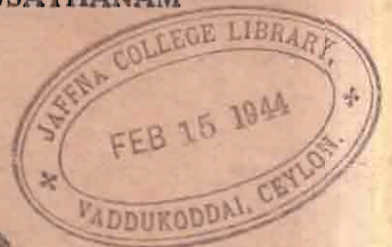


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NO. 86.

THE KANTAWALA INQUIRY

The Charges That
Were Proved

PADDY PURCHASES

Hundreds Of Thousands
Lost To Revenue

Mr. M. H. Kantawala, C. C. S. Trade Commissioner for Ceylon, in India, who has been dismissed from the Public Service as the result of the inquiry, was faced with 18 charges. 19 were originally framed. One was dropped.

Eighteen Charges

Of the 18 charges the first alleged that he sent a misleading telegram to the Minister for Labour, Industry and Commerce about the price and availability of 200,000 bags of new paddy in Bezwada District. The following seven charges also relate to paddy purchases. Charges 9 to 14 relate to purchases of curry stuffs; charges 15 to 18 to the employment of a brother-in-law of the Commissioner in such a manner as to cause a likely conflict between his own personal interests with the interests of the Government. The 19th charge referred to alleged contravention of Financial Regulations.

Finding

The Committee found that two charges, namely charges three and five, have been established and charges 6 and 14 succeeded in part. All other charges were declared to have failed.

The Report of the Committee of Inquiry runs into 97 paragraphs, of 35 printed pages, and 12 appendices. "In paragraph 47 we advanced to the point that the Commissioner stifled the question of the prices prevailing at Bezwada and induced a silence upon persons and documents alike. In all probability he did this for purposes of illicit gain for himself, or others, or both. Had Mr. Jayaratnam not reported prices, the Commissioner would have been guilty of negligence if he had failed to institute inquiries himself. But it is something more than negligence when he deliberately stifles the question. It has not been found possible to trace the passage of an actual sum into his pockets, and, indeed, it is extremely improbable that anyone in the position of the Commissioner and with his intelligence would not have protected himself against such a possibility.

"The evidence is sufficient, however, to hold that in all reasonable probability money did fall into his pockets although we cannot trace or visualise the exact course which it took."

To investigate the charges, the Committee of Inquiry held sittings on 29 full days and on 8 part days. The full proceedings of the inquiry ran into 1,352 pages of typescript, and the number of documents produced reached the figure of 754. Of these, 238 were produced by those presenting the case against

(Continued on page 3.)

200 Beds For 300 Patients!

Expectant Mothers
On Verandhas.

"Disgraceful" State Of
Jaffna Hospital.

"The present condition of the Jaffna Civil Hospital is a disgrace to Jaffna. There is no accommodation for patients seeking admission to the hospital in the capital of North Ceylon far away from Colombo. No proper attention is being paid to the patients", declared Mr. S. P. Nadarajah at a meeting of the Jaffna Urban Council held on Friday last.

Mr. C. Ponnambalam, Chairman, presided and all the members were present.

Mr. S. P. Nadarajah moved:—

"In view of the increase in the number of patients attending the Outdoor Dispensary of the Jaffna Civil Hospital this Council requests the Minister for Health

(a) to appoint an additional medical officer to attend these patients without delay; and

(b) to provide necessary accommodation and to make suitable arrangements to prevent inconvenience and discomfort caused to these patients by heavy rush and over-crowding."

Years Of Negligence

In moving the above resolution Mr. Nadarajah made the remarks quoted above and stated further that there was no waiting room for patients seeking treatment at the out patients department. There was no dressing room; there could not be a worse female ward in any institution.

For many years nothing had been done to improve the Jaffna Hospital whereas new hospitals have been built and extensions to existing ones made in other parts of Ceylon. Jaffna was being neglected. There were only 200 beds in the Jaffna Civil Hospital but there were 300 patients.

Outdoor Patients

There were daily 300 to 400 patients seeking treatment at the outdoor dispensary. There was no room for them to wait. There was no separate doctor to attend on these patients. There should be a full time medical officer in charge of the out patients department.

Mr. K. V. Sinnadurai seconded. The motion was carried unanimously.

Maternity Ward

Mr. Sam Sabapathy moved "That this Council calls upon the Minister for Health to provide suitable arrangements and necessary accommodation for the Maternity Ward

(Continued on page 3)

INDIA'S WAR POTENTIAL

More to Achieve to
Be Efficient Base

Military Expert on
The Deficiencies

New Delhi, Feb. 6.

Looking ahead to the time when Germany will have been defeated and the Allied forces ranged against her have been released, 60 year old Lt. Gen. Wilfred Lindsell, Principal Administrative Officer, India Command, at a press conference described how India had to be prepared as a major base to sustain operations on 'the grand scale' against Japan.

Prime Need

The Allies, he said, had so far only three main bases, namely, the United Kingdom, the United States and the Middle-East. India, he suggested, should be the fourth. She had not yet fully developed into one but was coming on rapidly. Eventually she would have to sustain much larger forces than the British Expeditionary Force in France. France at that time was served by no less than 13 ports which the Allied forces could use. India's prime need, he pointed out, was development of her ports to a much greater capacity than at present in order to make possible the bringing in of the immense tonnage of stores not manufactured in the country and the immense personnel required for the conduct of major operations. Transport was another vital factor.

Giving an indication of the scale of these requirements General Lindsell said that one division when it was engaged in active operations day by day consumed 400 tons of stores of one sort or another daily.

More Wanted

"India is doing very well", he said, "but she can do better". She was producing clothing and general goods for the army worth some 150 crores a year, but with her labour, machinery and material, it was absurd to suggest that she could not produce more. India's munitions production was of the order of fifty crores a year. Whole buildings, camps, depots, railways, hospitals and accommodation throughout India was being provided to the equivalent of a hundred crores a year.

General Lindsell emphasised the difficulties that had to be overcome before India could be said to be fully at war. Of these the major one was shortage of coal and its repercussions on transport and other aspects of war activity, including cement manufacture. He commented that India's army of two millions, though undoubtedly the only major voluntary military force in existence in the world, was only a small part of her immense population.

A.P.L.

Maxwell Waxes Eloquent

Rules Out Release
Of Leaders

"Parting Kick"

Assurance of Good
Behaviour Asked

In the Indian Central Assembly the motion was lost without a division, proposed by Mr. Lachand Navarat, recommending the release of political prisoners with a view to ending the deadlock.

Mr. Abdul Quaiyum, (Congress) declared that his party was not interested in the resolution. The Government had declared war on Congress, which meant war on the people of India. They had now laid down the humiliating condition that Congress must withdraw the August resolution before the release of the leaders could be considered.

Only Solution

"There is no question of the withdrawal of the resolution. If there is going to be any withdrawal it will have to be done by the Government. There can be no retreat. You can keep these gentlemen in jail as long as you like", declared Mr. Quaiyum.

He added that the only solution to the deadlock would follow and not precede the removal of British rule from India.

What Indication?

The Home Member (Sir Reginald Maxwell) who explained the policy of the Government referred to the alleged anti war propaganda of Pandit Nehru and Mr. Gandhi's declaration that if India were free her first step would probably be to negotiate with Japan.

The Home Member asked what indication they had that the release of the leaders would either end the deadlock or help the war effort.

If Government was asked to release then Government must be assured that the results would be beneficial to India and to the war effort. The Government, he said, were justified in asking for some assurance that there would be no more attempt at obstruction of war effort or attempt to set the country in turmoil.

"Parting Kick"

Mr. T. T. Krishnamachari thought it was a mistake to have brought the resolution before the House and thus given an opportunity to the Home Member to give "a parting kick" to the country.



Hindu Organ.

MONDAY, FEBRUARY 14, 1944

ANOTHER SHAMEFUL EPISODE

THE REPORT OF THE COMMITTEE OF INQUIRY into certain charges against the Ceylon Trade Commissioner, Mr. M. H. Kantawala, C. C. S., who has been dismissed from the Public Service as a result, is most distressing reading. The fate that has overtaken this brilliant Civil Servant is of little public interest. If he was guilty of reaping illegitimate profit from food purchases in India he not only deserves the dismissal but merits prosecution in a court of law. The Committee of Inquiry report that "the evidence is sufficient..... to hold that in all reasonable probability money did fall into his pockets although we cannot trace or visualise the exact course which it took". In the face of such a finding why do not those concerned prosecute the dishonest officer? Such proceeding will be to Mr Kantawala's own advantage too. He must be feeling that he has been made a victim of circumstances and like every other convicted man be convinced that there has been a miscarriage of justice. It may even be conceded that a tribunal differently constituted may conceivably come to a different set of conclusions from those arrived at by the present Committee on the evidence, circumstantial in greater part, placed before it. Apart, however, from the personal consequences to Mr. Kantawala the public have great advantages to derive from an open inquiry of a matter of this nature in a court of law. It must be remembered that the present Committee was appointed in terms of Public Service Regulations, although the appointment of Mr. L. M. de Silva, K. C., was unusual. The Report of the Committee has designedly been published, against usual practice, to allay public suspicion. But unfortunately the publication of the Report has had the opposite effect. The ugly stories of wide-spread graft in connection with food purchases in India have received a filip. The whispering campaign incriminating men in high places has started again. What the effect of all this is on the reputation of the Government it is needless to state. Moreover at a time when the people are suffering untold misery on account of the insufficiency

and high prices of food-stuffs they have a right to demand that all facts regarding the food-procurement bungle of the Board of Ministers be made public. If a prosecution in a court of law is not practicable the Governor and his advisers ought to think of some other method by which an open inquiry into these and other transactions carried out by other agents in various parts of India could be made to the satisfaction of the people.

In this inquiry only the former Trade Commissioner was on trial. The evidence led against him and by him have not been made available to the public, except for the summaries of them the Committee have seen fit to state for supporting their conclusions. The entirety of the evidence, regardless of considerations of policy, must be published. It may be asked why Mr. Kantawala's memorial to the Secretary of State has not been published? The Government cannot adduce Public Service Regulations for have they not broken practice by publishing the Report? Why, again, was not Mr. Mediawake, the Trade Commissioner's Secretary "certain documents photographed" by whom "had something or everything to do with the initiation of an inquiry against the Commissioner", not called to give evidence before the Committee? Who ruled against his being so summoned: was it the Government or the Committee of Inquiry? If it was the Government, why was such a flagrant decision taken, and had the Committee no power to compel him to appear? He did not give evidence; but the Committee do not feel it anomalous to refer to Mr. Kantawala's explanation for Mr. Mediawake's alleged personal animosity, to wit, his alleged love affair with a sister-in-law of Mr. Kantawala which was frustrated by the latter's opposition. All these matters require to be clarified. There is besides the much more important question: what were Mr. Kantawala's superiors in Ceylon doing when transactions were being carried out in the name of the Government of Ceylon which eventually have cost the tax-payers the loss of "several hundreds of thousands of rupees"? The Minister who was responsible for the work must either face an inquiry and exculpate himself of blame or have the decency to resign. It is difficult to imagine a Minister under similar circumstances being tolerated in office, in any other country, unless he absolves himself from blame.

The inquiry of the present Committee was of a restricted nature. The other transactions in India carried out on behalf of the Government of Ceylon by various other agents require probing. The reports of the present Acting Auditor General and his predecessor show that further inquiries are called for. Will the Government

"NO SOPS TO ANY COMMUNITY"

Judicial Service Appointments.

Tendentious Tales In Council.

Legal Secretary's Biting Retort.

(From a Correspondent)

Mr. A. F. Molamure, well-known all over the island for his facile powers of persuasion, indulged in Council on Tuesday in the agitational technique of the "Lake House" Press over the question of appointments to the minor judiciary.

He took the cue from that quarter and suggested in Council, of course in his own suave manner that these appointments were being made in "hole and corner" fashion and that those responsible were guilty of patronage.

Mr. G. G. Ponnambalam exposed the hollowness of this accusation and, as I find, again earned a "stick" of abuse at the hands of the "Lobby" writer of the newspaper he described as the "yellow press."

The Legal Secretary, in his own dignified manner, gave the lie direct to the charge of favouritism.

Legal Secretary

Mr. J. H. B. Nihil (Legal Secretary) moved supplementary estimate for Rs. 33,215 for additional staff for Courts including an increase of the present cadre of the judicial service by the temporary appointment of four supernumerary judicial officers. These appointments, he said, were necessary owing to the appreciable increase in the number of cases instituted in nearly all courts, both civil and criminal, in the island.

Mr. A. F. Molamure (Pa'angoda) said that hole-and-corner methods were adopted in regard to the appointment of men to the judicial service. He felt that a sort of patronage was being exercised in regard to those appointments.

Mr. G. G. Ponnambalam (Point Pedro) referred to the "baref influence of the police on magistrates' courts" in regard to the disposal of cases.

Mr. Ponnambalam fervently hoped that the Legal Secretary would take steps to see that Magistrates were not influenced by the Police in the

honestly undertake it or burke the affair?

This is another episode in the recent history of the island of which the people have reason to be ashamed. It proves beyond question the utter incapacity of the men who were charged with the supervision of Mr. Kantawala's work. The designing individuals who packed the Board of Ministers with incompetent men, avowedly to obtain unanimity of opinion on the question of constitutional reform but really to entrench themselves in power by throwing sops to troublesome back-benchers, sowed the wind and are reaping the whirlwind. But they will not learn the lesson. The progress of this country is not their real concern. It is only a slogan to hold on to power. The Government is perhaps determined to give these pitiable amateurs long enough rope with which to hang themselves and the future of Ceylon.

disposal of cases.

He deplered the practice of Magistrates undertaking Civil Defence work. It was absolutely unbecoming, and the nature of the company they had to keep in connexion with those activities brought the administration of justice into disrepute.

He had never known a single country in the world where judicial posts were advertised. He strongly disapproved of selections made by the Public Services Commission being referred to Executive Committees. He was also opposed to selections made by selection boards.

In paying a tribute to the Supreme Court, Mr. Ponnambalam said: "I say the reputation of the Supreme Court is above question in this country".

"Attempt To Coerce"

Referring to a communicated article and an editorial in a section of the Press which he characterised as "the yellow press of this country", Mr. Ponnambalam said that a definite attempt had been made to coerce and influence in the most questionable manner, appointments in the minor judiciary.

If he were a leftist he would advocate the nationalisation of the Press of the country to prevent the doling out of half truths and libels.

Mr. Molamure said that it might be that such posts were not advertised anywhere but what was the harm of advertising? The Selection Board were doing the best of a bad job. Those who were blameworthy in the present state of things were those persons who had charge of recommending names to the Board.

Mr. A. Ratnayake (Dambura) said the whole country was dissatisfied with the judiciary, from the very top to the bottom.

"This country has been completely impoverished by the judiciary and the judicial system."

He went on to add that a certain community was benefiting by the existence of the present judicial system.

Mr. B. H. Aluwahare (Matale) said all that the Member for Dambura wanted to point out as emphatically as he could was that the judicial system was a farce because it was conducted in a language which was not understandable by the people of the country. He hoped that the ordinances would be reprinted in Sinhalese.

Mr. Ponnambalam said that the present system of recruiting personnel to the minor judiciary, where judges of the Supreme Court assisted the Legal Secretary in the selection was satisfactory.

"System At Fault"

Mr. T. B. Jayah (Nominated) said that there was some doubt in their minds whether in some cases, the best men had been appointed to judicial posts. Some Muslim advocates, who had done well in the profession, had been ignored. In a country where there were so many different communities it was natural for a feeling of dissatisfaction to arise once it was felt that those appointments went only to a favoured few.

Mr. J. R. Jayawardene (Kelaniya) said that as far as appointments were concerned the judiciary could be proud that the best men had been called upon to serve in that capacity. But the fault lay with the system which permitted, for instance, an Englishman with no knowledge of the language of the country to be Chief Justice.

Mr. V. Nalliah (Trincomalee-Batticaloa) said that the present system was far too expensive for the people of the country. They should tell the Legal Secretary that they wanted the languages of the country adopted in courts of law.

Mr. H. W. Amarasingha (Galle) inquired whether if the appointments were temporary the best men available could be attracted.

"No Sops"

Mr. Nihil said that it would prove (Continued on page 3)

ARACAN FRONT

JAP ATTACK ON TAUNG BAZAAR

New Delhi, Feb 7.

An Allied war communique is issued from the headquarters of the South-East Asia Command today says:

On the Arakan front, the expected Japanese reaction to our increased pressure started on February 4, when an enemy raiding column which escaped the observation of our patrols, occupied Taung Bazaar. A period of confused fighting followed during February 5 but by the evening, the enemy's effort had been contained and many casualties inflicted upon him. During February 6 the Japanese have continued to attack south west of Taung Bazaar but without success.

American trained Chinese troops maintained the initiative in North Burma on February 5. In the Tai pha Ga area Chinese were attacking a Japanese position one mile east of the village and repulsed two enemy patrols west of the town where one surrounded Japanese unit was still fighting. West of Tao, the Chinese contacted and repulsed enemy patrols along the trail to Ngajatzup. In the Fort Hertz area, British troops engaged in active patrolling south of Sunprabum.

BIRTHDAY ANNIVERSARY OF SWAMI VIVEKANANDA.

The eighty-second birthday anniversary of Swami Vivekananda was celebrated at the Ramakrishna Mission, Wellawatte, on Sunday last. Puja, devotional music and speeches on the life and message of Swami Vivekananda formed the items of the programme.

Mr. M. S. Aney, the Representative of the Government of India in Ceylon, presided over a largely attended public meeting. Rev. Bhikkhu B. Siri Sivali, Messrs N. Nadarajah, K. C., V. Nalliah, M.S.C. and Muthu Tamil Pulavar M. Nallathambiy spoke on the Life and Message of Swami Vivekananda. Misses N. Sabaratnam, G. Moses, V. Kanagaratnam, M. Sankara Iyer, P. Chelliah, Kamala and Mr. Palani-velu rendered devotional music. Messrs Nataraja and Ramalingam played mirudangam and violin.

ACKNOWLEDGEMENT

Dr. & Mrs. Sangarapillai beg to thank all relations and friends who sent them felicitations and presents on the occasion of their wedding, Murunkan, 7th Feb. 1944. Mis 223.

"No Sops To Any Community"

(Continued from page 2)

bably be found that the temporary addition to the cadre would crystallise into a permanent one. No one could foresee what would happen after the present emergency had passed.

He explained that he had begun preparing his supplementary estimate long before an article relating to the Judiciary appeared in a morning newspaper, so that it would be readily seen that his action had nothing to do with the representations made in that article.

No system of appointment to the minor Judiciary could be perfect, but appointments were made on certain principles. As long as he was responsible for making recommendations to the Judicial Appointments Board he would not throw sops to any community.

The supplementary estimate was passed.

200 BEDS FOR 300 PATIENTS!

(Continued from page 1)

in the Jaffna Civil Hospital.

In moving the motion Mr. Sabapathy said that it was a crying shame that Jaffna was being neglected whereas new hospitals have been built in Kandy, Kurunegala and other places. *He had seen over 30 expectant mothers lying on the Verandah of the maternity ward.* It might be due to the fact that their representative in the State Council did not take sufficient interest. It was futile for the D. M. & S. S. to ask the Jaffna Urban Council to carry on Health work when Government was neglecting health work in Jaffna town. Mr. K. V. Sinnadurai seconded the motion which was carried unanimously.

Later in the course of the proceedings when the Chairman wanted provision to be made for an additional midwife Mr. Sam Sabapathy said that the Council should not make provision for an additional midwife until the Maternity Ward and the general condition of the Jaffna Civil Hospital were improved.

The Council agreed to the suggestion.

Council's Finances

The Council considered the report of the retrenchment committee and it was decided to press on the Government the urgency and the immediate necessity for a grant for payment of war allowances.

Mr. Sabapathy with the permission of the house drew attention to the unsatisfactory way in which conservancy work was carried on and how the roads in the town were dirtied by leaking conservancy carts and buckets and wanted removal of night soil by lorries.

It was decided to consider this question at the next meeting.

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No 211
In the matter of the intestate estate of the late Kanagamma wife of Kandiah Ponnusamy of Maviddapuram Deceased.
Kandavanam Subramaniam of Maviddapuram Petitioner.
Vs.

Minor. 1. Kanagumany daughter of Kandiah Ponnusamy of Maviddapuram
2. Kandiah Ponnusamy of do Respondents.

This matter coming on for disposal before L. W. de Silva, Esquire, Additional District Judge, Jaffna, on the 24th day of January 1944 in the presence of Mr. S. Ilayambadi, Proctor, for Petitioner and the affidavit and petition of the petitioner having been read:

It is ordered that the abovenamed 2nd Respondent be appointed Guardian-ad-Litem over the said minor 1st Respondent for the purpose of protecting her interest in this administration proceedings and that Letters of Administration to the estate of the said deceased be granted to the petitioner as her brother unless the said respondent or any other person shall appear before this court on the 28th day of February 1944 and show sufficient cause to the satisfaction of this court to the contrary.

(Sgd.) James Joseph,
District JudgeThis 28th day of January 1944
O. 76. 14 17

THE KANTAWALA INQUIRY

(Continued from page 1.)

the Commissioner and 56 by the defence.

Case Put Too High

After commenting on the volume of the proceedings and the "unusually severe strain" upon the Commissioner in preparing his evidence, the Committee of Inquiry state as follows under the heading: "Disquieting features of the prosecution."

"Throughout the case we were rendered uneasy by the manner in which the case was pressed against the Commissioner. Many trifling points were made against him. Apart from the length of time which was taken in dealing with these points, they displayed an attitude of mind which placed us sharply on inquiry with regard to every suggestion made against him.

"Further, the case against the Commissioner was put altogether too high and at a level above that demanded by elementary principles of fairness. For example, the Commissioner was cross-examined with regard to an offer of 500 tons of pepper by a merchant in Bombay, which offer he had conveyed to the Director of Food Supply and Control, Ceylon. It was elicited from him that he was conversant generally with the Ceylon Customs returns. The figure of 2 tons and 4 cwt. imported into Ceylon in 1941 was put to him and he was pressed into admitting that 500 tons represented a supply of over 200 years.

What Customs Returns Revealed

"He was charged with knowledge of this fact and directly accused of dishonesty upon this ground. We now know that the Customs returns show the following quantities:—

1939 3,001 cwt. (150 tons roughly).
1939 8,449 cwt. (422 tons roughly).
1940 975 cwt. (49 tons).
1941 44 cwt. (2 tons).

"It appeared clearly to the Committee that the information with regard to the imports for 1910 was in the possession of the Acting Auditor General, actually on the table at which proceedings were taking place, and that it was withheld until a direct inquiry was later made by the Chairman. The Committee cannot be sure that the figures for 1933 and 1939 were similarly in his possession at the time the cross-examination took place, but it was undoubtedly his duty to have ascertained them before making the suggestion referred to.

"If the Customs returns had been fairly put the inference which the Committee was asked to draw could not have been supported by Customs returns. In view of the cross-examination we cannot believe that Mr. Thambiah himself was in possession of the figures for 1940. We wish to register our view that it was not fair or proper to have withheld this information or to have raised the suggestion that upon the Customs returns 500 tons was over 200 years' supply. Statistics and figures are frequently misleading and a special responsibility rests on those whose business it is to deal with them to present them fairly and squarely. It is just possible that the relevant information might never have been elicited and that the Committee might have been misled upon a salient fact.

"The suggestion was all the more dangerous because of its plausibility and because of the volume of points and documents which the Commissioner had to deal with. Amongst other observations the Chairman, reflecting the unanimous and considered view of the Committee had occasion to say: 'Generally we feel that we ought to indicate

to you that points are put very high against Mr. Kantawala. We might appreciate the case better if they are not put so high. Otherwise, we are uneasy'."

'Anxious to Expose Him'

Under the heading "Animus of Mr. Mediawake" the Committee of Inquiry state:

"Another incident to which reference has to be made is in relation to Mr. Mediawake, the Commissioner's Secretary at Ceylon House during the relevant period. It is clear that rightly or wrongly Mr. Mediawake was pursuing the Commissioner and was anxious to expose him. The Commissioner states that it all arose out of a proposal made by Mr. Mediawake to marry his sister-in-law which was rejected. Mr. Damania in his evidence says that Mr. Mediawake showed him a matrimonial advertisement relating to his sister-in-law, which, according to the Commissioner found a place in a newspaper without the authority of the persons concerned and at the instance of Mr. Mediawake. We need not go into the details of this personal episode, Mr. Mediawake has not given evidence and we are not investigating charges against him.

"But it is relevant to note that he entertained a certain amount of animus against the Commissioner, and this fact was rightly conceded by the prosecution. We have to estimate Mr. Mediawake (from such material as we have before us) for purposes of a point which would immediately be considered and it appears possible to say, without any unfairness to him, from certain letters written by him that he could be stirred to bitter revenge and, according to his own statement, would leave no stone unturned in the pursuit of an enemy. Document D231 written by him to Mr. Jayaratnam in the course of a quarrel with the latter contains the following passage:—'I am giving you a fair warning in time. God above, if there is any such Being, will bear me out in this and I will halt at nothing if you persist in your nefarious activities as every pest to society is an enemy of mine.'

"Certain documents photographed by Mr. Mediawake had something or everything to do with the initiation of an inquiry against the Commissioner. Truth remains truth even if revealed by a person with animus. But we whose business it is to find the truth have to be careful to avoid being misled by the denouncer."

The Audit Witnesses

Continuing the Committee of Inquiry state: "We have given the Commissioner the benefit of several doubts and on the charges on which we have found against him we have taken care to see that the points against him have been clearly put to him and his counsel in order that all available explanations might be brought to our notice and duly considered."

Of the audit witnesses (who made the preliminary investigation in the files and documents at Ceylon House, Bombay), the Committee of Inquiry state:

"There is one point which arose during the examination of the audit witnesses to which we must make reference. It is clear law that the opinion of a witness other than an expert is not admissible in evidence. This proposition is beyond challenge both under our Evidence Ordinances and under the principles of the English Law and derives its origin from the salutary principle that persons entrusted with the function of judging must not surrender that function even in part to others. Nevertheless, a persistent effort was made to place before us as evidence the opinions of the audit witnesses upon various facts in order that such opinions might influence us. By facts we mean not facts of

(Continued on Page 4)

THE KANTAWALA INQUIRY

(Continued from Page 3)

accounting upon which the Audit Department was unquestionably expert, but other facts upon which decisions of innocence or guilt had to be taken.

"The Committee indicated that it would not admit such evidence and indeed it was not argued (it was not arguable) that such evidence was admissible. The attempt continued and the Committee, thinking that it was due to a misconception of the law on the part of the Audit Department, made the position extremely clear on the second day on which Mr. Netheinghe, an Audit witness, gave evidence. Despite these repeated indications upon what was a perfectly clear legal position, evidence of opinion was pressed and the Committee thereupon ruled out the questions which were sought to be put."

Charge That Was Proved

Charge V against the Commissioner was as follows: "That on or about January 29, 1942, the Commissioner failed to take any action upon receiving the following report from Jayaratnam, dated the said date: 'The paddy brought in is Akul or Pucasa which is a cheaper variety when compared to Buadas or Basargi. The price of paddy supplied, I am told, is about Rs. 7 only in bulk.....As our Bombay agents were buying even poorer stuff to keep to their contract, I have asked them to stop purchases.'"

Discussing this charge, the Committee of Inquiry state:

"Documents P 61, D 68 and P 69 received by the Commissioner must have given him a strong and clear indication that paddy was purchasable at Coochala at a rate very much lower than that of which he had arranged, namely, Rs. 8/6 as. He had himself on two occasions in January seen the Fort St. George Gazette and realized that the price prevailing at Bezwada early in January (6th) was in the neighbourhood of Rs. 6/8 as for 166 lb. loose with which Mr. Jayaratnam's price of Rs. 7 in bulk compared well. He could not have thought that the prices mentioned by Mr. Jayaratnam, to use his own colourful language were 'bunkum'. P 69 talks of the possibilities of obtaining large quantities at Rs. 7 as per bag of 166 lb. net new bags and akulu No. 1."

"It has been established beyond doubt by direct evidence that large quantities of the paddy supplied to Ceylon was in fact brought at Bezwada between the end of January and the beginning of March at the average price of Rs. 7/10 as per bag of 166 lb. net, the price being inclusive of all expenses and charge. It is a safe inference that all the paddy supplied to Ceylon was bought if not at this price at a price very close to it. If the Commissioner had probed into the question, not necessarily with his customary vigour but with something very much less, he would have discovered the last mentioned fact."

A Difference of Hundreds of Thousands

"The average of Rs. 7.10 as has resulted by reason of the fact (spoken to by Mr. Bhaskara Rao and others) that the price during the latter part of the period mentioned was higher than that of the first part. The price of Rs. 7.8 as a bag (her after by bag is meant a bag of 166 lb. unless otherwise stated) appears without doubt to have been a price at which paddy was obtainable in Bezwada at the time P 69 was written (end of January, Mr. Bhaskara Rao gives the price for the last week of January as being 6.2 to 6.13 per 166 lb. loose. Adding to this the figure 1.1 as which was suggested by the Commissioner (though not accepted by the Committee) as being the necessary addition for bagging and other ex-

ses, the price would have been 7.3 as to 7.13 as.

"There is the direct evidence of Mr. Suriya Rao supported by his books that on the 29th January the paddy supplied to Ceylon was being sold him at 6.8 loose which upon his evidence would come to 7.0 or less bagged. The price of 7.8 quoted by Mr. Jayaratnam was therefore about 8 as. more than the price at Bezwada of the paddy supplied to Ceylon."

"The difference between the price of 8.6 as then being paid by the Commissioner and the price of 7.8 as quoted by Mr. Jayaratnam is 14 as. a figure which is most striking and one which meant a difference of hundreds of thousands of rupees to the Government of Ceylon on the total purchase of 382 942 bags."

Commissioner's Defence

The position taken up by the Commissioner in regard to this charge was that he was paying a price higher than the market price because he was unable to get the Bezwada merchants to commit themselves to a definite quantity at a definite price. Supplementary to this position was the position taken up by him that had he bought at the ruling market price quantity of paddy as they became available the Bezwada merchants would have combined and raised the price indefinitely and, at any rate, to a price above the price of Rs. 8/6 as.

The Committee of Inquiry deal with this plea in paragraphs 38 to 44 and conclude as follows:

"It is clear that the reasons given by the Commissioner for not purchasing paddy at a price lower than Rs. 8/6 as. are unsustainable. It is clear that he did not take sufficient action upon P 69 and upon the views Charge V is established. The discovery of the real reason as to why he did not take requisite action upon the receipt of the report P 69 is not essential to holding that the charge has been proved. But the investigation would not be complete without ascertaining the real reason why he abstained from doing what he should have done..."

The following are the two charges Charges III and VI, which were established:

"That between February 2, 1942, and March 5 1942, the Commissioner employed (a) P. S. Jayasinghe and Co., (b) D. G. Prabhu and Co., (c) The Olseeds Trading Co., Ltd., (d) Ramji Bharmal, and (e) Shivji Manick, without proper inquiry regarding, and without due consideration of, their ability to perform the business entrusted to them either on account of their ignorance of, or inexperience in, the paddy trade, or their financial stability and standing, or both; and

"That receiving reports from Jayaratnam dated January 29 and February 20, 1942, to the effect that inferior grades of paddy were being supplied at Coochala, the Commissioner failed to take any action to have the prices of such paddy adjusted according to the quality actually supplied."

The Committee of Inquiry state their conclusion in regard to Charge III that: "the persons mentioned were employed to supply paddy at the rate of Rs. 8/6 as, fixed without due regard to the prevailing market rates and to this extent the charge is established."

As regards Charge VI, the Committee of Inquiry state: "Investigation would have proved that the price of paddy actually bought at Bezwada during the relevant period was on the average in the neighbourhood of Rs. 7/10 as, a price very much lower than the price the Commissioner was paying the Bombay merchants. This price of 7/10 as. may to some small extent have been attributable to the quality

supplied. To this extent we hold the charge established."

Why Documents Could Not Be Done Away With

Upon the "paddy" charges it was argued by way of a general defence that if the documents referred to had been really incriminating the Commissioner could have done away with them on hearing that inquiries were about to be made.

"Such a destruction," state the Committee of Inquiry, "or indeed, any suppression of evidence, is never easy. But in the case before us the Commissioner could not have attempted it because he could not have known what documents Mr. Mediawake had photographed."

Charges IX to XIV were in regard to the purchase of currysutuffs. The evidence placed before the Committee of Inquiry "fell short of proof," mainly on account of the absence of adequate evidence of prices.

Charges XV to XVIII dealt with the question of the employment by the Commissioner of one Mr. J. C. Errunza, his brother-in-law, in various capacities during the course of the purchase of foodstuffs for Ceylon. The Committee of Inquiry held that "it is not clear beyond doubt that by the employment of Mr. Errunza the Commissioner's personal interests came into conflict with the interests of the Government."

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

Testamentary Jurisdiction No. 20.
In the matter of the estate of the late Nagamuttu Sithampari of Karaitivu East Deceased.
Sinnachchy widow of Sithampari of Tholpuram Petitioner,
Vs.

Minor, 1. Kathirasy daughter of Sithampari, of Tholpuram
2. Puanan Nagamuttu of Karaitivu East Respondents.

This matter coming on for disposal before James Joseph, Esq., District Judge, Jaffna on the 20th day of December 1943 in the presence of Mr. R. Kandiah, Proctor on the part of the petitioner and on reading the affidavit and petition of the petitioner:

It is ordered that the abovesaid 2nd Respondent be appointed Guardian ad litem over the minor 1st Respondent for the purpose of protecting her interest and representing her in this case and that Letters of Administration be granted to the Petitioner as she is the lawful widow of the abovesaid deceased unless the Respondents or any other person shall appear before this Court on the 14th day of February 1944 and show sufficient cause to the satisfaction of this Court to the contrary.

Sd. James Joseph,
District Judge,
19-1-44,
This 18th day of January 1944,
(O. 74)

NOTICE

IN THE DISTRICT COURT OF JAFFNA

Insolvency Jurisdiction Nos. 196 & 197
(Amalgamated)

In the matter of the Insolvency of M. C. Thendauthipany and M. C. Sadasagaram of Koddady in Jaffna Insolvents.

Notice is hereby given that a sitting of the District Court of Jaffna will be held on the 14th day of March 1944 at 10 a.m. for the proof of claims by the creditors of the insolvent widow of A. S. Manandarum and Ramasamy Ramasiah both of Vannarpannai East, Jaffna, against the estate of the abovesaid insolvents.

By order of Court
V. KATHIRKAMAPILLAI
Secretary D.C. Jaffna
This 28th day of January, 1944
Mis. 221.

DEPARTMENT OF CIVIL DEFENCE

Trincomalee—A. R. P. Scheme WANTED

1. Two Foremen for Motor Depots, Experience of repair and maintenance essential. Salary scale: Rs. 150 to 175 per month.

2. One Head Mechanic, Salary scale Rs. 160 to 120 per month.

3. Two Assistant Mechanics. Salary Rs. 90 per month.

Must be willing to serve in Trincomalee for the duration of the war. In case of resignation six months notice may be required.

Free furnished bachelors living accommodation available. Food obtainable at cost in Mess.

Applications close on 20th February 1944.

Apply personally with three recent testimonials and Ration Book to:—

A. R. P. CONTROLLER
Trincomalee.

NOTICE.

Distribution of Subsidiary Foodstuffs in Jaffna District.

Arrangements have been made to distribute the undermentioned articles to consumers through their Authorised Distributors from 14-2-44 to 20-2-44 (both days inclusive).

(1) Red onions 2 cts per head.
(2) Black Mustard 10 cts per head.
2. Consumers are advised to draw their ration of the above articles along with their ration of other commodities.

E. B. Tis everasinghe,
Asst. Govt. Agent (E)
Jaffna.
for Deputy Food Controller,
N. P. Jaffna.

Jaffna, 9-2-44,
G. 50.

ORDER NISI

IN THE DISTRICT COURT OF JAFFNA

(held at Point Pedro)

Testamentary Jurisdiction No. 21 P.

In the matter of the intestate estate and effects of the late Seravanamuttu Somasunderam of Valvettiturai Deceased.
Somasunderam Sothilingam of Valvettiturai Vs. Petitioner.

1. Somasunderam Suntharalingam
2. Somasunderam Selvavena Nagam
3. Somasunderam Manikkavenayagam
4. Buyaswari daughter of Somasunderam
5. Sionthakam daughter of Somasunderam
6. Kumareswari daughter of Somasunderam
7. Ranganayaki widow of Somasunderam all of D.: the 2nd to 6th respondents are minors by their Guardian-ad-litem the 7th respondent Respondents.

This matter coming on for disposal before L. W. de Silva, Esquire, Additional District Judge, Jaffna on the 28th day of January 1944 in the presence of Mr. K. Ratnasingham, Proctor, on the part of the petitioner and the petition and affidavit of the petitioner having been read.

It is ordered that the petitioner as son and one of the heirs of the said deceased Somasunderam be declared entitled to have Letters of Administration to the estate of the said deceased and that Letters of Administration be issued to him accordingly unless the respondent abovesaid or any other person shall on or before the 24th day of February 1944 appear and show sufficient cause to the satisfaction of this court to the contrary.

Sd. L. W. de Silva
Addl. District Judge.
The 9th day of February 1944,
O. 75, 14 17]

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Mis. 199.

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