு. ரீ. வில்லியம் பெர்ணாண்டோ)

(Mr. T. William Fernando)

ගරු කථානායකතුමනි, මට අතුරු ප්‍රශ්නයක් අහන්න තිබෙනවා. එසේ නම් ඔහුගේ ඉල්ලීම ප්‍රතික්ෂේප කර තිබෙන්නේ මොන හේතුවක් නිසාද කියා මම දැන ගන්ට කැමතියි.

ගරු මෛත්‍රීපාල සේනානායක

(கௌரவ மைத்திரிபால சேனாநாயக்க)

(The Hon. Maithripala Senanayeke)

ගරු කථානායකතුමනි, මෙහි සඳහන් වී තිබෙන පිළිතුරුවලින් මට ඒ අතුරු ප්‍රශ්නයට පිළිතුරු දෙන්න පුළුවන්කමක් නැහැ.

විලියම් ප්‍රනාන්දු මයා.

(திரு. வில்லியம் பெர்ணாண்டோ)

(Mr. William Fernando)

ගරු කථානායකතුමනි, ඉන්දියානු ප්‍රශ්නය අද ඉතා උග්‍ර ප්‍රශ්නයක් වී තිබෙනවා. තම ධනය ඉන්දියාවේ තිබෙන අය ඉන්දියාවේ ස්ථිර පුර වැසියන් වශයෙන් ජීවත් වීමට සිය කැමැත්තෙන්ම ඉන්දියාවට පිටත් වී යාමට ඉල්ලුම් කරන විටත් ඒ අයට අවහිරකම් කරනවා නම් මේ උග්‍ර ප්‍රශ්නය විසඳන්නේ කවදද?

ගරු මෛත්‍රීපාල සේනානායක

(கௌரவ மைத்திரிபால சேனாநாயக்க)

(The Hon. Maithripala Senanayeke)

ඔවුන් ඉන්දියානු පුරවැසියන් නම් ඉන්දියන් මහා කොමසාරිස් කාර්යාලය මාර්ගයෙන් බල පත්‍රයක් ලබාගෙන ඔවුන්ට පිට වී යන්ට පුළුවනි.

විලියම් ප්‍රනාන්දු මයා.

(திரு. வில்லியம் பெர்ணாண்டோ)

(Mr. William Fernando)

ඉන්දියානු මහ කොමසාරිස් කාර්යාලය තමයි, මේ බල පත්‍ර නොදී අවහිර කරන්නෙ. ඔවුන්ගෙ පවුල්වල කොටසක් මෙහෙ ඉන්නව, අනික් කොටස ඉන්දියාවේ. ඔවුන්ගෙ දේපල වලින් විශාල කොටසක් තිබෙන්නෙත් ඉන්දියාවේ. ඒකයි, මම මේක උග්‍ර ප්‍රශ්නයක් කියා කියන්නෙ.

පසුගිය වර බඳවා ගත් පොලිස් කොස්තාපල්වරුන්

20. **ඊ. එල්. බී. හුරුල්ලෙ මයා.** (හොරොව් පොතාන)

(திரு. ஈ. எல். பி. ஹுருல்ல—ஹொறவ்பொத்தான)

(Mr. E. L. B. Hurulle—Horowupotana)

අගමැතිගේත්, රාජ්‍යාරක්ෂක හා විදේශ කටයුතු පිළිබඳ ඇමතිගේත් පාර්ලිමේන්තු ලේකම්ගෙන් ඇසූ ප්‍රශ්නය: (අ) පොලිස් සේවාවට පොලිස් කොස්තාපල්වරුන් බඳවා ගැනීම සඳහා පසුගිය වර පවත්වන ලද බඳවා ගැනීමේදී කී දෙනෙකු බඳවා ගන්නා ලද්දේද? (ආ) ඔවුන් අතුරෙන් කී දෙනෙක් (i) සිංහල (ii) දෙමළ, (iii) අන්‍ය ජාතිකයෝ වෙත්ද?

ගරු මෛත්‍රීපාල සේනානායක (අගමැතිගේත්, රාජ්‍යාරක්ෂක හා විදේශ කටයුතු පිළිබඳ ඇමතිගේත් පාර්ලිමේන්තු ලේකම් වෙනුවට)

(கௌரவ மைத்திரிபால சேனாநாயக்க)

(The Hon. Maithripala Senanayeke)

(අ) පසුගිය වාරයේදී පොලිස් කොස්තාපල් වරුන් වශයෙන් 233 දෙනෙකු බඳවා ගන්නා ලදී. (ආ) බඳවා ගන්නා ලද මුලු ගණන් අඩංගුවනුයේ පහත සඳහන් ආකාරයටය.

(i) සිංහල	208
(ii) දෙමළ	13
(iii) වෙනත් ජාතීන්	12
	233

ඩබ්ලිව්. දහනායක මයා.

(திரு. டப்ளியு. தகனாயக்க)

(Mr. W. Dahanayake)

Has the sanctioned strength of police constables been fully filled?

ගරු මෛත්‍රීපාල සේනානායක

(கௌரவ மைத்திரிபால சேனாநாயக்க)

(The Hon. Maithripala Senanayeke)

I want notice of that Question.

අක්මීමන පොලිස් වැසික්කිය තුළ සිදු වූ මිනීමැරුම් හා ගෙවල් බිඳුම්

21. **සේනපාල සමරසේකර මයා.** (අක්මීමන)

(திரு. சேனபால சமரசேக்கர—அக்மீமன)

(Mr. Senapala Samarasekara—Akmeemana)

අධිකරණ කටයුතු පිළිබඳ පාර්ලිමේන්තු ලේකම්ගෙන් ඇසූ ප්‍රශ්නය: (අ) (i) වර්ෂ 1957 සිට මේ දක්වා අක්මීමන පොලිස් වැසික්කිය තුළ මිනීමැරුම් කීයක් සිදු වී තිබේද? (ii) එම නඩු කීයක් අධිකරණයේදී ඔප්පුවිද? (ආ) (i) අක්මීමන පොලිස් වැසික්කිය තුළ 1960 සිට මේ දක්වා ගෙවල් බිඳුම් කොපමණ සිදු වී තිබේද? (ii) එවැනි නඩු කීයක් අධිකරණයේදී ඔප්පුවිද?

එන්. එච්. ඒ. එම්. කරුණාරත්න මයා. (අධිකරණ කටයුතු පිළිබඳ පාර්ලිමේන්තු ලේකම්)

(திரு. என். எச். ஏ. எம். கருணாரத்ன—நீதி யமைச்சரின் பாராளுமன்றக் காரியதரிசி)

(Mr. N. H. A. M. Karunaratne—Parliamentary Secretary to the Minister of Justice)

ඒ ප්‍රශ්නයට පිළිතුරු දීමට තව සති 3 ක් පමණ කල් ඉල්ලා සිටිනවා.

සමරසේකර මයා.

(திரு. சமரசேக்கர)

(Mr. Samarasekara)

දැන් මාස 2 ක් කල් දුන්නා.

එන්. එච්. ඒ. එම්. කරුණාරත්න මයා.

(திரு. என். எச். ஏ. எம். கருணாரத்ன)

(Mr. N. H. A. M. Karunaratne)

තවත් සුමාන 3ක් කල් දුන්නොත් හොඳ පිළිතුරක් දෙන්න පුළුවන්.

ප්‍රශ්නය මතු දිනකදී ඉදිරිපත් කිරීමට නියෝග කරන ලදී.

කම්කරු නිවාස

23. **තොන්ඩමන් මයා.**
(திரு. தொண்டமான்)
(Mr. Thondaman)

කම්කරු හා ජනසතු සේවා පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) නිවාස ගොඩනැංවීමේ වැඩ පිළිවෙල කෙටි කිරීම නිසා මිනිසුන් අධික සේ ගහනය වීමේ ප්‍රතිඵලයක් වශයෙන් කම්කරු නිවාස ඉතා බරපතළ ප්‍රශ්නයක් වී ඇති බව එතුමා දන්නවාද? (ආ) මේ භයංකාර තත්ත්වය නිරාකරනය කිරීම සඳහා එතුමා මෙතෙක් ගෙන ඇති පියවර කුමක්ද? (ඉ) යන්ත්‍රෝපකරණ මිල දී ගැනීමේදී යන වියදම් සම්බන්ධයෙන් කටයුතු කරන අන්දමටම, කම්කරුවන් සඳහා නිවාස ගොඩ නැංවීම සඳහා යන වියදම්ද අය බදු කාර්යය සඳහා අවසර දිය දිය හැකි අඩු කිරීමක් ලෙස ඉඩ හැරීමෙන් කම්කරු නිවාස ගොඩනැංවීමේ වේගවත් වැඩ පිළිවෙලක් ආරම්භ කිරීමට වතු පාලක පක්ෂයට ධෛර්යය දීමට එතුමා මුදල් අමාත්‍යාංශය සමග සාකච්ඡා කොට වැඩ පිළිවෙලක් යොදනවාද?

ගරු එම්. පී. ද සොයිසා සිරිවර්ධන (කම්කරු හා ජනසතු සේවා පිළිබඳ ඇමති)
(கௌரவ எம். பீ. டி சொய்ஸா சிரிவர்தன— தொழில், தேசியமய சேவைகள் அமைச்சர்)
(The Hon. M. P. de Zoysa Siriwardena —Minister of Labour and Nationalized Services)

(*a*) No representations have been made either to the Labour Department or to the Labour Ministry on the subject of inadequate housing. (*b*) Does not arise in view of reply to Question (*a*). (*c*) The suggestion will receive consideration.

තොන්ඩමන් මයා.
(திரு. தொண்டமான்)
(Mr. Thondaman)

We would like to know from whom he expects to receive representations? As Minister in charge, is it not his duty or the duty of his officials to find out the situation on estates in regard to housing?

ගරු ද සොයිසා සිරිවර්ධන
(கௌரவ டி சொய்ஸா சிரிவர்தன)
(The Hon. de Zoysa Siriwardena)

I expect trade union leaders like you to make representations to the head of the department.

බඩල්ගම උප තැපැල් කාර්යාලයේ තැපැල් සේවක හිඟය

24. **ලක්ෂ්මන් ජයකොඩි මයා.** (දිවුල පිටිය)
(திரு. லக்ஷ்மன் ஜயக்கொடி—திவுலபிட்டிய)
(Mr. Lakshman Jayakody—Divulapitiya)

ප්‍රවාහණ හා රජයේ වැඩ පිළිබඳ ඇමති ගෙන් ඇසූ ප්‍රශ්නය: (අ) ලියුම් බෙදන තැපැල්කාරයින් අඩුකම නිසා බඩල්ගම උප තැපැල් කාර්යාලය බඩල්ගම රජයේ ගොවි ජනපදය තුළ ගෙයක් පාසා ලියුම් නොබෙදන බව එතුමා දන්නවා? (ආ) එතුමා මේ උප තැපැල් කාර්යාලයට නව තැපැල් කාරයෙකු පත්කරනවාද?

ටී. බී. තෙන්නකෝන් මයා.
(திரு. ரீ. பி. தென்னகூன்)
(Mr. T. B. Tennekoon)

(අ) ඔව්. (ආ) මේ මුදල් වර්ෂය සඳහා අතිරේක තැපැල්කරු කාර්ය මණ්ඩලයක් තවමත් වෙන්කර නැත. අතිරේක තැපැල් කරු කාර්ය මණ්ඩලයක් සඳහා මුදල් වෙන් කළ කල්හි බඩල්ගම ලියුම් බෙදීමේ කොටස් ඉතා ඉක්මණින් ප්‍රතිශෝධනය කරවා අතිරේක තැපැල්කරු කාර්ය මණ්ඩලයක් පත්කර බඩල්ගම රජයේ කොලනියට ලියුම් බෙදීමේ පසසුකම් සැලැස් වීමට කටයුතු කරනු ලැබේ.

කළු/වලගෙදර මධ්‍ය මහා විද්‍යාලයට රසායනාගාරයක් හා ක්‍රීඩා පිටියක්

6. **අනිල් මුණසිංහ මයා.**
(திரு. அனில் முனசிங்ஹ)
(Mr. Anil Moonesinghe)

අධ්‍යාපන හා ගුවන් විදුලි කටයුතු පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) සිසුන් 800 ක් පමණ ඉගෙනීම ලබන කළු/වලගෙදර මහා විද්‍යාලය එම ප්‍රදේශ යේ ඇති උසස් පෙලේ විද්‍යාලයක් බවත්, එහෙත් එම විද්‍යාලයට මෙතෙක් රසායනා ගාරයක් හා ක්‍රීඩා පිටියක් නොමැති

බවත් එතුමා දන්නවාද (ආ) කළු/වලගෙදර මහා විද්‍යාලයට අවශ්‍ය ක්‍රීඩා පිටියක් සඳහා එම පාසැල් ඉඩමට යාව පිහිටා ඇති අක්කර 1 රූඩ් 3 යි පර්චස් 22 ක් පමණ විශාල පුද්ගලික ඉඩම් හිමියකුට අයිති ඉඩම රජයට ගැනීමට කලින් තීරණය කරන ලද බවත් එසේම එම ඉඩම රජයට පවරා ගැනීම සඳහා 1959 ඔක්තෝබර් 30 වෙනි දින ප්‍රසිද්ධ කරන ලද ලංකාණ්ඩුවේ අංක 11,929 දරණ ගැසට් පත්‍රයේ දැන්වීමක් පල කර තිබූ බවත් එතුමා දන්නේද? (ඉ) එම ගැසට් නිවේදනය අනුව කළු/වලගෙදර මහා විද්‍යාලයේ රසායනාගාරයක් සහ ක්‍රීඩා පිටියක් තැනීමට එකී ඉඩම මෙතෙක් රජයට පවරා නොගත් බවත් එතුමා දන්නේද? (ඊ) එකී ඉඩම අද දක්වා රජයට පවරා නොගැනීමට හේතු මොනවාද? (උ) මෙම විද්‍යාලයේ ඉගෙනීම ලබන දුප්පත් දරු දැරියන්ගේ අනාගත දියුණුව තකා එකී විද්‍යාලයට රසායනාගාරයක් සහ ක්‍රීඩා භූමියක් ඉක්මණින් ලබා දීම පිණිස එතුමා ක්‍රියා කරනවාද? එසේ නම් ඒ කවදාද?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரி. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

(අ) එසේය. (ආ) එසේය, ක්‍රීඩා පිටියක් සඳහාය. (ඉ) එසේය. (ඊ) අයිතිකරුවන්ගේ විරුද්ධතාව ගැන පරීක්ෂා කරගෙන යනු ලැබේ. (උ) ඉහතින් (ඊ) කොටසෙහි සඳහන් පරීක්ෂණ අවසන්වූ වහාම ක්‍රීඩා පිටියක් සකස් කරනවා ඇත. උසස් පාඨශාලා පංතියකට සැහෙන විද්‍යා උපකරණ සහිත රසායනාගාරයක් ඇති එක් පාඨශාලාවක් මෙම ඉන්ද කොට්ඨාශයේ දැනට ඇති හෙයින් මේ පාසැලට රසායනාගාරයක් සැපයීමේ ප්‍රශ්නය ජාතික අධ්‍යාපන කොමිෂන් සභාවේ නිර්දේශ ලැබුණු පසු සලකා බලනු ලැබේ.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

ඒ කොමිෂන් සභාවේ වාර්තාව පිට වන තුරු රසායනාගාර තැනවීමේ කටයුතු නැවැත්වීමට තමුන්නාන්සේලා අදහස් කරනවාද?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரி. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

ඉදිරියේ දී රසායනාගාර දීමටයි, එසේ කරන්නේ.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

ඒ රසායනාගාර දීමේ ව්‍යාපාරය නොනවත්වා කරගෙන යන්ට ගරු පාර්ලිමේන්තු ලේකම්තුමා ක්‍රියා කරනවාද?

වී. ටී. ජී. කරුණාරත්න මයා.
(திரு. வீ. ரி. ஜீ. கருணாரத்ன)
(Mr. V. T. G. Karunaratne)

එය මා ඇමතිතුමාගේ අවධානයට යොමු කරවන්නම්.

ලුනාව ආරෝග්‍යශාලාවේ උපස්ථායකයන්ට අළුත් නිවාස

12. ආචාර්ය එන්. එම්. පෙරේරා (යටියන්තොට—මෙපිලි ප්‍රධාන්දු මයා. වෙනුවට)

(டொக்டர் என். எம். பெரேரா—யட்டியாந்தோட்டை)
(Dr. N. M. Perera—Yatiyantota)

සෞඛ්‍ය කටයුතු පිළිබඳ පාර්ලිමේන්තු ලේකම් ගෙන් ඇසූ ප්‍රශ්නය: (අ) ලුනාව රජයේ ආරෝග්‍යශාලාවේ උපස්ථායකයින්ට දී තිබෙන නිවාස අළුත්වැඩියා කළ නොහැකි තරම් ජරාවාස වී ඇති බවත්, මේවා අවුරුදු පහළොවකට පමණ පෙර අත්කර ගන්නා ලද ඉතා පරණ ගෙවල් බවත් එතුමා දන්නවාද? (ආ) මේ උපස්ථායකයින්ට අළුත් නිවාස ගොඩනැංවීමට එතුමා වහාම කටයුතු කරනවාද?

ඔබේසේකර මයා.
(திரு. ஓபயசேக்கர)
(Mr. Obeyesekere)

(*a*) Yes. (*b*) Estimates have been received from the P. W. D. for construction of new quarters. The funds necessary for the construction in the current year were disallowed. Provision for the purpose will be included again in the next financial year.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
Who disallowed it ?

ඔබේසේකර මයා.
(திரு. ஒபயசேக்கர)
(Mr. Obeyesekere)
The Treasury.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
Why ?

ඔබේසේකර මයා.
(திரு. ஒபயசேக்கர)
(Mr. Obeyesekere)
The funds asked were disallowed by the Treasury. This provision will be included in the 1962-63 Estimates.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
In view of the urgency and importance of this work so far as those workers are concerned, and the small sum involved, will he make representations again and see to it that the funds are sanctioned so that the work may be done as early as possible ?

ඔබේසේකර මයා.
(திரு. ஒபயசேக்கர)
(Mr. Obeyesekere)
The sum involved is Rs. 53,500.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
It is nothing compared with what you have spent on the military.

හුරුළුවැව ව්‍යාපාරයෙ ඉඩම් කච්චි ලබාගත් අය

14. **ආචාර්ය එන්. එම්. පෙරේරා**—(පී. එම්. කේ. තෙන්නකෝන් මයා. වෙනුවට)
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

කෘෂිකර්ම, වාරිමාර්ග, ඉඩම් හා විදුලි බලය පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) හුරුළුවැව ව්‍යාපාර ආරම්භයේ පටන් ඉඩම් කච්චේරි මගින්, එහි ඉඩම් කච්චි ලැබූවන්ගෙ ගණන කොපමණද? (ආ) එහි ඉඩම් ලබා මුලින් පදිංචි වූ, කච්චි කරුවන් දැනට කී දෙනෙක් සිටිත් ද? (ඉ) නැදැකම් ඇති බව පෙන්වා, මුල් පදිංචිකරුවන් විසින් ඉඩම් කච්චි කියක් වෙන අයට පවරා දී තිබේද? (ඊ) (i) මෙසේ කිරීමේදී, මුදල් හිමි ධනවතුන් හා රජයේ නිලධාරීන් බොහෝ පිරිසක්ද, අනියම් මාර්ගවලින් එම ඉඩම් කච්චි පවරා ගෙන ඇති බැව්, එතුමා දන්නවාද? (ii) යථොක්ත සිද්ධින් පිළිබඳව සම්පූර්ණ පරීක්ෂණයක් එතුමා පවත්වනවාද?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

මේ ප්‍රශ්නයට පිළිතුරු දීමට කල් වුවමනායි.

ප්‍රශ්නය මතු දිනකදී ඉදිරිපත් කිරීමට නියෝග කරන ලදී.

ආහාර නිෂ්පාදන ඔවසියර්වරුන්, ක්ෂේත්‍ර ප්‍රදර්ශකවරුන් හා ප්‍රදර්ශිකාවන්ගේ සේවා කොන්දේසි

15. **ආචාර්ය එන්. එම්. පෙරේරා**—(පී. එම්. කේ. තෙන්නකෝන් මයා. වෙනුවට)
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

කෘෂිකර්ම, ඉඩම්, වාරිමාර්ග හා විදුලි බලය පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) අවුරුදු 15 කට වැඩි කලක් දිවයිනෙහි සේවය කරන ආහාර නිෂ්පාදන ඔවර්සියර්වරුන්, ක්ෂේත්‍ර ප්‍රදර්ශකවරුන් හා ප්‍රදර්ශිකාවන් තවමත් තාවකාලික නිලධාරීන් වශයෙන් සේවය කරන බව එතුමා දන්නවාද? (ආ) එකම අන්දමේ සේවයක් කරන ක්ෂේත්‍ර ප්‍රදර්ශකවරුන්ට අඩු වැටුප් ගෙවීමේ හේතුව කුමක්ද? (ඉ) ඔවුනගේ රාජකාරියේ අත්‍යාවශ්‍යතාව අනුව ඔවුන්ගේ සේවය ස්ථිර කරන මෙන් එම සංගමයෙන් වරින් වර රජයට බලකර ඇති බව එතුමා දන්නවාද? (ඊ) මේ පිළිබඳව එතුමා ගන්නා පියවර කුමක්ද?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

මේ ප්‍රශ්නයටත් පිළිතුරු දීමට කල් වුවමනායි.

ප්‍රශ්නය මතු දිනකදී ඉදිරිපත් කිරීමට නියෝග කරන ලදී.

ආහාර නිෂ්පාදන පරීක්ෂක (වතු) තනතුරු අහෝසි කර දැමීම

අයි. ද සොයිසා මයා. (අම්පාරෙයි)
(திரு. ஐ. டி சொய்ஸா—அம்பாறை)
(Mr. I. de Zoysa—Amparai)

කෘෂිකර්ම, ඉඩම්, වාරිමාර්ග හා විදුලි බලය පිළිබඳ ඇමතිගෙන් ඇසූ ප්‍රශ්නය: (අ) ආහාර නිෂ්පාදන පනත අවලංගු කිරීමේ ප්‍රතිඵලයක් වශයෙන් ආහාර නිෂ්පාදන පරීක්ෂක (වතු) තනතුරු අහෝසි කර දමා ඇති බව එතුමා දන්නවාද? (ආ) මේ අයගෙන් කී දෙනෙකු ගොවිජන සේවා දෙපාර්තමේන්තුව යටතේ ප්‍රාදේශීය නිලධාරීන් වශයෙන් මාරු කරන ලද්දේද? මේ පනත අවලංගු කිරීමේ හේතුවෙන් කී දෙනෙකු නියම රැකියාවක් නැතිව අස්කරන ලද්දේද? (ඉ) ප්‍රාදේශීය නිලධාරි තනතුරු 19ක් සඳහා ඇබෑර්තු ඇති බවත්, ඒ සඳහා අයදුම්පත් කැඳවා ඇති බවත් එතුමා දන්නවාද? (ඊ) අස්කරන ලද පරීක්ෂකයින්ගේ සේවය, දැනට ඇබෑර්තු ඇති එම දෙපාර්තමේන්තුවේ (ගොවිජන සේවා දෙපාර්තමේන්තුව) ප්‍රාදේශීය නිලධාරීන් වශයෙන් මාරු කිරීමට එතුමා වහාම කටයුතු කරනවාද?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

(*a*) The Food Production (Estates) Act has not yet been repealed. Out of 8 Food Production Inspectors (Estates) 5 have been appointed to other suitable posts in Government departments, while the remaining three continue to function as Food Production Officers. Should later these posts be suppressed the officers will be provided with suitable alternative employment under the Government. (*b*) None of the Food Production Officers (Estates) has been appointed as Divisional Officers. The duties of the two officers are distinct. None of the officers has been left without suitable employment. (*c*) Yes. (*d*) Does not arise.

රිකිල්ලගස්කඩ ග්‍රාමීය ආරෝග්‍යශාලාවේ සේවිකා ඩී. පී. කැතරින් මහත්මිය

පී. එම්. කේ. තෙන්නකෝන් මයා. (මිහින්තලේ)
(திரு. பீ. எம். கே. தென்னகூன்—மிஹிந்தலை)
(Mr. P. M. K. Tennekoon—Mihintale)

සෞඛ්‍ය කටයුතු පිළිබඳ පාර්ලිමේන්තු ලේකම්ගෙන් ඇසූ ප්‍රශ්නය: (අ) රිකිල්ලගස්කඩ ග්‍රාමීය ආරෝග්‍යශාලාවේ සේවිකාවක් වශයෙන් සේවය කරද්දී, ඩී. පී. කැතරින් මහත්මියට විරුද්ධව මතුරට පොලීසියේ පරීක්ෂක විසින්, පවරන ලද අංක 6591 දරණ ක්‍රිමිනල් නඩුවෙන් ඇය වැරදි කාරිය වූ බවත් ඈ විසින් ගනු ලැබූ ඇපැලෙන්, පසුව නිදහස් වූ බවත් එතුමා දන්නවාද? (ආ) නිවැරදි කාරිය බවට පත්වූ ඇයට යළි එම රක්ෂාව, ලබා දීමට එතුමා ක්‍රියා කරනවාද?

ඔබේසේකර මයා.
(திரு. ஒபயசேக்கர)
(Mr. Obeyesekere)

(*a*) Yes. (*b*) She has already been reinstated with effect from 26.5.61 and she is working in the Mulhalkelle hospital at present.

වරප්‍රසාද පිළිබඳ ප්‍රශ්නය

වෛද්‍යාචාර්ය ඩබ්ලිව්. ඩී. ද සිල්වා
(டொக்டர் டப்ளியு. டீ. டி சில்வா)
(Dr. W. D. de Silva)

I have a matter of Privilege to raise. Mr. Speaker, an allegation has been made that I have joined the U. N. P. I wanted to speak in the previous Debate but you did not give me a chance.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

The hon. Member can take up this question with me in Chambers.

වෛද්‍යාචාර්ය ඩබ්ලිව්. ඩී. ද සිල්වා
(டொக்டர் டப்ளியு. டீ. சில்வா)
(Dr. W. D. de Silva)

I saw you in Chambers earlier but you did not give me time.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Order, please ! The hon. Member will please sit down.

වෛද්‍යාචාර්ය ඩබ්ලිව්. ඩී. ද සිල්වා
(டொக்டர் டப்ளியு. டீ. சில்வா)
(Dr. W. D. de Silva)

I must speak this time. I insist on being heard.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Will you please sit down ? The hon. Member can see me in my Chambers.

වෛද්‍යාචාර්ය ඩබ්ලිව්. ඩී. ද සිල්වා
(டொக்டர் டப்ளியு. டீ. சில்வா)
(Dr. W. D. de Silva)

I have been wanting to speak on this subject but I could not do so—

කථානායක තුමා
(சபாநாயகர்)
(Mr. Speaker)

Order, please ! Please sit down.

වෛද්‍යාචාර්ය ඩබ්ලිව්. ඩී. ද සිල්වා
(டொக்டர் டப்ளியு. டீ. சில்வா)
(Dr. W. D. de Silva)

I waited till late that day to speak, and when I got up to speak the Government Members walked out. I want time to speak on this Bill.

මන්ත්‍රී මණ්ඩලයේ කටයුතු

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டீ சில்வா)
(The Hon. C. P. de Silva)

I move,

(*a*) That a Bill to make special provision for the apprehension, detention and trial of persons suspected of having committed, or charged with, offences against the State, to amend the Penal Code, the Criminal Procedure Code and the Courts Ordinance, and to make provision for matters connected therewith or incidental thereto, may without notice be presented by a Minister of the Crown or a Parliamentary Secretary and forthwith considered and passed through all its stages on this day ;

(*b*) That immediately after the Bill to which this order applies has been read a Second time, it shall be considered in Committee of the Whole House ;

(*c*) That the proceedings on the Bill to which this order applies shall be exempted from the provisions of Standing Order No. 8.

A similar motion was moved yesterday, but some hon. Members protested that they had not been supplied with a copy of the Bill earlier and that they were not prepared for a discussion of the Bill. So we agreed to take it up today.

ප්‍රශ්නය විමසන ලදින්, සභා සම්මත විය.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Presentation of the Bill—Who is presenting the Bill ?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டீ சில்வா)
(The Hon. C. P. de Silva)

I am presenting the Bill. Any Minister or Parliamentary Secretary can present a Bill.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

That is all right, but let us have a full explanation. You cannot say : " I am presenting the Bill " and keep quiet. This is a Bill that goes deep into the fundamental rights of all the people in this country. We would therefore like to have a full explanation of the Bill.

කෙටුම්පත් පණත් පිළිගැන්වීම

CRIMINAL LAW (SPECIAL PROVISIONS) BILL

" to make special provision for the apprehension, detention and trial of persons suspected of having committed, or charged with, offences against the

State, to amend the Penal Code, the Criminal Procedure Code and the Courts Ordinance, and to make provision for matters connected therewith or incidental thereto."

පිළිගන්වන ලද්දේ කෘෂිකර්ම, ඉඩම්, වාරිමාර්ග හා විදුලි බලය පිළිබඳ ඇමති හා සභානායක ඩී. පී. ද සිල්වා විසිනි.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Will the hon. Minister move the Second Reading ?

CRIMINAL LAW (SPECIAL PROVISIONS) BILL

දෙවැනි වර කියවීමේ නියෝගය කියවන ලදී.

ගරු ඩී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

I move that the Bill be read a Second time. This is a Bill making law to deal with offences against the State and the legally constituted Government of the country. You will find that the law at present, especially Sections 114 to 122 of Chapter 6 of the Penal Code is inadequate. In 1959 when the late Prime Minister was murdered the law was found to be inadequate to deal with that situation. In 1960, in our election manifesto you will find a section, namely section 21, wherein it is stated that it is realized that the law as it exists to deal with offences against the State and specially offences against the constitutionally elected Government, is inadequate because the Penal Code was drafted at a time when we did not have a Constitution as such or a free Government. The law only protected the Queen. We realized this inadequacy of the law and we included this section 21 in our manifesto, both in the March and the July elections.

නීල් ද අල්විස් මයා. (බද්දේගම)
(திரு. நீல் டி அல்விஸ்—பத்தேகம)
(Mr. Neal de Alwis—Baddegama)

What about the section with regard to the take-over of the press?

ගරු ඩී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

There are many things set down. I would like to read this section. I will read it in Sinhalese :

නීතිය හෝ පරිපාලනය ජනතාවගේ නිදහසට හානි කර අන්දමින් පැවැත්විය යුතුයයි ශ්‍රී ලංකා නිදහස් පක්ෂය අදහස් නොකරන්නීය. පෞද්ගලික නිදහස සීමා කිරීම කනගාටුදායක දෙයක් වුවද, අවශ්‍ය වූ සමාජ නීති රීති උල්ලංඝණය කිරීම පිණිස ප්‍රතිගාමී හා අන්තවාදී බලවේගයක් විසින් දැමරිකකම් ඇති කිරීම වැළැක්වීම සඳහා පෞද්ගලික නිදහස සීමා කිරීමටද ඇතැම් විට අවශ්‍ය වන්නේය. අතීත අත්දැකීම් අනුව ජනතාවගේ හිත සුව පිණිසත්, සාමයේ, විනයේ හා මනා පාලනයේ යහපත පිණිසත් මර්දන ලක්ෂණ නොමැතිව නීතියත් සාමයත් ස්ථිරවම රැකීමට අපි අදහස් කරන්නෙමු. පුරවැසියන් වශයෙන් තමතමන්ගේ සමාජ වගකීම ජනතාවට අවබෝධ කරවීමට සෑම ප්‍රයත්නයක්ම දරනු ලැබේ.

That, Sir, is what we said in our manifesto, and on that manifesto we fought two elections, and won the elections in July.

This Government and our party has, therefore, a right to amend the law and its processes as we have stated to restrict the personal rights of individuals. We have to do that.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)

Was that the March manifesto?

ගරු ඩී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

March and July both.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)

But the March election you lost!

ගරු ඩී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

The July election we won!

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)

With their help (L.S.S.P.)!

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

Clause 20 defines offences against the State.

Clauses 5 and 6 make certain changes in Sections 114 and 115 of the Penal Code. In Section 114 of the Penal Code you find the death penalty, imprisonment up to 20 years and confiscation of property.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

That is only for waging war!

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

The punishment is laid down in Section 114. Our amendment is that the punishment shall be not less than ten years imprisonment.

May I explain Clause 2? Clause 2 relates to detention of persons suspected of having committed offences against the State, method of arrest and so on.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

Would you explain that?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

In a matter of this type inquiries take long.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

Will you please look up Chapter VI of the Penal Code? What does it include? It provides for all sorts of offences.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Please do not interrupt.

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

I started by saying that Clause 20 of this Bill defines offences against the State.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)

Now if somebody pushes a Minister he can be sentenced to death!

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

Please do not interrupt!

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)

We find that Clause 2 is required for conducting inquiries into offences of this type on account of their very nature. It is required for apprehending persons and to inquire into offences of this nature which are quite different from offences like theft and the like. That is why Clause 2 is put in.

You will find that according to Clause 13 of this Bill, Chapter XII of the Criminal Procedure Code need not be complied with. As the law stands now even the C.I.D. find it very difficult to inquire into a thing like that. Very senior officers of the C.I.D. who inquire into matters of this nature are not in charge of police stations. These matters are inquired into at a pretty high level and the change in Clause 13 is necessary in order to enable the D.I.G., C.I.D., and senior Superintendents of Police not in charge of police stations to inquire into offences of this type.

Clause 9 is about the nomination of judges. As you are aware this Bill makes it necessary that all these persons should be tried at Bar and provision is there that three Judges shall be nominated by the Hon. Minister of Justice.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
Why?

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
Why?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
Because we consider it necessary.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
Why?

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
Why ?

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)
Please do not interrupt.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
You distrust the Chief Justice ?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
Under section 52 of the Constitution the Chief Justice, the Puisne Judges and the Commissioners of Assize are appointed by the Governor-General on the recommendation of the Hon. Prime Minister and the Minister of Justice. That is the usual procedure.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
Why do you depart from that ?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
All the Judges are nominated by the Governor-General on the advice of the Hon. Prime Minister and Minister of Justice—on the advice of the Hon. Minister of Justice.

ඩඩ්ලි සේනානායක මයා. (දැදිගම)
(திரு. டட்லி சேனனாயக்க—டெடிகம)
(Mr. Dudley Senanayake—Dedigama)
Hon. Prime Minister.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
The Constitution says on the advice of the Hon. Prime Minister.

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
These offences are offences not against individuals or against the Government, but against the Parliament and the Constitution, too. Therefore we want to make sure that an Hon. Minister responsible to Parliament has a say in this. Parliament comprises both Houses, not only this House. I can say "Prime Minister" instead of "Minister of Justice". It looks as if hon. Members of the Opposition want the Prime Minister put in. According to the Constitution it is the Governor-General who nominates all the Judges on behalf of the Prime Minister and in this case these offences are not against individuals or individual Ministers but offences against the Constitution and the Parliament. Therefore we want the selection of Judges by a Minister responsible to Parliament.

වී. ඒ. කන්දයියා මයා.
(திரு. வீ. ஏ. கந்தையா)
(Mr. V. A. Kandiah)
By one of the complainants.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)
Please do not interrupt.

වෛද්‍යාචාර්ය නගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)
You cannot defend one line of the Bill you are presenting.

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
Everyone of you will have plenty of time for speaking.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)
We must talk of something that you can explain. You cannot just talk on air.

කන්දයියා මයා.
(திரு. கந்தையா)
(Mr. Kandiah)
You do not know what you are talking about.

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
Do not try to provoke me.

කන්දයියා මයා.
(திரு. கந்தையா)
(Mr. Kandiah)
Explain this to us.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)
Order please! Please do not disturb the Hon. Leader of the House. You can take notes of what he says and then reply later.

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
This law has been made necessary because, as I said earlier, the law drafted by the British when they were in power here to protect the Queen and her rights is inadequate to defend democracy and the Parliament elected by the people. We are effecting amendments which we think are necessary in the law. A Prime Minister of our party was killed in his own house for political reasons as was found by the Courts —

නිල් ද අල්විස් මයා.
(திரு. நீல். டி அல்விஸ்)
(Mr. Neal de Alwis)
By your own people.

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
It does not matter by whom.

I wish to say that the Government is willing to restrict the operation of Part I of this Bill to the offences alleged to have been committed by the conspirators on the 27th January, 1962. I am prepared to say that.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
Let that apply to the whole Bill.

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
A point has been made that the nomination of judges should be by the Prime Minister, not by the Minister of Justice. That is a minor matter. I commend this Bill to the House.

පූ. භා. 10.46
ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)
Mr. Speaker, today is a very notable day. Not far from here, on the fields of Wanathamulla there is taking place a splendid cricket match between the M. C. C. and an All-Ceylon team. We have no doubt that in that match there will be the finest spirit of sportsmanship displayed on both sides. Here in this House we

are beginning a Debate of great importance, and we are discussing a Bill which is perhaps the most important Bill that has been presented by this Government. I trust that this Debate will be conducted in the best parliamentary traditions and that out of our discussions will emerge a Bill that will be to the lasting good of the people of this country.

Allow me, Mr. Speaker, to preface my speech by stating that all of us, no matter to what party we belong, condemn in the most emphatic and severest terms the conspirators who took part in the coup d'etat of the 27th of January. We wish that those conspirators should be punished most severely. We wish that is meted out to them should be of a deterrent type, so that no others in the future will attempt similar coups d'etat against the constituted authority of the country. I think all right-thinking people of the country want the conspirators to be dealt with severely.

Having said that, I also want to say that we should not forget the fact that we should, even in this grave situation, dispense undiluted justice to the conspirators. So that whatever Bill we may consider we should not, whilst endeavouring to impose deterrent punishment on the conspirators, forget at the same time the basic principles of law and justice.

I have to say that because anything that we may say against the provisios of this Bill should not be understood to mean that we are in any way condoning the conspiracy or the conspirators. Anything that we may say against the Bill would be in the spirit of asking the Government and the Parliament to keep in mind that even in the gravest hours of national peril we should not forget that justice should be done to one and all. It is necessary, Mr. Speaker, to admonish ourselves in this manner because there may be a tendency amongst ourselves to forget some of the basic principles for which this Parliament and our Constitution stand.

There are two extremely important features in our Constitution. They are firstly, the sovereignty of Parliament and, secondly, the rule of law. We must guard ourselves lest should we allow ourselves to destroy either the sovereignty of Parliament or the rule of law.

There is a very important book written by the Right Hon. Lord Hewart of Bury on despotism which makes reference to these two leading features of the Constitution. This is what, Sir, the author of "New Despotism" says :

> The old depotism, which was defeated offered Parliament a challenge. The new despotism, which is not yet defeated, gives Parliament an anaesthetic. The strategy is different but the goal is the same. It is to subordinate Parliament, to evade the courts, and to render the will, or the caprice, of the executive unfettered and supreme.

Now it should be our aim to see that we do not allow this new despotism to creep into the Constitution of our country.

Mr. Speaker, Lord Sankey made a very important and eloquent statement in 1929, when he was Lord Chancellor in England, about the law courts and justice. These are his words :

> "Amid the cross-currents and shifting sands of public life the law is like a great rock upon which a man may set his feet and be safe, while the inevitable inequalities of private life are not so dangerous in a country where every citizen knows that in the law courts at any rate he can get justice."

Let those words sink into our minds. Let us see that in the legislation we contemplate we do not make our law courts anything but places where men can get undiluted justice. In the cross-currents and shifting sands of public life let the rule of the law prevail.

I am convinced from a careful study of the Bill that is before us that its provisions exceed what is necessary to meet the conspiracy that was foiled and similar conspiracies of the future. This Bill goes much too far. It violates, in my opinion, the basic principles of the rule of law. It

[බබිලිවි. දහනායක මයා.]

vitiates the best features in our Constitution, and therefore it is with regret that I have to oppose the Bill that is before us.

A great expert in constitutional law, the late Professor Dicey, enumerated three distant concepts underlying the statement that the Constitution is characterized by the rule of law. This is what Lord Hewart of Bury says about it :

"The statement means first that, in England, no man can be punished or can be lawfully made to suffer either in his body or in his goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts."

It is my contention that the Bill that is before us creates for a certain type of offence a special type of court, and therefore, the provisions of the Bill violate the noble sentiments expressed by the Constitution Expert Professor Dicey.

Let me continue from the same quotation :

It means, secondly, that in this country not only is no man above the law, but every man, whatever his rank or condition may be, is subject to the ordinary law of the land and the jurisdiction of the ordinary courts. And, finally, it means that the general principles of our constitution are mainly the result of judicial decisions determining the right of private persons in particular cases brought before the courts.

The writer continues as follows :

The underlying contrast, the permanent antithesis, is between the supremacy of the law on the one hand, and on the other the arbitrary, which may easily be proved to be the capricious exercise of lawless power. Nothing perhaps is more profoundly repugnant than that authority should be irresponsible or uncontrolled, that it should act at pressure or in the dark, that men should live in an atmosphere of uncertainty.

Now, it is my contention that in the Bill that is before us there is an antithesis between the supremacy of the law and the capricious exercise of lawless power. I admit that it is necessary to introduce special legislation in special and exceptional circumstances. I admit that in regard to the recent coup d'etat it is very necessary that any lacuna in the law should be set right. Therefore, I myself stand for a special Bill to deal with the conspirators and similar conspiracies of the future. But at the same time we must not forget the basic principles of the rule of law. This is what Lord Hewart of Bury says on this point :

At various times in periods of political unrest statutes have been passed enabling persons to be arrested on suspicion of treasonable practices and certain other offences and detained without bail or trial. Measures of this kind do no doubt to a limited extent suspend temporarily the operation of the Act of 1679. But these statutes though they have been called 'Habeas Corpus Suspension Act,' have not in any sense suspended the general right to the right of habeas corpus. Nor have they legalized any arrest or imprisonment which would not have been otherwise lawful.

A seditious intention is defined by statute as an intention to bring into hatred or contempt the person of His Majesty, his Heirs or Successors, or the Government and Constitution of the United Kingdom as by law established, or either House of Parliament—

or to excite His Majesty's subjects to attempt the alteration of any matter in Church or State as by law established, otherwise than by lawful means. On a prosecution for sedition the defendant will be conclusively presumed to have intended the natural consequences of his words or acts, and it is therefore sufficient if his words or acts have a tendency to produce any of the consequences so stated. But it must be remembered that all such prosecutions are tried with a jury, who are entitled to return a general verdict of guilty or not guilty, and therefore determine the question of criminality or innocence of the words used by the defendant.

I would like to emphasize those words because you will see, Mr. Speaker, that in the Bill that is before us trial by jury in cases of treason has been abolished. Lord Hewart of Bury says :

But it must be remembered that all such prosecutions are tried with a jury.

The Bill that is before us goes so far that even speeches made against the Government can be construed as

acts calculated to overthrow the Government. In England, it should be noted, all attacks on the Government or on either House of Parliament and even on the Constitution are permitted, however extreme and violent the words they may be couched in. That is one more of the corner-stones of liberty, of freedom of speech.

In England the rule of law is such that all crucial decisions on all matters are made by the ordinary courts. You will find that the Bill that is before us creates special courts of a type to which exception can be taken in many ways.

Now, Sir, I have quoted so profusely from Lord Hewart because let it not be said that, in our attempt to bring criminals to book, we forgot ourselves and went so far as to create in this country a new despotism.

It is very refreshing to recall to mind an instance of a very celebrated trial that look place in England for treason. I refer to the trial that took place in 1945 of William Joyce—Lord Haw Haw. You will remember that during the darkest days of World War II William Joyce, or Lord Haw Haw as he was more popularly known, was one of the principal propagandists for Hitler's Nazi Germany. He was captured by British soldiers in 1945 and brought to trial before the courts. He was given a very fair trial and one reads of the proceedings against William Joyce with refreshing hope and gladness because although the offence committed by Lord Haw Haw was of the deepest dye, yet British justice gave him the fairest of trials.

Joyce was granted legal aid whereby he secured the services of highly experienced solicitors and lawyers. When he faced his trial before the Supreme Court, this is how the Attorney-General Sir Hartley Shawcross, K.C., M.P., introduced the subject at the trial :

> We may in times past have read about this man in the newspapers. We may have discussed his activities and indeed his activities were notorious enough. It may be even perhaps in those dark days of 1940 when this country was standing alone against the whole force and might of Nazi Germany, that some of us may have heard, or thought we heard, his voice on the wireless attempting, as we may have thought, to undermine the morale of our people and perhaps at that time some of us formed feelings of dislike and detestation at what he was doing. And, perhaps, later on some of us heard with not altogether unnatural satisfaction that he had been apprehended and was to be brought to trial.
>
> If anyone of us had feelings of that kind about this man, I ask you, as I know you will, to cast them entirely from your minds. You are sworn to Court to try this man according to our law and upon evidence alone.
>
> I dare say that in the years to come in the pages of history it will count for nothing what happens to William Joyce in the course of this trial. He will leave no mark upon the pages but it may count for a great deal that we who in our various activities are concerned in this trial do and comport ourselves in accordance with the best traditions of English law that we should try this man according to the law without fear or favour, affection or ill-will, on the evidence, unprejudiced by any preconceived notion, only dispassionately on the evidence, and on that alone. So best shall we sustain that great record of impartiality and equal justice which British courts and British juries hold in the eyes of the whole civilized world.

Very eloquent words indeed! And no words would be more appropriate as a preface to the trial of the conspirators who took part in the coup d'etat of January 27, 1962. William Joyce was given a very fair trial. He was found not guilty on two of the counts preferred against him, and he was found guilty on the third count and sentenced to death. But the Crown took one more significant step. In the course of the trial there was some doubt about a point of law that had been raised, namely, whether William Joyce was in actual fact a British citizen and whether he could have been tried at all in a British court of law. Although, after a very fair trial before a judge and jury, William Joyce was found guilty of treason, yet the Crown thought it proper to proffer an appeal to the House of Lords on behalf of the prisoner. You see how far British justice went in that celebrated case.

[බබිලිව්. දහනායක මයා.]

It is a matter for great regret that in the Bill that is before us the right of appeal to the Court of Criminal Appeal is completely taken away. Clause 15 reads as follows:

A person who is convicted on a trial held before the Supreme Court under section 440A of the Criminal Procedure Code shall have no right of appeal to the Court of Criminal Appeal, and accordingly section 4 of the Court of Criminal Appeal Ordinance shall not apply to such person.

I cannot understand why the right of appeal to the Court of Criminal Appeal has been removed.

I understand that the Hon. Minister of Finance has stated that the right of appeal to the Privy Council has not been removed. But is it not a fact that you propose in the near future to stop appeals to the Privy Council and to deprive the people of the right they now enjoy of an appeal to Her Majesty? Is it also not a fact that you intend in the near future to bring legislation to that effect? In any case, Mr. Speaker, one cannot understand why you want to deprive the conspirators in the coup d'etat of a right of appeal to the Court of Criminal Appeal.

To say that they will have the right of appeal to the Privy Council is a ludicrous contention. You should go to the Privy Council from the highest Court of our land and and not from the original court. It is my contention that you have no right to deprive a subject of this country of his right of appeal to the Privy Council and, by implication, I venture to suggest that it is constitutionally wrong for you to deprive a subject of his right of appeal to the Court of Criminal Appeal. You are in my opinion violating an unwritten convention of our Constitution by depriving a person of his right of appeal to the Court of Criminal Appeal.

Our Constitution in Section 4 (2) of Part II of the Ceylon (Constitution) Order in Council, 1946, states as follows:

All powers, authorities and functions vested in His Majesty or the Governor-General shall, subject to the provision of this Order and of any other law for the time being in force, be exercised as far as may be in accordance with the constitutional conventions applicable to the exercise of similar powers, authorities and functions in the United Kingdom by His Majesty.

So you will see, Sir, that you cannot deprive under our constitutional conventions the right that a person has to appeal to the Court of Criminal Appeal. This right, I submit, is a cherished one and should not be tampered with for more than one reason.

I consider Clause 15 of this Bill unconstitutional, obnoxious and unprincipled. Clause 15 read along with Clause 9 makes the position very bad indeed. Clause 9 offers the accused a trial at Bar by 3 judges without a jury and the 3 judges would be those nominated by the Minister of Justice. I am surprised that anybody who had respect for the highest canons of law should put down in a statute such a provision as this under which the Minister of Justice, a political person, will be permitted to handpick the three Judges who will try a person without a jury and, thereafter, I am surprised that the accused concerned will not be allowed a right of appeal. I say that this is a gross travesty of the rule of law. We cannot be a party to legislation of this type which will take away from our people the basic rights of justice which they have enjoyed so far.

Let me come now to the provisions of the Bill. The Hon. Leader of the House told us that Part I of the Bill will be made applicable only to those who are allleged to have taken part in the recent coup d'etat. If that is so, I think it is necessary that that intention of the Government should be embodied in a clause of the Bill. Even though it is intended that Part I of the Bill should apply only to those connected with the recent coup d'etat, I find it difficult to accept the principles outlined in the various clauses in Part I of the Bill. The powers given to the police are far too wide. It must not be forgotten that the conspirators were leading and prominent members of the police force. It must not be forgotten that without those

gentlemen who were in positions of trust and responsibility in the police force this coup d'etat would never have been born. What is the principle you had in mind ? Are you setting a rogue to catch a rogue ? Have you seen the last of the police conspirators ? Do you know, or can you know how many of them are still at large ? Can you optimistically express a hope that there will be no no further police coup d'etat ? I said on the last occasion that in my opinion the police force of Ceylon is a prolific breeding place for coups d'etat, and that it is a miracle to my mind that like the annual police dance there has not been an annual police coup d'etat too.

So finally you have discovered your men; you have found out who they really are; you see what lawlessness there is or there has been in the police force of this country; you see the spirit that has pervaded the minds of leading men of the police force. Have we not warned you from year to year, have we not filled hundreds and thousands of pages of HANSARD with our warnings to you that if there is a lawless organization in the country it is the police force ? If you had set up a new organization to fight the authors of the coup d'etat you would have been justified. If you had said to yourself : "We can have no faith whatsoever in the police force"—I say myself that there are some very good men and true in the police force—"On whom can we place our faith ? Is there anybody on whom we can place confidence implicitly ?", you would not have been blamed. Nobody would have found fault with you. If you had got down men from India or the U. K., if you had sought the assistance of men from Scotland Yard, and if you had entrusted the investigations entirely to a new organization of trusted, capable men, we would not have blamed you. On the other hand we would have commended you for your circumspection and prudence.

Now, what do you do ? In Part I of this Bill you place your fullest trust on the men who have failed you who have acted treacherously by you and by the people of this country. I cannot agree to our giving the police such wide powers as are given them in Part I of this Bill.

Clause 2 (1) says :

> Where the Inspector-General of Police suspects that any person has committed, whether before or after the date of the commencement of this Act, any offence against the State, the Inspector-General of Police or any other police officer authorized by him in that behalf may arrest such person without a warrant.

In that one clause are you not creating a new Police Raj—in capital letters POLICE RAJ—which will prove to be a menace and a terror to the innocent people of this country ? Why do you give any police officer the power of arrest without a warrant ? I ask you, have you rounded up all the conspirators ? Was the conspiracy limited to thirty men of the police and the army ? Could thirty men having got together, have devised such a big plan to take into custody the Prime Minister at Kataragama, the Ministers in Colombo and outside Colombo ? Could thirty men have drawn up a network to spread the tentacles of this conspiracy from Tissamaharama to Kandy, along the coast and along the main line ? I say that the number of conspirators must have been well over three hundred, and they are still there, some of them in the police force, and no matter what his rank may be, you propose to give any police officer authorized by the Inspector-General of Police in that behalf the power to arrest people without a warrant.

In order to arrest a person without a warrant all that is necessary is that the Inspector-General of Police should suspect that any person has committed, whether before or after the date of the commencement of this Act, any offence against the State. On a mere suspicion that an offence has been committed you can proceed to arrest a person without a warrant.

[ඩබ්ලිව්. දහනායක මයා.]

The word "suspect" does not have the same connotation as "a *prima facie* case". Suspicion is something that may come to a person's mind not because of true things that are taking place. Suspicions may come to a person's mind because of his environment, because of the prompting of various people, because of his own fears, because of his own understanding of a problem. We all know that the gentleman who holds the office of Inspector-General of Police is a very estimable person. He is really what I would call in the words of Chaucer "a parfit genteel knight". But it has been pointed out that he is not what one would call a proper policeman.

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

Not a bloodhound!

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

He has not got the craftiness, at least a knowledge of which is necessary in the make-up of a good policeman. The good policeman should know what roguery means, what currents and cross-currents there are in the under-world of roguery and ruffianism. This estimable gentleman, the present Inspector-General of Police, can be easily duped. I am saying nothing against him. As I said before he is a very lovable personality. He will never do any wrong to anybody. But it is too much to expect of him that he should know of what stuff some of his men are made.

We who have been in the public life of this country, we who have seen what unmitigated villains some of the officers of the police of this country have been and are, can appreciate the fact that the poor, innocent, amiable, Inspector-General of Police can be duped. He can be made to suspect that those who never at any time in their lives committed any offence against the State are guilty of offences against the State.

I ask you whether there is any other country in the world in which they would have what I would call legislation by suspicion. I had heard some years ago that in Japan they would punish you for harbouring certain thoughts. I do not know whether there is a machine by which thoughts can be discovered. Here, Sir, is something very near that proposition—legislation by suspicion.

The use of the word "suspect" makes me to suspect that the man who drew up this Bill did not appreciate the basic principles of the rule of law. The I. G. P. should not act on a mere suspicion. He should have a *prima facie* case before he acts, and I have not the slightest doubt that that is how he acts. If I know the I. G. P. correctly that is how he will act and even though I wish to criticize the provisions in Part I of this Bill, I must frankly admit that the present I. G. P. will not abuse the powers that the law seeks to give him. But the present I. G. P. will not be there always. Is there any undertaking that the present Inspector-General of Police will also not delegate to his deputies certain of his powers? It will not be possible for him to work detaching himself from his deputies. Therefore, even though we grant that the present Inspector-General of Police will not, under any circumstances, misuse the powers that are given him under Part I of this Bill——

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

He will delegate his suspicions to his subordinates.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

——yet we must protest against the principle of the Bill which seeks to give such wide powers to the police. After the arrest of a person without a warrant, the police are permitted to detain the person for sixty days.

For sixty days and nights an innocent man may languish in a jail-house, and in the process he may become insane.

වෛද්‍යාචාර්ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

He will be examined by the Hon. Minister of Finance. That will drive him mad.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

I would like to know why the power of detention, without taking the accused before a Magistrate for so long as sixty days, is to be permitted. Sixty days is a very long time. Even in the span of life of a man, two months is a long time. We accept the proposition that all things connected with this coup d'etat should be done speedily and without any delay, and there is no reason why a person should be kept in detention for so long as sixty days without being taken before a Magistrate.

Under the normal laws of the land, a person who is arrested by the police has to be produced before a Magistrate within a few hours. This space of time is 24 hours. You will see why the law of the land lays down that you must take an accused before a Magistrate in 24 hours. You know of the common practice in the police stations throughout the Island of taking people into custody on a Saturday morning so that the man can be kept locked up through the length of a *dies non,* the Sunday, because many policemen think that this space of time, 24 hours, is not enough. But the framers of the law have been more conscious of the rights and liberties of an individual.

Under this Bill you seek to keep a person in detention for sixty days and nights—a length of time which can drive a person mad. And during these 60 days and nights he may not be allowed to meet his near and dear ones or to have consultations with his lawyers.

Part I of this Bill gives the fullest authority to the Permanent Secretary to the Minister of Defence and External Affairs in regard to how detenus should be treated while they are in detention. Our normal laws, in Part IX of the Prisons Ordinance, provide for relations to meet a prisoner. Part IX also provides for layers to meet a prisoner, but in this Bill power is given to the Permanent Secretary to the Ministry of Defence and External Affairs to prevent relations and lawyers from meeting a detenu.

Clause 2 (5) reads as follows :

" Where a person is detained in pursuance of the provisions of sub-section (2) of this section in a prison established under the Prisons Ordinance, the Permanent Secretary to the Ministry of Defence and External Affairs may, from time to time, by order issued to the officer in charge of that prison direct—

(*a*) that any of the provisions of the Prisons Ordinance or the rules made thereunder, other than the provisions of Part IX of that Ordinance or the rules made to give effect to that Part, shall not apply to such person or shall apply to such person subject to such conditions or modifications as may be set out in the order ; "

I told you that the Inspector-General of Police is to be given very wide powers under this part of the Bill. Similarly, wide powers are to be given to the Permanent Secretary to the Ministry of Defence and External Affairs. That gentleman can also become a little bit of a dictator if I may use that term. He can say which part of the existing law shall apply and which part shall not apply. In fact, he will departmentally be recasting the law at his sweet will and pleasure according to the circumstances of the case.

How wide the powers that the Permanent Secretary to the Ministry of Defence and External Affairs will wield is shown in sub-Clause (7) of Clause 2. It says :

" It shall not be necessary to publish any order made under sub-section (5) of this section in the *Gazette,* and according such order shall take effect upon its being signed by the Permanent Secretary to the Ministry of Defence and External Affairs. "

[ඩබ්ලිව්. දහනායක මයා.]

One would expect our officers to be given powers that are reasonable. You must not create dictators out of our officials.

එන්. එච්. ඒ. එම්. කරුණාරත්න මයා.
(திரு. என். எச். ஏ. எம். கருணாரத்ன)
(Mr. N. H. A. M. Karunaratne)

What is your proposition ?

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

Here is a case in which instead of trying to set right the principle under which a permit should be given to see detenus, you give the Permanent Secretary to the Ministry of Defence and External Affairs powers to make an order by merely signing the order. We shall not know what order the Permanent Secretary to the Ministry of Defence and External Affairs has made. The relations of the person concerned will not know what rights and privileges a detenu will enjoy. Why not ask the Permanent Secretary to the Ministry of Defence and External Affairs to draw up certain rules or regulations to guide the conduct of those who wish to visit the detenus ? Cannot the wife of a detenu go and see the detenu once in a while ? Must the wife of a detenu go to the Permanent Secretary in order to take a permit, which the Permanent Secretary may or may not give, in order that she may visit her husband, maybe once in a week ? Why cannot a lawyer visit a detenu ? It is very necessary, if we are to afford the people of this country their full rights, their liberties as individuals, that they should be afforded the right to defend themselves. Are you now seeking to deprive our people of the right to defend themselves when accused of any offence ? Is that not the cherished right of every human being in the civilized world ? Where, except in the Congo, do you find people being deprived of their rights to defend themselves ?

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)

Ceylon ?

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

I am utterly surprised and shocked that anybody in constitutional authority in this country, be he the Minister of Justice or any of his advisers, should have considered it fit to deprive the detenus of their right to consult a lawyer.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)

To read a book, to read a paper.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

You may even deprive them of any type of literature which you think is not good for them.

I remember, when I was a detenue in 1942, the newspapers used to come to us with certain portions cut out and removed. The detenus were not expected to read anything that might incite them to action. Our thoughts were controlled.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Order please. The sitting is now suspended for half an hour.

රැස්වීම ඊට අනුකූලව තාවකාලිකව අත් හිටුවන ලදින්, අ. භා. 2ට නැවත පවත්වන ලදී.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

Mr. Speaker, when we adjourned for lunch I referred to the right that an accused person has to defend himself. This is a very important and cherished right of every citizen. We

know that when an accused is undefended by a lawyer, the State retains for him a lawyer. We know that when a person is on remand for an alleged offence a person can obtain the assistance of a lawyer. These are some of the ways in which we ensure to every accused person the right to defend himself.

Unfortunately, in Part I of the Bill that is before us an accused person is deprived of this very essential priviledge. I am surprised that those who have been detained in connection with the coup d'etat have not yet been permitted to see their lawyers. If that is so I would earnestly appeal to the authorities to permit lawyers to have access to those who are held in detention.

It must never be forgotten that a person who is on remand or a person who is in detention, is not or cannot be considered a guilty person. No accused is guilty till he is proved to be guilty. One of the corner stones of justice is to regard every person as innocent till his guilt is proved. What right then have you to deprive the detenus of legal assistance ? I beg of the authorities to keep these important considerations in mind. It is true that the conspirators, if they were guilty, are guilty of a most diabolical act and we should not condone their offence in any way. Yet, when it comes to our turn to deal with them, let us not become bloodthirsty ; let us not forget that quite apart from the provisions of the common law there are canons of decencies as between man and man, as between the State and the subject. Surely it is wrong for you to deprive the detenus of legal assistance ? Have you already made up your minds that all of them are guilty ? That is the only conclusion that one can draw from the way in which you are treating them.

I learn that applications were made to the Supreme Court on behalf of some of those who are detained in order to enable lawyers to see them. I also learn that the applications that were made to the Supreme Court were allowed. Then, Sir, thereafter it would appear that new regulations were promulgated which took away from those who are detained the right of consultation with their lawyers. That is no good Sir ! It is not correct, it is not proper, it is not decent that you should prevent the men who are held in detention from taking steps to defend themselves and prove their innocence if they are not guilty. Therefore, I make a strong plea to the authorities that those who are held in detention should be permitted to meet both their lawyers as well as their kith and kin. One cannot approve of the wide powers that have been given to the Permanent Secretary to the Ministry of Defence and External Affairs in regard to visits that may be made to hose who are detained. I trust that it will be possible for the Permanent Secretary to draw up certain rules for the guidance of those who wish to see the men in detention, and to make it possible for lawyers to see them.

I want now to refer to Clause 2 (8) of the Bill. It states :

> The provisions of section 36, 37 and 38 of the Criminal Procedure Code shall not apply in the case of any person arrested or detained in pursuance of the preceding provisions of this section.

I do not think that it is necessary to set aside the provisions of these three sections in the pending investigations. Section 36 of the Criminal Procedure Code reads as follows :

> A peace officer making an arrest without warrant shall without unnecessary delay and subject to the provisions herein contained as to bail take or send the person arrested before a Magistrate having jurisdiction in the case.

You will see, what an important provision of the law Section 36 is. After a person is arrested the next thing to do with him is to take him before a Magistrate. The act of arresting a person and the act of sending that person before a Magistrate are two links in one legal process. You arrest a man and you send him before a Magistrate. If you take away that second link—and not send him before a Magistrate—the power to arrest becomes a power of unfettered, unrestricted action.

[ඩබ්ලිව්. දහනායක මයා.]

Surely it is not your intention to assign to police officers extremely wide and unlimited powers. You can arrest a person if you have good ground to suspect him. Thereafter if you had good grounds to arrest him you must take him before a Magistrate.

Now, the Magistrate is the neutral, impartial, party. The Magistrate will decide whether your action in arresting a person was justifiable. Why then do you in the provisions of this new Bill remove the provision that is in the Criminal Procedure Code that the arrested person should be produced before the Magistrate ? Surely you have faith in your judiciary. I know that you have more faith in your judiciary than you have in the Police. But in actual fact what are you doing now ? You are giving more and more powers to those in whom you have no faith. You are taking away the powers from those in whom you have reason to have faith.

Then let us look at Section 37 :

No peace officer shall detain in custody a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate.

You see how careful the provision in the Criminal Procedure Code is ? It lays down that a man shall not be kept under arrest without being produced before the Magistrate for a period in excess of 24 hours. Now you have turned that 24 hours into 60 days. You have multiplied the time limit given in the Criminal Procedure Code by 60.

What made you do so ? Will any useful purpose be served by your keeping men in detention for 60 days without producing them before a Magistrate ? Can you say that it is your intention to keep them locked up till the investigations are over ? Do you wish to be very severe with these conspirators ? We all agree with you that you should be very severe with them, but we ask that you should at the same time consider the matter from the other man's point of view. He has a right to defend himself. He has a right to be taken before a magistrate. Then let us look at Section 38, which reads as follows :

Officers in charge of police stations shall report to the Magistrates' Courts of their respective districts the cases of all persons arrested without warrant by any police officer attached to their stations or brought before them and whether such persons have been admitted to bail or otherwise.

Section 38 contains a very salutary provision. It says that the officer in charge of a police station should report to the magistrate's court full particulars about persons who have been arrested without warrant.

In law, a warrant is an instrument which is placed in the hands of a judge. The execution of the warrant has to be done by the arm of the law, which is known as the police. The person who issues the warrant should be a magistrate or a judge. The one who executes a warrant should be a peace or police officer. By repealing Section 36, 37 and 38 you will be giving to the police powers which are now held by a magistrate or judge. In my opinion Section 36, 37 and 38 are extremely important in reference to the liberties of an individual. When you arrest a person without a warrant, the person who makes the arrest will also make a report about it as quickly as possible to a magistrate or judge.

Now you can see what misdemeanours can take place as a result of the provisions of Sections 36, 37 and 38 not being enforced. Under the Emergency Regulations it is possible to arrest a person and not take that person before a magistrate within a reasonable period of time. That is one of those very obnoxious provisions of our Defence Regulations against which protests have been made by hon. Members of this House. You will recall the now celebrated cases of Arlis Silva of Gandara and David Silva of Beruwala, two men

who were arrested by the police and about whom no report of arrest was made to a magistrate. What happened ? Where are they ? Are they in the land of the living or are they dead ? If they are dead where are their bones ? What tragic questions to ask, Mr. Speaker.

එන්. එච්. ඒ. එම්. කරුණාරත්න මයා.
(திரு. என். எச். ஏ. எம். கருணாரத்ன)
(Mr. N. H. A. M. Karunaratne)

You can ask Sidney de Zoysa, he knows.

ගරු ඉලංගරත්න
(கௌரவ இலங்காத்ன)
(The Hon. Ilangaratne)

He was your pet.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

I have asked for a full commission of inquiry into the happenings of 1958 with special reference to those who were arrested and taken into custody in Padawiya, Beruwala, Gandara and in various other parts of the Island. No such commission has yet been given.

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

Jaffna, Batticaloa.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

The work of this commission should cover all such cases that occurred from 1956 to date. We would welcome a full commission into the happenings of 1958.

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

And 1961.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

Whether even that was a police coup d'etat still remains to be seen.

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

What about 1961, Northern and and Eastern Provinces, with special reference to Colonel Udugama's action in Jaffna ?

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Order, please ! Please do not interrupt.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

I want to emphasize the fact that when a man is arrested without a warrant he should be taken before a magistrate as early as possible whatever may be the crime of which he is considered to be guilty. No emergency regulations of yours should be framed to deprive a person of that very important right.

I am unable, therefore, to agree to the inclusion of Clause 2, sub-Clause (8) of this Bill.

ගරු ඉලංගරත්න
(கௌரவ இலங்காத்ன)
(The Hon. Ilangaratne)

We can understand.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

Now, Sir, we come to Part II of the Bill. It contains a number of amendments to be made to the Criminal Procedure Code and the Penal Code. I imagine that whatever amendments were necessary should be those that will fill in the gaps in the law in reference to the offences committed in the recent coup d'etat. I am afraid that those amendments to the Criminal Procedure Code, the Penal Code and the Evidence Act as outlined in Parts II and III of this Bill exceed the needs and demands of the occasion.

[ඩබ්ලිව්. දහනායක මයා.]

We have agreed with you that a Bill making special provision is necessary under the circumstances that exist today, but we cannot agree that all the provisions as outlined in Parts II and III are really necessary.

There is the question of bail. Why do you not leave it to the judges to decide this matter ? There are certain offences which are not bailable ; there are certain other offences which are bailable. The discretion in such matters is placed in the hands of the judges. You cannot carry out your intentions unless you have full faith in the judges. The judges form an extremely important part of the action you propose to take in regard to the coup d'etat. In fact the judges are the neutral party who will judge between your actions and the actions of the alleged offenders. They will judge whether you are right or whether the other people are right ; they will judge whether what you have done is correct, and they will also judge whether the alleged conspirators have done what is wrong. Let us not be the judges. "Judge not that ye be not judged" is an old and wise adage.

It is wrong for us as legislators to become judges. There is the judiciary, and let the judiciary function in their proper sphere. Let us not assume for ourselves the powers that are due to the judges, and their duties.

It is sought to try all the alleged offenders in this coup d'etat by trial at bar before three judges, without a jury. I have already mentioned the fact that in the United Kingdom offences of treason are tried before the Supreme Court of Judicature, with a jury. Here you seek to eliminate the jury and to try these cases before a Bench of three judges. Well, I can understand why you wish it done in this way. Justices can bring a more independent and an unprejudiced mind to bear on these cases. Therefore you have proposed a trial at bar for these accused. But what sort of a trial at bar ?

We could have agreed to a trial at bar if that trial was going to be beyond all suspicion or doubt. Now, if you look at the provisions in this Bill you will find that Clause 17 seeks to appoint two puisne justices. You have the normal law of the land under which you can appoint more puisne justices as the situation demands. You have introduced into a Bill which makes provision for the apprehension, detention and trial of persons suspected of having committed, or charged with, offences against the State, the provision for the appointment of two puisne justices. So it can be truly said that the appointment of these two puisne justices is an *ad hoc* matter—two puisne justices will be appointed for a special purpose.

වෛද්‍යාචාර්ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

Only for the apprehension !

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

Now, to say the least, Clause 17 which provides for the appointment of two new puisne justices gives a very bad colouring to the whole affair. The Hon. Leader of the House in his preliminary remarks made matters look still worse. He told us that these puisne justices would be appointed by the Judicial Service Commission on the recommendation of the Hon. Prime Minister and the Hon. Minister of Justice. I think he said that.

වෛද්‍යාචාර්ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

That is wrong. Only the Prime Minister.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)

It was the first time I learnt that puisne justices would be appointed on the recommendation of the Minister of Justice.

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)
Certainly not.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
I had imagined that puisne judges can be appointed only by the Judicial Service Commission——

ගරු මන්ත්‍රීවරු
(கௌரவ அங்கத்தினர்கள்)
(Hon. Members)
No.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
——on the recommendation of the Prime Minister.

ගරු මන්ත්‍රීවරු
(கௌரவ அங்கத்தினர்கள்)
(Hon. Members)
By the Governor-General.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
By the Governor-General on the recommendation of the Prime Minister. This is the first time that I hear that the Hon. Minister of Justice had a hand in the pie.

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)
He wants to have a hand.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
That is right. This is the first time. This is an important confession that the Hon. Leader of the House made and it vitiates the entire principles of justice. [*Interruption.*]

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)
Order, please !

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
The Hon. Minister of Justice is a political figure.

ගරු ඉලංගරත්න
(கௌரவ இலங்கரத்ன)
(The Hon. Ilangaratne)
And so is the Prime Minister.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
The Minister of Justice under our law has to be chosen from among our rising or risen politicians. Here, in this case you are going to allow the Hon. Minister of Justice to have a hand in the selection of two puisne justices and thereafter he, the Hon. Minister of Justice, will nominate three judges for the trials at bar and the judgment of these trials at bar will be on a majority decision of the three Judges. It is very easy to see that the Minister of Justice is constituting himself as the law.

වෛද්‍යාචාර්‍ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)
He is the Minister of Injustice !

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)
Order, please ! Please do not interrupt. If hon. Members are going to interrupt I will rule that they have already spoken and they will not get another chance of speaking.

ඩබ්ලිව්. දහනායක මයා
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
Thank you very much, Sir.

The Minister of Justice must have had a hand in drawing up this Bill. He probably gave directions to the Legal Draftsman and probably the chief features of this Bill had been discussed by the Minister of Justice with his colleagues. I do not know

[බබිලිව්. දහනායක මයා.]

why it was decided to place such wide powers in the hands of the Minister of Justice. I know that the present holder of that office can be expected to be very just but still human nature being what it is you must not set up a system which opens itself, lends itself with the greatest ease, to the committal of a little bit of indiscretion, if I may so put it. This is a world of little bits in which we live. So if the Minister of Justice with his little bit of indiscretion and the Minister of Finance with his little bit of totalitarianism are allowed to rule the roost, I do not know where our cherished liberties will be in course of time.

I said that the provision for a trial at bar without a jury may be justified, but you cannot justify a trial at Bar before three Judges if you are to ask the Minister of Justice to nominate the Judges. There is a very salutary provision in our law under which from a given panel of judges who are to try a particular case should chosen. In my view, we should not interfere with the existing practice. We should not allow politicians to make selections. Hand-picking of Judges would lead to something very vicious, indeed, liberties in the independence of the judiciary. I think that the independence of the judiciary. I think that the independence of the judiciary is being assailed in this Bill by the part that the Minister of Justice is allocated in these proceedings.

I remember some time last year Lord Evershed was here in Ceylon and he made certain very appropriate comments about the independence of the judiciary. Permit me to quote from the "Ceylon Daily News" of Saturday February 6th, 1960:

The importance of an independent judiciary to the working of Democracy was emphasised by Lord Evershed, Master of the Rolls, in an address to the Judicial Services Association at Hulftsdorp, Colombo, on Thursday.

English law and the administration of justice in England had by its methods, its service and its purpose, made a really lasting contribution to the history of the world, he said. In many countries he had been proud to hear tributes, such as that paid that day by the Association's president, to "our ancient system of law".

The essence of the matter is—and always has been—that the judges should be wholly independent of the executive both as regards their appointment and as regards their tenure of office" said Lord Evershed.

It is of course to secure that end that the Judicial Services Commission exists. I have no doubt that in the Island they will achieve their object, and certainly, from what I have not only seen here but have learned from the reputations that have travelled to England, your judges here are in the highest tradition of an independent judiciary. That is an axiom which I think can be safely asserted and must be an article of faith to all who believe in freedom.

In a democratic country you may get —indeed, you should get—changes from time to time of political colour in those responsible for Government. This is the great virtue of democracy. By those variations, those changes, the country gains experience and thereby progress.

But so that all may be content and without any disquiet at any stage, you must also have the element of continuity and stability which indepence of the judiciary—and, may I add also, of the whole profession of the law—supplies. So it is that by that independent legal system the working of democracy is secured.

Equally axiomatic and obvious is the converse that, if the independence of the judiciary were under-mined, if the respect for the Bar and the judiciary among ordinary people departed, freedom in any sense that matters would depart also.

I took the liberty to quote rather extensively those very eloquent words of Lord Evershed about an independent judiciary because I feel that the independence of the judiciary is being set at naught through the provisions of this Bill.

How can the judiciary be independent if the Minister of Justice, a political personality is permitted to hand-pick Judges for an *ad hoc* purposes. How can the independence of the judiciary be maintained if there is no appeal from the trial at Bar? This is a matter in which all citizens of this country are deeply

concerned. There are some who think that today the position in this country is that most of the institutions have deteriorated and have fallen in standards. But we are indeed happy that our judiciary still upholds the highest traditions of justice and that the ordinary man can look to the law courts of Ceylon for fair, undiluted justice. Therefore, it is very necessary that in the dispensation of justice, a political figure, the Hon. Minister of Justice, should not be permitted to interfere in places and situations in which it is not proper for him to intervene. I therefore ask that there should be appropriate amendments to this Bill so that the absolute powers that are given to the Hon. Minister of Justice by some of the provisions of this Bill are removed.

I now come to some of the other provisions of this Bill. Clause 6 gives a full definition of offences against the State. I find that there are some amendments that have been tabled, and I shall take the liberty of reading Clause 6 as amended :

Section 115 of the Penal Code is hereby amended as follows :—

(1) by the substitution, for all the words from " Ceylon, shall " to " to fine. ", of the following :—

" Ceylon, or conspires to overthrow, or attempts or prepares to overthrow, or does any act, or conspires to do, or attempts or prepares to do any act, calculated to overthrow, or with the object or intention of overthrowing, or as a means of overthrowing, otherwise than by lawful means, the Government of Ceylon by law established, or conspires to murder, or attempts to murder, or wrongfully confines, or conspires or attempts or prepares to wrongfully confine, the Governor-General or the Prime Minister or any other member of the Cabinet of Ministers, shall be punished with death, or imprisonment of either description which shall extend to at least ten years but shall not extend to more than twenty years, and shall forfeit all his property.

The amendments that are sought to be introduced remove some of the most obnoxious features of this Bill where an attempt to restrain a Minister will be punishable with death. Suppose you catch a Minister by the hand and tell him : " Hullo, I am not going to allow you to go till you promise me that you will acquire such-and-such a land in my electorate for village expansion ". You will then be guilty of an offence. Now that has been amended. We are very happy that that obnoxious provision has been removed.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
What is that ?

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)
" Wrongfully confines or attempts or prepares to wrongfully confine a Minister. " Now if you prepare to wrongfully confine a Minister you will be guilty of an offence.—[*Interruption*] Are they saying that the M.C.C. batsmen have got out ? I will do better in regard to this match that is taking place here because I want to put up a decent score for my side.

I want you to think a little about the wording of this Clause. It is my submission that, under this Clause as you propose to pass it, even innocent strikers might be charged for an offence under this Act. We are told that a person who attempts to or prepares to do any act with the object or intention of overthrowing the Government of Ceylon—take those words, " attempts or prepares to do any act, calculated to overthrow, or with the object or intention of overthrowing, or as a means of overthrowing, otherwise than by lawful means, the Government of Ceylon, " —is guilty of an offence.

Now we know that certain strikes are illegal. Certain services in this country have been declared to be essential services in which strikes cannot take place. A strike that takes place in an essential service is illegal. Even without emergency regulations,

[ඩබ්ලිව්. දහනායක මයා.]

it is the view of some lawyers, who ought to know that, a strike in the Government Service is illegal. That is a moot point. But, however that may be, it is very clear, and there is no doubt about it, that if a service has been declared an essential service, a strike in such a service is illegal. Therefore, a person who goes on strike in an essential service is taking part in an action that may be described as a "means otherwise than legal". So, Sir, if a strike leader gets up and says, "Down with this Government that oppresses the workers" then immediately a policeman tape-records that speech of the strike leader and arrests him under Section 6 of the Criminal Law (Special Provisions) Act and such a strike leader will be found guilty, and the punishment that can be imposed on him is death or imprisonment of either description which shall extend to at least ten years but shall not extent to more than twenty years.

වෛද්‍යාචාර්ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)
Plus confiscation.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)
Now do you see how very careful you must be in drafting your laws? Why are you leaving room for strikers to be caught up in this Bill?

Then, it is not merely in the course of a strike that a person can be caught up; without taking part in a strike, while the Emergency is going on, if a Member of Parliament makes a speech outside this House in which he says this Government should be overthrown because of its misdeeds, it might be held that that Member of Parliament was endeavouring to overthrow the Government otherwise than by lawful means, because he would not have the right to criticize the Government in that way while there were Emergency Regulations in force. So Clause 6 will enable the Police to rope in just anybody who criticizes the Government in language which can be construed as meaning that the Government should be overthrown.

Now, take the words "with the object or intention of overthrowing the Government". Certainly to have the object or intention of overthrowing the Government is everybody's democratic right. If you do not like the Government you have, you should be permitted to overthrow that Government by all lawful means. So please do not imagine that the object or intention of overthrowing a government is something wrong or bad. That is the very essence of democracy. There can be no democracy unless there is a desire among the people to overthrow a government which is considered undemocratic or bad. That is what all of us have been trying to do in our parliamentary careers—to overthrow a government which is considered undemocratic or bad. The principal aim in a general election is to overthrow a government and, correspondingly, to instal a government of one's choice. Therefore it must be kept in mind that the object of overthrowing a government is a perfectly legitimate object. I hope our people will always wish to take all possible action to overthrow any government in this country which does not satisfy their aspirations. Of course, we admit that such actions should be taken by lawful means. But certain situations arise in which even the right you have to criticize the Government is unlawful. There is such a situation today.

The Government has been good enough not to enforce the Emergency Regulations rigidly. Today nobody has the right to criticize the Government, but the Government is not implementing the law rigidly. We are glad to be able to say that the Government is enforcing that law in a very democratic and liberal manner. But must you place in the statute book a provision under which it is possible for the police to arrest any person, to detain him for sixty days, and to take him before the courts for

an offence to overthrow the Government otherwise than by lawful means simply because he has criticized the Government—may be very strongly ?

I think it is necessary to think over the wording of Clause 6 of the Bill a little more carefully so that you do not commit an injustice. I am sure it was not the intention of the Government to make it possible for strikers in an esential service, or others who criticize the Government to be caught up by the provisions of Clause 6. I would therefore, appeal to the Hon. the Minister of Justice to see that Clause 6 is so amended as to make it unambiguous.

I now come to the provisions in this Bill which deal with the admissibility of statements in the case of offences against the State. I am referring to Clause 12. Clause 12 (1) reads as follows :

" In the case of an offence against the State, a statement, whether or not it amounts to a confession, made by any person may, whether or not that person was in the custody of a police officer at the time the statement was made and whether or not such statement was made in the immediate presence of a Magistrate, be proved as against such person if, but only if, such statement is not irrelevant under section 24 of the Evidence Ordinance :

Provided, however, that no such statement shall be proved as against such person if such statement was made to a police officer below the rank of Assistant Superintendent. "

Our law about the admissibility of evidence is a very important section of the Evidence Act. As all lawyers know, one of the most cherished rights that an accused person has is that evidence of a certain type is not admissible. That provision has been made for the obvious reason that all evidence is not as pure as evidence should be. Therefore, the law has considered testimony in all its aspects and bearings and said that such and such testimony of such and such type given under such and such circumstances shall be admissible and evidence of other types given under other circumstances shall not be admissible. There is very good reason for those provisions in the law. The reason obviously is to prevent a miscarriage of justice. The intention of the law is to prevent a miscarriage of justice. So, the admissibility or otherwise of evidence is also a method by which you ensure that pure and undiluted justice shall be dispensed.

Now, what is sought in Clause 6 is to create a variation of the law of evidence. A person need not be in the custody of a police officer according to Clause 12 for his evidence to be taken. A person need not make the statement in the immediate presence of a Magistrate under Clause 12.

If you remove from the law the existing provisions which I have mentioned you will be making things extremely easy for a miscarriage of justice. The existing law is very cautious, indeed, in regard to statements that are made before police officers. Clause 12 (4) is as follows :

The provisions of section 25, 26 and 30 of the Evidence Ordinance shall not apply in the case of any offence against the State.

Sections 25, 26 and 30 of the Evidence Ordinance are referred to here. Section 25 is as follows :

(1) No confession made to a police officer shall be proved as against a person accused of any offence.

(2) No confession made to a forest officer with respect to an act made punishable under the Forest Ordinance, or to an excise officer with respect to an act made punishable under the Excise Ordinance, shall be proved as against any person making such confession.

Section 26 of the Evidence Ordinance reads as follows :

No confession made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

Section 27 of the Evidence Ordinance reads as follows :

Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered may be proved.

[ඩබ්ලිව්. දහනායක මහා.]

Now, I consider the provisions of these Sections extremely important in order that the course of justice may not be tampered with. Under Section 25 of the Evidence Act, if you make a confession to a police officer it is not admissible. This is a very, very, serious matter. You and I know how confessions are made sometimes to police officers.

Is there a single hon. Member in this House who does not know that the Ceylon Police Force during the last 20 years has specialized in third degree methods of extorting confessions from accused ? Are not our New Law Reports full of cases in which judges of the Supreme Court have time and again censured police officers for resorting to methods of torture in order to obtain confessions from accused persons ? Have we all not had knowledge of such instances ?

I recall in the dark days of 1958 when the late Mr. S. W. R. D. Bandaranaike, our Prime Minister, appointed Mr. M. W. F. Abeyakoon, the present Inspector General of Police, to be a special officer to investigate allegations of police excesses, I, as Minister of Education at that time, took before him a number of persons who alleged that officers of the police had used third degree methods of torture against them.

I remember one instance in which it was alleged that pins and needles had been used by police officers on various parts of the physique of the accused and thereafter that poor person had been taken to the sea beach and given a dip in sea water so that there would be no marks of the needle pricks in his body. I recall another instance in which evidence was given before the special officer, Mr. Abeyakoon that a police officer took up an unfortunate person to the top of the ramparts in Galle and bade that poor fellow to jump down into the sea. These are the methods that are used by the police against the poor innocent victims. We know that those methods are the order of the day in the Police Force of Ceylon. You cannot say that they are rare occurrences. You cannot say that our police officers have learnt to give up their savage, barbaric methods of torture. You cannot say that in your police training school you teach your new recruits first and foremost to be men and gentlemen and thereafter to be policemen. You have not changed your methods of tuition in your police training school. You have not made your police force change their approach to the people. The police force of Ceylon thinks that the common man is an animal, and I daresay the common man thinks—and thinks correctly—that the police force is full of animals. That is the truth.

And here you take away from an accused person a cherished right, the right to maintain that a confession made to a police officer is not admissible. You may as well make a confession made to the devil admissible ! I say that you must revise your ideas about men and matters before you bring in this responsible House a Bill with provisions such as these. Section 26 of the Evidence Ordinance provides that a confession made by a person whilst in the custody of a police officer should be in the immediate presence of a magistrate—a very salutary and very necessary ingredient of our legal procedure. Now you seek to give police officers the right to obtain confessions from accused persons. Where is it going to end ?

I say that it is impossible for me to make up my mind to agree to these provisions. I wish whole-heartedly to support a Bill which will impose the severest penalties that one can conceive of on offenders in the recent coup d'etat, but I cannot, for the life of me, agree to such provisions as these that I have mentioned which will take away from our people the rights that they already enjoy to protect themselves from the criminal tendencies of the police.

Let us not forget that this coup d'etat was a police military coup d'etat. There are policemen of the past and of the present, and there

will be policemen of the future, and we have to see that the police force is re-established, made to be reborn, so that it may be a people's institution which will help the people in their difficulties instead of becoming the oppressors of the people, which it is today.

Let me proceed to another provision of this Bill. Clause 18 reads as follows :

"The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law."

I wish to put a simple question to the Hon. Leader of the House, that is, do the words "in any other written law" also mean the Constitution ?

ගරු සී. පී. ද සිල්වා
(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
No.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
Are you seeking in an indirect way to get powers for yourself, powers which are denied to you in the Constitution of Ceylon ?

I have already made reference to the right a citizen of Ceylon has to appeal to Her Majesty the Queen. I do not think you can deny under the existing law the right of appeal to the Queen, but if you deny to an accused person the right of appeal to the Court of Criminal Appeal, can you skip over one step and go to the highest step and make an appeal to the Privy Council ?

After a Trial at Bar, normally, you can make an appeal to the Court of Criminal Appeal. But you are preventing a person from doing that. Can that person thereafter have the right of appeal from the decision of the Trial at Bar to the Privy Council ? I think not. You have by the provisions of this Bill created a position in which a very valuable provision in your Constitution is vitiated, indirectly it may be.

I want a very clear statement on the implications of Clause 18 because if it is correct that this provision of the Bill will prevent an accused person from appealing from the Trial at Bar to the Privy Council, then the question arises whether you can pass this Bill without a two-thirds majority of this House.

As far as one can see from a superficial glance at the provisions of this Bill, its passage in this House does not require a two-thirds majority, but if it is considered that anything in this Bill, implicity or explicity, will prevent an accused person from making an appeal to Her Majesty the Queen in Privy Council, then I say that you will need a two-thirds majority of this House for the passage of this Bill. Therefore I think that this question should be clarified in the interests of all concerned.

Let not such a question be raised in a court of law after the passage of this Bill. After you have passed this Bill some of our clever lawyers may go to the Supreme Court and state a case to the effect that the Bill which we have passed is *ultra vires*. Let not such a situation arise.

To sum up the position I take, I wish to repeat the fact that I am one with other hon. Members in calling for the most deterrent punishment for the conspirators if they are found guilty. Let me not mince my words on this matter. I think the conspirators of January 27th were guilty of the most diabolical act in the history of our country after Ehelapola sold our rights to the British in 1815. Ehelapola sold our rights to the British for a mess of pottage, and he learnt his lesson. He handed over the Sinhalese nation with its history of twenty centuries, to a foreign power. What did the conspirators of January 27th try to do ? Something worse than what Ehelapola had done. They wanted to hand over this country to a set of totalitarian dictators who would trample upon all our hard-won rights, privileges and freedom. So the conspirators of January 27th should be given their deserts. Let them be punished, and punished most severely.

[දහනායක මයා.]

But, Mr. Speaker, let us not, in our desire to punish these conspirators, forget the basic principles of law. Let us keep in mind that the rule of law is one of the cardinal principles of our Constitution and is bound up with our personal liberties. Let us not go back to the dark ages when there was a Star Chamber. Here I have before me an article on the Star Chamber of the days of King Henry VII :

> Hearings were public. There was no jury. Torture was sometimes used to get confessions. Generally speaking it was a court of criminal jurisdiction, particularly in respect of violations of royal proclamations.... The court punished with imprisonment and fine, even with mutilation.

That is a paragraph on the Star Chamber from the Encyclopaedia Britannica. Now, do you desire to create through this Bill a Star Chamber in Ceylon ? I sincerely hope that that is not the case.

Therefore I appeal to the Government to remove from this Bill all its obnoxious and unacceptable elements so that it will be possible for all of us, in all sections of this House, to accept this Bill and co-operate with you in your endeavours to bring to book the conspirators of January 27th, 1962. Thank you.

ගරු එම්. සමරවීර (පළාත් පාලන හා නිවාස කටයුතු පිළිබඳ ඇමති)

(கௌரவ எம். சமரவீர—உள்ளூராட்சி, வீடமைப்பு அமைச்சர்)

(The Hon. M. Samaraweera—Minister of Local Government and Housing)

Mr. Speaker, I am very glad that as a representative for Matara I have been afforded this opportunity of following the speech of the representative for Galle ; but the points of view I express are not those of the representative for Matara—I must state that at the beginning—but the views of the Government which I represent. I also crave the indulgence of the House to give me a patient hearing. I do not propose to take as much time as was taken up by the hon. Member for Galle (Mr. W. Dahanayake). There are so many other speakers from both sides of the House who wish to follow.

I might also mention this. The statement of facts which I put forward, the interpretations which I submit might not be acceptable to some hon. Members of this House. But whatever it is, we are prepared to give the first consideration to any points of view that are expresed by the hon. Members of the Opposition, and if those points of view find favour with the Government I am sure we will accept them.

Before I start to explain the provisions of this Bill which are causing some doubts in the minds of hon. Members, I would like to go back some years, in point of fact to the period beginning from 1956. In that year there was a social revolution which brought to the common man—the workers and peasants in this country—a degree of power and authority which they never enjoyed before. I agree, I understand, that from the point of view of certain hon. Members of the Opposition that degree of power and authority is not large enough or wide enough. But whatever the extent or the degree of that power I think it is admitted on all sides that there was an effective transfer of power to those sections which I mentioned.

As a consequence of that social revolution certain defects had naturally to flow. With the common man getting a share of the good things of life which had been the monopoly of a very select few the social foundations of that select few and the class of society which they represented were undermined. And you will remember, Mr. Speaker, that from 1956 till his untimely death, till his assassination, in 1959 the sort of obstacle that were put in his way towards implementing the social programme of his party, the S. L. F. P. With his assassination the dark forces of reaction thought that the forward march towards socialism had been definitely retarded and put back, but unfortunately for them, unfortunately for

those who hold a reactionary point of view, things happened contrary to their way of thinking. The public who had endorsed the policies of the late Mr. Bandaranaike gave a mandate in July, 1960, to his widow the present Prime Minister to carry on the policies which had been inaugurated and initiated by the late Prime Minister.

With the installation of her Government and with the steps taken by the Government to implement the policies of the late Prime Minister and of the S. L. F. P., the same dark forces of reaction which had obstructed the late Prime Minister, the same forces of reaction which brought about his ultimate assassination, again banded themselves together to stop the march towards socialism.

I will come to that stage again later in the course of my speech but I have to go back to 1959 immediately after the assassination of the late Prime Minister when the last speaker the hon. Member for Galle (Mr. W. Dahanayake) became the Prime Minister of Ceylon, the darkest period in Ceylon's history ! I make a point of stressing this. I know him personally and personally I had a great regard for him. I stress the words " I had ". But I am really surprised when today the hon. Member for Galle, forgetting the period when he was Prime Minister, stands forth as the defender of law and order and the upholder of democracy. [*Interruption*]. Please do not interrupt me. I ask for a patient hearing. I speak of this period, the period during which the present hon. Member for Galle was Prime Minister, because speaking on certain provisions of the Bill, specially Clause 2 of the Bill, he spoke of a Police *Raj* being created. He spoke of the Inspector-General of Police being a very good, nice and amiable gentleman, but he said he did not want the post to go to some person who would just be the reverse in character of the present holder of that post. I can assure him and as I said before—when I so assure him, I assure him on behalf of the Government—we have no intention nor will to permit the establishment of a Police *Raj* or of a dictatorship. That assurance I give on behalf of the Government.

But when the hon. Member for Galle speaks of a Police *Raj*, I would like to remind him of a question posed to him at the Government Parliamentary Group in 1959 when he was Prime Minister by a member of the party who was then a Minister and now also a Minister. He asked on certain information which was also supported by another member of the Cabinet then and now : " Did you not advise His Excellency the Governor-General that if anything unforeseen should happen to you that His Excellency should appoint Mr. Sidney de Zoysa as the Prime Minister of Ceylon ? " That question was put to you at a Government Parliamentary Group meeting.

ගරු මන්ත්‍රීවරු
(கௌரவ அங்கத்தினர்)
(Hon. Members)
Shame ! Shame !

ඩබ්ලිව්. දහනායක මහා.
(திரு. டப்ளியு. தகனாயக்க)
(Mr. W. Dahanayake)
That is a diabolical falsehood !

ගරු මන්ත්‍රීවරු
(கௌரவ அங்கத்தினர்)
(Hon. Members)
Hear ! hear !

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)
How do you know ?

ජේ. ආර්. ජයවර්ධන මහා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
Mr. Sidney de Zoysa is not a Member of Parliament.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)
The Prime Minister need not be a Member of Parliament.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

That is a first class fabrication.

ඒ. එච්. මාකන්-මාකර් මයා. (මඩකල පුව දෙවන මන්ත්‍රී)
(ஜனுப் ஏ. எச். மாக்கன் மாக்கர்—மட்டக்களப்பு இரண்டாம் அங்கத்தவர்)
(Mr. A. H. Macan Markar—Second Batticaloa)

I was a member of the Government Parliamentary Group at that time and I do not remember that question being put to him.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

The question was put to him by the Hon. Minister of Commerce, Trade, Food and Shipping (Mr. Ilangaratne).

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

I have said that it is a diabolical falsehood.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

I am not saying it is true. I am not saying that it was said or not.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

It is both ridiculous and unnecessary as well as despicable.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

I accept his statement. However, Mr. Sidney de Zoysa was good enough to be the Permanent Secretary of a special department of Internal Security which you created for the benefit of Mr. Sidney de Zoysa.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

For the benefit of the people of Ceylon. I created that department after the Vavuniya train disaster and the Ratmalana fire.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

After the Vavuniya train disaster and the Ratmalana fire Mr. Sidney de Zoysa was the person who had to be the Permanent Secretary of the Ministry of Internal Security. That is by the way.

I come back again as I said to the period immediately——

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

Can you tell me why you ran after Sir John Kotelawa ?

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

Because I did not like you to be there even at that time.

ඩබ්ලිව්. දහනායක මයා.
(திரு. டப்ளியு. தகனயக்க)
(Mr. W. Dahanayake)

Thank you very much for this reply. It will go down on record.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

Coming back to the period immediately following the victory of the present Prime Minister's Government, and the period immediately preceding that victory, I would like to stress the point of view put forward by the Hon. Leader of the House. He read to you, Mr. Speaker, and to this hon. House a section of our election manifesto

wherein we stated that the laws in regard to treason were antiquated and that if our party was returned to power we would take steps immediately to remedy this defect. The election resulted in the installation of this Government. As I said earlier, this Government was obstructed by these same forces of reaction which did away with the late Prime Minister. Because of the difficult situations we had to face, this Bill, and the amendments which we had undertaken to bring about, could not be presented. Today, however, a situation has been forced upon us as a result of the attempted coup d'etat, which makes these laws absolutely necessary. As I stated earlier, a revolution took place in 1956. We are again face to face today with a revolutionary situation, and I think hon. Members of the left, in particular, will agree that revolutionary situations demand revolutionary methods.

These laws are stated to be going too far. Perhaps that point of view is taken looking at them from a lawyer's angle. I mean nothing against the lawyers. Although I am a lawyer myself in a small way, when we are sent here we come as representatives of the people and not as persons representing individuals or clients. So I appeal to hon. Members who belong to the left parties and to hon. Members who belong to the legal profession to look at this in the context which I have outlined.

When people—hon. Members of this House as well as those outside—discuss these laws, they sometimes forget that we are not dealing with an ordinary situation but with a situation concerning people who do not belong to the class of society members of which normally appear as accused in our courts. The gentlemen under detention are not persons whom you find charged in ordinary cases of theft, ordinary cases of murder, or ordinary cases normally contemplated in the Penal Code. The situation is different and the people involved are different. So when we examine these laws we have to keep these facts also at the back of our minds.

එඩ්මන්ඩ් සමරක්කොඩි මයා. (බුලත්සිංහල)

(திரு. எட்மன் சமரக்கொடி—புளத்சிங்ஹள)

(Mr. Edmund Samarakkody—Bulathsinhala)

We would like to hear from the Hon. Minister an explanation of the provisions of this Bill.

ගරු සමරවීර

(கௌரவ சமரவீர)

(The Hon. Samaraweera)

Yes, I am coming to that and, as I said, please do not interrupt me. If my interpretation is not acceptable or if the facts are not acceptable, hon. Members will have their own chance of replying. That is fair, is it not ?

එඩ්මන්ඩ් සමරක්කොඩි මයා.

(திரு. எட்மன் சமரக்கொடி)

(Mr. Edmund Samarakkody)

It is almost time for tea, Sir.

ජේ. ආර්. ජයවර්ධන මයා.

(திரு. ஜே. ஆர். ஜயவர்தன)

(Mr. J. R. Jayewardene)

Are we adjourning for tea today ?

කථානායකතුමා

(சபாநாயகர்)

(Mr. Speaker)

Yes.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා (දෙහිවල-ගල්කිස්ස)

(டொக்டர் கொல்வின் ஆர். டி சில்வா—தெகிவலை-கல்கிசை)

(Dr. Colvin R. de Silva—Dehiwala-Mt. Lavinia)

We do not want to interrupt and if my hon. Friend will not misunderstand, may I know whether we are adjourning for tea or not ?

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

Yes, at 4 p.m.

ආචාර්ය කොල්වින් ආර් ද සිල්වා (දෙහිවල-ගල්කිස්ස)
(டொக்டர் கொல்வின் ஆர். டி சில்வா—தெகிவலை-கல்கிசை)
(Dr. Colvin R. de Silva)

As my hon. Friend said, Sir, as the Hon. Minister is coming on to a new point we might adjourn now for tea.

ගරු එම්. සමරවීර (පළාත් පාලනය හා නිවාස කටයුතු පිළිබඳ ඇමති)
(கௌரவ எம். சமரவீர—உள்ளூராட்சி, வீடமைப்பு அமைச்சர்)
(The Hon. Samaraweera)

Well, I do not mind.

කථානායකතුමා
(சபாநாயகர்)
(Mr. Speaker)

රැස්වීම අ. භා. 4.30 වන තුරු තාවකාලිකව අත්හිටුවනවා. නැවත පටන් ගන්නා විට නියෝජ්‍ය කථානායකතුමා මූලාසනය ගන්නවා ඇත.

රැස්වීම ඊට අනුකූලව තාවකාලිකව අත්සිටුවන ලදී. අ. භා. 4.30 ට නියෝජ්‍ය කථානායක තැන්පත් නියු ප්‍රනාන්දු මහතාගේ සභාපතිත්වයෙන් නැවත පවත්වන ලදී.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

Mr. Deputy-Speaker, I was replying to certain criticisms that were made in respect of certain sections of this Bill when we adjourned. As I said before, I am putting forward the view of the Government in these matters. My interpretation might or might not find favour with some hon. Members opposite and if they do not accept these interpretations well, then, it is for them to put forward their own, and, as I said before, we are always prepared to consider any suggestion which we think is reasonable.

Clause 2 of this Bill was lengthily criticised by the hon. Member for Galle, particularly sub-Clause (1), which says—

"Where the Inspector-General of Police suspects that any person has committed, whether before or after the date of the commencement of this Act, any offence against the State, the Inspector-General of Police or any other police officer authorized by him in that behalf may arrest such person without a warrant."

The hon. Member for Galle was trying to make out that however fair and just the present Inspector-General of Police is we might not be able to expect the same standard of justice and fairplay from a possible subsequent holder of that post and that such subsequent holder might abuse the provisions of this Clause by taking in a person whose face he did not like, or for some other personal reasons, into custody on the grounds of suspicion. If this provision, therefore, is allowed to go into the Statute Book, then, according to the hon. Member for Galle, nobody is safe.

But, Mr. Deputy-Speaker, taking a person on suspicion is not something new to the law of this land. Here, what is contemplated is taking into custody a person suspected of committing the most serious offence possible, that is, an attempt or an offence against the State. But I would like to stress, as I said earlier, that this is not something new, this right of taking a person into custody on suspicion is allowed for very many minor offences also. If that is so, I see no reason why this same right should not be extended to cases of this nature.

නීල් ද අල්විස් මයා.
(திரு. நீல் டி அல்விஸ்)
(Mr. Neal de Alwis)

And incarcerated in an unknown place.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

Please. You will have your chance of replying.

Section 32 (1) (b) of the Criminal Procedure Code provides that

"a peace officer may arrest without a warrant any person who has been concerned in any cognizable offence or against whom a reasonable complainant has been made or credible information has been received or a reasonable suspicion exists of having been so concerned."

So, to say that this is something that is introduced to bring about a police state is, I submit, without any basis or foundation.

A point was made of the fact that the alleged participants in the coup d'etat would be tried before the Supreme Court at bar by three judges, without a jury. According to the existing law, the Minister of Justice already has the power to direct that a person charged shall be tried before the Supreme Court at bar by three judges, without a jury:

"in the case of an offence of sedition . . . . . and in the case of any other offence which by reason of civil commotion, disturbance of public feeling or any other similar cause, the Minister of Justice may consider to be appropriately triable in the manner provided . . . ."

My argument is, if people charged with sedition could be tried in this manner, why should more serious offences against the State not be tried in the same manner ?

Again, the hon. Member for Galle (Mr. W. Dahanayake) made a point of the fact that confessions made to police officers which are not normally acceptable in evidence are under this law sought to be admitted in evidence. He also made a point of the fact that various allegations have been made by himself and by various Members on both sides, and by members of the public, that the police have on various occasions resorted to brutal methods in extracting confessions. On that point I think there is no dispute between us. But again you will have to keep in mind the type of people who are under detention on this charge. As I said before, the class of society from which they come must be borne in mind. I submit that it is very unlikely, almost impossible, that such methods will be resorted to. And I can tell hon. Members of this House that every person who was questioned was asked whether he was prepared to make a statement voluntarily. Several of them did so, several refused. There was no compulsion brought upon them to make any statement at all. Even in the English law a confession made to a Superintendent of Police is admissible, and the provision in this Bill as far as this point is concerned brings our law in conformity with the English law.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி. சில்வா)
(Dr. Colvin R. de Silva)

If my Hon. Friend does not mind my interrupting him, it is not in conformity with the English law because under that law the policeman must first caution the person whom he arrests and detains that anything he states may be used against him as evidence. We do not have that provision. I state this purely as a correction and it is not intended as any kind of hostile interruption.

ගරු සමරවීර
(கௌரவ சமரவீர)
(The Hon. Samaraweera)

I am thankful to the hon. Member for Dehiwala-Mt. Lavinia (Dr. Colvin R. de Silva). I can assure the hon. Member that the people who have been questioned have been cautioned in that manner.

I will now come to another point. Under our law police officers have no power to investigate offences against the State without the authority of a Magistrate, but they have that right where minor offences are concerned. I submit that there can be no objection to the extension of this right to cover cases of serious charges of this nature.

A point was made about the proposed increase in the number of puisne judges by two. As I stated earlier, certain laws that we had undertaken to introduce which we stated in our Election Manifesto were delayed due to various circumstances.

[ගරු සමරවීර]

The presentation of this Bill has been speeded up by reason of the attempted coup d'etat. Again, the increase in the number of judges is not something that has been thought about for some nefarious purpose. As far back as December 1960, the Hon. Minister of Justice submitted a memorandum to the Cabinet recommending an increase of two judges to the Supreme Court. I think the hon. Member for Dehiwala-Mt. Lavinia also, at about this period, made a request on the Floor of this House — I think that is in the HANSARD—

ආචාර්ය කොල්වින් ආර්. ද සිල්වා

(டொக்டர் கொல்வின் ஆர். டி சில்வா)

(Dr. Colvin R. de Silva)

We have been asking for it since 1947.

ගරු සමරවීර

(கௌரவ சமரவீர)

(The Hon. Samaraweera)

I am speaking of the Cabinet Memorandum. I said the memorandum was submitted in 1960 by the Hon. Minister of Justice requesting that the number of judges be increased to eleven. Following the acceptance of that memorandum certain steps in the way of finding additional accommodation for these judges had been taken. These are roughly some of the points that have been made.

It was alleged that the Minister of Justice is a political figure. Admittedly so, Mr. Deputy-Speater. In the view of the Cabinet it was felt that in the case of an offence directed against the State this power should be with the Minister of Justice. Also, if we argue further, leaving aside the Minister of Justice, the Prime Minister who would normally recommend to the Governor-General the nominees for the Supreme Court is also a political figure.

The hon. Member for Galle (Mr. W. Dahanayake) also made a point that with so many senior police officers and ex-police officers being involved, to leave the investigation in charge of the Police alone would be unsatisfactory. He suggested the setting up of a new organization with detectives from Scotland Yard. I would like to ask the hon. Member for Galle how detectives from Scotland Yard without local contacts could help in a situation like this, and if the local contacts are again local police officers we will be up against the same objection. Again, because the Cabinet is in charge of overall investigations because certain senior police officers are involved, we are blamed. What else is possible in the circumstances, I ask?

These are some of the points that have been made. As I said before, we are face to face with a revolutionary situation, which has to be met with revolutionary laws. Some hon. Members think that we are going too far, but I can assure the House that most people outside, the general public, think that we are not going far enough, specially in the case of an offence of this nature. As was stressed by the hon. Leader of the House, the laws that we had were laws framed during the colonial period to meet situations existing at that time. Subsequent political reforms, subsequent social reforms, have brought about changes which make changes in the laws necessary. That will be accepted by all sides of the House.

එඩ්මන්ඩ් සමරක්කොඩි මයා. (බුලත් සිංහල)

(திரு. எட்மன் சமாக்கொடி—புளத் சிங்ஹள)

(Mr. Edmund Samarakkody—Bulathsinhala)

May I ask the Hon. Minister whether he considers that this is a reform of the existing law?

ගරු සමරවීර

(கௌரவ சமரவீர)

(The Hon. Samaraweera)

In certain cases it is definitely a reform. As I said, they are revolutionary laws, and normally we would have expected revolutionaries to think that these are not revolutionary

enough, but some do not seem to think so now. That, I said, is a point of view which they can express on their side, but on our side this is the considered view of the Government which I have submitted.

I have to the best of my ability put before the House a fair interpretation of the points that were raised. There is naturally bound to be certain points that I had overlooked and explained inadequately. Those points will be adequately explained by Hon. Ministers and hon. Members who will be following me later.

I thank the House for giving me this patient hearing and I commend this Bill to the House.

ඒ. එච්. මාකන්-මාකර් මයා. (මඩකලපුව දෙවන මන්ත්‍රී)

(ஜனாப் ஏ. எச். மாக்கன் மாக்கர்—மட்டக்களப்பு இரண்டாம் அங்கத்தவர்)

(Mr. A. H. Macan Marcar—Second Batticaloa)

In the six years since transition the political fortunes of our country have passed through very many vicissitudes and the events and experiences of these six years would have normally filled the space of a century. We have had in this period the unfortunate and foul assassination of our Prime Minister, communal strife, emergencies, labour strikes, *satyagrahas* and civil disobedience which have culminated in the recent diabolical attempt to overthrow the legally constituted Government.

The recent coup from which we are just emerging is undoubtedly the most serious of all the crises that have befallen us. It was just pure chance that the hon. Member for Ambalangoda (Mr. P. de S. Kularatne) came to know of it. The great and good man that he is, he lost no time in communicating it to the authorities and the people I am sure will always remember with gratitude the signal service that this gentleman had rendered the country by his prompt and patriotic action. Likewise I feel the Government has acted with promptitude and singleness of purpose in its effort to bring the culprits to book. However, all their good work has been spoilt by the base, mean and vile tactics adopted by them to discredit two of the outstanding statesmen of this country today, whose services in the cause of their country have perhaps been excelled by only two others.

None can dare deny that the plot to overthrow the Government is a most despicable one. All of us here and the vast majority outside respect without any reservation the sovereignty that is vested in our people under the constitution. Our people are masters of their own destiny. It is left to them to choose a Government of their own free volition without let or hindrance. Their choice may not objectively be the best but their choice must be respected. Any attempt to submert the democratic process and transfer power from the people to a small coterie of men however eminent and distinguished is an unpardonable crime against society.

The conspirators behind the coup are the hapless by-products of the *thuppahi* environment of colonial days and in their nostalgic moments they had longed for the restoration of the *status quo ante*. Some of the conspirators were Catholics—but it was not their religion but their social background that has led them to embark on this despicable venture.

From the Government statement, it would appear that the conspirators had acted brazenly and without sufficient circumspection. A coup is a do-or-die assignment—the stakes are high. One inference is that the conspirators had acted in the genuine belief that even if the coup misfired there was a powerful group who would be in a position to come to their rescue in their hour of peril.

The other inference—and the more likely inference—in that the Police had already been alerted to be in readiness to arrest leftists leaders in the event of another general strike on or about the 29th January but the conspirators had thought it best and opportune to extend the scope of the arrests to Ministers and thus deal Government a *coup de grace*.

[ජී. එච්. මාකන්-මාකර් මයා.]

Insidious attempts are being made by certain hostile sections to lay the blame on the U. N. P. for the abortive coup d'etat engineered by certain desperate reactionary elements who are finding it hard to fit in with the new social order. The U. N. P. has long ceased to be reactionary and is pledged to consolidate and push forward the gains that have been won for the vast mass of the people of this country in both the political field and the economic field. There can be no retrogression in either sector. The U. N. P. is opposed to all coups from whatever sources they may come, whether these be reactionary or revolutionary. We are for orderly progress, free from all totalitarianism.

As a democratic and constitutional body it is up to Parliament to ensure that the conspirators, however repulsive their conduct has been, are given a fair and full trial in accordance with the principles of justice to which we all subscribe. We will be judged not merely by the lip-service, we pay to democracy but by our action in ensuring that justice is meted out to these conspirators.

The Government is in an indecent haste to push this Bill through the legislature to avoid the mounting moral pressure of public opinion that would soon exert itself and sabotage this Bill. The Government yesterday attempted to introduce the Motion for the Bill with the nonchalance of a condolence motion expecting the Opposition benches to pay their tribute to the doomed men.

The attempt to overthrow the legally constituted Government is a heinous offence against the State and one which cannot be tolerated under any circumstances. There are undoubtedly certain shortcomings in the existing law for the punishment of this offence. Hence, there is some justification for the introduction of new legislative measures to deal adequately with such a crime.

However, some of the provisions of the present Bill are draconian and will need major amendments if the cherished liberties of the subject are to be preserved. Conspiracy to overthrow the Government is not an offence which can be easily detected, and hence it may be necessary to amend to a certain extent some of the provisions of the Penal Code, the Evidence Ordinance and the Criminal Procedure Code in order that we may get at the truth of the whole matter. However, we regret that in its present form this Bill is totally unacceptable to us, and unless a number of amendments, which we hope to introduce during the Committee stage, are accepted, we will have to oppose this Bill.

Reference has already been made to the arrest and detention of suspects for a period not exceeding sixty days. In such a case I think there should be an amendment which would make it necessary for the fact of the arrest to be communicated to the nearest magistrate. Secondly, we feel that, generally speaking, the expression "offences against the State" should not refer to all the offences enumerated in Chapter VI of the Penal Code but should refer only to the offences enumerated in Clause 6 of the present Bill, namely, the amendment of Section 115. But this too, in regard to this particular offence, would have to be suitably modified so as to prevent unnecessary harassment of politicians and trade union leaders if they were to make violent speeches and in the course of their speeches were to suggest that this Government should be thrown out. Perhaps, they have no such intention of using physical force to overthrow the Government but in the course of their political and other speeches like that it may be necessary for them to be violent without actually intending to see that the Government is overthrown. So, I think, it would be necessary to see that sufficient protection is given to such persons by a suitable amendment to Clause 6 of this Bill.

Furthermore, in Clause 6, we find the addition of death sentence has been included, whereas in the original section 115 of the Penal Code the

maximum punishment is only 20 years. So, I feel it would be retroactive or retrospective legislation if we were to increase the sentence that is to be imposed for that particular offence. I would, therefore, suggest that the maximum punishment should be 20 years and that the sentence of death be removed.

Then under Clauses 8 and 9 the Minister of Justice is empowered to select the 3 judges who are to hear the trial at bar. I feel that it would be best to eliminate any political interference with regard to the selection of these judges by vesting this particular power in the Governor-General so that he would be able to select the judges to hear this and similar cases.

Then, Sir, there is another Clause which contemplates increasing the cadre of 9 Supreme Court judges by 2 more. I do not know why this amendment should have been introduced at this stage because it is more than likely that if the Minister of Justice were to be allowed to appoint the judges then out of the 3 judges two of them would be from among those who are to be newly appointed. As the verdict of the majority of the judges would be sufficient to convict these accused, it would really mean that the Minister of Justice would have a big hand in bringing about a conviction by selecting two suitable judges for the purpose. I feel, therefore, in fairness to him that of these two Clauses, one will have to be completely removed, that is, with regard to the appointment of these additional Supreme Court Judges, and the other, with regard to the selection of these judges, will have to be made by the Governor-General instead of by the Minister of Justice.

Sir, finally, I would suggest that the various Clauses in this Bill would have to be gone into very carefully and suitably amended so as to ensure at least that the liberty of the subject is as far as possible preserved. Unless that is done I am afraid it may lead to a lot of abuse and a possible miscarriage of justice not in this particular case but in all future cases.

අ. භා. 5.4

ටී. බී. එම්. හේරත් මයා. (වලපනේ)

(திரு. ரீ. பி. எம். ஹெரத்—வளப்பனே)

(Mr. T. B. M. Herath—Walapane)

ගරු නියෝජ්‍ය කථානායකතුමනි, අද දින මේ සාකච්ඡා වෙමින් පවතින්නේ ඉතාමත් වැදගත් පණතක්. මේ රටේ මහජනතාව බලාපොරොත්තු වූ පරිදි මෙම පණත මෙම ගරු සභාවට ඉදිරිපත් කිරීම ගැන සාමාන්‍ය ජනතාව වෙනුවෙන් රජයට මා ස්තුති වන්න වන බව පළමුවෙන්ම ප්‍රකාශ කරන්න කැමතියි.

මට ප්‍රථමයෙන් කථා කළ මඩකලපුවේ ගරු දෙවන මන්ත්‍රීතුමා (ඒ. එච්. මාකන් මාකර් මයා.) පසුගිය කාලය පිළිබඳව කෙටි විස්තරයක් කරමින් එතුමාගේ පක්ෂය දැන් සමාජවාදී මාර්ගයක් ඔස්සේ ගමන් කරන බව කීවා. මා එතුමාට කියන්නේ කවින් පමණක් සමාජවාදී නොවී ක්‍රියාවෙන් සමාජවාදී බවක් පෙන්වන ලෙසයි. ක්‍රියාවෙන් සමාජවාදී මුහුණුවරක් පෙන්වන්න. කුමන්ත්‍රණකාරයන්ගේ අදහස වූයේ ආණ්ඩු පක්ෂයේ ඇමතිවරුන් සහ වාමාංශික නායකයන් හිරභාරයට ගැනීම පමණකැයිද, ඒ මිස ශාරීරික වශයෙන් කිසිම හිංසාවක් කරන්ට සූදානමක් නොතිබිණැයිද එතුමා ප්‍රකාශ කළා. "තමුන්නාන්සේ ඒ බව හරියාකාර දන්නේ කෙසේද"යි මා එතුමාගෙන් ප්‍රශ්න කරන්න කැමතියි. ඒ උදවිය මොන විධියේ කුමන්ත්‍රණයක් කරන්ට ලෑස්තිව සිටියාදැයි ඔබතුමා දන්නේ කොහොමද? ඔබතුමාත් ඒ කුමන්ත්‍රණය පිළිබඳව අවබෝධයක් ඇතිව සිටියාද? කුමන්ත්‍රණ සාකච්ඡාවලට ඔබතුමාත් හවුල් වුණාද?

ගරු නියෝජ්‍ය කථානායකතුමනි, කුමන්ත්‍රණය පිළිබඳව ගරු මුදල් ඇමතිතුමා විසින් මේ ගරු සභාව වෙත ඉදිරිපත් කරන ලද ප්‍රකාශනයෙහි විරුද්ධ පාර්ශ්වයේ නායක තුමාගේ නමත් සඳහන් වුණා. කුමන්ත්‍රණයට සම්බන්ධ යම් යම් උදවිය විරුද්ධ පාර්ශ්වයේ නායකතුමාගේ නමත් සඳහන් කර තිබෙන බව මුදල් ඇමතිතුමා ප්‍රකාශ කළා. ඒ අවස්ථාවේදී තම මවිතය පළ කරමින් ඉතාමත් වේගවත් විධියට විරුද්ධ පාර්ශ්වයේ නායකතුමා කථා කළ බව තමුන්නාන්සේට මතක ඇතැයි මා කල්පනා කරනවා. එසේ නම් ඒ විරුඬ

[ටී. බී. එම්. හේරත් මයා.]

පාර්ශ්වයේ නායකතුමාගේ පක්ෂයේ ගරු මන්ත්‍රීවරයකු මේ විධියේ වගකීමෙන් තොර ප්‍රකාශයක් කෙළේ ඇයිදැයි මා ප්‍රශ්න කරනවා. එසින් පෙනී යන්නේ එතුමාගේ පක්ෂය මෙම කුමන්ත්‍රණය පිළිබඳව අවබෝධයකින් සිටි බවයි. එසේ නම් මේ රටේ මහජනතාව නඟන චෝදනාවලින් බේරීමට ඉඩක් නැහැ.

සී. පී. ජේ. සෙනෙවිරත්න මයා. (මහියංගන)

(திரு. சீ. பீ. ஜே. செனவிரத்ன—மஹியங்கனை)

(Mr. C. P. J. Seneviratne—Mahiyangana)

මඩකලපුවේ ගරු දෙවන මන්ත්‍රීතුමා ඒ විධියට කිව්වෙ නැහැ.

මාකන්-මාකර් මයා.

(ஜனாப் மாக்கன் மாக்கர்)

(Mr. Macan Markar)

I never made any reference to the fact that the accused should be treated leniently because there was to be no bloodshed. The intention was there, and they actually carried out their intention. I am sorry the hon. Member has misunderstood me, and I would like to correct the impression. It may be due to a mistake of interpretation.

හේරත් මයා.

(திரு. ஹெரத்)

(Mr. Herath)

මා වැරදි අවබෝධයක් ඇති කරගෙන තිබෙන බව ඒ ගරු මන්ත්‍රීතුමා ප්‍රකාශ කරනවා. ඒ විධියේ ප්‍රකාශයක් නොකළ බව ඒ ගරු මන්ත්‍රීතුමා කියනවා. හොඳයි, ඒ කාරණය එතැනින් නවත්වමු. යම්කිසි ගරු මන්ත්‍රීවරයෙක් කුමන්ත්‍රණය පිළිබඳව දැනගෙන සිටියේ නම් අම්බලන් ගොඩ ගරු මන්ත්‍රීවරයා වගේ (පී. ද ඇස්. කුලරත්න මයා.) ඒ පිළිබඳව රජයට දන්වා රට ආරක්ෂා කිරීමට උදව් වීම යුතුකමක්; කුමන්ත්‍රණ ව්‍යාපාර කඩා කප්පල් කිරීම සඳහා රජයට උදව් වෙන්න යුතුකමක් තිබුණා.

ගරු නියෝජ්‍ය කථානායකතුමනි, මෙම පණත පිළිබඳ විවාදයට සහභාගි වෙමින් නීතියේ සාධාරණත්වය පිළිබඳව ගාල්ලේ ගරු මන්ත්‍රීතුමාත් (ඩබ්ලිව්. දහනායක මයා.) මඩකලපුවේ ගරු දෙවන මන්ත්‍රීතුමාත් (ඒ. එච්. මාකන් මාකර් මයා.) විවේචනයක යෙදුණා. නීතිය හැමටම සාධාරණ විය යුතුයයි ප්‍රකාශ කළා. එහෙත් මේ කුමන්ත්‍රණයෙහි යෙදුණු අය එසේ කෙළේ කුමන පසුබිමක සිටදැයි කල්පනා කරන්න ඕනෑ. මේ විධියේ නීතියක් මේ රටේ නොතුබුණු නිසයි, මේ කුමන්ත්‍රණයට මේ අය පෙළඹුණේ. ඇත්ත වශයෙන්ම මේ විධියේ පණතක් මේ රටේ ක්‍රියාත්මකව තිබුණා නම් ඔය කුමන්ත්‍රණකාරයන් මෙවැනි දෙයකට පෙළෙඹෙන්නට ඉඩ නොතිබුණ බව මට කියන්න පුළුවන්.

අපේ ගාල්ලේ ගරු මන්ත්‍රීතුමා (ඩබ්ලිව්. දහනායක මයා.) සාධාරණත්වය ගැන කථා කරමින් කිව්වා, මේ ක්‍රිකට් ක්‍රීඩාවේදී එතුමා වැඩියෙන් ලකුණු ගැනීමට උත්සාහ ගන්නවාය කියා. එසේ නම් මා අහන්න කැමතියි, එතුමා වැඩියෙන් ලකුණු ගන්න උත්සාහ කෙළේ හිර භාරයට ගනු ලැබීමට සිටි අප වෙනුවෙන්ද, එසේ නැත්නම් මේ රටේ ජනතාව වෙනුවෙන්ද, එසේත් නැත්නම් කුමන්ත්‍රණකාරයන් වෙනුවෙන්ද, කියා. කොයි පැත්තෙන් ලකුණු ඒකතු කරන්නද උන්නැහේ ලැහැස්ති වුණේ? උන්නැහේගේ ලකුණු ගැනීම කුමන්ත්‍රණකාරයන් වෙනුවෙන් නම් සමහර විට පසු ගිය 1960 මාර්තු මැතිවරණයේදී පිළිතුරු දුන් විධියටම මහජනතාව උන්නැහේට පිළිතුරු දෙනවාට කිසිම අනුමානයක් නැහැ. සාධාරණත්වය ගැන කථා කරන එතුමා, නීතිය කළු ගලක් වාගේ තිබෙන්ට ඕනෑය කියන එතුමා, තමන් අගමැතිව සිටි කාලයේදී කොයි තරම් සාධාරණ විධියට වැඩ කළාද කියා මේ රටේ මහජනතාව හොඳින් දන්නවා. මොන මහජන අගමැතිවරයාද මැතිවරණයකදී පරාද වුණේ කියා මා අහන්න කැමතියි. ඇත්ත වශයෙන් කිසිම මහජන අගමැතිවරයකුට සිදු නොවුණ පරිදි උන්නැහේ අසුනෙන් පවා පරාද වුණා. ඒ ඇරෙන්න කොයි මහජන අගමැතිවරයාද අසුනෙන් පරාද වුණේ? මීට පසුව හෝ මහජන අගමැතිවරයකුට එවැන්නක් සිදු වේය කියා මා විශ්වාස කරන්නේ නැහැ.

අද රටේ බල පවත්වන සාමාන්‍ය නීති යෙන් ඇයි මේ කටයුත්ත කරන්න බැරි කියා ගාල්ලේ ගරු මන්ත්‍රීතුමා ප්‍රශ්න කරනවා. ඊට දිය යුතු පිළිතුරු ඉතා පැහැදිලියි. අද රටේ තිබෙන සාමාන්‍ය නීති යෙන් බේරී ඒ නීතියේ සිදුරුවලින් රිංගා යාමේ ක්‍රම ඇතිවයි, මේ කුමන්ත්‍රණය කර තිබෙන්නේ යන වග මේ රටේ මහජන තාව දන්නවා. බණ්ඩාරනායක මිනී මැරුම සඳහා පවා කුමන්ත්‍රණය කර තිබෙන්නේ සාමාන්‍ය නීතියෙන් බේරීමේ ක්‍රම සකස් කරගන බව අපට පෙනෙන්න තිබෙනවා. එහෙම නම්, දැනට තිබෙන නීතියේ සිදුරුවලින් රිංගා ඒ කුමන්ත්‍රණ කාරයින්ට බේරී යාමට ඉඩ දෙන්නය කියා එතුමා කියන්නේ, එතුමාගේ අතීත මිත්‍රයෙක් වන සිඩ්නි ද සොයිසා මහතා මෙයට හැවී සිටින නිසාද? එක් වරක් නරක නිලධාරියෙකු හැටියට රජයෙන් එළියට යැවූ පුද්ගලයෙකු නැවත තමන් ගේ ස්ථිර ලේකම්වරයා හැටියට පත් කර ගත් ගාල්ලේ ගරු මන්ත්‍රීතුමා පැය 4 ක් තිස්සේ මේ ගරු සභාව පෙරළමින් අපට කථා කෙළේ සාධාරණත්වය ගැනයි. ඔය කථාව මේ රටේ මහජනතාවට පුදුමයක් නොවෙයි. ගාල්ලේ ගරු මන්ත්‍රීතුමනි, ඔබතුමා හිටියේ කොහේද, ගියේ කොහා ටද, මෙපමණ කලක් කෙළේ මොනවාද, ඉදිරියට කරන්න යන්නේ මොනවාද, කියා මහජනතාව දන්නවා. ඔබතුමා හිතන ඔය ජාතික ආණ්ඩුව නම්, කවද වත් මේ රටේ පිහිටුවන්න බැරි බව මම ඔබතුමාට මතක්කර දෙන්න කැමතියි.

ගරු නියෝජ්‍ය කථානායකතුමනි, මෙහි පසුබිම හැන අපි විකක් සිත්න ඕනෑ. එද යටියන්තොට ගරු මන්ත්‍රීතුමා (ආචාර්‍ය්‍ය එන්. එම්. පෙරේරා) වෙන්න ඇති, කෙළින්ම ප්‍රශ්නයක් නැඟුවා, වාමාංශික නායකයන් හිර භාරයට ගන්න ලැහැස්ති වුණේ මුදල් ඇමතිතුමාගේ නියෝගයක් පිටද කියා. මා ඊට පැහැදිලි පිළිතුරක් දෙන්න කැමතියි. මට හිතෙන හැටියට මේ කුමන්ත්‍රණකාරයන් අදහස් කරන්න ඇති, යම් කිසි විධියකින් යුද්ධ හමුදා ආණ්ඩුවක් පිහිටෙව්වාට පසුව, ඒ ආණ්ඩු වට විරුද්ධව මේ රටේ යම් කිසි නැගිටී මක් ඇතිවෙනවා නම්, ඒ අන් කිසිවකින් නොව, මේ රුට් සංවිධානය වී සිටින වෘත්තීය සමිති මගින් පමණය කියා අන්න ඒ නිසා ඔවුන්ගේ කුමන්ත්‍රණය සාර්ථක කර ගැනීමේ ක්‍රමයක් වශයෙ නුයි ඔවුන් වාමාංශික නායකයන් හිර භාරයට ගන්න සූදු නම් වන්න ඇත්තේ කියන කරුණ මතක තබා ගන්නය කියා මා ඒ අදහස් දරන ගරු මන්ත්‍රීවරුන්ට දන්වන්න කැමතියි. මෙවැනි අවස්ථාවක දී එවැනි සැකයක් පහළ කිරීම එතුමා වැනි දූරදර්ශී දේශපාලනඥයකුට කොහෙත්ම සුදුසු ක්‍රියාවක් නොවන බවත් මා එතුමාට මතක් කරන්න කැම තියි.

පසු ගිය කාලයේදී අපේ රටේ නොයෙක් විධියේ ආරංචි තිබුණා. නමුත් ගරු අගමැතිනිය පවා ඒ ආරංචි භාර ගත්තේ නැහැ. 1961 ජූනි මාසයේ මට එක්තරා ලියුමක් ලැබුණා, මේ රජය පෙර ලීමට එක්තරා පිරිසක් කුමන්ත්‍රණය කරනවාය කියා. ඒ ලියුමේ පස් දෙනෙකු ගේ නම් සඳහන් වී තිබුණා. ඒ ලියුම මා අගමැතිනියට භාර දුන්නා. එදා ගරු අග මැතිනියවත් එය ගණන් ගත්තේ නැහැ. නමුත් මට කියන්න පුළුවන්, අද ඒ පස් දෙනාම හිර භාරයේ සිටින බව. එම නිසා මෙම කුමන්ත්‍රණය මේ වැඩ වර්ජන හේතු වෙන් හිටි හැටියේ උද්ගත වුණ එකක් නොවන බව අපට හොඳට පැහැදිලියි. මෙය කලක් තිස්සේ පිළියෙළ කරගෙන ආ වැඩ පිළිවෙළක් බව අපට මේ කරුණුවලින් ඔප්පු කරන්න පුළුවනි. එම නිසා අප එයින් සිහියට ගත යුත්තේ අප ප්‍රගතිශීලී කොටස් අතර වාද භේද සාදා ගන්නොත් එහි සම්පූර්ණ වාසිය ප්‍රතිගාමීන්ට අයත් වන්ට ඉඩ තිබෙන බවයි. යම් විධියකින් එදා ඒ ප්‍රතිගාමී කඳවුරුවල එසේ නැත් නම් යුද-පොලිස් නිලධාරීන්ගේ කුමන් ත්‍රණය සාර්ථක වුණා නම්, පාර්ලි මේන්තුවේ තත්ත්වයට එහෙම නැත්නම් පාර්ලිමේන්තු මන්ත්‍රීවරුන්ගේ තත්ත්වයට කුමක් වන්නට තිබුණාද කියන එක අපට මොන විධියකින්වත් සිතන්න පුළුවන් කමක් නැහැ. අප කථා කරන මේ අවස්ථාව වන විට රටේ මහජනයා සමහර විට දෙපිළ බෙදී සිවිල් යුද්ධයක් කරන තතත්වයට පැමිණෙන්ට ඉඩ තිබුණා වෙන්ට බැරි කමක් නැහැ. සමහර විට මුලු රටම එකම ලේ විලක් බවට පෙරළෙන්ට ඉඩ තිබුණ

[හේරත් මයා.]

වෙන්ට බැරිකමකුත් නැහැ. එවැනි අවස්ථාවකට පත් වෙන්ට ඔන්න මෙන්න කියා තිබුණා. ඉතින් ඒ තරම් හයානක ක්‍රියාවක් කරන්ට ලෑස්ති වූ අය සම්බන්ධ යෙනුත් අර සාමාන්‍ය නීතියේ හැටියටම ක්‍රියා කර ඒ අනුව දඬුවම් පමුණුවන්ටය කියා යමෙක් යෝජනා කරනවා නම් ඒක පිළිගන්ට මේ රටේ සිටින මහජනයා ලෑස්ති නැති බව කියන්ට ඕනෑ.

පී. ආර්. රත්නායක මයා. (මාවනැල්ල)
(திரு. பீ. ஆர். ரத்ணாயக்க—மாவனல்லை)
(Mr. P. R. Ratnayake—Mawanella)

හිස ගසා දමන්ට ඕනෑ.

හේරත් මයා.
(திரு. ஹெரத்)
(Mr. Herath)

සිංහලේ නායක්කර් රජකාලේ ලංකා වේත්, අධිරාජ්‍යවාදී පාලන ක්‍රමයක් තිබෙන ලෝකයේ හැම රටකමත් මෙවැනි ක්‍රියාවක් හා සම්බන්ධ වූ පුද්ගලයන් අහු වුණා නම් මෙලහකට ඔවුන් ජීවතුන් අතර නැහැ. නමුත් අපේ ආණ්ඩුව එහෙම කරන්නෙ නැහැ. අන්ත සමාජවාදී යයි කියන රටවල වුවත් මෙවැනි දෙයක් වුණා නම් ඊට සම්බන්ධ වූවන් අද ජීවතුන් අතර නැහැ. තත්ත්වය එහෙම නම් ලංකාවේ මේ විධියට වැඩ කළ අයට තදින් දඬුවම් කිරීමට විධිවිධාන සැලැස්වීම වැරදි ක්‍රියා වක් හැටියට පෙන්වා දෙන්ට උත්සාහ කරන පුද්ගලයන් වෙතොත් එවැන්නන් මොන විධියේ පසුබිමක් ඇතිව, මොන විධි යේ හැඟීම් ඇතිව, මොන විධියේ සම්බන්ධ කම් ඇතිව එවැනි ප්‍රකාශයක් කරනවාද යන්න මට නම් තේරුම් ගන්ට බැහැ. අපට එවැනි දෙයක් තේරුම් ගන්ට පුළු වන්කමක් නැහැ. එවැන්නන්ට අවශ්‍ය පිළිතුරු මේ රටේ මහජනයා දෙනවා ඇතැයි අපි බලාපොරොත්තු වෙනවා.

මා හුඟක් දුරට කථා කරන්ට බලාපො රොත්තු වන්නෙ නැහැ. ගාල්ලේ ගරු මන්ත්‍රීතුමා (ඩබ්ලිව්. දහනායක මයා.) සහ මඩකලපුවේ දෙවන මන්ත්‍රීතුමාත් (මාකන් මාකර් මයා.) විනිශ්චයකාරයන් පත් කිරීම සම්බන්ධයෙන් ලොකු බියක් ඇති කර ගෙන සිටින බව එතුමන්ලාගේ කථාවලින් පෙනී යනවා. ගරු අධිකරණ ඇමතිතුමා මගින් විනිශ්චයකාරයන් දෙදෙනකු පත් කිරීම වැරදිය යනුවෙන් එතුමන්ලා කිය නවා. අද උදේ ගරු සභානායකතුමාත් මේ ගැන කිව්වා. අදත් විනිශ්චයකාර වරුන් පත් කරනු ලබන්නේ ඒ නීති ප්‍රති පත්තිය උඩම බව එතුමා පෙන්වා දුන්නා. එහෙම නම් දැනටමත් ක්‍රියාවේ යොදනු ලබන වැඩ පිළිවෙළටත් යම්කිසි කෙනකු විරුද්ධ වන්නේ ඇයි කියා මම අහනවා. අලුතින් පත් කරනු ලබන විනිචයකාර වරුන් ලවා මේ නඩු විභාග කරනවාදැයි මම අහන්ට කැමතියි. දැනට සිටින විනිශ් චයකාරතුමන්ලා අතින් නොවෙයිද මේ කාර්යය කෙරෙන්නේ කියා මම අහනවා. එහෙම නම් දැනට සිටින විනිශ්චයකාර තුමන්ලා කෙරෙහි සැක ඇති කිරීමක් නො වෙයිද, එබඳු ප්‍රකාශයකින් කළේ කියා මම අහනවා. දැනට සිටින අය කෙරෙහි යම්කිසි විශ්වාසයක් තිබෙනවාය කියනවා නම්, ගරු අධිකරණ ඇමතිතුමා විසින් පත් කරනු ලබන නිසාම ඒ විනිශ්චයකාර තුමන්ලාට විරුද්ධව එවැනි ප්‍රකාශ කිරීම නිවැරැදිය කියා අපට පිළිගන්ට කිසි සේත්ම පුළුවන්කමක් නැහැ.

අධිකරණයේ ස්වාධීනත්වය ගැන කථා කළා. අධිකරණයේ ස්වාධීනත්වය රකින් නට මේ රජය හැකි හැම ප්‍රයත්නයක්ම දරා තිබෙන බව මා විශ්වාස කරනවා. මේ පණතිනුත් ඒ ප්‍රතිපත්තිය රකින්ට උත් සාහයක් කර තිබෙනවා. මීට පෙරත් මේ රටේ අධිකරණයේ ස්වාධීනත්වය ආරක්ෂා කිරීමට මේ රජය ක්‍රියා කළා. නමුත් මා සාමාන්‍ය පුරවැසියකු වශයෙන් සිටි කාලේ තිබුණු ආණ්ඩු මගින් අධිකරණයේ ස්වා ධීනත්වය ආරක්ෂා වුණු හැටි මට මතක් වෙනවා. තේජා ගුණවර්ධන නඩුව සම් බන්ධයෙන් එවකට හිටපු ආණ්ඩුව ක්‍රියා කළ අන්දම මේ රටේ ජනතාවට අමතක කරන්ට පුළුවන්කමක් නැහැ. අද සාධාර ණත්වය ගැන කථා කරන උන්නැහේලාට එදා සාධාරණත්වය හෝ යුක්තිය හෝ නීතිය තේරුණේ නැහැ නේද? තමන් දැන් ප්‍රගතිශීලීන්ය සමාජවාදීන්ය කියා පෙන්වන්ට උත්සාහ කරන නමුත් මේ රටේ පැරණි අධිරාජ්‍යවාදයත් ධනවාදයත් රැකීමට උත්සාහ කරන මේ ප්‍රතිගාමීන්ට මහජනයාගෙන් බේරෙන්ට තවදුරටත් නුපුළුවන් බව නම් ඇත්ත වශයෙන්ම

පැහැදිලිසි. [බාධා කිරීමක්.] එක් ගරු මන්ත්‍රීවරයෙක් කියනවා එදා නාගලිංගම් විනිශ්චයකාරතුමාට තිබුණු තැන බස් නායක විනිශ්චයකාරතුමාට දුන්නාය කියා. ඔව්, ඒක කාරණයක් නොවෙයි. සමහර අය නිදහස්කර ගන්ට, සමහර දේශපාලන ඥයන් නිදහස් කර ගන්ට, එදා ඔවුන් නිති හදපු හැටිත් අපි දන්නවා. මැතිවරණයට ඉස්සරවෙලා එවැනි නීති හදපු හැටි අපි දන්නවා. ඒ නිසා වැඩි විස්තරයක් කරන්ට වුවමනාවක් නැහැ. සාධාරණත්වය සහ යුක්තිය ගැන කථා කරන්නට ඉස්සර තමන්ගේ පසුබිම් ගැනත් තමන් මීට පෙර ක්‍රියා කළ අන්දම ගැනත් කල්පනා කරන ලෙස මතක් කරන්ට කැමතියි. තවත්, මඩකලපුවේ දෙවැනි ගරු මන්ත්‍රීවරයා ප්‍රකාශ කළා මේ පණතට මහජනතාවගේ විරුද්ධත්වයක් තිබෙනවාය කියා. මා කියා සිටිනවා, මහජන මතය මොකක්ද කියා බැලීමට මහජනයා ඉදිරියට එන්න කියා. ඇත්ත වශයෙන් මේ විධියේ පණතක් ඉදිරිපත් නොකළා නම් තමයි මහජනතාව විරුද්ධ වෙන්නේ. අද තිබෙන මහජන මතය නම් මේ විධියේ උදවියට මේ වාගේ දඬුවම් ප්‍රමාණවත් වන්නේ නැති බවයි. මහජනතාව ඉල්ලා සිටින්නේ මොවුන් පමණක් නොවෙයි, මොවුන්ගේ අනුගාමියන් පවා වහාම විනාශ කර දමන ලෙසයි.

ගරු නියෝජ්‍ය සභාපතිතුමනි, මේ කුමන්ත්‍රණ කාරයින් බේරා ගැනීම සඳහා මේ ගරු සභාව තුළ උත්සහා ගන්න උදවියට මින් ඉදිරියට පෙනේවි මහජන මතය කුමක්ද කියා. එමනිසා මේ ගැන වැඩි දුරටත් තර්ක කරන්ට උවමනා කරන්නේ නැහැ. එසේ උත්සහා ගන්න පුද්ගලයින් ඉතා ඉක්මණින් දේශපාලන භූමියෙන් අතුගා දමන බව නම් ස්ථිර වශයෙන් කියන්න පුළුවනි.

මේ පණත සම්බන්ධයෙන් දීර්ඝ වශයෙන් කථා කිරීමට මම අදහස් කරන්නේ නැහැ. මන්ද, එක් අතකින් මම නීතිඥයෙක් නොවෙයි. අනික් අතින් නීතිය පිළිබඳ සියුම් තර්ක මට පෙනෙන්නේ නැහැ. එසේ වුණත් යුක්තිය, සාධාරණත්වය ගැන මොන අන්දමින් කථා කළත්, මේ රටේ මහජනතාවත් මේ ආණ්ඩුවේ මැති ඇමතිවරුත් හිරකර දමා, එසේ නැති නම් මරා දමා, මේ රටේ පාලන බලය පැහැර ගැනීමට, ආණ්ඩුවක් පිහිටුවා ගැනීමට, යම්කිසි දුෂ්ට පිරිසක් සූදානම් වුණා නම්, ඒ පිරිසට මේ රටේ මහජනතාවගෙන් මොන යම් විධියකවත් සමාවක් නොලැබෙන බව මා කියන්න කැමතියි. ගරු නියෝජ්‍ය කථානායකතුමනි, අපේ ගරු මන්ත්‍රීවරයකු පෙන්නා දුන් විධියට, අර පැරණි ක්‍රමයට මොවුන් උල තියා මරන්ට ඕනෑය කියා මා කියන්නේ නැහැ. ගාල්ලේ ගරු මන්ත්‍රීවරයා (ඩබ්ලිව්. දහනායක මයා) ඇහැලේ පොල ගැන මතක් කළත්, එදා ඒ පුද්ගලයා කළ වරදට ඒ පවුලේ අනිකුත් උදවිය විනාශ කළ ආකාරයට අප කටයුතු කළ යුතුය කියා මා කියන්නේ නැහැ. එසේ වුණත් මේ ඉදිරිපත් කර තිබෙන පණතේ අකුරක්වත් වෙනස් කරන්නේ නැතුව කුමන්ත්‍රණයට ගවුල්වුණු සෑම පුද්ගලයෙකුටම දිය හැකි උසස්ම දඬුවම ලබා දෙන්ටය කියා මම ආණ්ඩුවෙන් ඉල්ලා සිටිනවා.

සෙනෙවිරත්න මයා.
(திரு. செனவிரத்ன)
(Mr. Seneviratne)

ඇයි, මේ පණතට තව සංශෝධන පහකුත් ඇතුළත් කර තිබෙන්නේ.

හේරත් මයා.
(திரு. ஹெரத்)
(Mr. Herath)

මේ පණත යයි මම සඳහන් කළේ ඒ සංශෝධනත් එක්කයි.

ගරු නියෝජ්‍ය කථානායකතුමනි, ඇහැලේපොල ගැන කථා කළ ගාල්ලේ ගරු මන්ත්‍රීවරයා එදා ශ්‍රී ලංකා නිදහස් පක්ෂයේ ඇහැලේපොල වෙන්ට හැදුවා. එහෙත් ඉදිරියට මහජනතාවගේ ඇහැලේ පොල කෙනෙකු නොවන ලෙස මා එතුමාට අවවාදයක් වශයෙන් මතක් කර සිටිනවා. මේ කුමන්ත්‍රණ කාරයින්ට නියම දඬුවම ලබා දිය යුතුයයි මහජනයා තුළ විශාල උද්ඝෝෂණයක් ඇති වී තිබෙන නිසා, විශාල මහජන මතයක් ඇති වී තිබෙන නිසා ඒ මහජන මතයට අබමල් රේනුවක තරම්වත් පළුද්දක් ඇති කරන්ට එපාය කියා ඇමති මණ්ඩලයෙනුත්, මේ රජයෙනුත් මා නැවත වරක් ඉල්ලා සිටිමින් මගේ කථාව අවසාන කරනවා.

වෛද්‍යාචාර්ය ඊ. එම්. වී. නාගනාදන් (නල්ලූර්)

(டொக்டர் ஈ. எம். வீ. நாகநாதன்—நல்லூர்)

(Dr. E. M. V. Naganathan—Nallur)

Mr. Deputy-Speaker, on behalf of my Party, the Ilankai Tamil Arasu Kachchi, I rise with a very deep sense of responsibility to oppose this Bill which we consider monstrous in many parts. I would like to reiterate the very excellent speech made by my leader on the coup Debate. On that occasion he said—I repeat it because it requires repitition—that we are totally opposed to any attempt by armed intervention or violence to overthrow a democratically elected Government. He said on that occasion that we do not believe in violence. He also said that we do believe one hundred per cent. in democracy.

Why did we oppose, and why do we condemn any coup d' etat ?—Because it can only result in a totalitarian regime. A coup d'etat might have destroyed or got rid of a few amiable gentlemen in the Front Benches. That will be very regrettable, we would have been very sad about it, but they would not have been irreplaceable. But the greatest tragedy would have been the downfall of democracy and the institution of totalitarianism in this country. We are therefore opposed to totalitarianism whether it comes by way of a coup d'etat or by Government action even though the Government has been democratically elected.

If I had met any one of these gentlemen—some of whom I know—and if they had asked me, I would have said : " For God's sake don't ! " They would probably have good intentions. They in their opinion found that the country was going to the dogs, and they might have thought : Well, we can do something to save the country. There might have been a good government, but not a government of the people by the people. It would have been a totalitarian government and the two pillars of democracy, namely, the sovereignity of parliament and the supremacy of the Supreme Court and other courts of this country, would have been smashed. The two great attributes of democracy, the rule of law and rule by the people, would have been destroyed. That is why we are so much opposed and condemn any armed or violent attempt at a coup d' etat.

I was speaking to some of the gentlemen in the Front and the back beches on the other side. I understand that if the coup had succeeded the chief idea of the conspiration was to kill or keep some of us in a dungeon. I told them : Don't think of this as a matter of personal revenge—this Bill is not a matter of personal revenge—because you might have been inconvenienced or your life might have been a little shorter. .Sir, what is our life ? It is the country to which we are all dedicated ; it is the attributes of freedom which we all would have lost ; that is what we must defend, and not our lives. We are prepared to give our lives in pursuit of that. So when we oppose this coup it is not because we love our Friends on the other side or on this side who might have ceased to be and we would mourn their death, but because a coup d' etat would have destroyed our very life itself, the life of the nation, the life that freedom and democracy has given us and the liberties we enjoy under such conditions. It is in that spirit we have to examine this Bill.

What would these gentlemen have done if they had succeeded ? They would have established a government of a few over the people ? How would they have established it ?—By establishing a military government. What have we got today by a democratically elected government ? For the last few months we have had a military government. The rule of the military was established in the North and the East. The acts of that military rule have been congratulated on and extolled by this Government. Have they made inquiries into some of the actions that

they have condoned and encouraged, which are a disgrace to the Sinhala nation and our country ?

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(கௌரவ சீ. பீ. டி சில்வா)
(The Hon. C. P. de Silva)
Who is that ?

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(டொக்டர் நாகநாதன்)
(Dr. Naganathan)
Udugama and his people. So that under cover of a government, of democracy, what are we having ? Militarism ! What would we have if this coup had been successful ?—Militarism : Then, further when the military law and government was established by those gentlemen if they had succeeded in that coup d'etat, what would have happened ? —They would have passed laws. Only Parliament — the sovereign Parliament — has the right to pass laws. But they would have passed laws which the Supreme Court would have condemned. Then what would they have done ? They would have done what Hitler did, and exactly what you intend to do in this Bill.

When Hitler set fire to the Reichstag he got hold of other people as the culprits, like my good Friend there, the Minister of Finance, who also loves totalitarianism. Hitler set fire to the Reichstag and a number of people who pleaded and shouted that they were innocent were carried away as the culprits, and Hitler wanted them to be summarily shot. If you read Geobbel's life story you will find that it was decided to have a court trial for those people. They said, " We will send them before the Supreme Court. Let there be an appearance of judicial sentence passed on them. " But Hitler did not trust the Judges of the Supreme Court, so he appointed three Judges specially to try those people. He appointed them through the Minister of Justice and they were asked to sit in judgment.

It is a strange coincidence ! It may be that my good Friend who is not here, who loves totalitarianism, had read the life story of Hitler or, perhaps, great minds agree—I do not know ! But there too, it is in black and white, a man like Hitler who had set fire to the Reichstag got hold of innocent men and perhaps one or two of his own men also put in to give it a semblance of genuineness, did that. Only Dmitri, a Russian, produced an unbeatable alibi.

So that, Mr. Deputy-Speaker, while we oppose totalitarianism by a coup, we oppose also totalitarianism imposed on the very lines on which totalitarianism was established in Germany—totalitarianism by some Members of this Government who are not unfortunately here today.

My good Friend the Minister of Finance said that certain allegations against him were self-contradictory. What were the allegations ? The hon. Member for Dehiwela-Mt. Lavinia (Dr. Colvin R. de Silva) brought out one of his theories—pet or pot theories I do not know—and said that the capitalist class, the big capitalist people, the strong merchant class, will tolerate any Government however inimical to them, as long as the economic conditions of the country are good and they can make some profits, but when the economic conditions become severe and deteriorate, he said, the capitalist reactionaries are tempted to plan a coup. Now, said my good Friend the Minister of Finance, " There you are, I have got my alibi, You are self-contradictory. How can I be responsible, therefore, for the coup ? "

But examine the problem again. Defeat in Parliament is not possible for a Government which has a majority because the Members do not want to go against their Government even when they may not like certain measures, because they want their seats. So defeat is not possible. When you have a small majority then perhaps there may be one or two upsets. Secondly, a Government can be defeated at the elections. But a good Government resigns when they have failed. I do not see how the Minister of Finance is able to say

[වෛද්‍යාචාර්ය නාගනාදන්]

here that he has not produced financial disaster, even when the Central Bank says that our external balances are falling, when we note that the so-called progressive action taken in the harbour is against the country's interests, that the rates for landing and shipping of goods have gone up 100 per cent. leading to a rise in our cost of living, when the freight rates of shipping companies were raised after this, when so many millions are paid as demurrage, when there are so many strikes and less work done. Well, that Minister must say: "I have failed. A progressive Minister should bring riches to the country. I am doing something wrong. I will resign."

When the schools were taken over, which is supposed to be a progressive measure, it was not progressive for us because we have become a colonial state. This imperialist Government is establishing a colonial state in our part of the country. We do not want to convert our children to slaves. Here in Colombo and the villages there is confusion. Teachers are not appointed to schools because there is no money. Children's admissions are all upside down. Parents cannot get their children admitted to school without the influence of hon. Members of the other side. They also cannot help all their friends. So many poor people who supported Mr. S. W. R. D. Bandaranaike on the last occasion have found it difficult to get justice for their children unless they can satisfy the requirements of certain hon. Members or officials. If you find that the Minister of Education cannot run his Department properly and there is so much confusion every day—he writes an order, then a counter order and then another counter order—and he shows clearly that he does not know head or tail of his Department, he should resign. But what does this Government do. They stay in power. It is not because they have the support of the people but because they have lengthened the emergency in this country. Is not that totalitarianism ?

When this emergency becomes prolonged, it almost becomes a normalcy. It has no effect on the people. They strike. They do what they like. The Government is afraid to act. What would the Minister of Finance or any other clever Minister do ? He will try to get more totalitarian powers to himself while here allegations are being made that he should be a co-accused with the coup conspirators.

I will give you one example. He has made a deliberate mis-statement of fact in this House. I will read to you the HANSARD of the 13th February 1962. The hon. Member for Yatiyantota (Dr. N. M. Perera) spoke of one Mr. Ranasinghe who gave evidence at the inquiry. He spoke of how openly a number of officers were called to Mr. C. C. Dissanayake's office and they were told to do certain things openly in a room which was adjoining the I. G. P.'s room where there was no wall but only a small quarter door between. And what did he say ? He said :

"My information is that orders were given to him to arrest the hon. Member for Kottawa (Mr. D. B. R. Gunawardena) by Mr. C. C. Dissanayake in his room quite openly with the I.G.P. in the adjoining room, on the morning of Saturday the 27th. In point of fact my information is that A.S.P. Ranasinghe was not quite happy about it and he wanted to verify. He said that he would like to see the I.G.P., not only on this matter but also on another matter which he wanted to discuss. Mr. C. C. Dissanayake said: "The I.G.P. is in the next room. I will come along with you" Both of them went across.

There was no attempt to prevent Mr. Ranasinghe going to the I. G. P.

A.S.P. Ranasinghe asked the I.G.P. — he had two questions to ask—whether the I.G.P. was attending a police function that night and whether these orders were legitimate and normal.

I think there was a conflict of Range also in this matter, some technical point on which he wanted to be clear. He went across and, in the presence of Mr. Dissanayake, asked the question about the function first. He asked the I.G.P.: "Sir, what about the function tonight ? Are you attending ? Shall we make arrangements ?"

That refers to a function on the 27th night—a minor police function perhaps in his district or village.

And the I.G.P. told him : "Look, all of you are going to be very busy tonight. Please cancel all your functions", from which A.S.P. Ranasinghe got the impression that it was perfectly in order for him to carry out the orders given by Mr. Dissanayake and make the arrests, and he, therefore, did not press the second question as he was quite satisfied.

[OFFICIAL REPORT, 13th January, 1962 ; Vol. 46, c. 1228-1229.]

The Hon. Minister gave an explanation, which is at column 1234. He said :

I believe those others are referred to in paragraph 3 and onwards at pages 8 and 9 of the statement I have made. There I have referred to the fact that gazetted police officers met Mr. C. C. Dissanayake in his office. I believe Mr. Ranasinghe may have been one of these men who went as part of a group of men to Mr. C. C. Dissanayake. It is correct that those officers were sent for, as stated in the statement, and questioned shortly afterwards, and I do recall one officer being asked by me the question : "Do you not think it strange that you were asked to arrest Mr. Robert Gunawardena ; and what is stranger and what strikes me as even more peculiar, that you were asked to arrest some Government M.Ps ?" And in those circumstances, I believe one of the officers said that he went into the I.G.P's room and spoke of a "Nadagama" for the 4th February, whereupon the I.G.P. gave the answer—

mark these words—

that in view of the state of the country he thought it would not be possible to hold that "Nadagama".

[OFFICIAL REPORT, 13th January, 1962 ; Vol. 46, c. 1234.]

On the 4th there was going to be the big celebration at Anuradhapura. On the 27th morning neither the I. G. P. nor any of us knew that there was going to be trouble on the 4th and all things must be cancelled. Here is the Hon. Minister telling us that the I. G. P. had told one of the officers that "in view of the state of the country he thought it would not be possible to hold that 'Nadagama'" If there was a "Nadagama" on the 4th in the village, a local police function, do you think the A. S. P. would go and ask the I. G. P. to attend that function in the village ? Everybody knew that the I. G. P. would be in Anuradhapura on the 4th and not at the "Nadagama". The explanation of the Hon. Minister of Finance cannot be sustained. I wish he were arraigned before the same tribunal. He can be pinned down as a man who does not tell the truth.

He was again confronted by the hon. Member for Yatiyantota with a question. He was not here, but the Hon. Minister of Education was here —these great paragons of truth ! The hon. Member for Yatiyantota asked : "Was it not a fact that a number of officers who were questioned had stated that what they did and the actions that they took were on orders given to them by the I. G. P. which had come from the top ?" At once the Hon. Minister of Education got up and said : "No, I was there when this officer gave evidence and he said nothing of the sort". Now, the hon. Member for Yatiyantota had not mentioned the name of any officer. He said that some officers had been questioned and they had stated that they were carrying out orders given to them and the I. G. P. knew about it. The Hon. Minister of Education, who says he loves truth— I do not know what else he loves— got up and said, "I was there when that officer was questioned." Now who was that officer ? It is very funny, Sir. He talks of a certain officer but that officer did not see him. He says something which did not happen. It is like this : Suppose I say I went into a fowl pen and got hold of a cock and cut it. According to him, he will say, "I was there when you cut the cock, but you did not cut it." He was there when I cut the cock but he swears that I did not cut it. Sir, the Minister of Education is a master of prevarication. I am sorry to say that, that is our sad experience of him in this House.

When my good Friend the Minister of Finance was answering, my Friend the hon. Member for Yatiyantota challenged him and said, "Did not Mr. C. C. Dissanayake say you gave

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the orders ?" He challenged him to produce the tape recording and to play it, but there was no answer. But subsequently the next day when the Hon. Minister of Finance spoke in this House he never replied to it.

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(கௌரவ சீ. பீ. டி சில்வா)

(The Hon. C. P. de Silva)

If I may interrupt. The hon. Member says that Mr. C. C. Dissanayake had said he was carrying out the Minister's orders. Now that is absolutely not true. I want to say that here and now. Read Mr. Dissanayake's statement.

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(திரு. சிரில் மதியூ—கொலன்ன)

(Mr. Cyril Mathew—Kolonna)

What did he say ?

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(கௌரவ சீ. பீ. டி சில்வா)

(The Hon. C. P. de Silva)

The tape record is there.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

I am sorry I cannot place my finger on the exact place where this occurs but I will find that out in a little while. It may be a slight twist, I am sorry, a slight error on my part.

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(கௌரவ அங்கத்தவர் ஒருவர்)

(An hon. Member)

Twist.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

Perhaps what the hon. Member said was , "You ask the I. G. P." or something like that. Anyway, it is there in the tape recording and he challenged the Minister to produce the tape record and to play it here. He said, "I know it is there". But, of course, my good Friend the hon. Member for Yatiyantota does not know that this tape recording is all done by Radio Ceylon, but Radio Ceylon, as you know, is under the Minister of Education.

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(கௌரவ சீ. பீ. டி சில்வா)

(The Hon. C. P. de Silva)

That is wrong. It was done by the C. I. D.

ගරු ටී. බී. ඉලංගරත්න (වාණිජ, වෙළඳ ආහාර හා නැව් කටයුතු පිළිබඳ අමාත්‍ය)

(கௌரவ ரி. பி. இலங்கரத்ன—வர்த்தக, வியாபார, உணவு, கப்பற்றுறை அமைச்சர்)

(The Hon. T. B. Ilangaratne—Minister of Commerce, Trade, Food and Shipping)

It was done by the C. I. D.

වෛද්‍යාචාර්ය නාගනාදන්

(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

I am sorry, but you know any tape record can be doctored or altered. So that anyway they have not so far answered that question. But what I want to say is that the Hon. Minister of Finance did not categorically deny it. All that he said as regards the statement of Mr. C. C. Dissanayake has already been replied to by the Minister of Education, so I will not have anything to do with it.

The Minister of Education is a very convenient man. They can get him to say anything they do not want to say.

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(கௌரவ சீ. பீ. டி சில்வா)

(The Hon. C. P. de Silva)

I do not know why he is talking about it. He will have the opportunity of asking Mr. C. C. Dissanayake when he gives evidence. Those are facts.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

I only want to show that this evidence which has been taken by the Minister is very unfair.

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(கௌரவ சீ. பீ. டி சில்வா)

(The Hon. C. P. de Silva)

Ask Mr. C. C. Dissanayake.

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(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

It is very unfair and illegal. There is a provision in this Bill to regularise it. I know that all the Ministers were there but one of the Ministers, the Minister of Justice, is the person who is going to appoint two judges in the same way in which Hitler appointed his men. Why are they being appointed today for this particular Bill ? It can only mean that they are being appointed for this particular purpose. Here is the purpose of this Bill—" to make special provision for the apprehension, detention and trial of persons suspected of having committed, or charged with, offences against the State..... "

Now my hon. Friend the Minister of Local Government says since 1960 there has been a demand for an increase of judges but very recently when the question of hearing election petitions came up for discussion a Bill was brought. My good Friends on the right here and even the Member for Kayts (Mr. Kandiah) demanded that the strength of the Supreme Court should be increased. We were told — I was subsequently privately told by the Minister of Finance and by the Minister of Justice—that it could not be done. We suggested some amendments to enable it to be done, and they accepted them, but still the cadre was not increased. I do not know why. Now suddenly, in this Bill, they make provision for increasing the cadre.

And why should the Minister of Justice be empowered to order this trial at bar ? We are ourselves very anxious that this trial should be proceeded with speedily, without justice being tampered with, and a trial at bar could be ordered by the Attorney-General without going through the stage of the Magistrate's Court. Why appoint two new judges as Hitler did. Why should the Minister of Justice, a politician, choose the panel of judges who shall hear the case ? Is this democracy ? Is this freedom ?

I told you, there are two great pillars of democracy. One is the sovereignty of Parliament ; the other is the supremacy of the law. These two pillars have been set up by our Constitution. Hitherto we have had faith in the supremacy of the law, the inviolability of the law and the independence of the judiciary.

I do not know whether the interpretation was correct, but the Government Member who spoke last said that his side was not worried about the independence of the law. He said the people must take charge of the law. In other words, the majority party in power should control the judiciary, and the independence of the judges must be destroyed. This is an infringement of the powers and functions of the Supreme Court. Once this infringement is made, the supremacy of the law is destroyed. Thus one of the great pillars on which democracy is built is destroyed. You are asking us to support a Bill which is going to knock down one pillar. What is the difference between your totalitarianism and the totalitarianism of those misguided young men who wanted to end this monstrosity of a Government in a very stupid way ? There is totalitarianism at one end which is sought to be met by totalitarianism at the other end.

That is not all. We have had ten months of militarism and emergency, with regulations running into 26 pages of the gazette, restricting our rights and liberties. What are we living under ? We have a totalitarian Government which has deprived us of our freedom, and now they go further and take away the independence of the Supreme Court, the last remaining bulwark of freedom.

An amendment has been brought to the effect that Part I of this Bill shall apply to the persons who are presently supposed to be involved in the coup d'etat. The Supreme Court ordered a Writ of Mandamus to the effect that these men should have the right to see their legal advisers and that they should have access to their wives and families. But the order of the Supreme Court was set at nought

[வைத்தியாசிரியர் நாகநாதன்]
and completely thrown away like a scrap of paper and this Government says it is a democratic Government. We have a Minister of Justice who tears the edict of the Supreme Court. Is he a Minister of Justice whom we can tolerate even for a day? [*Interruption*]. He is here!

රෝයි රාජපක්ෂ මයා. (හක්මන)
(திரு. ரோய் ராஜபக்ஸ—ஹக்மனை)
(Mr. Roy Rajapakse—Hakmana)

On a point of Order. The hon. Member cannot point to individuals.

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(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

I can point to the moon, I can point to the stars and I can even point to anybody else. I want to say this. We want everybody who is supposed to be in this coup to be punished because it is an attack on our freedoms. But this Government wants to have worse totalitarian laws introduced with our help, with the help of the people and the innocent back-benchers who do not know what they are doing.

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(கௌரவ அங்கத்தவர்கள்)
(hon. Members)

No!

වෛද්‍යාචාර්ය නාගනාදන්
(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

Sir, I can only say: Father, forgive them for they know not what they do! That is all I can say.

I listened attentively to the Hon. Minister of Agriculture, Land, Irrigation and Power and the Hon. Minister of Local Government and Housing. I believe you also listened to them. I do not know. Did they say anything that was convincing or even relevant or rational? They spoke about how the social revolution took place in 1956. Thank God, it did! What have they done with the social revolution? They have depraved it. What have they done to the great ideals of the late Mr. Bandaranaike? They have destroyed them. This is not a democratic Government that we have. We have a Government which is fast developing into a totalitarian regime. We must resist it and also every act of the Government which is totalitarian, monstrous and illegal. We will resist them to the death even if we are condemned as poeple wanting to overthrow the Government. We have to overthrow a Government which has ideas about totalitarianism. Just as we would overthrow and destroy a coup d'etat which has an idea of introducing totalitarianism, this Government which too has ideas of totalitarianism must be destroyed in the name of freedom and in the name of democracy.

ගරු මන්ත්‍රීවරයෙක්
(கௌரவ அங்கத்தவர் ஒருவர்)
(An hon. Member)

Next person to be taken in. [*Interruption*]

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(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

That is why, Sir, I came in these clothes, because when I am thrown into the dungeon or cell and if I have a pair of trousers and a coat on, I will not be very comfortable. Here I can lie down quietly; I can use this as my towel, and I can take off my shirt and sleep comfortably. So that I am quite prepared to suffer in the defence of all that is beautiful and good in democracy and freedom which is sought to be destroyed by this Government.

What is our life? There is something more. We have our children, our children's children; we have this beautiful country; we will not allow it to be disgraced in the eyes of the world and let them not say that this is an uncivilized and barborous country. Look at the law they have passed and the steps they have taken; they are the same Hitlerian steps. They are trying to do what Hitler did. Ten or fifteen-years after, Hitler was destroyed. In the same way they also will be destroyed. History will repeat itself.

I do not want to speak at length. Other hon. Members have spoken and I do not want to repeat other people's points.

The Hon. Minister of Local Government and Housing said that they want to bring this law in conformity with the English law with regard of confession. In England a police officer, when he arrests a man, tells him, "Tell me what happened, but remember that what you say will be used against you in evidence." Then thereafter if that man make a statement he is asked to sign it, and that statement can be used in evidence.

Now, that is done because the standards of police officers in England have been very high and continue to be very high. Unfortunately our police standards have not been so high, with the result there is a change in our law. .In accordance with the standards of police morality here, anything said to a policeman is not taken for granted and it is not admissible in law.

But mind you, we passed a regulation recently. What is that regulation? It was that every accused who is taken in under this offence shall make a statement if he is asked by any police officer even when he is in custody. Formerly it was not done. Why? The man can be tortured, he can be given an inducement. Very often the torture and inducement are not stated. They can be tortured and told, "Look here, implicate Mr. Dudley Senanayake and Mr. J. R. Jayewardene and we will let you off." Surely, the fact that that man said so under torture is not going to be led in evidence! The man will make a statement like the statement made by the Minister of Finance—that is the reference to a *nadagama* on the 4th —and that will be led in evidence.

You say that you want to come in line with British practice. But may I ask, are you prepared to come in line with British standards in other matters? I will tell you of British standards. Does the British Government appoint the court that is going to try any particular case? Does the British Government appoint judges specially to hear some case in which they are very interested? Does the British Government interfere with the independence of the judiciary? Does the British Government destroy the writ of *quo warranto* given by the Judges of the Supreme Court? Does the British Government try to demote and humiliate the Supreme Court? No, certainly not.

But see, according to this Bill the Supreme Court cannot give bail; only the Attorney-General can give bail. All these years the Supreme Court had the power to give bail in any case. Only the Attorney-General can give bail according to this Bill. Why? Because the Attorney-General is the handmaid of the Minister of Justice. He himself said so. I remember when we were debating the Immigration and Emigration Bill a question was raised that an illegal immigrant is being treated as a murderer. The question was asked why the Supreme Court cannot be allowed to give bail to an illegal immigrant. Then he said, "No, I am only prepared to allow the illegal immigrant to be given bail by the Attorney-General, because the Attorney-General understands our policy and our mind. But the Supreme Court does not understand." In other words, they want the Supreme Court to be guided by the policy of the Government and especially the Minister of Finance.

Now, when the Government appoints two Judges, those Judges will be those who are amenable to the policies and the mind of the Government. They are going to appoint stooges to the courts of justice. Mr. Deputy-Speaker, is this the British practice? Is this in accordance with British practice? While you are taking away all the rights and privileges, justice and procedure of the British law in this country, only in the matter of policemen you want the confession made to a policeman to be admitted in evidence.

[වෛද්‍යාචාර්ය නාගනාදන්]

In England a man may refuse. The policeman says: "You can make a statement if you like. But mind you, whatever you say will be given in evidence against you." Here by a regulation people are compelled to make a statement to the policeman. Have you then warned the accused that whatever statement they make to these illegal interrogators—that is, in law—will be used in evidence against them? Were they told that the tape recording will be used in evidence against them—a tape record which perhaps may have been doctored? Under these circumstances when they want to doctor the Supreme Court and judiciary will they not doctor the evidence of the tape record?

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(கௌரவ இலங்காத்ன)

(The Hon. Ilangaratne)

I must protest. There is no doctoring at all. We were there and the D.I.G. was present. The police were conducting the questioning.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

I am a doctor and I am complimenting when I say that they are doctoring. [*Interruption.*] The hon. Member who sits in that corner has asked me so many times to perform an illegal operation on him. May I do it, Sir? I will do it soon after I finish speaking.

At this trial at bar the judges are going to be allowed to frame their own procedure. They are not going to follow the procedure of the Supreme Court and may not follow it. These new judges might frame laws and procedure which may allow tape recordings. They may allow so many other things which today the Supreme Court does not allow. For instance, this law says that whether the man is an accused or not at any stage as long as the judgment has not yet been given, they can procure—I used the word with a sense of responsibility—procure any man who is alleged or supposed or confesses to be in league with the conspirators to come and give evidence on behalf of the Crown and that that person will be given a pardon.

In this trial at bar, if the Government finds that there is a lacuna in the prosecution case, that an innocent man may escape, they can bring any kind of false witness at the last moment. That is what this law is going to do. Formerly also there was some such provision but the judges of the Supreme Court said nobody but an accused can be brought in at any stage and the accused can make a confession. Here they are trying to circumvent a decided case that nobody except the accused at that stage can be brought in as a witness who confesses to be a co-accused in that case.

The whole of the procedure is a set up against freedom. We are not objecting to hanging any conspirators who have been found guilty under conditions of justice. But we do object to this Government hanging the law. If the conspirators are the culprits just as a robber is a culprit, should the Government also descend to the level of a robber? When I spoke to a member of the Government party he said "Yes, I agree, because the dog bites we must not bite the dog." How full-blooded is justice? Is the Supreme Court going to descend to the same level as the culprits? My hon. Friend the Member for Galle said this morning: "Judge not, that ye be not judged". Why did he stop there? I will quote it further and say: "For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again." They will utilize these same draconian laws against you. Even this Government will fall into the same trap.

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(கௌரவ அங்கத்தவர் ஒருவர்)

(An hon. Member)

Why are you afraid?

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

I am Naganathan ; I am not afraid. We as a race are not afraid. My grandfather hammered the Governor of Madras with a walking-stick because the man told him a lie. We are prepared for death, but we will never sell our honour or sacrifies our country.

The hon. Member for Galle (Mr. W. Dahanayake) referred to the Constitution. As I said, in our democracy anything that undermines or takes away the privileges of Parliament is against the Constitution. Similarly, anything that undermines or takes away the supremacy of the Courts is again the Constitution. By this Bill the Government is seeking to undermine or take away the supremacy of the law. It may be procedural, but the Chief Justice, in his procedural work, derives certain powers through the functions and powers of the Supreme Court. The Chief Justice has to take certain actions. In taking those actions he decides who should form a panel of judges to be assigned to a case.

Why should the Hon. Minister of Justice poke his dirty political fingers into the affairs of the Supreme Court? Any man who loves the law, who loves justice, especially if he is Minister of Justice, will try to promote justice and ot promote the beauty and supremacy of the law. Any man who goes contrary to this is more than a murderer. Any man who is entrusted with upholding law and promoting justice and who tries to destroy them is a murderer more despicable than any of the men who took part in the coup d'etat because he knows what he is doing. What a great shame it is when the power to grant bail is removed from the Supreme Court and vested in the Attorney-General, who, the Hon. Minister of Finance claimed, is in his pocket. So the power of the Supreme Court is removed, and it is really given to the Hon. Minister of Finance.

In this connection I want to say something about Clause 13 of this Bill. By this clause you are trying to legalize the very unfortunate action of the Ministers trying to be the prosecutors of these men who are alleged to be conspirators. One of these prosecutors is the Hon. Minister of Finance who, I say, should be on trial as a co-accused. Another is the Hon. Minister of Justice who wants to obtain extraordinary powers under this Bill. Even the other Ministers want an inquiry into the political aspect. Naturally, Sir, a political enquiry will also lead to a political trial and political judgment. Now is that justice ? It comes down to this, Mr. Deputy-Speaker, you are having an S. L. F. P. inquisition. Is that justice ? We are going back to the days of the Inquisition where the Ministers are trying to pressurize and influence the C. I. D. officers.

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(கௌரவ இலங்கரத்ன)

(The Hon. Ilangaratne)

I must again protest. He is talking on wrong premises. There is no question of our coercing the C. I. D. officers or whatever term he used. They were merely present there to help us in the investigation.

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(திரு. ரோய் ராஜபக்ஸ)

(Mr. Roy Rajapakse)

Guilty conscience !

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

Naturally, Sir, the bosses can indicate in which way they should give information. In fact, Sir, some of the subordinates are themselves under a shadow, in danger of being suspects. The police officers will try to make up—that is human nature—any story that you want put in.

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(கௌரவ இலங்கரத்ன)

(The Hon. Ilangaratne)

We never want that.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

For instance, when they find the Minister of Commerce has a certain idea, they know—they are clever

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chaps—how to please him by trying to get all the necessary documents either by trying to manufacture them or doing something. They can get everything and give evidence. To-day, we know that any man can come and give evidence, become a common informer and what he says will be taken as evidence against you because the whole Law of Evidence has been corrupted and destroyed.

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(கௌரவ இலங்கரத்ன)

(The Hon. Ilangaratne)

I appeal to you, Sir. He is making insinuations. We are merely there to see that the investigations are properly conducted because the police is investigating one section of the police force and the military another, and if we are not there to see that it is properly conducted then the House will protest at allowing one section to hold an inquiry in regard to another section of the same force. We are there, as I said, merely to assist those investigators in questioning those who appear before them.

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(திரு. மதியூ)

(Mr. Mathew)

Read the White Paper. At page 2 it says, it was decided that the Cabinet should have overall direction and control of these investigations.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

My hon. Friend the Minister of Commerce is a little confused. This is the position. There was not only one Minister but nearly all the Ministers and even some of their friends. I understand that even Senator Labrooy was also present and asked certain questions.

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(திரு. ஜே. ஆர். ஜயவர்தன)

(Mr. J. R. Jayewardene)

With a pistol in his pocket.

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(கௌரவ இலங்கரத்ன)

(The Hon. Ilangaratne)

Well, I never saw him there myself.

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(திரு. என். எச். ஏ. எம். கருணாரத்ன)

(Mr. N. H. A. M. Karunaratne)

His imagination.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

He said that he was there with a pistol in his pocket seated by the side of the Minister of Finance.

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(கௌரவ இலங்கரத்ன)

(The Hon. Ilangaratne)

In my presence he was not there.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

According to Parliamentary traditions I have got to withdraw what I said, but facts cannot be withdrawn; you cannot withdraw facts, nor can I. That is the fact.

Any way, to proceed. Senator Labrooy reminds me of a play which I saw many years ago soon after I came back from England after my *thuppahi* culture. I went to the Tower Hall to see a play called Siri Sangabo. In Sinhalese plays, I do not know much of them, there seems to be quite a lot of mimicry and pantomime. Now Siri Sangabo had a companion—I forget his name—who was an amusing fellow. He never spoke, but when Siri Sangabo the King in audience became angry and started shivering with anger, his friend because still more angry. When Siri Sangabo saw a young girl, a nice beautiful lady coming to the audiance, he was sweet and charming but his companion was still more sweet and charming and flowing with milk and honey. Now Senator Labrooy is like that. Here Siri Sangabo is the Minister of Finance and Senator Labrooy

is the gentleman who was his companion. Whatever he says Senator Labrooy emphasises. He out-Felixes Felix in his feelings and expression. So that gentleman was also there to examine witnesses. Under this law he is the most appropriate man for a Hitlerian type of judiciary.

Under the present law the Attorney-General can appoint, or the Minister of Justice can get him to appoint, some proper person to conduct the inquiry, may be a member of the Attorney-General's Department may be even a magistrate. Why should Ministers be directly in this business ? It is political interference. If you have political interference in the getting together of the facts, that interference will continue in the trial and so on right up to the judgment. In the name of my party I say that we shall fight this Bill clause by clause when the Bill is discussed in Committee.

Let me also say on behalf of my party that we do condemn totally any attempt to enthrone totalitarianism in this country whether by a coup or by dishonest governmental methods. We do not want to lose our democratic rights and liberties in Parliament and in the courts. For six long months you kept one section of the people's representatives, representing the whole of the Tamil areas, away from Parliament. You disfranchised the people of our areas for six long months. The most important business that comes before the House is the Throne Speech, and secondly the Budget ; these are the things that are most important in Parliament and you kept us out. And when we were kept out our people were kept out. Yet this Government says it is democratic. When this Government planned on the 27th to use the military and police to take a number of us into prison, it was the intention to destroy Parliament, just as they are attempting here to destroy the courts of justice. We will resist it.

I have one more point to make. The Minister of Justice is listening to this Debate, and he can bear testimony to what I have to say. The 26th January was Australia Day. I attended the function and I was speaking to certain important diplomats who were present when the Minister of Justice came up and tapped me on my shoulder. He said, " Naganathan, what is going to happen on the 29th and thereafter ? " None of us knew anything about a general strike. But I knew something else : on the 29th January I, along with four others of my party, were to be brought before the Colombo Magistrate for a trial which had been earlier fixed in Jaffna. The case was first called at Jaffna. It was a case of alleged obstruction of Ministers. The case was fixed for trial on the 30th January, but we were asked to attend the Colombo courts on the 29th, without any need or reason for it. I told the Minister of Justice ; " All I know, Mr. Minister, is that it comes with ill grace from you because on the 29th you are arraigning us before the magistrate of Colombo for an alleged crime which we are supposed to have committed a year ago and for which you kept us for six months in close detention without trial. " So when he asked me what we were going to do on the 29th and thereafter, I protested very violently and he said : " Naganathan, I never said anything personal. What I wanted to know was about the general strike. " I said that I have not known of any strike except the fell blow which he wanted to strike at us. If the Hon. Minister of Justice were to deny it I have got three very important members of the foreign diplomatic service who will be prepared to speak for me. Any other Hon. Minister of this Government can deny it, but if you ask public opinion you will know whether Naganathan is telling the truth or whether any Minister of Government is telling the truth. So that, he knew that on the 29th there was going to be a strike. He was asking me about a general strike. He was preparing for it.

On the 9th of January the hon. Member for Avissawella (Mr. D. P. R. Gunawardena) had given a warning to the Government. What did

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he say? I will read what he said on that day in this House. He said:

"...the United National Party and the Sri Lanka Freedom Party united in an attempt to break the strike but they failed."

He continued:

"I am not blaming the army or the police; I am blaming the class forces, people who defend the interests of the foreign interests with local vested interests. In order to save their interests, in order to have their own way, in order to continue exploitation, in order to beat down wages and in order to worsen conditions, you are using the army, and the military dictatorship I believe will help you to get over or to solve the political crisis."—[OFFICIAL REPORT, 9th January, 1962; Vol. 45, c. 235.]

Then, on the 26th of January, he said:

"You cannot bring the working class to crawl before you. I would go a step further and say that the Hon. Prime Minister has no power whatever to do that. She is the head of an unconstitutional, illegal Government. She has usurped the proper functions of this Parliament."

He said further:

"What are they getting ready for? Hon. Members are not aware that all troops in the outstations have been ordered to come to the City."—[OFFICIAL REPORT, 26th January, 1962; Vol. 45, c. 1059.]

Now the troops in the outstations cannot be ordered to come to the City except by the command of the Commander-in-Chief.

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(பிரதிச் சபாநாயகர்)

(Mr. Deputy-Speaker)

May I know the relevance of the hon. Member's comments?

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

I am coming to it. You will understand it when I develop my argument.

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(பிரதிச் சபாநாயகர்)

(Mr. Deputy-Speaker)

I think this is all relevant to the statement made by the Hon. Parliamentary Secretary on the coup d'etat.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

I say the Government was responsible for the coup d'etat.

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(பிரதிச் சபாநாயகர்)

(Mr. Deputy-Speaker)

We had a full debate on that statement.

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(டொக்டர் நாகநாதன்)

(Dr. Naganathan)

Today is the debate on that. I was never given a chance to speak on that occasion. Neither you nor the Hon. Speaker gave me a chance to speak. Today you have given me a chance. So, as you have given me a chance, please let me speak.

The hon. Member for Avissawella continued:

"If the Hon. Prime Minister is stupid, if she has advisers who are interested in having an Army and a Police Force ruling this country, if the hon. Parliamentary Secretary to the Minister of Defence and External Affairs is interested in being a dictator of this country, I can tell them that the workers of this country are not going to allow them to do that. You will have to walk over their dead bodies. Please know that. You may have an army, you may have a police force, but even the army and the police force might waver because I think even they will not tolerate injustices of this nature."

Then again further down he said,—

The Hon. Minister of Finance has framed charges. He has framed false charges against the technicians of Radio Ceylon. The Government is frightened.

Further down he continues,—

I am 61 years and I am going to give every ounce of my brains and brawn to see that this struggle is victorious, that this corrupt, inefficient, Government is driven out if it does not solve this problem, and see that the workers win their rights and march towards socialism.—[OFFICIAL REPORT, 26th January, 1962; Vol. 46, cc 1062 and 1063.]

So that, the co-accused are there. They should be investigated, but they are the people who are investigating. They want a quick solution to the problem so that they can be saved. No, I say that the method in which investigations are going on, the methods by which they seek to solve this problem, to save their skin, to hide their own part in this sordid adventure, must be resisted, must be exposed. And I will expose it further, the members of my party will expose it at every stage.

I thank you, Mr. Deputy-Speaker, for having given me this indulgence. If I have trodden on anybody's toes I am sorry, but I had to state the facts. I thank you.

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(திரு. யூ. பி. வீரசேக்கர—தொழில், தேசிய மய சேவைகள் அமைச்சரின் பாராளுமன்றக் காரியதரிசி)

(Mr. U. B. Weerasekara—Parliamentary Secretary to the Minister of Labour and Nationalized Services)

I have been trying to follow very carefully the arguments of the hon. Member for Nallur but all I can remember of his arguments amounts to his grandfather having assaulted a Judge and something about an illegal operation and cutting cocks. I was surprised at those remarks because I thought he was a good Hindu who follows good Hindu rites.

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(திரு. ஸ்டான்லி திலக்கரத்ன—கோட்டே)

(Mr. Stanley Tillekeratne—Kotte)

He is a good Christian!

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(திரு. யூ. பி. வீரசேக்கர)

(Mr. U. B. Weerasekara)

His remarks about Senator Eric Labroy I must say were very unfair. That gentleman is not here to answer. I must say he is not a person who stooges anybody. He is an honourable Senator and though he comes from a class which in this country is connected with capital and capitalism, has been a very progressive person for many, many years. He has also been a Magistrate.

Today we are paying-when I say "we" I mean not only this Government but we as a country—for having failed to bring our laws into keeping with the needs and aspirations of a free country. If you look at the law as it is relating to sedition or acts against the State, I can prove to you that it is hopelessly inadequate to protect a free State.

The law as it is contained in the Penal Code regarding acts against the State is in Sections 115 and 120. Under section 115 anybody who commits any of the offences of waging war against the Queen or who attempts to wage such war shall be punished with death. Then we have section 120 which states that anyone who excites or attempts to excite hatred or contempt of the King's subjects shall be punished with imprisonment.

You would agree in the first place that we are not discussing any ordinary offence, not a criminal offence like theft or some other simple offence. We are discussing today an offence which any Court—

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(பிரதிச் சபாநாயகர்)

(Mr. Deputy-Speaker)

කරුණාකර නිශ්ශබ්ද වන්න. කාරක සභා නියෝජ්‍ය සභාපතිතුමා දැන් මූලාසනය ගන්නවා ඇති.

අනතුරුව නියෝජ්‍ය කථානායකතුමා මූලාසනයෙන් ඉවත් වූයෙන්, කාරකසභා නියෝජ්‍ය සභාපතිතුමා මූලාසනාරූඪ විය.

ශ්‍රී. බී. වීරසේකර මයා.
(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

Anybody would realise that an offence against the state, that is an attempt to upset a lawfully established Government is the most serious offence that we know of. Therefore as a first premise I would say that a Bill to punish people who are guilty of an offence against the established state must be dealt with severely.

I would earnestly request this House to consider this not as an ordinary offence but as the supreme offence against established Government. Under this Bill, by Clasue 6 we are proposing to punish people who conspire to overthrow a Government or conspire to murder either the Governor-General or the Prime Minister and Ministers.

I will first analyse for you how far this Bill has deviated from accepted and established principles of law as we know them. By the clause on the admissibility of evidence, that is Clause 12 of the Bill, we have departed from the provisions of the Evidence Ordinance. As the evidence ordinance is today, a confession made to a police officer is not admissible against the person who made it. Secondly a confession made in the presence of a police officer is not admissible unless there was a Magistrate present at the time the confession was made. Then by Section 30 of the Evidence Ordinance where two or more people are charged with an offence, the confession of one person even if it is admitted as evidence against himself does not hold against the co-accused. These are the provisions that exist.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

Is that all ?

ශ්‍රී. බී. වීරසේකර මයා.
(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

Some more.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

No. What about Section 10 of the existing Ordinance ?

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(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

I will come to that.

How far have we departed or deviated from those principles ? In no case but an offence against the state is a statement made by an accused person in the presence of a police officer made admissible. I ask you, is it such a serious negation of a fundamental right that a person who is accused of not only attempting to overthrow a Government but is accused of even acts which may lead him to murder, if we depart from that established legal principle ?

Then again we have said that for an accused person who is charged under this Act a confession made by one accused person is admissible as against another person provided it is coroborated in material particulars. There, again you will see that there is not a serious departure from the fundamental principles of our law.

Much has been said in the course of this Debate about the law in England in regard to statements made by accused persons to police officers. Under the English law, a statement made to a police officer is admissible, but there the police officer warns the accused person that he is not bound to make a statement but if he makes a statement it would be taken down and used as evidence against him.

Then we come to the question of the trial at bar. Much has been said about this Bill giving undue powers to the Minister of Justice. I shall refer you to the sections in the Criminal Procedure Code which deal with this question. Under section 440A of the Criminal Procedure Code, as it exists today, in cases of offences against the State the Minister has the power to order that the offenders be tried by trial at bar. All

that we have done, therefore, is to bring these offences also within the provisions of that section, so that they may also be dealt with under the procedure of trial at bar. Does that constitute a serious departure? Does that amount to the introduction of a new principle into our system of law?

Then there in the question of the appointment of judges. Much has been said about it. We are aware that even today, according to the existing practice, the convention is that the Governor-General appoints the judges, but it is a known fact that they are recommended by the Minister of Justice and appointed by the Governor-General. In short, the Governor-General does not act at all except on the advice of the Minister of Justice. All that this Bill seeks to do is to state specifically that the Minister of Justice can appoint a judge direct.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

No, you have not read your own Bill.

යූ. බී. වීරසේකර මයා.
(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

Again, the Prime Minister is advised by the Minister of Justice, if you want to go a step further. All that I want to show is that we have neither imported new principles nor have we departed very much—we have departed, I admit, but we have not departed very much—from the existing principles of law. All that it amounts to is this: we have treated this offence as a very serious one.

We have been sleeping all this time, trying to carry on the administration of this country under laws which had been passed by a foreign power for their own purposes. This attempted coup d'etat has brought us to our senses. It has given us a rude shock. We say that to meet situations of this kind we need a few extra powers and we need to depart from known and accepted principles of law.

What was the purpose of these conspirators? Some hon. Members said: "They have not committed murder, they have failed in their attempt, it was only a conspiracy, it was only an attempt". But I ask you in all earnestness: had they succeeded within those few hours what would have happened? Is anyone seriously suggesting that they would have stopped short of shooting? I cannot for a moment believe that they would have locked up the Ministers and the Prime Minister and given them a Trial at bar.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

In this White Paper there is no suggestion of arresting the Prime Minister.

යූ. බී. වීරසේකර මයා.
(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

Anyway, I am not on the White Paper now but I ask, as a logical conclusion, what would they have done?

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

No doubt they would have been shot.

ආචාර්ය එන්. එම්. පෙරේරා
(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

Might even have shot you.

යූ. බී. වීරසේකර මයා.
(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

Had they succeeded what would they have done? They would have, in the first place, put an end completely, as far as this country is concerned, to the whole democratic process and democracy as we know it; in the second place, they would have stopped, if not for ever, the path

[යූ. බී. වීරසේකර මයා.]

of socialism in this country for a very long time. It might have been a revolution in its true sense to give back to our people those rights that we have fought for so long. Therefore, I tell you, though personally I have nothing against those conspirators, some of them are my very good friends——

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(டொக்டர் என். எம். பெரேரா)
(Dr. N. M. Perera)

Do not admit that.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

Not only one of your friends, because had it been known it might be taken to mean that you were the brains behind the coup. Now if they are your friends then you must have had some part in the coup. That is not my argument but that was what the hon. Member for Kelaniya argued.

යූ. බී. වීරසේකර මයා.
(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

I am not afraid of saying it because I say it in all sincerity and honesty.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

I am saying that out of kindliness to you.

යූ. බී. වීරසේකර මයා.
(திரு. யூ. பி. வீரசேக்கர)
(Mr. U. B. Weerasekara)

Now when I support this Bill I am not supporting it for the purpose of saying that these people must be destroyed. No, Sir. All that I say is if anybody is guilty, if he has been found guilty, then he must be dealt with, and on finding a man guilty of an offence of this nature we cannot allow him the benefits of the normal loopholes that one can find in any law. It is in that spirit and in that sense, much against my personal feelings, that I say that not only for the protection of this Government but also for the protection of any Government that may follow hereafter such a law is necessary. So that it is unfortunate that in a Debate of this nature we should get mixed up with questions of legal principles, of what is morally right and morally wrong and of questions of ultimate power.

But if we analyse these and put them in the proper perspective then we will see that laws of this nature —though they may go against our grain, though sometimes we who are trained in the law may feel are not quite correct—are necessary however unpleasant they may be.

What is our purpose in passing a law of this nature? It is not to punish offenders, its purpose is something far greater. Its purpose is to prevent anybody from interfering with the democratic rights of human beings. Now you might laugh and say that, on the one hand, you are taking away the democratic right and on the other hand, you say that this bit of legislation is necessary to protect human rights and democracy. Now though it may seem contradictory in terms, I say very seriously that our purpose in introducing this Bill is to protect democracy for ever in this land of ours.

We know the pattern of events in Latin America, in Asia, in the Middle-East and in South-East Asia. All this time we have watched those as disinterested witnesses and as spectators. We have seen in the papers the number of coups in various countries but we never knew till the 27th of January that this evil menace would enter the shores of our land. The country was shocked, the Government was shocked to such an extent, that this Government, if it was not democratic, could have taken undemocratic methods and means. That has happened in other countries. We have recent history to prove that

in other countries where they have followed the democratic traditions for a number of years, they have very suddenly out of a sense of shock and desperation done away with democratic processes and resorted to undemocratic means. But I tell you, this Government has not done that. In spite of the fact that the aim of the conspirators was to arrest the Prime Minister, perhaps to shoot her and shoot other Ministers, we have felt that we must come to Parliament, face the criticism of Parliament, and perhaps depart from certain known legal principles and be criticized for it as one naturally expects. But still we have paid our tribute to democracy by coming before Parliament with a Bill like this. I urge hon. Members to view the Bill in that light.

The whole purpose of law and the basis of law is to preserve the rights and true interests of the people of a country. As I said earlier, we have now realized that we have a law which is just a crust of law, that we have a legal system which does not adequately serve our true purposes, one that does not enable us to serve the true interests of our people. Therefore let us take this opportunity to get together as members of a legislature even at this late stage and rectify our law and legal system in such a way that they will serve the people's true interests. It is in that spirit that I support this Bill and it is in that spirit that I would urge hon. Members to accept the Bill. I plead with them not to be carried away too much by questions of legal principles which we have imported from other countries. I dare say there are legal principles which we must maintain, but the true purpose of evidence and the law of evidence is to get at the truth. When there is a written law and when certain conditions do not conform to it, we say we cannot proceed further; but when we see that because of certain loopholes in the law the truth as it really is cannot be got at, then I say, it is not unfair to change the law so that the true purpose of evidence—getting at the truth—may be achieved. If by these provisions we can get at the truth as far as the conspirators are concerned, and as to who they are, then I say we have done our duty by our country and our people.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

I think I would be assisting the House if I brought it back to the real content of the question which has to be under debate in this House, and in doing so it is necessary for us to get clear certain this preliminarily. It will be my aim not to be polemical but to be explanatory to the maximum of simplicity of expression at my command, because my aim is to persuade; for I believe that there are sufficient hon. Members within the Government Party itself who are open to persuasion if the true scope and meaning of this Bill is properly explained to them instead of the wrong question being debated in the sense there has been much preliminary effort to warn the House against lawyers and legal principles. I think I ought to say this. When laws are being disposed of, the meaning of the law as framed is, however much others may dislike it, best understood and explained by those practised in the art of analysing technical language. The best of people may read technical language which carries its own specific meaning and fail to know what is being said there not because they lack intelligence but because they lack the training. It is idle for me for instance to discuss medicine with a doctor if I am not capable of having some sufficient understanding of his medical terms, for we will be talking at cross purposes. Nor need we discuss this matter in, what has been termed, the light of legal principle.

I am too long trained in the matters of revolutionary thought to fail to understand that law in any society is only the expression concisely of the interests of the ruling class. We know that and we who have been in politics and in the political movement for, as it happens, nearly thirty

[ආචාර්ය කොල්වින් ආර්. ද සිල්වා]

years in this very country in my case, it is rather late for us to be reminded that political questions have to be determined in the light of political principles and not of some abstraction called legal principles derived from some particular modes of thought.

I have said all this because I do not want any hon. Member of this House earnestly and honestly to get up later and say that I was discussing legal principles or legalities. My submissions to this House on this Bill must be considered in the light of what I first have to say about the recent attempted coup d'etat, an awful Frenchism for an effort by extra-constitutional conspiratorial methods for a group to seize power. I have said it earlier on behalf of our party in this House, and I repeat it again should there be any misunderstanding, that our party is out to expose and discover and to condignly punish the coup organization down to its last and most humble member. In pursuit of that objective we are prepared to co-operate with the Government's own efforts wherever they are calculated to achieve that objective. I repeat, we do not make it a condition of co-operation that the methods of investigation, which we think are the best in this situation, are not accepted by you. We think that in the conduct of this investigation the representatives of the people's organizations, since it was a coup directed first of all against the people, require to be associated. I repeat that. We have also added that for the purposes of protecting the people of this country and this Government itself from any further coup efforts or coup organization or plan, it is necessary to rely first of all and fundamentally and finally on the people and the organization and the mobilisation of the people for that purpose. That is why we have suggested that in every area where there is a police station there should be vigilance committees of the people set up by you. We have not asked that they be set up by any other people, but by the Government itself, to keep a watch on the activities of the police. That is why we have asked that, instead of relying on one section of the military and the police, you shall rely first of all and fundamentally on the people. How ? By on the one hand retiring this manifestly untrustworthy military to their barracks, by continuing to its logical and final conclusion the demobilisation of the Volunteer Corps that were organized by those very people, by the disbandment of the Special Police which is riddled with reactionaries, by the disbandment of the Home Guard which is equally riddled with reactionaries, and by bringing to your assistance a people's militia which is organized for these purposes of the defence of the State against these reactionaries. We have put that proposition. You may not accept it. We shall agitate for it. We shall continue to agitate for it. But I repeat, we do not make it a condition of our co-operation in all activities calculated to bring the coup organization into the light of day and to smash it. We do not make it a condition for that co-operation that you should adopt our proposition.

I have said all this again because on behalf of our party, it was said twice over in the previous Debate, and those statements have apparently got buried amidst the discussion among a number of other matters. So I beg of this House and I beg, particularly of hon. Members of the Government party, to understand in advance that it is from that angle and from that point of view that I, on behalf of my party, enter into a discussion of this Bill or rather certain fundamental and basic features of this Bill, with a view to persuading you, that you, if you think it out, will never agree to do what you are being asked to do.

Let me say another thing. It is necessary to grasp that this is not a Bill directed solely or principally even against this coup d'etat. Let us get that clear. This is not a Bill for creating necessary procedures as an instrument for investigation, as an instrument of trial, as an instrument of proof, in order to bring whomever may be discovered as the offenders

in this last coup even to book. It is not such a Bill. It is a Bill which alters for good and ever our laws of procedure, our laws of evidence and our law of punishment. In other words, in the field in which it operates this is the law of the land for everybody and before I sit down I hope to satisfy hon. Members on the other side that it is a Bill which while some of you are persuaded is a Bill aimed only at these conspirators, is a Bill that will simultaneously hit the common people of this country a blow which can prostrate them for every.—[*Interruption*] I am not seeking appaluse. If I reecive it, I am glad.

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(டொக்டர் நாகநாதன்)
(Dr. Naganathan)
Spontaneous applause !

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

I have forgotten where Tuscany ever was so I cannot reply to these remarks nor do I feel like Horatio who held a bridge along with two companions.

I believe that once the true position is placed before the people the people will be against this. Therefore a sufficient number of you will be persuaded as I hope to persuade you. I am not being polemical tonight and I will not deal with interruptions.

It is precisely because this Bill with its many indefensible features is not directed solely against this coup d'etat, this conspiracy, that we called upon the Government if they wanted our support to make some modifications not to some parts of the Bill but to this entire Bill, just like what you are now proposing for the first part which you say should be confined to the coup d'etat that you have referred to of the 27th January, 1962. We have not merely asked your Ministers. The representative of the Hon. Prime Minister in this House is, I take it, the Hon. Leader of the House. The sponsor of this Bill is the Hon. Minister of Justice, and the General Secretary of our party and I, as many hon. Members will testify, came over to your own lobby and placed before him, in the hearing of others, reasons and considerations why the Government should accept the principle that this Bill should be confined to the conspiracy in regard to which so much discussion has been taking place. Up to this moment we have not been accorded acceptance of that suggestion.

It is not a matter of hon. Members not having had an opportunity to discover precisely what the Bill means. Even for me, as a lawyer, it has involved much work, for the Bill merely tells you, if you read it, that it will amend some section of some law somewhere by substituting some word for some other word. And most hon. Members probably do not know what the original thing is. Secondly, even if they do, it is not easy to work in the amendments. Then, after working in the amendments, since they do not know how the section fits into the entire structure, they will be left completely obfuscated, if you will allow me to use the word, as to what is the meaning of the alteration. The statement of explanation of the Criminal Law (Special Provisions) Bill, with which this House has been presented, is merely a transliteration of the relevant sections and not an explanation at all. It merely says it will do this and it will do the other, but it does not say what you are changing, from what to what.

It is now manifest, it is now clear beyond argument from any source legal or otherwise—because we offered the Government co-operation in the organization of the Bill, if it will first limit the Bill to the conspiracy—that this is not a Bill concerned only or, as I shall show, even primarily, with the conspiracy, as it was originally thought to be. Let us not draw—I was going to say, a red herring across the trail, but some people seem to think that that has

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something to do with the red part and not the herring; so I will drop that phrase—let us not raise false issues or wrong ones.

For instance, I do not think anybody in this hon. House is objecting to these conspirators being subjected to a trial at bar. Indeed, as the trial at bar procedure exists in the present Criminal Procedure Code, most of these conspirators, I think, might pray for a trial at bar. Do you know why? I will explain, and here I cannot help my knowledge as a lawyer. I know that in discussing things legal many hon. Members think that a knowledge of the law is a disqualification. Permit me to say that that is a mistake notion.

What is this thing called a trial at bar? There is another kind of trial at bar: there can be a trial at the Bar of this House. I do not know why the Government did not think about that when your majority might have lent strong colour to it. A trial at the bar of this House, if it can be legally done, can bring your majority into operation under all the forms of existing legal procedure without anybody having to say anything. But your Cabinet has thought better and since the Cabinet does not like lawyers who have knowledge it is not for me to advise the Cabinet.

Now a trial at bar under Section 440A of the Criminal Procedure Code mean simply this. First of all, there is no preliminary inquiry as they call it in a magistrate's court. All of you hon. Members, since your constituents eternally worry you about their cases, are aware that when it is a serious matter like a murder case, there are two parts of the procedure.

There is a proceeding in the magistrate's court which is an inquiry to find out whether there is a case to be sent to the Supreme Court. Having found out that there is a case to be sent to the Supreme Court, the material that is recorded in the magistrate's court is sent to the Attorney-General so that he also may satisfy himself that an indictment ought to be presented, that is, the charges should be made in the Supreme Court against the man.

Hon. Members on the other side know because they have had to act for their constituents in such matters that very often when a magistrate has committed, that is, sent a man after inquiry to trial to the Supreme Court, it is possible to satisfy the Attorney-General that there really is not a case to be sent there and therefore that poor man is never put to the expense of a trial at the Supreme Court. The Attorney-General directs that he should not be committed or his committal is squashed. That is how you get to a Supreme Court trial.

Now this trial at bar procedure cuts out all that first part. There is no enquiry in a magistrate's court, none at all. There is placed before the Attorney-General the results and records of the police investigation ilnto the alleged crime. That material the Attorney-General may decide to act upon in certain circumstances in a certain way. He says, "I will launch an information". Now do not worry about the technicalities. What he says is this. If the Governor in the old days—the Governor-General now—may be on the advice of the Minister recommends or thinks that it is better to have that person tried for that offence by three Judges of the Supreme Court instead of by a jury before a Judge, then a warrant issues, that is, an order issues that that man shall be tried by three Judges of the Supreme Court. In those circumstances, on the basis of an information made by the Attorney-General he will inform the proposed accused person what is the material he is going to present there. Now that is what is called a trial at bar, and forgive me for taking time in explaining it because it is necessary to understand it.

But I shall show this honourable House that is not where the pinch of the changed legislation is. There are judges of the Supreme Court and, although I happened to start with

this merely because so much has been said about it, that is not the important matter for me ; but I will show you. Section 440A deals with trials at bar. Please note what it says on the question of what shall be the procedure of that court. The first and fundamental change as I shall show you in this Bill in that department is that instead of the judges being chosen or nominated by the Chief Justice who is the authority at present, the Minister, that is to say the executive, is to determine the constitution of the tribunal. Please note that. If you like it, we can discuss that, but let us understand that that is the proposal here.

Now do not be, I say to this honourable House, misled by the bland statement made to you that since 1947 I, the honourable Member for Dehiwela-Mt. Lavinia, like many other honourable Members, has been pressing for an expansion of the Supreme Court, for the addition of the number of judges. Why ? I will give you the facts. First of all, it is correct—and I am ready to prove it, but that is not relevant here—that you require more judges. It is correct that the Government of the day appoints the judges, but the question is why, having since 1956 and even in the last Budget Debate said that you cannot expand the Supreme Court, do you suddenly want to expand the Supreme Court now by this Bill ? That is important. If you like it, I say to hon. Members, that is all right, but please let us understand what we are doing.

Now first of all, I want to say, three judges conduct a trial at bar. Two judges are to be appointed at this juncture to the Supreme Court. I happen to know that early in March one of the judges of the Supreme Court is retiring, and therefore your executive will have the power in fact of nominating all three judges. And when that same executive takes unto itself the power of nominating the judges who are to conduct the trial at bar, is it surprising that a worry has arisen in some hon. Members' minds whether what you are planning to do is to pack the Bench in order to pack the court ? Now, if you want to do so, I suggest to the Government to do it clean. Do not do it in this way. I can understand it. I may not agree, but I can understand it if you stand up and say, " I want to have three judges, as the executive chooses, to hear this case. " Then meet that proposition, place it before this House and, as my hon. Friend the Parliamentary Secretary said, democratically accept the decision of the House. I do not know what is the difficulty there, but there it is.

But there is a little more that has been done. I touch on this not because this is my main point but because the last speaker happened to put that forward as a principal defence. Under this section as it stands, the trial procedure of that three-judge court is to be determined in the following way : I will not read to you unnecessarily technical sections, but this is a simple section.

Section 440A says—

"A trial under this Section shall proceed as near as possible in the manner provided for trials before the Supreme Court"—

Please listen to the next phrase :

"subject to such modifications as may be ordered by the Court or as may be prescribed by rules under this Code."

This means that the three Judges shall follow as nearly as possible the procedure at Supreme Court trials where murders and so on are tried. They may modify the procedure to the extent necessary, but not for the purposes of the case. The Supreme Court can modify the procedure, or there can be rules under the Code modifying the procedure, all prepared by the only people competent to prepare rules of procedure, namely the committee which consists not only of Judges.

But that is by the way. Now this is changed. I want to say to this honourable House that our whole party group along with me had to worry itself for a long time in order to define the meaning and the phrase of the change. This is what is done. "Or as may be prescribed by rules

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under this Code" is cut down and this is what is added: "Subject to such modifications as may be ordered by the Court of Trial." Please note that formerly the Supreme Court had to do it, but now it is the Court of Trial.

Now what is the process contemplated? This is what it is. The Executive will nominate first to the judiciary some people of its choice. I pity thoe people for they will be going to the Supreme Court Bench under a cloud in advance and never, never, will they be able to exercise the authority that comes from a lack of suspicions of impartiality that must attach to them.

කන්දයියා මයා.
(திரு. கந்தையா)
(Mr. Kandiah)

Throughout their career.

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

But that is by the way. Then, having nominated your Judges to the Bench, you can choose those Judges and nominate them to the Court, and those three Judges can devise their own procedure of trial. It will be very hard to free the executive of suspicions that before they appoint the Court—and these involve procedures—they had not given instructions as to the procedure that the Court will devise.

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(திரு. கந்தையா)
(Mr. Kandiah)

Tell them once more, because there are some who may not have understood.

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

No, excuse me. I will try to clarify my point with an example.

Today, every Industrial Court is appointed and nominated by the Minister, and there is no question that those industrial courts have come rightly and justly under the suspicion that in any of the important matters where the Government is interested they act on the instructions given to them. I can prove it, but that is by the way. I would beg of the honourable Members on the other side to give thought to that kind of thing. That is one aspect of the matter which will satisfy you that is not a discussion of whether it is good to have offences against the State subject to a trial at bar. As my good Friend the hon. Parliamentary Secretary stated in a very carefully prepared speech, it is incorrect. In fact there was nothing in the existing law to prevent a trial at bar being ordered in this matter. That is the truth.

Now, please do not say that I am applying some legal principles. I have applied no legal principles; nor lawyers' principles. I have explained to you what was and what will be, if you accept it. And plaese remember this is for ever. You may feel a sense of consuming anger, of overwhelming hate, even of irresistible panic, and you may wish, in the case of the conspirators who have been guilty of this foul effort, to give them short shrift. So much reference has been made to old Sinhalese customs in regard to this type of offence that you may well feel that what these men need is not a trial but a fiat from the Minister of Justice, that they should be taken between two proximate arecanut trees, that their legs should be tied to the bent arecanut trees and that they should receive the swish that comes from the straightening of those arecanut trees—if you wish it. And if you wish, you can use your majority to do it and if you wish you may also defend it as a resuscitation of our ancient Sinhalese culture. I am sorry, Sir, I promised not to be polemical. I withdraw that remark. But let us do it cleanly. I said to the Ministers whom I addressed this afternoon in the lobby, seeking to persuade them to accept the principle that this Bill shall be confined to this conspiracy,

that a landlady of mine in England used to distinguish between clean dirt and dirty dirt. Let us have some clean dirt. Now that is one aspect.

What else does this Bill deal with ? First of all, this Bill changes the law relating to offences against the State, changes which seek to expand the scope, as we say, of a particular section of the Code: Section 115. Now, this is a serious matter and as far as I am concerned, I beg of you to look into this because I say, if you grasp this and get it clear, you will not, holding the progressive opinions that you do, ever be able to vote for this alteration, whatever proper alteration we may be able to vote for. I will suggest the proper alteration if you want, but it is no use suggesting the proper alteration when the whole framework is wrong ; you will be improving a bad framework and strengthening it wrongly.

Please note first of all Section 115 of the Penal Code. Sorry, that is how we refer to it in the courts, but that is how it is referred to in the Bill. It is called the Penal Code, that is to say, it is the law that defines what are offences and crimes in our country and the law that provides for those offences compendiously we call the Penal Code, the Code that provides for punishment for offences.

Now what does the present Section 115 state ? Section 115 is one of some twelve or thirteen sections which come within a Chapter known as offences against the State. It is Chapter VI of the Penal Code. Offences are of varying types and of varying seriousness. I want to repeat that. All are not the same kind of offences, except that they are offences as here defined against the state.

Since we are told that this is the colonial law which we want to improve by making it worse, I say this is the colonial definition of what is an offence against the state. In this Chapter on offences against the state there are 13 offences that fall into groups and those groups are not alike and not of equal seriousness.

For instance Section 114 deals with waging war against the Queen, the final offence against the state, is it not ? That is civil war to overthrow the state. I am free to tell this House that I stand for civil war in appropriate circumstances, but I am not asking therefore to give me the right of conducting civil war against anybody. I said that before.

One Hon. Minister referred to revolutionary causes today. I do not want to enter into any abstractions and theoretical discussions. The first group from Section 114 to Section 117 deals with the business of waging war against the Queen—that is a civil war. You know, for instance, when you get to Section 120, it deals with what I hope every progressive member of your party is doing every other week at a public meeting, and I hope so because it says : " exciting or attempting to excite disaffection ". If my hon. Friend will pardon me—I mean it as a compliment—the hon. Member for Kottawa (Mr. D. B. R. Gunawardena) will probably be paid up if the state chooses, every day under this Section ! That is as it ought to be. But now any one of you hon. Members can stand up at some public meeting and make some reference for instance to the fact that the rural masses should overthrow the capitalist classes because the capitalist class is the exploiter of the rural masses ! Do you realise that this says that to excite or attempt to excite disaffection is to promote feelings of ill-will between different classes. Do you know that ? Do you know either that when you commit that offence you are liable to be held 60 days *incommunicado* ? That is an awful word which means " to be arrested under suspicion of the I. G. H. and nobody can challenge the legitimacy of his suspicion or its illegitimacy, to be taken to where he wills, not even to have your wife notified that you are taken and for your wife for 60 days to wonder : " Has my man been murdered ? Has he gone insane and forgotten his hame address ? Has he died ? Is he

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alive or is he dead ?" That is the meaning of being held *incommunicado,* for this law expressly says—that is the danger of trying to legislate against decisions of a Court—that all that is necessary is that there shall be an order of the Permanent Secretary to the Ministry of Defence and External Affairs, which need not even be published in the *Ceylon Government Gazette.*

You will forgive me, I hope, if I call on the name of a divinity in whom I do not believe. I say, Oh ! my God, I spent my life fighting against that, and I will not allow, even in the name of a coup, such a law to be passed. If it is me, I am ready to put my head in the noose, but this is a law under which you can bring any man in. There is an old Latin saying: *Salus populi suprema lex.* The safety of the people is the supreme law, not the safety of the Government. Protect the Government by every method you can. That does not remove the essential protections of the people against Governments themselves. That is my political principles I spent my life on it, and that is not a legal principle. That is a good political principle and a good and excellent revolutionary principle. It is also a human principle. Incidentally, if you do not mind, it is also a very humane principle. It is not democracy to use majorities to deprive the people of the protections that they should enjoy. Otherwise, you will have to accept the legitimacy of the Hitler regime, for Hitler came to Parliament through the normal constitutional processes. He was summoned to be Chancellor by the President of Germany legally elected, von Hindenberg. Then he changed the law, and there was a full-fledged Fascist system under which no man had rights except the executive. Now I do not say that this is Hitlerite—I do not want to be exaggerative—but along this line of thought you may find yourselves reaching that very precipice before you can draw back.

Now, what is being done My good Friend, the hon. Parliamentary Secretary to the Minister of Labour and Nationalised Services, from a very, very carefully prepared speech said that these are offences against the State. Of course, when you say "an offence against the State" it sounds terrible. But every time a humble worker strikes, under the present system of Emergency laws it is an offence against the State. Every time we of the working class parties in this House come together—as we came together, as I shall show, on January 5th—to launch a general strike, it is illegal. Now you are trying to make it also an offence against the State. I will explain.

Now I have shown, I hope, to the satisfaction of every hon. Member in this House that we have, under the Chapter "Offences against the State", offences of varying importance. Then we are specifically drawn towards Section 115. Please bear with me. It is unavoidable if I read to you Section 115 as it exists now in the Penal Code.

I would spare you the reading, but it is impossible to spare you the reading if I am also to provide you with the logic of it. Please remember this. Section 114 makes it an offence punishable by death or imprisonment up to 20 years to wage war against the King, to attempt to wage such war, to abet the waging of such war. Then here is Section 115—

> "Whoever conspires to commit any of the offences punishable by Section 114—that is the previous one——
>
> or to deprive the King of the sovereignty of Ceylon or of any part thereof or of any of His Majesty's dominions or conspires to overawe by means of criminal force or the show of criminal force. . . ."

the Government of Ceylon shall be punished in certain ways.

Now I want to say frankly to this honourable House that I personally am an intransigeant and an irretrievable opponent of the death penalty, but I am not raising that question today ; that has nothing to do with my argument, that is purely personal to myself. I am not on the question of new punishment to be awarded. But please listen. This is what,

therefore, it says : if you conspire to wage war against the King, if you conspire to deprive the King of his sovereignty over Ceylon—and my heavens ! I spent my whole life in that conspiracy and they did not punish me for it—if you conspire to overawe by means of criminal force or the show of criminal force the Government of Ceylon, you are guilty of a serious offence, 20 years. Now you make it also death. Now that is not what you have made subject to the penalty of death. Not only that. This is the rotten old colonial section under which I was able to conspire up to the year 1947, is it March 4th ?

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(கௌரவ அங்கத்தவர் ஒருவர்)
(An hon. Member)

February 4th.

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

February 4th, 1948. Not only I but there are several hon. and highly respected hon. Members of this House who are engaged in that conspiracy. I am not pleading anything from that. Now the new Section, please note it, is in Part II of this new Bill. Section 6 of the new Bill which refers to Section 115 says—

"Section 115 of the Penal Code is hereby amended as follows :—

by the substitution, for all the words from 'Ceylon, shall' to 'to fine.' of the following : "

So this will now read as follows :

"Whoever couspires to commit any of of the offences punishable by Section 114 or to deprive the king of the sovereignity of Ceylon or of any part thereof or of any of His Majesty's dominions of Ceylon and overawe by means of criminal force or the show of criminal force the Government of Ceylon or conspires to overthrow or attempts"—

there is a new suggestion here——

"or prepares to overthrow or does any act, or conspires to do, or attempts to do any act, calculated to overthrow,"—

I have something to say about it—

"or with the object or intention of overthrowing, or as a means of overthrowing, otherwise than by lawful means, the Government of Ceylon by law established, or murders, or conspires to murder, or attempts or prepares to murder, or wrongfully confines or conspires or attempts or prepares to wrongfully confine the Governor-General or the Prime Minister or any other member of the Cabinet of Ministers shall be punished with death....."

Now I incorporate the amendment with the amendment to the amendment so as to save you a lot of trouble.

Let me take out one or two things here. Originally we were to be hanged for wrongfully restraining a Minister ; and that also, not if you wrongfully restrain a Minister in his ministerial capacity, but if he should be privately walking across a road in order to get to the place he likes to get, and if somebody just stood across the road and said, "Not this way," that is wrongful restraint, my friends. 60 Days incommunicado and, let it also be said, a three-judge trial, by which time of course all you can plead in your defence is that you had a bona fide claim or right to the property on which he was trying to walk, and you have to wait till your defence is called at the trial before you can say anything at all.

That is all well and good, I suppose, but I am worried about another matter. Now they have dropped "wrongful restraint" and made it "wrongful confinement". You know, already in the Penal Code there are about six sections on wrongful confinement. I will not read them and trouble you. Sections 332 to 339—eight separate sections—give more and more stepped up punishments for wrongful confinement of ever worse times. If you wrongfully confine anybody, a humble person wrongfully confining another humble person—one year and Rs. 1,000. But if you keep the man wrongfully confined for three days—two years ; for 10 days—three years.

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(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

For sixty days ?

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)
It is not said here.

Keeping him wrongfully confined knowing that a writ for the liberation of that person has been duly issued—two years, but not after this law. Wrongful confinement of a public servant—two years, in addition to any other punishment to which he may be liable. You know, without all this rigmarole, you could add a section here to say, "Whoever wrongfully confines a Cabinet Minister ...."—well, I do not know, give him 20 years if you like, I do not know. Why bring it here? You know why? When this Bill was originally brought, as I said, if you had not agreed to confine Part I to this particular conspiracy, a Minister would have been more sacrosant than the king.

But I want this honourable House to give thought to another aspect. I call upon every hon. Member who has ever had anything to do with any kind of mass movement in this country to pay attention to this. This says:

"Whoever prepares to do any act calculated to overthrow otherwise than by lawful means the Government of Ceylon....."

Now, you will forgive me, I have to introduce at this stage of the discussion a little professional knowledge. When you use the words "calculated to overthrow", it is not necessary that the person concerned intended; it is sufficient, as we say in philosophy and logic, that it can objectively have that result—"is capable of having the result of .." Whoever *prepares* to, not only "attempts to". Preparation is a stage prior to attempt. In the offences under the Code so far, preparation is not an offence, only "attempt"; and it is the most familiar defence in the courts that "this is not an attempt, but we stopped short at the stage of preparation." I am not quarrelling about that. If you prepare a coup d'etat I should say you should be equally well punished. Let there be no doubt about that. But what are you trying to do here? If you prepare to do an act calculated to overthrow the Government otherwise than by lawful means you should be equally well punished. Now, the general strike on January 5th was under the Emergency laws unlawful. I use that word here. The January 5 general strike was alleged in this very House by responsible Ministers in the face of our denials to have been directed at overthrowing the State. Then for that January 5 general strike under this law as it stood when it was first proposed, you could have said: Never mind! Since a responsible Minister says: "As you people were aiming at the overthrow of the State, the I. G. P. can legitimately suspect that it is true." Then legitimately suspecting that it is true you arrest any one of us down to the humblest little worker—never mind us, but down to the humblest little worker who was even prepared to join the strike without wanting to join it. And then he will be spirited away, kept for sixty days without anybody knowing whether he is dead or alive. You will then bring him before three Judges of the Supreme Court whom you have nominated and find him guilty according to procedure you advise them to follow, and then with great and democratic tears you will hang him on the nearest gallow-tree. That is the power you are taking under this Bill.

I ask hon. Members with all the humility at my command: Did you want that? If you wanted that, say you wanted it and go and tell the workers that you want to hang them for striking and then hang yourself in the process. You cannot, you dare not! That is why you pretend that this is only about the coup d'etat. We have asked you to confine it to the coup. Please confine it to the coup. We will help you if you do that. But if you cannot, we will not be a party to it; we will not co-operate with you in passing a Bill of this nature.

Hon. Members threatened us with mass anger. I do not mind that. I like to believe that those unfortunate hon. Members had either not read, or having read had not realized the nature of the Bill, but I hope to persuade them to a proper realization of the Bill.

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(கௌரவ அங்கத்தவர் ஒருவர்)
(An hon. Member)

What about the Minister of Justice ?

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

I hope to persuade the Hon. Minister of Justice and it is my endeavour throughout my whole speech to persuade the Cabinet right up to the Hon. Prime Minister before you divide on this Bill so that we may know that you have at last decided to do what you had to do. [*Interruption*]. I said I will not be polemical. I may unconsciously out of habit fling a shot in the wrong direction. But forget it, I do not mean it. I say to you hon. Members, nobody explained that to you. And since nobody has explained it to you from those who should explain it from your side of the Front Benches, I am not surprised that you come here and deliver speeches on the footing that this is a Bill to tackle the coup d'etat. It is not. It is a Bill to impose this kind of penalty upon the common people. I chose a strike, I chose a general strike, but I do not need to. When the hon. Member for Avissawella (Mr. D. P. R. Gunawardena) took the responsibility and the risk of stating in this honourable House that he supports the harbour strike, under this Bill, since they said it is an effort to overthrow the Government, he can be removed and detained for sixty days plus, Heaven knows, what, perhaps swing at the end of a rope at the tail end of his valuable life !

No, Sir, can you believe it ? Are we to be pursuaded into accepting that kind of thing ? No, Sir, it cannot be done. That is what this Bill is. May I carry it back ? If my hon. Friends in the middle of this side of the House had remembered to pass this law in 1953 not one of us would be alive to argue this point. You think you can give anybody that power. My friends, I know every Government has a tendency to consider itself perpetual, but all history shows that there have never been perpetual Governments. Therefore, we are entitled to say that even if we are—I repeat, even if we are—ready to give you that power we cannot give everybody that power, and for my part I say categorically, I am not ready to give even you that power, for no Government should be entrusted with that kind of power over the community.

That is what you are trying to do. That is what this Bill is trying to do through the amendment of section 115. That aspect of this Bill cannot be got over by time limitation ; it can be got over by limiting it only to the conspiracy, if you must. Permit me to say this : I am not offering you professional advice. Please do not mistake it, I am being political. I practice the law because that is the means by which I live, but my life has been, is, and will be to its last breath political. And I say politically, if the position is, as your White Paper says it has been, no effort provable to overthrow the whole Government but, as Colonel F. C. de Saram is supposed to have said, only to arrest one Minister of your Government—and I do not know why Colonel F. C. de Saram chose so near a realtive to be his victim—I ask you, is that your difficulty ? Is that your difficulty ? That to try to arrest or confine or even to shoot, that is to murder one particular Minister, is not an offence against the State and therefore you want to expand it ?

I will tell you how to expand it without committing this horror against the people. I will show you. I will tell you because I say it can be done. I can understand an attitude that in modern parliamentary government it is important to protect Ministers also adequately, not only the Governor-General against

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whom you have to go for royal permission to make investigation. I understand that. All you need to do is this, is it not? Forget your section 6 of this Bill and take your section 115 and just make it read as follows :—

Whoever conspires to commit any of the offences punishable by the next preceding section or to deprive the King of the sovereignty of Ceylon or of any part thereof or any of His Majesty's dominions, or conspires to overthrow by means of criminal force or the show of criminal force, the Government of Ceylon, the Cabinet of Ministers or any individual Minister—

Hang him if you want to!

I can make it still more detailed and cover any more people you want. But the only thing is that if you correct it that way—and there are some other things I could add to that—please tell me—forgive me for speaking in that way—and I will try to do it. If I could only know what it is that you want to protect yourself from, I may be able to draft without an outrage on the people. I may be able to do it but I cannot say I can do it. It is not my job to draft. There is, I take it, a very efficient draftsman who I know, after drafting this particular Bill, went home and cried! Even he understood—a mere technician. He sees that there was a horror involved in this. But I may be wrongly informed.

Now we can amend Section 115 to protect the Ministers, to protect the Ministers in that way against criminal intimidation, against attempts to criminally overthrow you by violence—protect yourself by all means. If I were a Minister I would not feel the need of such protection——

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(டொக்டர் நாகநாதன்)
(Dr Naganathan)

Hear! hear!

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

I do not need this particular applause. Not because I have political differences with him. This is not a personal question.

If the Ministers should be given protection—of course they should be given protection. I concede that. I will support it and I will co-operate with you properly if you bring a proper Bill: but not this Bill. This is a Bill to hang us.

My hon. Friends always talk of the rural masses. Those rural masses have had rural movements which you can say were directed against the state power and you will hang the lot. But I object because we firmly oppose any power in you to hang the lot.

I had a fuller amendment to Section 115 worked out somewhere. If it is a question of protecting Ministers there are a hundred ways of doing it without involving the people in the penalty. Having said that—and I trust I will be forgiven for taking a lot of time over that, it was too important to let it pass—may I pass to the next matter of highest importance?

I wish to say on behalf of our party that we are happy that the Government has introduced an amendment which limits Part I at least to the present coup d'etat—to the present coup organization. We are glad of it and if you wish for thanks I am willing to thank you for it.

Here I want to say something. Men like Hon. Ministers as a collective body, the Cabinet, having been present at the investigation, if they tell us that they are satisfied that there has been this wretched coup effort as I am satisfied there has been, then I agree that we must root it out. That is not the question of how to conduct an investigation against some unknown person in the future. These men are before us. Some of them we are told in the White Paper admit that they are willing to take the rap for

the whole thing: and when a man says he is willing to take the rap for the whole thing, it is an admission that there were others whom he is trying to protect by taking the rap for the whole thing. I understand that. You are holding them *incommunicado*. I regret that in some cases it has been done by frustrating a writ that has been taken. I regret it. That is never wise. It is never wise to change the law to meet an accomplished judicial decision. It is no use pointing out that the U. N. P. did all those dirty things and pleading it is an excuse for doing a dirty thing yourselves. It remains dirty. You will realize that if it is wrong it is wrong; and it was because the U. N. P. did wrong that you were elected to undo the wrongs. You cannot undo the wrongs by doing further wrongs.

I shall go on now to the next point. I beg of you even now, why can you not extend the proviso of Part I to Parts II and III and be done with it? Then we can go into the amendments, which you can accept or reject. We are all agreed that we must smash this coup organization. We must discover every military officer or policeman or civilian, hold him up before the light of day and punish him for what he has done—of course, if it is proved. I am not offering co-operation to do it without proof.

Now I come to another matter. I hope this hon. House will note that although I have had, at one stage, a certain passage of arms with the hon. Parliamentary Secretary to the Minister of Labour and Nationalized Services, I infinitely regret it. I am sorry and, if you will allow me to say so, ashamed that it happened as far as I am concerned. Today he has made a very carefully prepared speech. So I take it that that speech is the content of the Government's contentions. In that speech he argued another matter, and once again I ask you to please listen to me with care. Once again he told you half a tale. If you knew the whole tale it would worry you. He argued on this question of confessions, that is, Clause 12 of this Bill. He said: "Why should we not allow confessions made to a police officer?" I am quite willing to agree. For the purpose of proving this coup d'etat, if you want to change the law in regard to confessions to police officers, I do not think I will raise any protest myself; because I will tell you why; this honourable House does not know. Although my good Friend from his well-prepared speech cited so many sections he did not cite the one section that is most material, and that is a section as to the proof of conspiracy in the Evidence Ordinance by which, in fact, the normal rules of evidence are completely relaxed in the case of conspiracy. Not one of the Members did refer to it. Even a trained lawyer like the Parliamentary Secretary did not help you. I blame you not, so please do not blame me for having come to the knowledge of that, being a professional lawyer. You will be astonished, if you know this Section is ammunition enough, instrument enough for conspiracy. But I do not mind.

Please listen because it is a rather lengthy Section. But with great respect I am only going to prove that nobody need be horrified in this honourable House if I say that extraordinary conspiracy such as this may well require extraordinary procedures if you do not in the course of that violate the rights of the people. The principle is already there.

ජේ. ආර්. ජයවර්ධන මහා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
What Section?

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)
Section 10 of the Evidence Ordinance. This is what it says:

"Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong."—

Please, I will stop here. It is not where it has been proved but where there is reasonable ground to believe

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that two or more persons have conspired together to commit an offence or an actionable wrong. Here, there is no difficulty in regard to this coup d'etat. There is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong. It goes on to say——

"anything said, done or written by anyone of such persons in reference to their common intention after the time when such intention was first entertained by anyone of them is a relevant fact as against each of the persons believed to be so conspiring as well as for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it."

I will tell you in simple language, even lawyers sometimes get tangled up in this one, and it needs a little care in explanation.

Two or more people are brought before a court charged with conspiracy to commit an offence, let us say, to commit the offence of wrongfully confining the Hon. Minister of Finance who seems to have been the special object of Colonel F. C. de Saram's hate. All that the court has to say is, you can look into the facts, the depositions in advance or listen to a modicum of evidence as we call it, and say, "I have reason to believe that there was a conspiracy" not "I am satisfied that there was a conspiracy." Then you can bring in anything done or said by anyone of the conspirators in regard to the common intention of all the conspirators from the time that man formed the intention to prove that the other fellows also had that intention and to prove that they conspired, etc., etc. In short by Section 10, all the normal safeguards that are given by the Rules of Evidence, in other cases like simple theft which my hon. Friend referred to, are relaxed in the case of conspiracy. Why? Because, Sir, the law is created by legislatures and a collective legislature is supposed to have the wisdom even if it consists totally of individual fools. That is the theory. Every member of the legislature may be an individual fool but their collective efforts are always wise. That is the theory of the law and you may say, therefore, that the law is an ass. But I have no objection. That is a general remark. The law is, in fact, wiser than we think as it stands.

The law of the colonial Government is horrible to relate and should be replaced no doubt by the laws of Sri Rajasinha which were much more summary and simple.

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(டொக்டர் நாகநாதன்)
(Dr. Naganathan)

The times of our ancient kings.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

Hon. Members will remember this. Here, therefore, the lawyer understands, and the legislature understood it, that conspiracy is something that is hatched in secret, and only sees the light of day at all when it has carried out its object. You may have a terrific conspiracy for a coup d'etat, and because nobody tried it out you may not even know it had been there. We were told the other day that evidence seemed to suggest that the present coup d'etat may well have extended back to earlier days. My hon. Friend the Member for Avissawella (Mr. D. P. R. Gunawardena) put forward facts which suggest that it might go so far back to the 1958 Emergency. But the point is, normally conspiracy is discovered in one of two ways. Firstly, they try to carry out the object of the conspiracy, then it comes into the open. One or other of the conspirators rants. That is extremely common. Somebody gets drunk in the village and says, "We have a lovely plan to rob a temple 200 miles away."; somebody hears that and reports to the police station, and they discover the conspiracy. That is very common. So, you see, the law already recognizes that.

You may relax the laws of evidence to prove conspiracy. So I am not horrified at all if there are provisions, within reason, for relaxing the rules of evidence in order to prove conspiracy for a coup d'etat, for a seizure of power, illegally, of the State in this particular case. I am not horrified. I repeat, extraordinary occurrences and events require extraordinary procedures very often. So long as those procedures do not hit the people, we are not worried about the procedures very much.

But here why do you have this power which nobody apparently has advised you of? You have introduced this amendment to Clause 12 which I want to explain. Now please note what is done by Clause 12 of the Bill. One part of it says the present rules of evidence—those sections which my hon. Friend cited broadly—do this: they prevent you absolutely from proving against an accused person a confession which he made to a police officer, even if the accused himself may be ready to admit that his confession was honourably obtained. You cannot. Why? The law itself never trusts the Police Force. I do not blame it.

Permit me to interrupt my argument for a moment, and forgive me for using some of my professional, and not only my political, experience, because I propose to refer to matters which have been proved in the courts of law and not merely been subjects of allegation from the Floor of the House. Our law says, by section 25 of the Evidence Ordinance, that a confession made to a police officer cannot be put in or proved at all against an accused person. I hope I will be forgiven for giving some public, legal, professional advice to people who have committed murders. If a man commits a murder and runs to a police station and says, "I did not do it," that can be proved against him. But if he runs there and says, "I murdered him", you cannot prove that. That is the safest statement for a killer to make to a policeman under the law. That is by the way. It is so absolute. And why? I speak from personal knowledge, from professional experience which has resulted in matters being proved right up to the Court of Criminal Appeal.

I will give you one case which is still today a horror. I will not give names. Over in Chilaw some years ago some people broke into a co-operative wholesale society office and rifled a safe. The police after much search and much inquiry arrested certain people, and I will only tell you what a particular inspector in that police station did to one man, because I do not want to multiply horror upon horror. These incidents were proved in the Magistrate's Court, they were re-proved in the Supreme Court and re-accepted in the Court of Criminal Appeal and I am therefore entitled to refer to them. The Inspector got hold of the man, and what did he do? It is incredible. He took this man into his room, into the office in which he worked in the Chilaw police station, and he got the man up to his table and said: "Now, you committed this robbery?" The man said: "අනේ හාමුදුරුවනේ නැහැ." The Inspector said: "Come here!" So the man came up. He had his cloth removed—please forgive me for my references but it has to be done—he then took out a cricket bat, he being a cricketer and knowing the rules, and he got him to place his male organ on the table and took the bat up and said: "Now, you committed this robbery?" The man said: "අනේ හාමුදුරුවනේ නැහැ."

This is God's own truth, the gospel truth.

ජේ. ආර් ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)

It is reported in the New Law Reports.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

I am giving no names. That is not all. He did not get a confession. He opened his drawer and said: "Come

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here!", and he made him stand before the open drawer and got him to introduce his male organ into the opening of that drawer and said: "Now, you committed the robbery?" The man said: "අනේ හාමුදුරුවනේ නැහැ."

He then closed the drawer and said: "You committed the robbery." The man said: "අනේ හාමුදුරුවනේ මම කෙරුවා."

ගරු මන්ත්‍රීවරයෙක්
(கௌரவ அங்கத்தவர் ஒருவர்)
(An hon. Member)

He might have castrated the man.

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(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)

Yes, but through God's good fortune when he was brought after the period for which he was entitled to be kept in the police station before the Chilaw Magistrate, one of those horrible people whom so many hon. Members on the other side dislike, a proctor appeared and he said that his client had told him that he had been tortured. Fortunately the Magistrate noted down that remarks but—you see how you run the risks—he did not remember to order the man to be sent before a doctor. But the man though his unfortunate experience ran a high temperature and, therefore, had to be sent to a doctor to be treated for the temperature the source of which the prisons did not know. Therefore, he was examined by a doctor who found injuries on his male organ. That is what was proved. And I regret to say that that is not an exceptional case because he did not stop with that. Having forced in this way a confession out of him he, in the middle of the night, having not given him any food for the whole afternoon and evening took him out of the cell and later to a lonely estate and said: Now, tell us where you have put in the things and who are the people who helped you?" The poor man said: "අනේ හාමුදුරුවනේ මම කෙරුවේ." like Colonel de Saram who said: "I will take the rap." What happened? He was hung by his ankles to a cross-bar and they brought a sack into which chilli had been put along with burning charcoal and they put his head into the sack and said, "Now say it". Yes, Sir, it has been done by the police of Ceylon, and I will and, that man is still in the Police Force. That is by the way.

I have had personally handled innumerable cases like that. That is why our Evidence Ordinance does not place that trust in the Police Force. But in the case of this coup I do not ask you to maintain this law. If you need the confessions made to your police officers I am not going to stand in the way of your taking the power.

But that is not all you have done. Once again there is another part of the section directed against the community. Now if you take that power for this coup—but this is again a power against the entirety of the common people—my poor little trade unionists, my unfortunate peasant leaders, everyone of them if they make a confession to a police officer on a subject such as is covered by Chapter VI, God help him and as I will show you, God help some of us: Why? You have gone further in this Bill. And I cannot understand it. It says this. I can understand your saying in this particular case, "We the Ministers were present when these people were questioned and we the Ministers can testify that no improper torture and that kind of thing was used on these people." Therefore, in regard to these people you may be able to satisfy this House to relax the law as to evidence of confessions given to a police officer. But what about your little man? He is not going to be every day questioned by Cabinet Ministers. No, no! Because he participated in an illegal strike which you say is aimed at the overthrowing of the State, in he goes and through this mangle he emerges whatever he may be for trial. No, you have gone and said this as if it were not enough. I say that is dangerous, but the next is indefensible.

It says this. Let us say there are two accused people in a conspiracy case. If accused A has confessed to an A. S. P. you can put him that confession, subject to the position that that accused is free to prove, if he can, that it was obtained under improper processes, false inducements, torture and the like. You do not need only torture, it is sufficient if you gave an inducement, I remind you. But you go further. If A confesses to an A. S. P. that accused B did something, my God that is also made evidence against B. Now look at the position. Everyday from the Magistrate's Court up to the Supreme Court trials we are coming up against those wretched fellows known as the informers and agents of the police. What do they do? You want to get at us at the next strike. Why, you want to get at us for the last strike because you can do that under the Bill. All you need is an A. S. P. who is willing and a man who is willing. Then that man is arrested and that man is alleged to tell the A. S. P.—he need not even say it because the A. S. P. can come and say, "He said it to me" for no records are necessary for confessions. And he will say "Why, this man confessed to me that he was trying to purchase a revolver for the purpose of an armed uprising against the Government", and he will say "Dr. Colvin R. de Silva promised to give me the money in order to buy a revolver". Then I am arrested. Then I am brought to trial on that statement of which I know nothing, without my even having a chance of cross-examining him—he has simply said that he has said it to an A. S. P. and he does not even get into the box to be cross-examined by me to show that he is a liar. That is evidence against me if it is corroborated in a material particular.

And what is corroboration and what is a material particular? Two of the most difficult fields of the law. And all I got to say is this. Since you are going to appoint your Court which is going to invent its procedure and from which you are going to have no appeal. Why, the Judges can say that what is not corroboration is corroboration in their view and I will be hanged and and no doubt the other fellow will be pardoned. It is a dangerous part of the law. It can apply to anyone of us. Do not imagine that because you feel safe today you will also feel safe tomorrow. Do not imagine that.

Why do I say that? That brings me to a major political question in the last portion of my speech. What are we witnessing through these processes when they are generalized. I repeat again, do these things or some of these things not all, as against the coup that has been attempted. That is one thing. But do it against the people by generalizing the law and where do you get then?

I took the liberty in a 20-minute speech ending at 12 midnight two days ago to refer to the fact that by reason of the emergency system being prolonged and the military and police being used under it and various regulations being promulgated under it that we are under both a creeping process of militarization and a creeping dictatorship. I notice that I accidentally said "dictatorship"—it is utterly distasteful to me that there there should be a dictatorship.

I want to explain this if the House will kindly bear with me once again. I said that night that since May 1958 we have probably been living more under Emergency rule than the normal laws. I may be wrong. It was 10 months in 1958-59, seven months I think in 1959-60—that is 16 months. Now it is another 10 months again and that is 26 months. Two years and two months, out of—I do not know how many years—I think about 4 years.

Something of the emergency regulations have crept in here—forfeiture of property. Now I am not worried about anybody's property to tell you the truth. Some day we hope to confiscate very much more property than you are ready even to contemplate. I have not hidden our intentions and therefore it is easy to fight against us. But the day the

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masses line up with that demand, nobody will be able to resist them because they know that what they are fighting for, instead of believing that they are fighting for one thing and finding that they have fought for something else. You have not merely stopped with the declaration of emergency but are passing off packets of regulations such as even we lawyers get tired of reading. It is only when the wretched case comes up that we look it up because we get tired of following. Everything that a dictator requires is in those regulations. You want to arrest a man without a warrant; you have it there. You want to keep him imprisoned without trial; you have it there. You want to keep him in prison without trial indefinitely; you have it there. You want to arrest your opponents without trial; you have got the power, and you have exercised it. You do not like a political party and you want the right to dissolve it without even asking it to show cause; you have the power there.

You are horrified when it it done in another country, but you beat your drums of applause when it is done in this country by you. You were horrified when the U. N. P. did it. You must be just as horrified when you do it.

You can illegalize strikes; you can illegalize assistance to strikers, and you have done so. You have illegalized not merely strikes or assistance to strikers, you have illegalized the right of a worker to refuse to obey an order of the employer even when it is wrong. I will show you the regulation if you do not know it. You may not mind. You will say: "We are for the rural masses and not for the working class". But the rural masses also work and they are employed by people who let their fields out on *ande* system, which you have not yet destroyed despite the efforts of the hon. Member for Avissawella (Mr. D. P. R. Gunawardena) and our co-operation.

Do you realize that under the regulations today, if a man who goes to work does not carry out the order of his employer in the manner that his employer wants, he can be charged in a court? He can be found guilty of an offence. He can be sent to jail and fined. And that is not all. If he is found guilty, automatically all his property, immovable and movable, stands forfeited to the State.

What more do you want for a dictatorship? You must know these things. What more does a dictatorship need? It needs only this much: to hide the fact that it has detained a man without trial. For some purposes, here it was originally. You need to hand a fellow by your own agency; you have gone preciously near it here, although not completely there. Because you cannot keep on infinitely expanding the Supreme Court every time you want to have a trial at bar. So it is like an accordeon which, if you try to draw too much, will start leaking and no sound will emerge.

Now when you bring these things, I ask hon. Members, are you surprised that people begin to suspect that the aim of these laws is not the aim that is stated on the Floor of the House; people begin to suspect that, and not wrongly, because all these powers have been used and are being used and that I remind you, my hon. Friends, is how you created the situation in which a coup effort was possible for reaction.

Permit me even though I may appear to be going over some old debate to refresh hon. Members' minds as to the process out of which this coup arose. I mentioned last time the general political and economic processes. I pointed out and I find that an hon. Friend of mine, whom some hon. Members here seem to hate beyond bearing, up in the Senate has said this much more, what shall I say, dramatically than I can. What did he say? The capitalist class has been both watchdog and gunmen. Ordinarily, it lets the

watchdog to look after its property but where the watchdog fails it brings forth the gun.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
Who is the watchdog ?

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Covin R. de Silva)
My good Friend the hon. First Member for Colombo South asks me, who is the watchdog ? If he will forgive me, I am not trying to be offensive, this watchdog may be the head, I do not know, but one limb of this watchdog or some part of it is known as the United National Party normally.

ජේ. ආර්. ජයවර්ධන මයා.
(திரு. ஜே. ஆர். ஜயவர்தன)
(Mr. J. R. Jayewardene)
It was.

ආචාර්ය කොල්වින් ආර්. ද සිල්වා
(டொக்டர் கொல்வின் ஆர். டி சில்வா)
(Dr. Colvin R. de Silva)
Right, as you wish. I am not quarrelling at this moment. I am in such a good mood and I am so determined to be persuasive that I hope to persuade my good Friends also of my line of policy. It had many limbs, that watchdog. We admit that the watchdog not proving sufficient, they have used the gunmen and thank goodness, we caught the gunmen in time. If to face this gunmen you merely go on carrying further the very political process out of which the gunmen came to have the opportunity to shoot, why, you will give an opportunity to other gunmen too who are behind the scenes. Can there be any doubt ? All you have got is 29 men and one man who has committed suicide. so you have not got him.

I repeat behind the 30 there may be 300, today there may be 3,000, for today, I repeat, all the forces of capitalist reaction are behind the coup forces and will fight if they get the chance, and you are giving them the chance if you bring laws of a dictatorial type that will hit the common people, because the one safeguard you will have ultimately against these gunmen is the common people mobilised in their organisations.

So I beg of you—I beg of you—change this Bill, limit it as we ask you, confine it to the conspiracy. And simultaneously we beg of you, if begging will work the miracle, to drop those regulations that are hampering the mobilisation of the common people. I do not ask it only for the trade unions, no, you will find that the trade unions and the working class organizations are those most highly tuned for the better tackling of reaction and a coup. But I say, mobilise them all, mobilise the rural masses whom you love and who you claim love you. Yes get them, I repeat, into vigilance committees, into people's militia and the like ; mobilize them, rely on them. And I assure you, not only will you be in a position to defeat the next coup effort ; by that process you will prevent altogether any effort at a coup at all. Thank you very much.

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(குழுக்களின் பிரதி அக்கிராசனர்)
(The Deputy-Chairman of Committees)
The Sitting is suspended till 9.45 p.m.

රැස්වීම ඊට අනුකූලව තාවකාලිකව අත්සිටුවන ලදින්, අ. භා. 9.45 ට නැවත පවත්වන ලදී.

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[ඉතිරි වැඩ කටයුතු මෙදින නිල වාර්තාවේ 2 වන කොටසින් බලා ගත යුතුයි.]