

A.M.A. Azeez

*Senate Speeches*

*Compiled and Edited*

*by*

S.H.M. Jameel

*and*

M. Ali Azeez

*Published by*

Dr. A.M.A. Azeez Foundation

**Title** : A.M.A. Azeez - Senate Speeches

**Compiled and Edited by** : S.H.M. Jameel B.A. (Hon.) Dip. Ed, M.A.  
M. Ali Azeez B.Sc., FCA

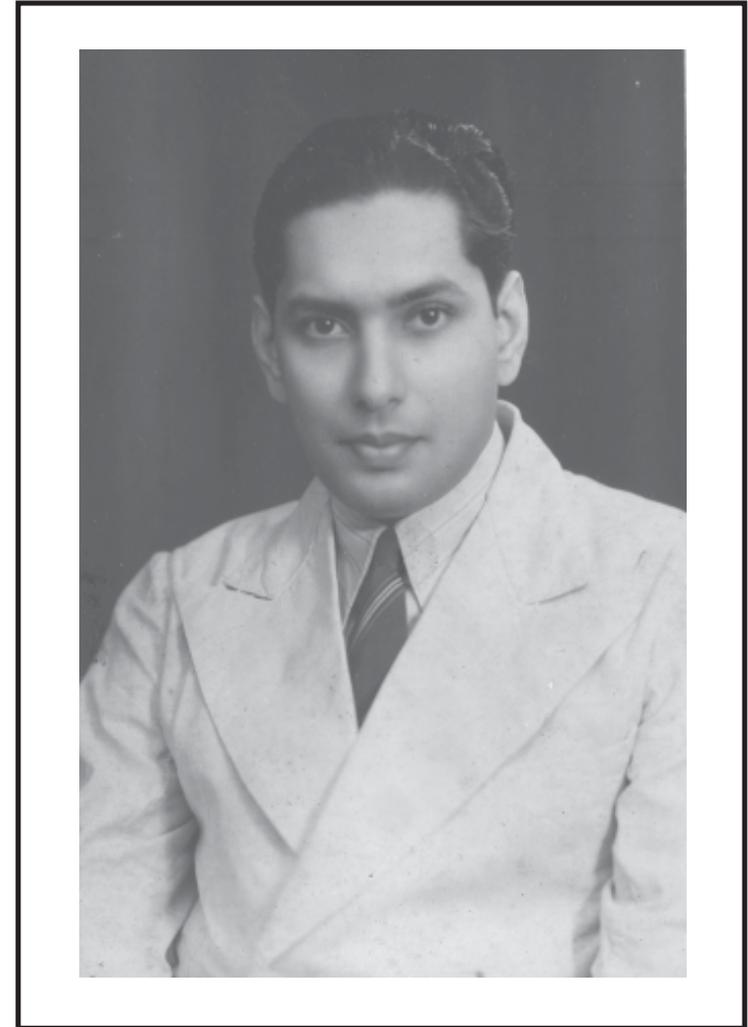
**Publisher** : Dr. A.M.A. Azeez Foundation  
47/2 A, Fredrica Road,  
Colombo 6.  
Sri Lanka.  
Tel: 2598949

**First Edition** : 2008 November 24  
(35th Death Anniversary)

**Printers** : A.J. Prints (Pvt) Ltd.  
44, Station Road,  
Dehiwela.

**Price** : Rs. 1,000.00

**ISBN** : 978 - 955 - 96694 - 4 - 9



A.M.A. Azeez

*Released on the occasion of the  
Commemoration of the  
35<sup>th</sup> Death Anniversary  
of  
Dr. A.M.A. Azeez  
on  
24<sup>th</sup> November 2008*

## Sponsorship

*This publication has been made possible  
by the generous contributions of:*

*Mr. A. G. A. Barrie  
Mr. M. Ali Azeez  
Mr. M. I. Mufallal  
T. S. Cassim Family  
and others.*

## CONTENTS

	<b>Page</b>
Preface .....	ix
Profile of A.M.A. Azeez .....	xiii
The Senate .....	xviii
Rent Restriction (Amendment) Bill - Second Reading .....	1
Address of Thanks to the Throne Speech .....	7
Address of Thanks (continuation) .....	11
Penal Code (Amendment) Bill - Second Reading .....	19
Appropriation Bill - 1953 - 54 - Second Reading .....	24
School Teachers Pension Bill - Second Reading .....	32
Bribery Bill - Second Reading .....	37
Commission on Interference in Affairs of Ceylon by External Agencies .....	41
Ceylon (Constitution) Amendment Bill - Second Reading .....	49
Ceylon Constitution (Special Provision) Bill - Second Reading .....	53
Defence Stations Bill - Second Reading .....	56
Election of President of the Senate .....	57
Hospital Lotteries Bill - Second Reading .....	58
Administrative Districts Bill - Second Reading .....	62
Muslim Ladies College, Board of Directors (Incorporation) Bill .....	64
Address of Thanks to the Throne Speech .....	66
Suspension of Capital Punishment Bill - Second reading .....	91
Official Language Bill .....	96
Muslim Mosques and Charitable Trusts or Wakfs Bill .....	132
Muslim Mosques and Charitable Trusts or Wakfs Bill -Committee .....	143
Muslim Mosques and Charitable Trusts or Wakfs Bill -Committee .....	154
Muslim Mosques and Charitable Trusts or Wakfs Bill -Committee .....	157
National Planning Council - Committee .....	166
Appropriation Bill - Second Reading .....	167
Appropriation Bill - Second Reading .....	170
Children and Young Persons (Harmful Publications) Bill -Second Reading .....	179
Prevention of Social Disabilities Bill - Second Reading .....	180
Gramabhiwardhi Sadhaka Society Bill - Committee .....	182
Motor Traffic (Amendment) Bill - Second Reading .....	184
Prevention of Social Disabilities Bill .....	187
Address of Thanks to the Throne Speech .....	190

Motor Transport Bill - Second Reading .....	215
Official Language in Law Courts .....	217
Tea Control Bill - Second Reading .....	219
Paddy Lands Bill - Second Reading .....	226
Paddy Lands Bill - Committee .....	233
Education Regulations (Assisted English Schools) .....	234
Courts' Records (Inspection by Minister of Justice) Bill - Second Reading .....	239
Enlargement of Powers (Urban Councils, Town Councils and Village Committees) Bill - Committee .....	240
Suspension of Capital Punishment Bill - Second Reading .....	242
Address of Thanks to the Throne Speech .....	247
Tamil Language (Special Provisions) Bill - Second Reading .....	268
Appropriation Bill 1958-59 .....	280
Appropriation Bill (continuation) .....	295
State of Emergency .....	303
Education Regulations .....	305
The Research (Amendment) Bill - Committee .....	308
Ceylon Constitution (Amendment) Bill - Committee .....	309
Public Security (Amendment) Bill - Committee .....	310
Public Security (Amendment) Bill - Second Reading .....	319
Public Security (Amendment) Bill - Committee .....	320
Ceylon Parliamentary Elections (Amendment) Bill - Second Reading .....	322
Income Tax (Amendment) Bill - Second Reading .....	326
No Confidence in Government .....	329
Address of Thanks on the Throne Speech .....	336
Address of Thanks (continued) .....	347
Assisted Schools and Training Colleges (Special Provisions) Bill - Second Reading .....	358
Assisted Schools and Training Colleges (Special Provisions) Bill - Committee .....	384
Appropriation Bill, 1960-61 - Second Reading .....	385
No Confidence in Government .....	399
No Confidence in Government (continued) .....	404
Licensing of Traders Bill - Second Reading .....	412
Address of Thanks to Governor General's Speech in Opening of Parliament .....	413
Appropriation Bill, 1961-62 .....	417
Muslim Mosques and Charitable Trusts or Wakfs (Amendment) Bill .....	425
Address of Thanks on the Throne Speech .....	431
Appropriation Bill, 1962-63 .....	445
Photo Gallery .....	453
Cartoons and Snippets .....	493
Dr. A.M.A. Azeez Foundation - Members of the Executive Committee 2008 .....	500

## PREFACE

Dr. A.M.A. Azeez passed away in the year 1973. In order to perpetuate his memory, '**Haji A.M.A. Azeez Memorial Committee**' was founded in 1975 by the initiative of the All-Ceylon Y.M.M.A. Conference, which in course of time was re-named as '**Dr. A.M.A. Azeez Foundation**' in 1990.

A disciple of A.M.A. Azeez who was mainly instrumental in the formation of the Memorial Committee and who actively participated in every event of the Foundation until recently, Al Haj S.M. Kamaldeen, passed away on 15th August, 2008. We remember with gratitude his services rendered towards all the organizations associated with A.M.A. Azeez, namely the Colombo Zahira College, Ceylon Muslim Scholarship Fund, the YMMA and Jamia Naleemiah, Beruwela. He was a confidante of Senator Azeez.

Some of the objectives of the Foundation are to remember Dr. Azeez on his birth anniversary; to commemorate his death anniversary; to offer Educational Scholarships; to foster and promote Islamic Literature, Arabic-Tamil, Tamil Literature and to publicize his writings and speeches.

Memorial Lectures are being regularly organized every year in collaboration with the YMMA since 1976; the first lecture being that of Justice Dr. A.K. Brohi of Pakistan.

Educational Scholarships are given to deserving University students since 1998, from the proceeds collected through 'Ramazan Appeals'.

One of the main objectives of the Foundation was accomplished in 2007 by the publication of the book ‘**A.M.A. Azeez – A Profile**’. This book contains chapters depicting his early life in Jaffna – his birth place; his enormous contribution to the economic resurgence of the Eastern Province during the years of the Second World War; his golden days at the helm of Zahira College, Colombo and finally his multi-faceted contributions to the community and the country reproduced from the publication “*100 Great Muslim Leaders of the 20th Century*”.

Today, we are extremely elated to present this Volume containing his intellectually flavoured speeches in the Senate – the Upper House of Parliament of Ceylon.

The Senate was established in 1947 under the Soulbury constitution on the eve of Ceylon achieving its Independence after 450 years of European domination.

No comments on the quality of Azeez’s speeches will be required as this Volume will more than amplify the contextual and intellectual genius in his speeches. Some of the ideas he had expressed were far ahead of his times. His scholarly treatise in opposing the Official Language (Sinhala only) Bill has been acclaimed. The Muslims were divided, but with his background Azeez could not support the Bill. After its defeat at the 1956 General Elections the U.N.P. changed its stance and supported the Bill, as a result Azeez resigned from the party.

The compilation of his Senate speeches became a very simple process, because Senator Azeez had already taken out his speeches from the HANSARD and bound them into seven volumes in chronological order and marked with his comments. His private library is amazing. Every one of the thousands of books maintained in his library, had been carefully read by him and side-marked with notes and comments; bundles and bundles of relevant documents had been filed in a meticulous and systematic manner; hundreds of photographs had been indexed with details of the occasion and names of the people present; exhaustive diaries had been written at the end of every day from his University days. They make a veritable archives and maybe one of the rarest collections of archival value in the country. It is a treat to peruse the side-markings with notes and comments in Azeez’s personal copy of Yusuf Ali’s translation of the Holy Quran, sometimes comparing with other translations.

More important is the fact that every document in his library is preserved intact upto now by his elder son Ali; and he permits with willingness and co-operation to any researcher to make use of these valuable documents. This, I think, is the highest gratitude that a faithful son could pay to a fond father. A.M.A. Azeez’s collection alone will be more than sufficient to research into the history, culture and traditions of the Muslims of Sri Lanka. The writing table and furniture used in his office at “Meadow Sweet”, including his favourite large reading chair and the adjustable lamp above, have been preserved and used by Ali in the study of his bungalow at Bolgoda.

Ali recalls that his father had the habit of classifying, re-classifying and indexing the large collection of books in his library at home periodically like in organized libraries with well known systems. For this process Ali had to assist in preparing lists of the books cupboard by cupboard, particularly during his free-time after studies at school and university. When the next re-classification took place, Ali whispered to himself “Oh, here he starts again”, but he confesses that he learnt a great deal. To register his ownership Azeez had rubber-stamps made with his name and the number of the book, the rubber-stamps were different with every re-classification. Finally, he had a printed label with Islamic architecture and a verse from the Holy Quran on knowledge. Ali says with glee that he uses the same label for his own books by erasing the first initial ‘A’. During his lifetime Azeez had donated most of his books, Zahira College being the major beneficiary upto 1961. In 1973 it was Jamia Naleemiah that benefited. After his death, in complying with his intentions, most of the remaining valuable books, other than Tamil books, were donated to Jamia Naleemiah by his children.

Azeez’s experience and training in the Civil Service made him an Administrator cum Disciplinarian *par excellence*. These were the two pillars of his success at Zahira College and in other organizations. During his lifetime he ‘worked like a beaver’ in contributing in whatever he could to society in general and education in particular.

Therefore, it becomes incumbent specially on every family member, past pupils and other beneficiaries of Azeez to publish his voluminous writings and speeches for the use of future generations. They will become inseparably connected to the history of Sri Lankan Muslims. Our history is becoming more and more vital in

establishing the inalienable rights that we have as an integral part of the citizenry of this country for over thousand years.

The Dr. A.M.A. Azeez Foundation has embarked on this venture in compiling and publishing these vital documents so meticulously collected by Azeez and preserved by his son, Ali. We appreciate the support extended by the Executive Committee of the Foundation. Our special thanks are due to Mr. Ali Azeez, Mr. P. Balasingham, a student and teacher at Zahira College during the Azeez era, and Mrs. Marina Ismail, the daughter of Azeez for the support extended for this publication.

Our thanks are also due to Ms. Sivayogam Asaipillai and Mr. Jeremy Muller for the co-operation extended in typing and proof-reading the scripts; also to A.J. Prints (Pvt) Ltd. for the excellent printing.

**S.H.M. JAMEEL**

President

**DR. A.M.A. AZEEZ FOUNDATION**

## **PROFILE OF A.M.A. AZEEZ**

Eminent educationist, scholar and social worker, Aboobucker Mohamed Abdul Azeez, was born in Vannarponnai in Jaffna on 4th October, 1911. His father S.M. Aboobucker J.P. was a leading lawyer, Quazi, Vice-Chairman of the Jaffna Urban Council and the first outstation President of the All-Ceylon Muslim League. His mother died in 1918 and his father re-married. He was then petted and pampered by his maternal grandparents and aunt. They encouraged him in his studies and Azeez studied late into the night with the aid of a flickering oil lamp.

Azeez joined the Allapichchai Quran Madrasa in 1916 where he learnt to read the Quran. After passing the Standard III examination in Tamil medium in 1920 at the Mohammadiya Mixed School, he joined the Hindu school R.K.M. Vaidyeshwara Vidyalayam in 1921 and Jaffna Hindu College in 1923 and studied there until 1928. It was at these schools that he gathered a good grounding in the Tamil language and nuances of Hinduism, and he had great respect for his teachers.

As a boy Azeez was a near prodigy, having been always one jump ahead of the age limits during his academic career, so much so that when it came to entering the University in 1928 he had to wait for a year as he was underage. So he spent this year at St. Joseph's College, Colombo.

On his days spent at Vaidyeshwara Vidyalayam Azeez had stated, "I now feel thrice-blessed that I did go to Vidyalayam and nowhere else. My period of stay, February 1921 to June 1923, though pretty short quantitatively was extremely long qualitatively. It was at Vidyalayam that I became first acquainted with the devotional hymns of exquisite beauty and exceeding piety for which Tamil is so famed through the ages and throughout the world". Azeez was a scholar in Tamil and for a Muslim he had a deep knowledge of Tamil literature and he would quote the Kural, the masterpiece of the poet-philosopher Thiruvalluvar, with the best of the pundits. Azeez's speeches were fluent and in pure Tamil and were a treat to listen to. In later years his routine every morning was to listen to Hindu devotional songs (thevarams)

over the radio. He relished the beauty of Tamil in these songs, and reading Tamil in ola leaves as well with a close friend and high ranking public officer. His admiration for Tamil activated the Tamil Sangam to greater heights at Zahira College, Colombo when he was Principal.

With his abiding interest and love for Tamil, Azeez put his elder son, Ali, in the Tamil medium from the kindergarten at Ladies' College in 1946 until he switched to Science subjects for the S.S.C. examination in 1957 at Royal College, which at that time were taught only in English. The other Muslim boys opted for the English medium from inception. On an amusing note, it was revealed by Marhoom Justice M. Jameel at a public meeting to remember Azeez, that when he was A.G.A. Kandy Azeez had requested his friends to avoid speaking to Ali in Tamil lest he spoils his speech in Tamil. Ali recollects that he spoke Tamil in three different accents at home, Jaffna Tamil with his father, Eastern style with driver Ibrahim from Kattankudy and 'sonaha' Tamil with his mother.

Having been a distinguished student and a respected old boy of the two Jaffna schools, Azeez was honoured to declare open the Diamond Jubilee Carnival at Jaffna Hindu College in 1951 and deliver the Golden Jubilee Address at Vaidyeshwara Vidyalayam in 1963.

Azeez was an Exhibitioner in History at the University College and graduated with Honours in History from the University of London in 1933. He joined the Colombo Zahira College hostel as a resident tutor and the Law College, but left shortly when he was awarded the Government Arts Scholarship in 1933, to proceed to St. Catherine's College, Cambridge in 1934. Before leaving, he appeared for the Ceylon Civil Service Examination.

His sojourn at Cambridge was short-lived and he returned after one term on passing the C.C.S. examination. He was second in order of merit after K. Kanagasunderam, and nine were selected including C.P. de Silva. He was the first Muslim Civil Servant and preferred to follow a career in the public service. He joined as a young cadet at Matale as Office Assistant in 1935. Thereafter, he held the posts of Administrative Secretary, Department of Medical and Sanitary Services; Secretary to the Minister of Health (Hon. Dr. W.A. de Silva); Additional Landing Surveyor, H.M. Customs; Assistant Government Agent (Emergency), Kalmunai;

Deputy Food Controller; Assistant Government Agent, Kandy; Information Officer; Additional Controller of Establishments, Treasury; Assistant Commissioner of Parliamentary Elections and Additional Secretary, Ministry of Health and Local Government (under Minister Hon. S.W.R.D. Bandaranaike).

Azeez's great achievement, if not the greatest, was his contribution to food production while serving as A.G.A. in Kalmunai. During the Second World War a shortage of food was looming and the Government had to find ways and means of accelerating food production. One of the areas selected was the Southern region of the Batticaloa District from Paddiruppu to Kumana, the present Ampara District. For this purpose Azeez was specially selected by the Minister of Agriculture, Hon. D.S. Senanayake, and was transferred at short notice to set up the Emergency Kachcheri in Kalmunai.

During the short span of two years, from April 1942 to January 1944, Azeez travelled the length and breadth of the areas under his purview and worked long hours to put the district in the forefront as a leading producer of food and the granary of the East. At the successful Harvest Festival in Kalmunai in 1943, Hon. Senanayake in his address, while commending Azeez and others of their achievements, said that "I felt that a Muslim in the Civil Service would be able to get the co-operation of the Tamils and Muslims". Later as Prime Minister and Chief Guest at the Prize Day at Zahira College in 1949 he reiterated that, "During the war when there was a shortage of food, the present Principal, Mr. Azeez, was one of those who helped me considerably in the food drive. From that time I had developed a great affection for Mr. Azeez. He was then a member of the Ceylon Civil Service but he worked really as a citizen of the country". It is significant that Azeez's contribution to Eastern Development took place 66 years ago vis-à-vis the current "Eastern Resurgence" programme.

It was in Kalmunai that Azeez cultivated a close relationship with the renowned Tamil scholar and educationist Swami Vipulananda and the poet Abdul Cader Lebbe. Azeez had confessed that the formation of the Ceylon Muslim Scholarship Fund and his accepting the post of Principal at Zahira College, Colombo were due to the encouragement given by Swami. In August 1948 Azeez retired from the Civil Service to succeed T.B. Jayah as Principal of Zahira College, Colombo sacrificing a brilliant career in order to serve his community. Zahira continued to excel in every field

during his tenure until December 1961, which was referred to as the “Golden Era of Zahira”, and Zahira emerged as a leading public school. Over 100 Zahirians entered the University during this period. In 1962 Azeez was a visiting lecturer in History at the Vidyodaya University.

Azeez’s vision was to establish the Ceylon Muslim Cultural Centre and a Muslim Cultural University at Zahira College premises as proposed in the Throne Speech in 1961. Due to political changes these did not materialize, and he was disappointed. However, he had an opportunity to implement his ideas when his assistance was sought in the establishment of Jamiah Naleemiah in Beruwela in 1973. With great enthusiasm he embarked on this venture until his demise.

While at Kalmunai Azeez saw the plight of Muslim education. In order to assist needy Muslim students to pursue higher education, he founded the Ceylon Muslim Scholarship Fund in 1945. Over 2,000 students have benefited to date some holding and held high positions in Sri Lanka and overseas.

He also founded the leading youth organization - the All-Ceylon Young Men’s Muslim Association Conference in 1950, which is rendering yeoman service today with over 100 branches.

Azeez was a member of the University Court, Council and Senate for over 10 years from 1953. He was President of the All-Ceylon Union of Teachers and the Headmasters’ Conference. He was awarded the title of Member of the British Empire in 1951, and was honoured as a National Hero and a stamp in his honour was issued in 1986. He was appointed as a Member of the Public Service Commission in March 1963.

Azeez was a voracious reader of English and Tamil. He has many English and Tamil books and publications to his credit, and received the Sahitiya Award in 1963 for his Tamil book “Islam in Ceylon”. His book “West Reappraised” is of interest to researchers, while his contributions to the Encyclopaedia of Islam and the Centenary Volume of Education in Ceylon contain in-depth information on Muslims of Sri Lanka. He had a special interest in Arabic-Tamil from his childhood influenced by his uncle Assena Lebbe Pulavar, a Tamil scholar, poet and an expert in Arabic-Tamil.

Azeez was well respected by the Tamil community, the climax of which was that the University of Jaffna conferred a posthumous Doctorate of Letters at their first convocation in 1980.

Azeez was appointed as a Senator on 21st June, 1952, on the demise of Senator Sir Mohamed Macan Markar, and was re-appointed in 1953 and 1959. He resigned on 28th March, 1963 on being appointed as a Member of the Public Service Commission.

He travelled widely attending numerous Islamic and other conferences, including Parliamentary Conferences in Nairobi and Warsaw. In 1966 he presented a paper on “Some Aspects of the Muslim Society of Ceylon, with Special Reference to the 1880s” at the Conference on Tamil Studies held in Kuala Lumpur. In 1955 he presided at the Golden Jubilee Celebrations of the Tamil Poets’ Day organized by the Muslim Educational Association of South India. In 1973, a few months before his demise, he presided at the Tamil Nadu Muslim Educational Conference at Chennai and was honoured with the Golden Shawl.

Azeez has been honoured by his inclusion in the “100 Great Muslim Leaders of the 20th Century”, published by the Institute of Objective Studies, New Delhi, India.

His sudden demise on 24th November, 1973 at the comparatively young age of 62 years no doubt left a vacuum not only in the Muslim leadership but in the country at large. His wife Ummu Kuluthum (grand daughter of M.I. Mohamed Alie J.P., first Persian Vice-Consul) pre-deceased him. His daughter is Marina and sons are Ali and Iqbal. Iqbal passed away in 2003.

There were many tributes paid to Azeez; one on his personality was “He is a Muslim, he is from Jaffna, he looks like a Burgher and acts like a Sinhalese”. He lived a true Muslim and a Sri Lankan.

**KHALID M. FAROUK**

Secretary

**DR. A.M.A. AZEEZ FOUNDATION**

## THE SENATE

### AN EXTRACT FROM THE SOULBURY CONSTITUTION OF 1947

#### PART III - THE LEGISLATURE - GENERAL

7. There shall be a Parliament of the Island which shall consist of Her Majesty, and two Chambers to be known respectively as the Senate and the House of Representatives.

8. (1) The Senate shall consist of thirty Senators of whom fifteen (hereinafter referred to as “ elected Senators “) shall be elected by the House of Representatives and fifteen (hereinafter referred to as “ appointed Senators”) shall be appointed by the Governor-General.

(2) The Senate shall be a permanent body and the term of office of a Senator shall not be affected, and the seat of a Senator shall not become vacant by reason of a dissolution of Parliament.

(3) One-third of the Senators shall retire every second year.

(4) Subject to the provisions of section 73 of this Order, the term of office of a Senator shall be six years from the date of his election or appointment:

Provided that-

(a) a person who is elected or appointed a Senator to fill a casual vacancy shall be deemed to be elected or appointed to serve only for the remainder of his predecessor’s term of office;

(b) a person who is elected or appointed to fill a vacancy caused by the termination of a Senator’s period of office by effluxion of time shall, for the purposes of this section, be deemed to have been elected or appointed on such termination.

(5) A separate election shall be held for the filling of each casual vacancy among the elected Senators.

(6) A retiring Senator shall, if otherwise qualified, be eligible for re-election or reappointment from time to time.

(7) In this section, the expression “ casual vacancy” means a vacancy occurring otherwise than by the termination of a Senator’s period of office by effluxion of time.

9. (1) After the first election under section 17 of this Order of the Speaker, the Deputy Speaker and Chairman of Committees and the Deputy Chairman of Committees, the House of Representatives shall, before proceeding to any other business, elect fifteen Senators; and thereafter, as soon as may be after the occurrence of a vacancy among the elected Senators, the House of Representatives shall elect a person to fill such vacancy.

(2) The election of Senators shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote.

(3) As soon as may be after the election of a Senator, the Clerk to the House of Representatives shall communicate to the Governor-General and to the Clerk to the Senate the name of the person elected.

10. (1) As soon as may be after the first election of Senators under section 9 of this Order, the Governor - General shall appoint fifteen Senators, and thereafter, whenever there is a vacancy among the appointed Senators, the Governor-General shall appoint a person to fill the vacancy.

Provided that, if there is at the same time a vacancy among the elected Senators, the Governor-General may defer filling the vacancy among the appointed Senators until the vacancy among the elected Senators has been filled.

(2) Whenever a person is appointed a Senator under this section, the Governor-General shall cause to be sent to the Clerk to the Senate a certificate signed by the Governor-General setting out the name of the person appointed and the date of appointment. Such certificate shall be conclusive for all purposes and shall not be questioned in any court of law.

(3) In the exercise of his functions under this section the Governor-General shall endeavour to appoint persons who he is satisfied have rendered distinguished public service or are persons of eminence in professional, commercial, industrial or agricultural life, including education, law, medicine, science, engineering and banking.

## Comments:

The Senate was constituted mainly to prevent hasty and ill-considered legislation from reaching the Statute book. It was also anticipated that minority representations could be strengthened through appointed members. It was also assumed that appointed members would be persons of eminence in the community and distinction in the professions, who could make a valuable contribution to the political education of the general public. Thus the appointed Senators were expected to add a voice of authority and reason to public debate even when such views were unpopular, to allow minorities without a sufficient electoral base representation, and finally, to reinforce the Senate's function as a counter-majoritarian instrument.

There was an array of eminent persons appointed in terms of Clause 10 (3). Senator A.M.A. Azeez deserved the status as an Appointed Senator and he made valuable contributions as expected, his forte being education. He was an eminent leader of the Muslim community and rendered distinguished public service. However, during the 1960s political supporters and defeated candidates for seats in the House of Representatives were appointed which became counter-productive.

The Senate was abolished on 2nd October, 1971, when the Republican Constitution was discussed and later enacted on 22nd May, 1972.

The following Muslims were Members of the Senate during its existence.

### Appointed by the Governor-General

1947	Sir Mohamed Macan Markar	22.10.1947 to 10.05.1952
1952	A.M.A. Azeez	21.06.1952 to 28.03.1963
1953	K. Hussain Adamaly	06.11.1953 to 15.10.1965
1963	A.R.M. Hameem	01.11.1963 to 15.10.1969
1965	M.D. Kitchilan	20.10.1965 to 01.10.1971
1969	I.A. Cader	23.10.1969 to 17.04.1970

### Elected by the House of Representatives

1947	A.R.A. Razik	16.10.1947 to 24.04.1952
1953	M. Shums Cassim	30.10.1953 to 20.05.1954
1965	S.M.H. Mashoor	20.10.1965 to 01.10.1971
1967	S.Z.M. Mashoor Moulana	02.08.1967 to 15.10.1967

## **RENT RESTRICTION (Amendment) BILL SECOND READING**

*25th February 1953*

*Maiden speech of Senator A.M.A. Azeez. This came in for much praise by Senator Lalitha Rajapakse, Minister of Justice.*

**SENATOR A.M.A. AZEEZ:** Mr. President, when I listened to the opening remarks of the hon. the lawyer Senator, I recalled the exhortation for a change of heart that was uttered by the hon. Parliamentary Secretary to the Minister of Finance yesterday, because the hon. Senator started with the sentence that we should exchew partisanship in the discussion of a Bill of this nature which deals with a subject that is of vital interest to the country. I thought that new era has dawned in the history of the Ceylon Parliament and I was hoping to listen to a very non-partisan debate on the subject. But I found that my hope was somewhat premature because instead of complimenting the Hon. Minister of Local Government who had the advantage of the criticism of the Opposition, and who through the hon. Deputy Leader of this House gave us an assurance that this clause will not have retrospective effect but that it will be effective from a date hereafter, my hon. Friend endeavoured to castigate the hon. Mover and called the principle underlying this Bill vicious. In the light of experience gained by the valuable criticism offered in the other place, the Hon. Minister of Justice, on behalf of the Minister in the other place gave us an assurance that this measure will not have retrospective effect. As far as I am concerned, I am quite willing to accept that assurance and not debate the subject any further because I wish to be non-partisan myself. Although the preacher has not followed his precepts, I shall endeavour to do so to the best of my ability.

At one stage, my hon. Friend (Senator Nadesan) said that the Government has no principles; and that as far as this particular Bill was concerned, it seemed to have no principle whatsoever. Later on, he said that there was a vicious principle embodied in the last clause of the Bill. I feel that the purpose of this Bill is not to

resolve conflicts between landlords and tenants; there is a vital reason underlying it and, in this connection, I can do no better than quote from a Report published in England on Rent Control Policy which shows the place housing occupied in that country. This is what it says:

“The stock of houses forms part of the fixed capital of the country, and the nation has a strong interest in the maintenance and development of this great section of its durable assets.”

Mr. President, this is not a problem which is confined to a set of landlords on the one side and to a set of tenants on the other: this is a problem of vital interest to the country as a whole. Therefore, I think you will agree with me that, in our discretion, we should transcend the conflicting interests of landlords and tenants and look at the question from a national point of view. Houses are a form of fixed capital and few of them depreciate with a change of owner or occupier. What should be a matter of primary concern to owner and occupier alike is the maintenance of these houses in good repair. Owners should be prepared to spend whatever sums of money are needed for the purpose and tenants too should co-operate with them. I feel that that is not being done, with the result that our stock of houses is deteriorating irretrievably. I also feel that that is the situation which this Bill seeks to remedy.

Although the hon. Lawyer Senator has seen no principle in this Bill, or rather has seen a vicious principle in it, this Bill seeks to put right a very serious state of affairs. As you know, this country is experiencing a very grave housing shortage.

When the original law was introduced in 1948, houses constructed before a particular date were exempted from its purview. Perhaps, the advice that was given to the then Minister by his advisers was not accepted; otherwise, I am sure we would have had a number of houses completed during the period 1948 to 1953. Even now, it is not too late for proper action to be taken; and I must say that the Hon. Minister of Local Government deserves the congratulations of our people for having introduced this Bill.

Although my hon. Friend did not specifically commend this Bill, I believe he had something good to say about it. I do not have a copy of HANSARD with me and therefore cannot quote what he actually said, but I believe he mentioned that

the Government had, once upon a time, undertaken to put up houses but now, as it is bankrupt, it has to resort to this Bill.

**SENATOR NADESAN:** I never said anything like that. I never made any such statement.

**SENATOR AZEEZ:** As I said, Mr. President, I do not have a copy of HANSARD with me and if my hon. Friend says that he never made such a comment, I shall certainly withdraw my statement.

The Government has always made it clear that it is chiefly concerned with providing more and more houses for the poorer classes. You will observe that as far as excepted premises are concerned there is a certain class of tenants who are unprotected. As has been made out this Bill does not create a set of unprotected tenants. It is only the marginal houses and the marginal tenants who are going to be affected. That, I think, is an accurate picture of the situation. As a matter of fact, there is no doubt that no local authority will increase the assessment rate arbitrarily without leaving a remedy open to the tenant. Notice is served, but where is it served? It is served at the premises. The notice first goes into the hand of the tenant himself, not the landlord; and the tenant has every right to object to that assessment.

The remedy does not end there. If the tenant is dissatisfied with the decision of the local authority, he can appeal to a Court of Requests. My hon. Friend the lawyer Senator talked of a tribunal. What better tribunal than a Court of Requests or a District Court, which are not administrative tribunals but which form part of the Judiciary of this country, could you desire for these tenants to appeal to? Therefore, to paint a picture of the tenant having no remedy whatsoever is, to say the least, not completely accurate.

I do admit that a few tenants who now enjoy the protection of the Rent Restriction Act will go outside it. But the question is whether those tenants who are occupying premises of this type of assessment need that protection which should be afforded to the poorer sections of the community. I feel it is not necessary because they have a remedy and a very effective one at that; that is to say, they

could have recourse to a court of law. I do not know whether all of them will be able to afford to retain expensive counsel but certainly they have a remedy in their hands.

My hon. Friend suggested that the way of helping the landlords was by amending section 6. I believe that at present the standard rent may be increased by an amount not exceeding 10 per cent. He suggested that instead of having Clause 2 (b) (ii), instead of adopting devious methods, the Government could have brought in an amendment to section 6. There are many dangers in that proposal. In the first place, if you say landlords may increase rents by 30 percent, you will catch up everyone, the poorer and the richer sections of the community. The proposed arrangement is a much better one. Certainly, some houses may have deteriorated as a result of neglect by the landlord; between the years 1948 and 1952, houses may have deteriorated. If you have a standard figure, you do not distinguish between houses that have deteriorated and houses that have not deteriorated; but if you adopt the method proposed by the Government there is a better chance of distinguishing between them. It is essential, as far as the nation is concerned, that there should be some distinction between houses that have deteriorated and houses that have not deteriorated. I personally feel that no great injustice will be caused by this proposal.

It may be that in England they do not have this provision. In England, perhaps, the housing corporations, and so on, are far more active than those in this country. There is great need in this country for more houses and we must adopt methods by which we can increase the number of building. I submit that this clause will not work that degree of hardship which my hon. Friend fears it will.

We talk of England but we do not follow the English practice. For example, in England business premises are completely outside rent control. There they have rent control only for dwelling houses. But in Ceylon, we have rent control for dwelling houses as well as business premises. What I cannot understand is the wide disparity in the figures in the wide disparity in the figures in Part II of the Schedule, namely, Rs. 2,000 for residential premises and Rs. 6,000 for business premises. It seems incongruous to me because one would have expected the figure for business premises to be less than the figure for residential premises.

The opposite is the case at present. I hope the Hon. Minister of Local Government will take steps to amend these figures in order to avoid any disparity between them, especially as residential premises serve to give shelter and business premises are occupied with the profit motive.

I do not wish to take any more the time of the House, Mr. President. I thank you.

**SENATOR JAYASENA:** Mr. President, before I make my observations on this Bill, I should like to congratulate the most amiable and genial hon. Senator who just delivered his maiden speech. We have always been taken by his amiable and pleasant manner, and the speech he made on this occasion, at least the delivery of it, has also been most pleasant. But while I congratulate him, I am really sorry that the subject in respect of which he rose to speak in this honourable House for the first time should have been one which raised such bitter controversy in this place and about which we have such differing opinions. I rather think that he would have been a better advocate of matters educational and cultural than matters regarding the restriction of rent.

**SENATOR DE ZOYSA:** Ceylonization of trade is the avowed policy of the Government; at least that is what it says. My hon. Muslim Friend looks surprised. I, too, was surprised when he got up on the floor of this House in defence of this Bill. I have no doubt that he will have to answer, outside this Chamber, for the results that will follow from the passage of this Bill. When the evil effects of this Bill are felt, the hon. Muslim Senator will have to explain not only to his co-religionist but also to the rest of the Ceylonese in this country-

**SENATOR AZEEZ:** Here and here after!

**SENATOR DE ZOYSA:** Yes, here and hereafter. The hon. Muslim Senator appears to be tickled. It is rather amusing to see him laugh.

I cannot help stressing the fact that as a result of this amending Bill the policy of Ceylonisation which is receiving every encouragement from the Hon. Minister of Commerce, for whom we have the highest respect, will be seriously retarded. I do hope the Government will pay heed to what has been said and

prevent the chaos that is bound to ensue particularly with regard to Ceylonisation of business. I cannot understand the reason for this legislation. As my hon. Muslim Friend said the only object of this amending Bill is to assist landlords to make profits.

**SENATOR AZEEZ:** May I be permitted to make an explanation. I spoke of business houses as opposed to houses occupied for purposes of shelter. I said that business houses were used by people for the purpose of making profits.

**SENATOR DE ZOYSA:** He said that he could not see the reason why there was a distinction between business houses and residential premises.

**SENATOR AZEEZ:** I referred to the wide discrepancy.

**SENATOR THE HON. SIR L. RAJAPAKSE:** No. I merely met the suggestion that was made. My contention, therefore, is that the criticism levelled against the Bill is certainly not well founded.

I reserved my comments with regard to the maiden speech of the hon. Muslim Senator (Senator Azeez). The hon. communist Senator said that the maiden speech of the hon. Muslim Senator was brilliant but that its subject matter was not good. The speech was not only elegant but was also full of fresh ideas. One knows that the hon. Muslim Senator was, until recent times, a brilliant star in our administrative firmament and that he answered the call of his community and the country. He made a bold sacrifice, which very few people had made before to espouse the cause of education and culture. It is a great pleasure to have him in our midst. His maiden speech, which was not only couched in beautiful language but was also replete with fresh ideas, is a foretaste of what is to come. I feel sure that this honourable House is the richer by his presence. The hon. Senator's speech was both illuminating and incisive. Let us only hope - and I say it in all sincerity - that my hon. Friend will make more contributions to debate in this House in times ahead.

On Question, "That the Bill be now read a second time.

## ADDRESS OF THANKS TO THE THRONE SPEECH

*15th July 1953*

**SENATOR A. M. A AZEEZ:** Mr. President, if any hon. Senator in this House was wondering what attitude should be adopted towards the motion which was so ably proposed by my hon. Friend (Senator Palipane), I am sure the speech of my hon. lawyer Friend (Senator Nadeson) has settled his doubts, because he has proved to us very convincingly how the amendment to that motion does not stand to reason. The amendment says that there is an unconscionable act committed by Government, that it is making an unconscionable profit on sugar. It also says that the subsidy on rice should never be removed. And here is the hon. lawyer Senator telling this honourable House that the subsidy should have been removed long ago and that it should not continue at all! I say that this Government has been courageous in the step it has taken. I shall touch presently on the subject of repentance referred to by my hon. Friend. I repeat that this Government has acted courageously.

My hon. friend did not have the benefit of the eloquent and very informative speech of the Hon. Minister of Justice, and I do not want repeat all the facts - the figures, the rates, the acreages, and so on - placed before the house by the hon. Minister. My hon. Friend came here and sat wondering why the Hon. Minister was so confident of victory at the next elections, but he has now furnished the answer himself.

Listening to his speech we find that we can be confident of victory not because we have financial wizards and gay deceivers - within or without inverted commas. We do not have "gay deceivers within inverted commas" who could explain Federalism and such other cults. We base our confidence on facts that are implicit in the previous speeches.

The Opposition has no clear-cut programme. One section of it says that there should be no subsidy but another section wants the subsidy to be continued. The country is given conflicting diagnoses and conflicting remedies. Despite the fact that the Opposition consists of talented men, it is divided; its members find it difficult to agree among themselves. The Opposition has among its Members very earnest democrats, like its leader here (Senator Sundaram) and others who are entirely opposed to any form of democracy but who are eager to exploit the machinery of democracy for their own purpose of destroying democracy. Knowing that the Opposition is composed of talented men who will not agree among themselves, we are confident that the country will prefer a clear-cut policy to conflicting advice. Ceylon will always prefer a Party with a programme.

**SENATOR PERERA:** Ruin !

**SENATOR AZEEZ:** We all know that one section of the Opposition prefers ruin and that has been ably expounded by the Hon. Minister of Justice.

I regard it a proud privilege to participate in this debate and vote whole heartedly for the motion for the Address of Thanks which was so ably, and in such a comprehensive manner, presented by my good neighbour (Senator Palipane). I nearly referred to him as the hon. lawyer Senator but that is a term accorded to the Deputy Leader of the Opposition (Senator Nadesan). Therefore I shall call him the hon. Senator from Hasti-Salia-Pura because if it had no other attraction it will at least remind me that there was a solitary Muslim monarch, though short-lived, in that part of Ceylon.

**SENATOR SUNDARAM:** Galé Bandára.

**SENATOR AZEEZ:** The hon. Leader of the Opposition has so kindly given us the name. When I listened to him yesterday, I felt that his arguments did not go the whole pace. They, sort of, halted in the middle or turned back. He spoke of illicit immigration and, I believe, he said - I have not had the benefit of reading HANSARD - that all of us, including Vijaya, were illicit immigrants. The Hon. Minister of Justice said that Vijaya came to Ceylon as a conqueror but the ancestors of the hon. Leader of the Opposition and of mine, too, were immigrants - they

were, however, not illicit immigrants. They were all law-abiding people.

**SENATOR SUNDARAM:** They were law-abiding only after they came into the country.

**SENATOR AZEEZ:** No. They were invited by the then rulers of the country, or their arrival was acquiesced in by the rulers at that time. I think it is very disrespectful to associate illicit immigrant with our ancestors. I do not think that is all fair.

The hon. Leader of the Opposition wavered in his attitude towards this matter. He would not tell us openly that he wants legislation against illicit immigration repealed. He would not go so far. All he said was that there should be legislation but that steps should not be taken to enforce it. I believe, with his experience as the first Minister of Labour, Industry and Commerce, he would not seriously suggest that we should have legislation to prevent illicit immigration and not take steps to enforce it. In fact, he twitted my hon. Friend (Senator Dr. Samarasinghe) for saying that illicit immigration is another factor which increases our population and lowers our standard of living. He found fault with him for that statement but later on, probably forgetting the earlier argument, he said that semi-starved people are lured into this country by the words of the hon. Leader. It is clear that if they do come here, they are bound to increase our population and reduce the standard of living. I am sure that even the Members of the Opposition will not say that we have many semi-starved people in this country.

My hon. Friend delved into certain figures. I think he said that the Controller of Immigration multiplied some figure by five and deduced the number of illicit immigrants in the country but I do not think the Controller of Immigration ever did that. I believe he gave the figure as 9,000 for 1952 and said that there must be many more who went undetected. We know that people are coming in illicitly but the Hon. Minister of Justice pointed out to us that the number has considerably decreased since military personnel were made use of to help in the prevention of illegal immigration.

My hon. Friend (Senator Perera) said that we merely pay lip service to

democracy. The very fact that the hon. Leader said yesterday that he patiently listens to the criticisms made by hon. Senators, particularly by those of the Opposition, and that he is present to listen to them, shows that as far as democracy is concerned, it is most evident here. If my hon. Friend had his way, I doubt whether the hon. Leader would even be allowed to make a speech. Perhaps, he would have been liquidated!

I have tried to make some observations on the remarks of the previous speakers but I feel that this is an opportunity for those of us who are Members of the Government Party but who do not belong to the Government - in other words, those of us who are back-benchers - to say something by way of expressing our hopes in regard to the achievements of the Government and also offer some comments, to the best of our ability, in the belief that they will be of some benefit to the Government. The budget is being shaped now and, perhaps, some of the criticisms made in this House may be taken note of by the Government. Therefore, I should like to deal with just a few matters referred to in the Governor-General's Speech.

There is a reference in the Speech to the Salaries and Cadres Commission. This is what it says:

"The report of the Salaries and Cadres Commission on salaries has been received and is under examination and their recommendations on cadres are awaited."

I think the first Cadres Commission was under the chairmanship of the hon. Leader of this House, and that was followed by another Cadres Commission, which may be referred to as the Huxham Commission of 1948. We now have a third commission of this nature. I hope the Government will try to find out the reason why the recommendations of the Commissions of 1938 and 1948 were not implemented. It is strange how these recommendations have a habit of being forgotten once the commissioners have made their reports or have been paid off!

*It being 6 p.m. proceedings on business under consideration were interrupted under the Standing Order.*

Debate adjourned; to be resumed tomorrow.

## ADDRESS OF THANKS (Continuation)

*16th July 1953*

**SENATOR A. M. A. AZEEZ:** Mr. President, I was saying yesterday that this debate is an appropriate occasion for the back-benchers belonging to the Government Party to offer, to the best of their ability, suggestions that may be of some value to the Government especially when it is now busily engaged in framing the budget of the year, the broad outlines or the main principles of which have already been indicated to us in the Governor-General's Speech. But in making these observations I, unlike my hon. lawyer Friend (Senator S. Nadesan), suffer from a minor infirmity. I cannot completely forget or entirely free myself from the knowledge which I happen to possess, however little it may be, gained from outside the House. I cannot keep that knowledge compartmentalized and separated, but I can assure you, Mr. President, that I shall not burden you with any autobiographical anecdotes.

I was speaking yesterday about the Retrenchment Commission of 1938, and I said that they made several recommendations, and very useful ones too. They were only conceived but they were not delivered-and you, Mr. President, know what that exactly means-due to the unfortunate interference of departments which were not prepared to implement or accept the recommendations of that Commission. It may be noted that the same fate overtook the recommendations of the Huxham Commission of 1948. I hope that it will not be repeated in the case of the recommendations that are now being awaited by the Government from the present Salaries and Cadres Commission.

Therefore, I would submit that it is best for the Government to ensure that there is machinery set up to see to the implementation of whatever recommendations made by the Salaries and Cadres Commission which are

accepted by the Government. I also hope that this Salaries Commission will not merely confine its attention to reducing the staff a little in one department, and a little in another department, but that it will devote its attention to the fundamental problems that cannot be escaped in the transformation of a Colonial type of administration to a Dominion type; and with your permission, I should like to refer to just one or two just one or two of those problems which may be regarded as fundamental.

I believe it was the intention of the framers of the Constitution that with set-up of the Cabinet, there should be proper co-ordination as or departmental levels and, I presume, the Permanent Secretary was an institution inaugurated for this purpose. I am beginning to wonder whether that purpose has been fulfilled because, unlike in England where the Under-Secretary is also the head of the department, here we have Permanent Secretaries and several heads of departments. I believe, today, in Ceylon there are 150 departments, whereas in England there are only as many departments as there are Ministries. That, I think, has led to much overlapping and want of co-ordination; and perhaps that has made that administrative machinery a little too expensive and cumbersome. What we find today is that every Permanent Secretary has got a miniature secretariat composed of office assistants, clerical assistants and assistant secretaries - sometimes one, sometimes two and sometimes more than two. I do not think that such a system does conduce to proper co-ordination because the so-called heads of the departments we have today have no direct access to the Permanent Secretaries. It is my fervent hope that that problem will receive the close attention of our Salaries and Cadres Commission and that some recommendations will be made regarding it.

Another of the fundamental questions I should like to refer to is the problem of centralization and decentralization with which we are familiar. Every year this question crops up in relations to big departments, like the Medical Department which has now become the Department of Health, and the Education Department. It is argued that so long as you have divisional medical officers and education officers you have a wonderful system of decentralization, but there cannot be decentralization when the hospital and the health unit, the inspector and the school

are given to sufficient discretion and authority. I do not want to elaborate on this because I do not think it would be appropriate for me to do so, but I have just indicated this problem - whether these big departments are going to have a centralized administration or a decentralized administration - because it is one of those main questions that should receive close attention.

The unfortunate feature is that today we have the evils of both systems by having a three-tier system in which there is the centralized head office, the provincial head office, and finally the local unit. If we are going to have a centralized administration, I do not see why we should have provincial representatives who are not vested with any worthwhile degree of authority.

The third question I should like to refer to is that, under the present setup, very valuable technical officers of the Governments who are heads of comparatively small departments are compelled to devote a good deal of time to accounting and other matters. We always complain that Ceylon is not gifted with that sufficiency of technical officers as she should have, but we find a number of technical officers engaging their attention and time on matters that are not technical but purely administrative. To cite an example, I notice in the estimates that there is a Department of the Town Planner which has no accountant - the Ministry, too, has no accountant, but the bigger departments have accountants - with the result that the Town Planner has to take responsibility for purely accounting matters.

There is then the question of the of the Kachcheries. I notice it is stated in the Governor-General's Speech:

“The scheme of provincial administration will soon be recognized and the present system of having provincial Kachcheries with district Kachcheries subordinate to them will be abolished.”

I hope that the reorganization means more than the mere abolition of the provincial status of some Kachcheries. The Kachcheries are peculiar institutions of Ceylon. I do not think other Dominions have them. At the same time, we cannot escape from history. But the problem of how to integrate this system of Kachcheries with the type of Local Government and the Central Government we

have is a problem which, I feel, has not been solved at all. I hope we will get some definite recommendations on that aspect, too, from the Salaries and Cadres Commission.

I also hope that the new administrative services we are contemplating to inaugurate will give room to the young clerical servants who show talent to rise to staff-officer positions comparatively young in life and not on the verge of retirement.

I should like to refer to one other matter. We have seven municipalities, and I think they will grow in number. But I find especially in a place like Ceylon, due to the free-education policy of the Government, there are many children who are anxious to receive education and many parents who are anxious to send their children to receive this free education. But there are not the schools for the purpose. I wonder whether the bigger local authorities, like the municipalities, should not be asked to be responsible, even to a small degree, for the primary education of the children in their various localities. I think education is too centralized at the moment. By this process, the bigger local authorities being invested with a certain amount of responsibility for the education of the children in their localities at least at the primary level, the administration will become less remote and less impersonal; and I think it will be good for education.

Another aspect of Local Government that I should like to bring to your notice, Mr. President, is the fact that since 1926 I do not think we have had any comprehensive review of the financial relationship between the Central Government and local bodies. It may perhaps be stated that is not an appropriate moment for it. But I rather think this is the most appropriate moment, when the whole question of taxation policy, revenue and development is under close investigation, to come to some definite settlement with regard to the financial relations that should obtain between local authorities and the Central Government.

I do not want to take much of your time, Mr. President, except to say a few words on the implementation of the Education Act which, it has been stated in the Governor-General's Speech, will be proceeded with. You will remember that

just prior to the introduction of the Education (Amendment) Act, No. 5 of 1951, there was a comprehensive debate in this honourable House and in the other place with regard to the position that should be accorded to English. There were several views held, but finally the earlier position was re-affirmed, namely that English should be taught as a compulsory second language from Standard III upwards. At that time, there were some who felt that English should not be made a compulsory language till Standard VI, and there were others who thought - as a matter of fact, the draft Bill contained a provision - that English should be taught from Standard II upwards. However, the decision was to re-affirm the earlier position that English shall be taught as a compulsory second language from Standard III upwards. If that is the policy, and that is the policy according to the Act, it is essential that it should be implemented speedily throughout the Island. Otherwise, we will create a certain amount of inequality between sections of the people - those who know English and those who do not know English. Unless this policy is implemented throughout the Island and that too speedily, we will find the wealthier children, the town-bred children, having the advantage of an English education and the others not having that advantage. Thereby, will be perpetuated a kind of inequality that was characteristic of the colonial type of education, with its division between English schools and swabasha schools.

I submit that it is essential that this policy should be speedily implemented; and for that purpose, it is necessary to have specialist teachers of English. At the moment, we find teachers who are not quite competent to teach English being placed in the position of having to teach English especially in the rural areas. I hope the Government will take steps to produce the minimum number of specialist teachers of English who are very essential for implementing its policy.

I know that in the matter of bilingualism there is an acrimonious controversy. I do not want to go into it an length but I only want to refer to a recent report that was published in Wales, I think, at the beginning of the year. It is a report published by the Central Advisory Council for Education in Wales, and its title is *The Place of Welsh and English in the Schools of Wales*. As you know, Wales has problems somewhat similar to ours in that there are many pupils there who are not English-speaking. After an exhaustive study, they say:

“It appears wisest at the present juncture to accept that body of opinion that maintains that bilingualism in itself is neither an advantage nor a disadvantage to the mental development of the normal child.”

That sufficient research work in the subject has not been done in Ceylon itself is very unfortunate, but in view of what has been accepted outside Ceylon, it is necessary that we should carry out our own research on this subject to determine for ourselves to what extent bilingualism is necessary and whether it is, in any way, harmful.

There is one other point, and that is about the selective test that was held for the first time last year. It is true that our Government was concentrating its attention on finding places for those who are found unsatisfactory for secondary education, but I think it is also essential that the gifted children - and, after all, we do not have so many gifted children in this land of ours - should not be neglected.

The child that proves its worth at the selective test should be in a position to continue its studies. What happens now? There are very talented children in very remote areas who are able to pass the selective test very well, but I do not think there is sufficient provision for them to continue their education. I wonder whether some kind of scholarships, as are now given on the Standard V test to Central Schools, should not be inaugurated in respect of those who pass well the standard VIII test and who have no schools to go to.

I notice in the Speech that it has become necessary to concentrate mainly on development. I submit that education should be considered as a development subject because the tendency in some quarters is to regard it as a social service function. Education is the best national investment because talented people, technologists and other types of men and women required for this country, cannot be produced overnight. I am sure, you will agree, Mr. President, that we are not going to spend always and for ever on these experts who have been defined by someone as “ordinary men from long distances”. I do not know how far that is true; but I think, in some cases, that is true. So that, if we want to achieve all that we desire, if we want to have modern methods of agriculture, if we want to

persuade our people to believe in modern methods, it is necessary for us to concentrate on education.

Therefore, I would submit that education should be regarded as a development scheme and should not be lumped with so many other things which come under the category of social amelioration.

It is clear from the Governor-General's Speech and the speeches made, both by Members of the Government and Members of the Opposition, that the Government had to take an important decision, and it has been accepted by all that Government has taken a courageous decision. I am convinced -

**SENATOR L.B. JAYASENA:** Not by all.

**SENATOR AZEEZ:** It has been stated by the previous speaker (Senator Nadesan), Members of Government and others that Government has taken a courageous decision, and I am certain and convinced that this courageous decision or decisions were taken without the Government being actuated by motives of political expediency, as alleged by my absent Friend (Senator Perera). If political expediency dictated to Government these decisions would not have been taken by it.

Therefore, I have great pleasure in supporting the motion for the Address of Thanks so ably proposed by my hon. Friend from Hasti-Saila-Pura.

**SENATOR L.B. JAYASENA:** Mr. President, before I come to the subject, I must congratulate my most amiable Friend (Senator Azeez) who sits behind, at least, on the latter part of his speech. I cannot agree with what he said yesterday, but with a good portion of what he said this afternoon, especially with regard to the organization of the civil service, public service, and so on. His views on these subjects and his weighty comments in respect of education are in keeping with the needs of the day.

There was on remark of his which I did not quite catch. I may not have understood him correctly, but I cannot agree with his view that there are not too

many gifted children in the country. I do not altogether agree with that. We have before us the example of a gifted civil servant -

**SENATOR AZEEZ:** On a point of personal explanation, Mr. President, what I said was that we have not too many gifted children. No country has too many gifted children.

**SENATOR JAYASENA:** I disagree profoundly. If only the opportunities are there we will have quite enough of gifted children and the world will be surprised at it. As I just said, here is an example of a talented civil servant, who is now the head of a leading educational institution. He will compare with the best, not only in this country, but with any other.....

**SENATOR AZEEZ:** Russia !

**SENATOR JAYASENA:** - and I am sure if others had the opportunities he had, in many an unknown place. Punchi Bandas, Siyathus, Appuhamy, Puchi Menikes, Ismails and Azeezes would have risen, equally capable. Our only hope is that more and more facilities should be provided for the children of this country, so that they may be able to shine in the same manner and contribute their talents in the same way to the social well being of the country as my good Friend is doing.

## **PENAL CODE (Amendment) BILL SECOND READING**

*28th July 1953*

*The Bill seeks to amend the law relating to incest and punishment afforded*

**SENATOR SUNDARAM:** I would have rather preferred to follow my hon. Muslim Friend (Senator A.M.A. Azeez), because I find that one of the amendments proposed in this Bill says:

“This section shall not apply to any person to whom the Muslim Marriage and Divorce Ordinance or the Muslim Marriage and Divorce Act, No. 13 of 1951, applies.”

I do not know whether the order of relationship as set out in the Marriage (General) Ordinance is the same as the order of relationship under the Muslim Marriage and Divorce Ordinance, or whether there is a little difference. I presume the hon. Muslims Senator will explain that to us.

**SENATOR A. M. A. AZEEZ:** I did not and do not intend going into the scope or the details of the Bill or of the punishment attached to incest. The hon. Leader of the Opposition wanted to know whether there are any differences in the matter of relationship as set out in the Marriages (General) Ordinance and the Muslim Marriage and Divorce Ordinance. There are differences, as will be seen from Section 80 of the Muslim Marriage and Divorce Act, No. 13 of 1951, and the present amending Bill, both in regard to the definition of incest and punishment.

What I want to bring to your notice, Mr. President, is that Sub-clause (7) of new Section 365B of the Bill refers to both the Muslim Marriage and Divorce Ordinance, Chapter 99, and the Muslim Marriage and Divorce Act, No. 13 of 1951. Those Acts deal with the same subject and therefore I wanted to find out why both those measures are mentioned. I discovered that when the Act of 1951 was introduced by the present Leader of the Senate, who was then the Home

Minister, he stated that it had been long delayed and that he was happy that at long last it was getting into the statute-book. I do find that it did get into the statute-book, but it is not yet in operation for want of the necessary Order by the Minister. I believe one of the reasons for that delay is that some doubts were expressed by Muslims about Section 74 of Act No. 13 of 1951, which prevents the appearance of an advocate or a proctor before a *kathi*. I do not want to say anything more than request the Parliamentary Secretary to the Home Minister to kindly expedite the operation of this Act by bringing an amendment to Section 74 which would permit the appearance of lawyers before *kathis*.

**SENATOR SUNDARAM:** Is it not in operation?

**SENATOR AZEEZ:** No, it is not in operation because one of the difficulties in the way is Section 74. It is now felt by the Muslims in general that lawyers should be permitted to appear before *kathis*. I would therefore request that Section 74 be amended so that Act No. 13 of 1951, which is more up to date than Chapter 99, will come into operation without further delay.

**SENATOR THE HON. SIR L. RAJAPAKSE:** Mr. President, I propose to deal with the last point first because it is fresh in my mind.

The Muslim law which may be said to deal with the question of prohibited degrees or incest is contained in Section 45 of Chapter 99, as the hon. Senator who preceded me stated, and also in Clause 80 of new Act No. 13 of 1951. We refer to both those measures in this Bill for the reason that the second Act has not yet been promulgated.

I think the scope of the existing prohibition, as applicable to Muslims, is wider than that imposed by the existing Marriages (General) Ordinance. It is, therefore, not necessary to amend the Muslim law, and there have been no representations to have the Muslim law amended. All the prohibited degrees and incestuous marriages are described in Section 80 of the Muslim Marriage and Divorce Act, No. 13 of 1951.

The hon. Senator who spoke first (Senator Perera) asked why we do not

relax the law with regard to the step-daughter and step-father if we are prepared to relax the severity with regard to sex relations between uncle and niece. The answer is that it is a matter of degree.

When I proposed the second reading of the Bill, I ventured to submit that among some communities of South India - some of them have come and established themselves here and have become Ceylon citizens, while others have been here sufficiently long to be entitled to Ceylon citizenship rights - there are certain marriage laws and customs which have come down the ages, according to which an uncle could marry his sister's daughter. It is possible that such marriages take place in Ceylon. I ventured to draw a distinction between the validity of a marriage and the punishment for an offence of incest. All that we are doing is this: a marriage contracted, let us say, among Ceylon citizens, between an uncle and a niece, is still invalid; but if there is cohabitation between them, the proposal is not to punish them for that as for an offence of incest. There is a similar provision in England and we want to bring our law into line with it.

An hon. Senator wanted to know why we do not allow it in the case of a father and step-daughter or a mother and step-son. The essential difference is the difference between a father and a daughter. A sister's child would not be living, necessarily, in the same house, but a father and daughter - even if the daughter is a step-daughter - is in the position of an ascendant and descendant, and generally live in the same house. It is a matter of degree. A particular person may say that it should be allowed but I, for one, venture to submit that it should not be allowed. That is why it is not allowed - because of the relationship between ascendant and descendant, a father and daughter. We do not want to allow any such connection between a father and a step-daughter because the step-daughter is in the position of a daughter. That would be, if I may be pardoned for saying it, somewhat abhorrent to one's notions of morality. That is the reason why we do not want to extend the provision to father and step-daughter.

With regard to the comments and observations made by the hon. Leader of the Opposition (Senator Sundaram), I think he also wanted to know why it is proposed to repeal Section 16 of the Marriages (General) Ordinance, and to

introduce a section in the Penal Code. If we look at Sections 15 and 16 of the Marriages (General) Ordinance, we will see at once the reason for it. Section 15 says - I am paraphrasing it - that if any persons within the prohibited degrees contract a marriage, that marriage shall be invalid. That means the marriage would not be regarded as having taken place; and as the marriage has not taken place, the children by that union will be illegitimate.

Section 16 goes on to say that any marriage or cohabitation between parties within the prohibited degrees shall be punished as an offence. We are repealing that provision and introducing it as a special section in the Penal Code. Instead of repealing it and then introducing an amendment of the Kandyan Act and the Kandyan Ordinance, we are repealing all such provisions relating to incest and incorporating them under the Penal Code. That is what we have done.

You will note that the law, when this amendment is accepted, will still hold that if any parties within the prohibited degrees go through a form of marriage, such marriage is null and void. In fact, it is not a marriage at all - whether between uncle and niece, step-father and step-daughter or brother and sister, it is bad - because Section 15 says that it shall be invalid. But, then, the proposed legislation is that in respect of all the other prohibited degrees, if the parties cohabit or live together - except aunt and nephew and uncle and niece - they will be committing an offence. So that, it is only an uncle and niece and an aunt and nephew who are taken out of the penal clause. That is the effect of this amending legislation. This what it says:

“The following new section is hereby inserted immediately after section 365A of the Penal Code, and shall have effect as section 365B of that Code:

#### OF INCEST

365B (1) Any male person who has carnal intercourse or attempts to have carnal intercourse with any female person, who is to his knowledge his grand-daughter, daughter, sister or mother.....”

Those are ascendants and descendants. Then, again the new section says:

“Any female person of or above the age of fourteen years who with consent permits her grand-father, father, brother, or son.....”

Those are also ascendants and descendants. Then, There is the brother and sister. They are also included. Under this new section, all these persons commit the offence of incest. The only group excluded is uncle and niece, aunt and nephew. There is relaxation with regard to severity in respect of that group only.

Another question that was asked related to punishment, and that is provided for in the new section. It is imprisonment of either description for a term which may extend to one year or a fine, or both. Formerly, it was imprisonment without the option of a fine. So, this provision is not more severe. Section 16 says:

“Any marriage or cohabitation between parties standing towards each other in any of the above enumerated degrees of relationship shall be deemed to be an offence, and shall be punishable with imprisonment, simple or rigorous, for any period not exceeding one year.”

The new section provides for either imprisonment or fine.

## **APPROPRIATION BILL - 1953 -54 SECOND READING**

*17th September 1953*

**SENATOR AZEEZ:** Mr. President, I am very happy indeed that some of the remarks that I am going to make on education have been anticipated by the last speaker, the hon. U.N.P. Senator from the north. But before I make my observation on it, I cannot refrain from referring to the remarks made by the hon. Leader of the Opposition. Yesterday, he bemoaned the absence in this House of what he called were pleasant diversions which were available to him during the period prior to my arrival here. I am really sorry that owing to circumstances beyond my control, he has been deprived of those pleasant diversions. I am sorry that I cannot give him any assistance in that direction.

He sought enlightenment from me on certain subjects and I consider it a privilege to impart information and knowledge to such a respected elder as the Leader of the Opposition. But, unfortunately, Arabic Tamil, the ancestry of the Ceylon Muslims and the illegal immigrants who still come to our shores are subjects which, I believe, have no special relevance to the present discussion. Therefore, just as the hon. Senator seated on my right (Senator Dr. Perera) told another hon. Senator that he would give the information he sought privately, I also make the same offer to the hon. Leader of the Opposition. I would, however, tell him that as far as the Ceylon Muslim community is concerned, he need not entertain any fear that that community wants to raise Arabic Tamil to the status of an official language. I make that bald statement, so that he may sleep peacefully, if I may say so.

Listening to the comments of my good Friend (Senator Jayasena) - sometimes he is called the Estates Staffs' Senator, but I prefer to call him the communist Senator from Kandy - I became more convinced than ever that communism is

bad because he showed such love for democracy, such love for liberty. He viewed with horror the inauguration of the Home Guard because he felt that the inalienable rights of individuals would be affected thereby. He promised that even lovers of democracy who are very efficient will have a place in a communist society. He also went on to promise the hon. Deputy President the post of Commissar of Transport in the communist of Transport in the communist State to come!

As I listened to that promise, I thought what would be the fate of the communist Senator himself if, in that communist State, he persisted in his love for democracy, in his love for liberty and for the rights of the individual. While the hon. Deputy President will be elevated to the post of Commissar of Transport, the communist Senator will go the Beria way in a communist Ceylon. Apart from the other reasons I have against communism, my love and affection for my hon. Friend convinces me that the communist principle is the last thing we should import into this country. I trust there will be no communist State in Ceylon and that my good Friend from Kandy will always have the opportunity of offering his criticism, giving us his experience of soil erosion and advising us how to improve agriculture in this country.

As I said, my remarks on education have been anticipated and I am glad of it. I should like to pay my humble tribute to the Government for having increased the vote for the Ministry of Education from Rs. 120 million to Rs. 142 million, and the vote for the Department of Education from Rs. 109 million to Rs. 130 million.

I am glad my good Friend the U.N.P. Senator from the north did impress upon this honourable House that free education is an inalienable right of the citizens of any progressive country. I know that there are some members of this House who have expressed views somewhat to the contrary. They seem to think that education is a favour conferred upon the people by the Government. I do not share that view. They want to shape education in such a way that there will be a plentiful supply of toddy tappers, labourers, artisans, nut pickers, and so on.

**SENATOR DE ZOYSA:** Not plentiful but sufficient for the country.

**SENATOR AZEEZ:** But that is an entirely different matter. If only we are prepared to pay adequate wages, the supply will always be sufficient. In other countries, there are examples of people being paid higher salaries for unpleasant jobs. I am told that in Australia scavengers get very handsome wages because scavenging is a somewhat unpleasant job. Similarly, it depends on the planners, on the Government to organize things in such a way that there is no inadequacy in the supply of certain types of labour. But, for that reason, to deny citizens their education and to give that advantage only to those who have money or who have inherited money is, I think, very undemocratic.

**SENATOR DE ZOYSA:** Nobody suggested that.

**SENATOR AZEEZ:** You cannot look at education from the point of view of figures in the Appropriation Bill. You have to think of the philosophy behind it. If you accept the principle that education is an inalienable right of the citizens, you have to give it to them. I think, as the previous speaker said, no Government can abolish free education without abolishing itself. It is for that reason that an advanced country like England, while she was in the throes of war and uncertain of victory, devoted the fullest attention to the reorganization of the educational system, which finally led to the Education Act of 1944. That was because a progressive country like England realized that education is not a charitable allowance but a major capital investment made by the country in its own interest. As the previous speaker said, we may be imparting in certain aspects the wrong type of education; but I think it is not correct to condemn free education for that reason.

**SENATOR KANAGANAYAGAM:** It is not so important as the Lanka Mahila Samiti !

**SENATOR DE ZOYSA:** He is drunk with the Lanka Mahila Samiti at the moment.

**SENATOR AZEEZ:** I am not going to be distracted by the Lanka Mahila Samiti. I think that is a domestic quarrel. I am confining my remarks to education.

Education alone can equip the growing generation with the necessary technique and character not merely to understand and appreciate the problems of the nation but also to dominate its difficulties. If education is conceived in that manner, if education is viewed in its proper perspective, I do not think anyone will say that as the food subsidy has been removed or reduced, the large expenditure on education can be avoided by doing away with free education. Of course, income tax may go up - I do not know. But that is a different matter. I consider the free education now given by the Government as the irreducible minimum and not the maximum.

Some hon. Senators who offered remarks on free education seemed to have taken no note of the Education (Amendment) Act, No. 5 of 1951, which brought in certain very substantial modifications of free education, as it existed prior to that date. For example, it was stated that free education is given without any restriction, without any limitation. That is not correct, because there has been introduced a test at Standard VIII; and as a result of the test, all students cannot receive free education. Only those who are considered to be fit after a certain test are given free education. Everybody has not the chance of going to the University. To say that there is free education from the Kindergarten to the University may sound laudable, but it is not true, because the number of students who can be educated in the University of Ceylon is restricted.

I am familiar with the criticism made outside this House that free education is not free enough, that free education is very limited in scope, because it only gives free tuition and not free education in a comprehensive sense, that there is a selective test which prevents certain students from receiving free education after a certain stage. I do not want to deal with such criticism because it has not been made on the floor of this House. The criticism levelled here is of a different nature, namely, that too much money is spent on free education and that it should be reduced. It was asked: Why not have free education only up to Standard V? Why not give scholarships to the better type of pupils? It has been proved that it is really difficult at the Standard V stage to select the fit from the unfit. In fact, England, which had introduced this system under the Education Act of 1944, is revising its opinion. This very question was debated in the State Council

somewhere in 1946, and it did not agree with the recommendation of the Special Commission. The State Council decided that the selection should be made at Standard VIII. Therefore, to go back to Standard V would be a retrograde move.

I should like to remind this honourable House that at one time, between 1947 and 1951, there was compulsory education up to the age of 16. I said that the educational facilities provided at present under the free scheme are the irreducible minimum. From one point of view, there has been no progress maintained. While in the 1947 Act, there was free education up to the age of 16, now it has been limited to the age of 14. Having regard not only to the finances of the country but also to the number of educators available, it is not worth having on the statute-book something which is unattainable. For that reason, it is good and satisfactory that the Education Act, No. 5 of 1951, brought down the age of compulsory education from 16 to 14.

My hon. Friend from the north (Senator Kanaganayagam) has already told this House that what is wrong with education today is that it is not sufficiently diversified. That is true, but education cannot be improved overnight. As far I know, the Government is taking vigorous steps to introduce practical education. We had an entirely different type of education which was quite suited to the conditions of a colonial economy. The transformation from that type of education to a national type should take some time. It is not like producing twisted yarns by means of machinery. Education, they say - and I agree with it - is a plant of slow growth. While I say that Government should speed up with certain aspects of education, I also recognize that things can be done only at a certain pace because every problem of Education is conditioned by the availability of teachers. I do not know whether the country is prepared to import a large number of teachers from outside. Even that is not possible because everywhere in the world, whether it is America or England-I believe also in Russia-there is a shortage of teachers for various reasons about which I do not want to enter into a discussion.

That brings me to the problem of teachers. The Salaries Commission has recommended that an expert committee should go into the question of grading teachers, effecting the necessary adjustments to their scales of salary, and so on.

I hope the Government will appoint that expert committee as quickly as possible, so that the problem of teachers, their salaries, recruitment and supply, which is very closely connected with the problems of education, will be attended to early.

I do not propose to dwell on the question of rich parents. I have no strong opinion as to whether cars should or should not be imported. Parking of far too many cars opposite the Royal College has led to a lot of misunderstanding. For that reason alone, I may be tempted to agree with the hon. Deputy President. The fact that there are a few limousines parked outside the Royal College has induced some hon. members to suggest that rich parents should be asked to pay fees for their children. There are some parents, as the hon. Senator on my right said, who have nine children, others with seven children and others without any. So that, it is very difficult for the person who deals with these matters at the administrative level to decide how much a particular parent should pay: whether he should pay full fees, or half fees.

Difficulties of that nature will crop up. I am sorry I have no statistics with me to show how many people in this country have limousines and send their children to Royal College in them. Whether such an inquiry and action will help to add to the finances of the country in any considerable measure, I do not know. Therefore, I do not wish to elaborate that argument. The Government is committed to the expenditure on the actual salaries paid to teachers. How the collection of fees will be integrated with that policy, I do not know. I think difficulties in the way are many. The number involved is so few that it is not worth pursuing the matter. In spite of all the wishful thinking, I doubt whether a large sum of money will be saved on the education vote in that way. Perhaps the only way to reduce the education vote is to close the Health Department and increase the death rate. I do not think those who want to save on the education vote will advocate such a step.

I want to deal with one more subject before I conclude and that is the question of Sinhalese and Tamil. One of the previous speakers said something about segregation. There is that evil but it is not something that cannot be remedied. I would recommend to the Government to give all possible encouragement to the

growing generation to be bilingual, in the sense that they will know both Sinhalese and Tamil. In other words, I would recommend to the Government that the Education Department should encourage schools to introduce Sinhalese, at least at Standard VI, to the Tamil-speaking children and Tamil, at a similar stage to Sinhalese-speaking children.

There is an acrimonious controversy as to the stage at which the other language should be introduced. I do not want to enter into an argument on that subject but I should like to point out that Professor Anderson of the Yale University and Director of the UNESCO Seminar made the categorical statement that the theory that bilingualism and bilingualism retards mental development is unfounded and that it is a legend that should be exploded at the earliest possible opportunity. He cited several examples of countries that are successfully experimenting with bilingualism and triangulaism.

What is needed in this country is that our Education Research Council should not merely be satisfied with blindly following what is happening in England, where there is really no serious problem of bilingualism, but should endeavour to conduct its own researches having regard to local conditions, local needs and local problems.

I know that there are many other hon. Senators are desirous of making their contributions to the debate. I have great pleasure in supporting the Bill.

**SENATOR NAGALINGAM:** Mr. President, I must admit that it is a great pleasure to me to follow the hon. Muslim Senator who gave us the benefit of his views on the teaching profession of Ceylon in regard to bilingualism and the place Tamil and Sinhalese should occupy in the education policy of the Government.

His views are indeed heartening and strangely enough we, the leftists of this country, are in agreement with them. There is something very interesting in that connection on which I shall be brief. My hon. Friend the Muslim Senator, the U.N.P. Senator from the north and I happened to belong to a youth organization

twenty-five years ago. For the first time in Ceylon, we, as students, advanced the proposition that pupils in Sinhalese schools above the Standard VI should be taught Tamil and that boys above the same Standard in Tamil schools should be taught Sinhalese in order to promote racial unity. Today, the hon. Muslim Senator who has just spoken about education avoided all other controversial and non-controversial issues. He used to be like that even in the days of his youth. The main resolution of our organization was one which demanded from Great Britain complete independence for Ceylon. I was the secretary of that organization, year after year, and my good Friend used to keep out of such issues. He used to tell us that he had to consult his grandfather as to whether he could move such a resolution or not. There was no fictitious grandfather. In fact, he had a grandfather.

**SENATOR AZEEZ:** Everyone has a grandfather.

**SENATOR THE HON. SIR O. GOONETILLEKE:** Resident in Ceylon !

## SCHOOL TEACHERS PENSION BILL SECOND READING

15th December 1953

*The object of the Bill is both to legalize previous contributions and to provide for the establishment of a fund towards which both teachers and the Government will contribute. The amendment is purely formal.*

**SENATOR A.M.A. AZEEZ:** I do not wish to cast a silent vote on this Bill. I am in agreement with my hon. Friend from Hastisailapura (Senator Palipane).

On the question of pension to the orphans of female teachers, I am aware that the teachers' organizations were all in favour of such pension, but when it was pointed out to them that the principle involved would apply not only to female teachers but also to all other female employees of Government and that that particular aspect of the questions demanded further consideration, the teachers' organizations - at least, some of them I know - were inclined to the view that it was better to speedily obtain pensions for the orphans of male teachers than suffer further delay.

May I, at this stage, refer hon. Senators to the debate in the other place where it was stated that a motion was moved in 1934 asking that teachers who joined assisted schools after 1934 should be granted Widows' and Orphans' Pension Fund benefits? It has been stated that it was moved by the present Minister of Home Affairs. Well, it is much better to have pensions for the orphans of male teachers in 1953 or 1954 than raise the other question now and wait for a longer period of time to achieve that object.

I know it is on that basis that there has been an almost general acceptance of this Bill. Therefore, I earnestly request the hon. Leader or the Hon. Minister sponsoring this Bill to kindly consider these facts and give effect, in another amending Bill if necessary, to pensions to orphans of female employees, of whom there are a large number.

There was an earlier enactment which, the Hon. Minister explained, had to be repealed owing to certain legal difficulties, namely, the School Teachers' Pension (Amendment) Act, No. 3 of 1952. Before that Bill was introduced, there was a conference summoned by the then Minister of Education at which practically all the teachers' organizations were represented, such as the All-Ceylon Union of Teachers, the Lanka Jatika Guru Sangamaya, the Joint Committee of English, Sinhalese and Tamil Teachers' Unions, the All-Ceylon Tamil Teachers' Association and the All-Ceylon Headmasters' Conference.

At that conference, it was agreed that the teachers should make a contribution of two per cent. It was also emphasized by all the organizations concerned that after this contribution was made by the teachers, the orphans and widows should get a pension which would not be less advantageous than that obtaining for the dependents of public servants under the Widows' and Orphans' Pension Fund Ordinance. In the case of a public servant, he contributes four per cent. of his salary for pension to his dependants but he does not contribute anything towards his own pension; whereas in the case of a teacher, be a Government teacher or an assisted school teacher, he has to contribute four per cent. for his own pension. Therefore, the conference agreed to contribute a further two per cent. That means teachers would be contributing, in all, six per cent of their salary - four per cent towards their pension and two per cent towards a pension for their widows and orphans.

It was understood that the pension tables for the widows and orphans of teachers would be no less advantageous than those obtaining for the dependents of public servants. There has been no definite pronouncement on it although after the earlier Act was passed there were discovered certain legal difficulties. However, I do not think those difficulties arise now; otherwise, we would not be having the present Bill before the House. It was stated that, pending the preparation of the final tables, the Treasury would utilize the tables applicable to Local Government Service employees. But those tables are of quite a different type and I would, therefore, request the Government to ensure that the tables which are in operation for public servants be made applicable to teachers who will now be called upon to contribute under the provisions of this Bill.

I also find that the hon. Parliamentary Secretary to the Minister of Finance has made the following statement in the other place:

“In 1952, an Act amending the School Teachers Pension Rules, No. 30 of 1952, was passed, and under that Act it was sought to obtain a contribution of two per cent of salary from teachers, with a similar contribution by Government.....” - [OFFICIAL REPORT, REPRESENTATIVES, 27th October, 1953; Vol. 16, c. 326.]

Later on, in the course of the debate, the Hon. Minister of Food and Agriculture, who was earlier the Minister of Finance said:

“In 1952, we said that when a male teacher retired on pension and died his widow and orphans would be entitled to a pension consisting of a contributory two per cent by the teacher and two per cent. by the State.”-[OFFICIAL REPORT, REPRESENTATIVES, 27th October, 1953; Vol. 16, c. 337.]

I take it that it means that if the teacher contributes Rs. 50, the Government will make an equal contribution. If that is the position, it will be easily possible for the widows and orphans of teachers to receive as pension the same sum as that received by the dependants of public servants drawing similar salaries as those drawn by teachers. On this question, there has been no finality because in connection with the Bill which was passed in 1952 there seems to have been some delay with regard to the legality of the contributions. I hope that the necessary regulations will be framed speedily so that teachers can be assured of this pension. It must be seen to that widows and orphans of teachers will get a really worthwhile pension which would enable them to get proper food, shelter and clothing. I think that is a very important aspect of the matter which must be brought to the notice of Government.

There is one other feature to which I should like to refer. The expression “teachers” is defined in Clause II of the Bill and it includes teachers employed in any school maintained, wholly or partly, from the public funds of the Island. That roughly corresponds to Government schools and schools assisted by Government.

There is a third category of schools, namely, the unaided schools. I think it

can be said that those are all other schools which are not Government or assisted schools. Clause 11 (b) refers to teachers in any unaided school as defined in the Education Ordinance, and so on. I gained the impression that to any school, whether it is a day school, night school or evening school, or whether it is a recognized or unrecognized school, or whether it sends candidates for examinations or not, this provision would be made applicable. Reading the definition of “unaided school” given in Ordinance No. 26 of 1947, I understood it to mean neither a Government school nor a Government assisted school Section 42A of that ordinance, which is referred to here, makes mention of some kind of notification which has to be made to the Director. In other words, when it comes to unaided schools all schools are treated alike. There is no distinction drawn between an unaided school, like St. Thomas’ College, which was once a Government-assisted school and which is now unaided, and any other school which was never a public school but which was merely a tutory.

The term “unaided school” includes various types and categories. I do not know whether it is the intention of Government to give widows’ and orphans’ pensions to the teachers of all unaided schools. If that is the intention, I have nothing to say. It is a very laudable object. But I should like to stress the justice that should be meted to one group of teachers who have been badly affected by the Education (Amendment) Act, No. 5 of 1951, namely, those who have been in assisted schools and who, for no fault of their own, find themselves in unaided schools. The teacher who had a certain measure of protection from the Government in regard to salary finds that protection no longer existent as a result of his school becoming an unaided school without any consultation with the teacher concerned. Those are the teachers who have no special protection and who should be given special consideration by the Government; and I would earnestly urge the Government to treat this particular category of teachers as a special case. I would ask the Government to frame special regulations to provide for this particular category of teachers.

I have great pleasure in supporting the Bill. I only wish this Bill had come into force a few years earlier - but better late than never! I do hope this time the Bill has been so drafted that there will be no necessity for any further amendment.

**SENATOR SIR JOHN TARBAT:** Mr. President, may I ask if the hon. Senator who just sat down has any idea as to what the cost of his suggestions would be?

**SENATOR AZEEZ:** It will not be a loss to Government.

## **BRIBERY BILL SECOND READING**

*23rd February 1954*

*Firstly the Bill was to come into operation on 1<sup>st</sup> March, 1954. Secondly, it is generally agreed that this Bill is very desirable at the present moment.*

**SENATOR AZEEZ:** Mr. President, I have had the rare privilege of witnessing the transformation of a radical into a conservative, and that is the temptation for me to intervene in this debate.

The hon. Senator who preceded me characterized this Bill as unprincipled and retrograde; and he said that it invaded fundamental rights. I am no lawyer, and my powers of thinking are perhaps not so subtle as those of a lawyer. I could not follow from the arguments adduced by my hon. Friend in what sense this Bill has invaded fundamental rights. The very vital fundamental rights of life and liberty do not seem to have been invaded by this Bill. The question at issue is whether allegations of bribery are so wide and frequent that it has become a matter of paramount importance for Government to take note of them and bring about remedial measure. I feel that this Government ought to be congratulated on having introduced this Bill.

In the first place, the Bill was characterized as retrograde and unprincipled. As I said, I still have not followed how it is unprincipled because in a young democracy like ours, it is very essential that all possible steps should be taken against bribery and accusations of bribery. This Bill seeks to remedy that situation.

It has been stated that the Attorney General who holds such an eminent and high judicial position under our Constitution should not be invested with the duties and powers provided by this Bill. I should like to ask you, Mr. President, if it is granted that accusations of bribery have become so frequent and some measures should be taken, whether it not very necessary that there should be machinery for the purpose.

The hon. Senator suggested, I believe, that you could prevent bribery by *ad hoc* commissions. The defect in *ad hoc* commissions is like of continuity. And that has been pointed out very often in the Press, on public platforms and the floor of this House and in the other place. If it is the position that an *ad hoc* commission or commissions cannot solve this problem, then it becomes necessary that there should be either an officer or a department invested with this responsibility. It may, of course, not be satisfactory to constitutional puritans and eminent lawyers to find the Attorney-General in Ceylon invested with powers and duties that are, perhaps that not given to his counterpart in England. But the fact remains that the Government has to select an officer and I, for one think that the best officer for this purpose is the Attorney-General. It is essential that when members of the House of Representatives. Senators and heads of departments are involved, the person who controls investigations should be as aloof from party politics as possible. I, for one, cannot think of anybody more suitable for the purpose than the Attorney-General.

The hon. Senator also said that as far as the Members of the House of Representatives and Senators are concerned there should be some other machinery, and be referred to the Parliamentary (Powers and Privileges) Act. I think it is also equally essential that there should be some degree of equality of treatment between the public servants and the Members of Parliament in this instance. After all, it is only those Senators and Members of Parliament who want to take bribes that will be affected. Every Senator is not going to be affected and, for the sake of putting down this great evil, I feel that there should be no great divergence between the procedure that applies to public servants and that which applies to Ministers, Junior Ministers and Members of Parliament.

The question of lawyers appearing before public servants was raised. My hon. Friend said that after he became a Senator he, of his own volition, refrained from appearing before certain officers. But, Mr. President, All members of parliament - I say this with due deference - are not so conscientious or pure or puritanial as my hon. Friend. Therefore sometimes it becomes necessary-

**SENATOR NADESAN:** I appeared before the Commissioner of Income Tax.

**SENATOR AZEEZ:** I am now referring to public officers. Therefore, sometimes in order to generalize such practice legislation may become necessary.

I think it was stated that unlike a lawyer a doctor, like by hon. Friend (Senator Dr. Samarasinghe) seated behind me, is not precluded by this Bribery Bill from treating and, perhaps, receiving a fee, if a Member of Parliament fell ill. That, I would submit, is not entirely correct because if some Member is arraigned before a court of law on a charge of murder, or some such charge - God forbid it should be so - I am sure there is no provision in the Bill preventing any lawyer Senator here appearing on behalf of that Member, and receiving a fee. Of course if that hon. Senator appears without fees, there is no objection whatsoever.

The point at issue is whether cases of bribery or accusations of bribery have become so alarming that we should have some measure of prevention - which is, perhaps, unique or different from the procedure adopted in England but which has backing of public opinion - which could be entrusted to an officer who is free from all possible accusations. I want to emphasize that in that context I cannot think of a better officer than the Attorney-General for this purpose. My hon. lawyer Friend stated that the Attorney-General is involved in litigation. If he is already involved in litigation, I do not see any very grave objection too his being involved-

**SENATOR P. NAGALINGAM:** In further litigation.

**SENATOR AZEEZ:** - in further litigation, as my hon. Friend says. After all, bribery is a very grave disease, and we should take steps to prevent it spreading.

In conclusion, I would submit that the hon. lawyer Senator who criticized the Bill did not suggest an alternative to put down bribery, except to say that *ad hoc* commissions-

**SENATOR NADESAN:** I suggested the Public Service Commission in respect of public servants; the Judicial Service Commission in respect of judicial officers; the Privileges Bill for Members of Parliament and Senators and in the case of Supreme Court Judges, resort to an address to both Houses of Parliament.

**SENATOR AZEEZ:** My answer is that all the commissions that be mentioned have, with due deference to their findings, failed so far as this particular purpose is concerned, because there real function is entirely different. We want some officer, who would specialize in the detection of bribery. After all, this is an age of specialists. Are we going to invest these various commission, which have other equally important work to do, such as assessing qualifications, and so on, with this extra function? I would therefore, submit that this Bill provides the best machinery that could be devised for this very important purpose of preventing bribery.

I whole-heartedly support the Bill.

## **COMMISSION ON INTERFERENCE IN AFFAIRS OF CEYLON BY EXTERNAL AGENCIES**

*12th May 1954*

*A commission was suggested to be appointed to inquire into and report on the extent to which such interference exists in Ceylon and to suggest ways and means to eradicate such interference.*

**SENATOR A.M.A. AZEEZ:** We have been so distracted from the terms of this Motion that I find I have to read it out especially as the hon. Mover has himself forgotten to read it.

**SENATOR NADESAN:** I read it out yesterday.

**SENATOR AZEEZ:** Since yesterday we have been made to wander through Indo-China. Malaya and, in fact, practically the whole world, with the result that we have not been able to get to grips with the Motion. Therefore, I think that in fairness to you, Mr. President, and to myself, it is best that I read it out so that we may understand what we are talking about and what we are discussing. We have been made to take our minds through the intricacies of President Eisenhower's foreign policy and various other matters, with the result that we have nearly forgotten that the terms of the Motion are to the effect that a commission should be appointed for a certain specific purpose which has nothing to with all those extraneous matters.

This is what the Motion says:

“The Senate while welcoming the unshakable determination of the Government to resist interference in the affairs of Ceylon by external communist, anti-communist or other agencies is of opinion that a Commission should be appointed to inquire and report on the extent to which such interference exists in Ceylon today and to suggest ways and means of eradicating such interference as such a step will considerably assist the Government in making its “unshakable determination” effective in actual practice.”

I speak Mr. President, with a guilty conscience because I have always thought that my hon. Friend (Senator Nadeson) is incapable of appreciating anything that this Government does, whether it is good or bad. I must redeem myself and confess that today I find he can appreciate certain good actions of this Government. That is why he so enthusiastically welcomes the policy of the Government as laid down by the Prime Minister.

He goes further. He does not merely welcome it but wants to be of assistance to the Government in the furtherance of its policy. With a view to being of assistance, he has made such a deep study of this question that I, as a back bencher, feel I must try and agree with him, especially in this instance because he is so seemingly co-operative and has, for the first time, welcomed something which our Government has done. That is why I would like to approach this whole problem with a view to achieving the largest possible measure of agreement with his Motion.

I am in complete agreement with the first part of it. I did not have the benefit of his eloquence yesterday nor his reading of the Motion but I went through the report of his speech in the *Ceylon Daily News*. I find that he has advised the Prime Minister and the Members of the Government that they should make a deep study of foreign affairs before formulating any policy. Unfortunately, the Government does not have as large a mass of papers and documents which he has been able to accumulate.

I think he was quite correct in emphasizing the need for a deep study of the geography, economics and history of all the countries of the world right from the year 1860 or a little earlier. It is a pity that this information was not given to the Hon. Minister of Industries, Housing and Social Services when he was attached to the Ministry of External Affairs. It is not too late to do so even now.

I have been always looking up to the hon. Senator as a fighting libertarian, as a champion of civil liberty, as one who fearlessly and tirelessly exposes the cause of freedom and the fundamental rights of the individual. It was only yesterday that I heard from him what civil liberty meant.

**SENATOR NADESAN:** And the hon. Senator voted against me !

**SENATOR AZEEZ:** I voted against him because his version of civil liberty is a narrow, legalistic seventeenth century one. He has not taken into consideration the developments that have taken place in the world for the last 300 years. Nor has he properly placed the individual in the complex society that he finds himself in. Nevertheless, I heartily admit that he is a champion of civil liberty. He is against totalitarianism. He is, what I may call, the defender of the faiths: the faith in democracy, the faith of liberty, and the faith of fundamental rights.

Today, I would like to approach the problem of the commission that he is trying to suggest from that very same angle of civil liberty and democratic rights. If a disciple were to excel his master in his passionate quest for liberty, I am sure the hon. lawyer Senator will be very happy to feel that his passion for liberty has an infectious quality about it.

My hon. Friend has framed his Motion taking a portion of the communique issued by the Prime Minister of this country after the South-East Asian Conference. I should like to read for your benefit, Mr. President, the first portion of that communique:

“The Prime Minister affirmed their faith in democracy and democratic institutions and, being resolved to preserve in their respective countries the freedoms inherent in the democratic system, declared their unshakable determination to resist interference in the affairs of their countries by external Communist and anti-Communist or other agencies.

They were convinced that such interference threatened the sovereignty, security, and political independence of their respective States and the right of each country to develop and progress in accordance with the conception and desires of its own people”

The emphasis there is on democracy and on the rights of the citizen.

A commission has been advocated in the Motion, but the whole of this afternoon much attention was not paid to that aspect of it. I sincerely regret that I did not have the benefit of the eloquence of the speech my hon. Friend made yesterday, and I therefore rely on this morning's newspaper report. A commission

has been suggested on various grounds. But before I deal with that, I should like to remind the hon. Senator that in addition to the commission which is functioning or is going to function in Australia, in addition to the commission that is already in operation in Canada, there is also something corresponding to a commission in that country to which my hon. Friend has devoted a good deal of study and attention as well as deep thinking, namely, America. In that country there is commission or something corresponding to the commission presided over by that well-known person Senator McCarthy, which is dealing with un-American activities.

I would submit that by appointing a commission as contemplated by the hon. Senator, we run the risk of having “McCarthyism” in this country. My hon. Friend is already very happy at the prospect of the hon. Senator who represents insurance companies (Senator Kotelawela) rushing to his commission with papers and documents. But it does not react only that way. There may be many innocent people who will be dragged in to give evidence before the commission on any frivolous petition. Ordinary citizens, for no fault of theirs, may have to dance attendance before the commission which will naturally have very wide powers of interrogation, and so on, given to it. I can envisage that commission even summoning my hon. lawyer Friend and asking questions about the affairs of Mrs. Joseph de Silva. The hon. Senator, in his patriotic mood, may certainly be prepared to sacrifice his time and energy and give the commission the benefit of his knowledge, but it is very inconvenient for many others. Therefore, I suggest that in dealing with the proposal for the appointment of a commission we should address ourselves to the question whether it is an absolute necessity.

I now come to the parallel my hon. Friend has drawn from Australia and Canada.

*Sitting suspended at 4.30 p.m., and resumed at 5 p.m.*

**SENATOR AZEEZ:** Mr. President, when we adjourned for tea, I was trying to explain the circumstances which led to the appointment of similar commission in Canada and Australia and to indicate that those circumstances do not obtain in this country.

In the case of Australia, a commission is to be appointed, or was appointed, as a result of the discovery of an organized system of espionage and attempted subversion. There was clear evidence of it and a *prima facie* case was made out. It was on account of that that the Government decided to appoint a commission. Even so, it cannot be said that the policy of Australia for years and years was not that there should be no external interference. They did not appoint a commission as soon as, or a few years after, they decided that there should be no external interference.

With regard to Canada, certain secrets had leaked out and the Government decided that the appointment of such a commission would be appropriate.

I have already told you of the reasons which would prompt any government to appoint such a commission and I do not think I need go into the details as regards the evil effects of “McCarthyism” in the United States of America. My contention is that while our policy is that external interference should not be tolerated, there is no necessity for the appointment of such a commission, at any rate at this stage. Thanks to the vigilance of the Government and the steps it has taken, we have not so far had any evidence of systematic espionage or attempted subversion in this country. I would appeal to the lover of liberty to wait until *prima facie* evidence is actually available and there is really a need for a commission. There is no use hunting after imaginary ghosts at this stage. It was only yesterday that he used a very picturesque phrase when he said that this country is degenerating into a fascist regime. I say that if we are going to appoint a commission of this nature, without any real need for it, we would certainly be adopting a fascist attitude.

The policy of this Government has been laid down in very explicit terms, and the appointment of such a commission is not necessary for the vigorous implementation of that policy. If the Government comes to the conclusion, at some stage or other, that a commission is necessary and that the collection of evidence, interrogation of people, and so on, is desirable, I have no doubt that it will not hesitate to take the necessary action. My submission is that there is no necessity for it at this stage.

I have to remind the House once again of the very doughty fights of my hon. Friend (Senator Nadesan) on behalf of the rights and liberties of Ceylonese citizens. It was only yesterday that we listened to his version of the rights of a Ceylonese husband. It is very difficult to understand why there should be such inconsistency on his part. On practically every occasion that I have listened to him in this House, he has been stressing and re-stressing the necessity for the non-violation of human rights. He has even castigated the Government for such alleged violations. Perhaps, the only explanation is that, because of the fondness which he has apparently just developed for Government policy, he has, in the exuberance of his enthusiasm as a new convert, forgotten the tenets of his old creed. I appeal to him to go back to his old creed and be so good as to withdraw the Motion.

**SENATOR NAGALINGAM:** ... We got the second best contribution on behalf of the Government from the Hon. Muslim Senator who sits on my right (Senator Azeez). He strikes me as being one of the most enigmatic, suave characters in Ceylon public life. At the sametime I must say that sometimes when he launches out on some of these subjects, I am really amazed...

**SENATOR NADESAN:** I have listened to the very interesting and illuminating observations made on behalf of the Government by the Hon. Minister of Justice. As a mater of fact, the reasoning contained in those observations is of such a "profound" nature that I do not think I will be justified in taking very long in dealing with it. The Hon. Minister of Justice ends his observations by charging me that I have made a speech which is not all relevant to the Motion. Being a very learned lawyer and, possibly, having been a lecturer in his day on the law of evidence and relevancy, he apparently thought that the speech I made was not relevant. The same remark has been made by my hon. Friend the Muslim Senator (Senator Azeez) whom I knew in the old Youth Congress days in Jaffna as one of the radicals of that period. I never visualized then for a moment that in course of time he would graduate through the Civil Service and the educational world towards a last resting place in the bosom of the U.N.P. ! But, of course, things change. We who were together in the old days in the common struggle against British imperialism have taken diverse paths, and we now find ourselves in different camps.

The hon. Muslim Senator charged me with having made a speech which was not relevant. He said that I did not speak to the Motion. He also thought-of course, I do not blame him, for in point of fact he was not here yesterday - that I did not read my Motion to the House. I submit that the entirety of my observations were quite relevant to my Motion which reads thus:

"The Senate while welcoming the unshakable determination of the Government to resist interference in the affairs of Ceylon by external Communist, anti-Communist, or other agencies, is of opinion that a Commission should be appointed...."

If I might revert to the observations made by the hon. Muslim Senator, he said in the course of his speech that the reason why he opposed this Motion is because he is a great champion of civil liberties. A transformation seems to have taken place over him since yesterday. Apparently, he has gone home and thought over the debate we had yesterday on the subject of civil liberties. Today, he is rather penitent and thinks that he should stand up for civil liberties. That is why he opposed the appointment of a commission. I only ask the hon. Muslim Senator (Senator Azeez) whether civil liberties involve the liberty to libel people, to slander people, publicly; to say that they are in the pay of Russia, in the pay of America, in the pay of this and that country; to say that people are dishonest and are selling the independence of this country. Is all that consistent with the exercise of civil liberties by the population for this country in which he interested? It is for the purpose of preventing people being maliciously assailed and libelled that such a commission is wanted. For instance, I have heard people like my hon. Friend who is interested in insurance companies (Senator Kotelawala) characterized by certain revolutionary parties as being in the pay of the Americans. That is a very serious allegation and it is but right and proper that such allegations should be investigated. That is the only way we can find out who is in the pay of who. It is for that reason that I thought it was very desirable and necessary that this Motion should be passed by this House.

The hon. Muslim Senator also said that he was rather surprised that I was a supporter, a new found supporter, of the Government Party. Well, whenever the Government does the right thing I take it it is the duty of every Member to support

it. I support the Government with discrimination, unlike my hon. Friend who is obliged to support it whether it is right or wrong ! He need not be worried on that score -*[Interruption.]* My conduct in this House or the point I may make with regard to a particular subject is not a matter in respect of which any person can possibly forecast. But I can assure my hon. Friend that on any particular occasion I will be able to say, well before the debate commences, on what side his vote will be cast ! I suppose, that is an unfortunate aspect of the party system -

**SENATOR AZEEZ:** That is our form of democracy !

**SENATOR NADESAN:** “That is our form of democracy” says he! Of course, I have nothing to say about that. Let not my hon. Friend complain about the fact that occasionally he finds me on the side of the Government. That is not surprising at all. Naturally, he will be elated on those occasions when he finds I am on the side of the Government because he would like that somebody in my position should occasionally fortify this faith in the Government ! There may be other occasions when my being against the Government might invoke a corresponding pessimism in his mind ! But he has to survive. He has chosen his path and I have chosen mine, and there the matter ends.

## **CEYLON (Constitution) AMENDMENT BILL SECOND READING**

*6th July 1954*

**SENATOR A.M.A. AZEEZ:** Mr. President, the last speaker wants me to accept four propositions which he has just put forward. They are, firstly, that the fundamental rights of the minorities will be done away with secondly, that this measure cuts at the very root of territorial representation and that communal representation will be outcome of it; thirdly, that this is a form of segregation of a certain class of persons as has been resorted to for instance, in South Africa; and, fourthly, that this is a reactionary measure.

I should like to remind you, Mr. President, that these fundamental rights in Section 29 of our Order in Council have been taken almost bodily from the draft Constitution which was prepared by the old Board of Ministers. As you may be aware, the present head of the Government, the Rt. Hon. Prime Minister, was a member of that Board. In fact, I understand that this provision was taken from the Constitution of Northern Ireland.

I attach as much importance to Section 29 of the Constitution as my hon. Friend who preceded me but I disagree with him when he says that certain fundamental rights of the minority communities will be taken away or whittled down as a result of this piece of legislation. I speak as a member of a minority community myself but I entirely disagree with that view. We do not yet know the exact position from the present Bill. A Bill will be placed before us in due course. We are now able say that this is an *ad hoc* provision made to serve a special purpose. It has been expressly provided here that this will last only for a certain period of time and, therefore, it is very difficult for me to believe that there has been a violation of certain fundamental human rights. I do not think it is at all correct to say so.

How this can cut at the very root of territorial representation I quite fail to understand because no effort has been made to disturb the present arrangement for holding elections on a territorial basis. History has been cited but I should also like to state that we have general territorial electorates after having gone through the process of separate electorates. As a matter of fact, we have never had 100 per cent. territorial representation. That is clear from our Constitution which provides for a certain amount of weightage in respect of particular areas on a square-mile basis. The history of Ceylon shows that although certain sections of the people have suffered from various disabilities, they have very satisfactorily been merged into the system of general territorial representation.

The other proposition the last speaker propounded was that this was segregation of the South-African type. All I can ask him is does Shri Jawaharlal Nehru believe in that type of segregation? I know that he is a violent opponent of it. Will he put his signature to an agreement that advocate such segregation? I would rather believe in Shri Jawaharlal Nehru - because he is a great statement - than in the hon. Senator of the Nava Lanka Sama Samaja Party.

The hon. Senator also used the word "reactionary" in the course of his observations on this Bill but he did not proceed to tell us how it is reactionary. I should therefore like to emphasis that this is an *ad hoc* provision which will last only for a certain stated period. We cannot always have theoretical rules of constitutions. We say communal representation is bad. I do not subscribe to that proposition in all circumstances and in all cases. I also submit that we do not have territorial representation in its purest form today. From certain passages of the Soulbury Report, we notice that certain compromises and certain modifications of mathematical propositions are necessary in order to have a harmonious society. So that, territorial representation by itself or communal representation by itself is not the last word on the subject of political representation. I do admit that the present compromise reached is an ideal one. All I want to emphasise is that even today we do not have 100 per cent. territorial representation, of which the last speaker is so enamored and to which he is so devoted.

**SENATOR NAGALINGAM:** My hon. Muslim Friend (Senator Azeez) will

testify to the fact that from even my school days I have always avoided associating myself-I was a member of the Jaffna Youth League and, thereafter, I became a member of the L.S.S.P.-with any communal organization or association. Therefore, it hurts me at any time to have to explain in any manner that there was something like a Tamil problem in Ceylon or that there were difficulties in regard to the integration of the different racial groups. Indeed what we always maintained and what we always held up as an ideal is that there should be no racial problems or difficulties for us. The hon. Muslim Senator maintains that even in the territorial representation or purely communal representation. That is only human. After all there are human failings and shortcomings. But the ideal we have placed before ourselves is that every man and every woman, of whatever racial stock, must be able to feel that he or she is a Ceylonese. People must be able to feel that they can make whatever contribution they wish for the benefit of the country.

#### ADJOURNMENT

Motion made, and Question proposed, "that the Senate do now adjourn"-  
[*Senator The Hon. Mr. Wikramanayake*]

**SENATOR AZEEZ:** I should like to bring to the special notice of the hon. Leader and, through him, to the Government that as a result of a series of incidents spread over a period of about two years, culminating in the events which took place a few days back in close proximity to the Pattanpitiya Mosque, communal tension of an extremely inflammable nature prevails today in the Mawanella area, where communal disharmony has hitherto been unknown. On account of the present tension, the Muslims of the area do not feel quite sure of the safety of their persons or property. Several Muslims belonging to the village of Pattanpitiya have fled to the adjoining areas for safety and are nervous of returning to their homes.

In view of these very unfortunate circumstances, may I know from the hon. Leader whether he will give the House the assurance that Government is fully alive to the situation that is prevailing at present in the Mawanella area. The situation is pregnant with possibilities harmful to the country and matters should

not be allowed to drift. The Government must take adequate measures to utilize fully all possible unofficial agencies for the purpose of improving the situation and preventing the spread of communal tension elsewhere?

**SENATOR THE HON. MR. WICKRAMANAYAKE:** I can assure the hon. Senator that Government is fully alive to the situation and is taking all necessary steps.

## **CEYLON CONSTITUTION (Special Provision) BILL SECOND READING**

*13th July 1954*

*The proposal is to fix the number of Members in the House of Representatives.*

**SENATOR A. M. A. AZEEZ:** Reference was made by the hon. Senator who preceded me to the appointment of a Select Committee. Paragraph 277 of the Soulbury Commission Report has been quoted but I should like to read the relevant portion of it again. It states:

“Article 14 (i) of S.P. XIV proposes to appoint another Delimitation Commission within one year after the completion of every census... but we think that prior to the census following that of April, 1946, it would be desirable to set up a Select Committee of the Legislature to examine and report upon the working of the scheme of representation which we have recommended with a view to formulating appropriate terms of reference for the Delimitation Commission....”

It is my humble submission that that intention of the Soulbury Commission does not appear to have found a place in the Order in Council because the Order in Council of 1946 - the first one - does not make the terms of reference to the Delimitation Commissioners any less precise. Sections 40 and 41 clearly define the principle of area and the principle of population. The present Order in Council is, more or less, bodily taken over from the Board of Minister's draft; and the intention expressed in paragraph 277 of the Soulbury Commission Report does not appear to be reflected in the Order in Council. The hon. Leader of the Opposition said that according to Section 40 and the subsequent sections of the present Order in Council, there is balanced representation. He did not proceed to tell us exactly what he meant by “balanced representation.”

**SENATOR SUNDARAM:** I read the Report of the Soulbury Commission in reference to balanced representation.

**SENATOR AZEEZ:** If that is so, he did not proceed at all to say in what manner that balance has been upset by the amending Bill introduced by the hon. Leader. If the balance had been upset, I would hesitate to support this Bill, but the balance has not been upset. All that is sought to be done is to stabilise the position made effective by the last Delimitation Commission. If the population has increased, I take it there is no wide discrepancy in the rate of increase between one Province and another. Therefore, my submission is that the principle of balanced representation has in no way been upset to make us hesitate to support this Bill - if balanced representation is our object. The principle of area is preserved. Previously, I had occasion to say that we did not have 100 per cent. territorial representation today. Even under the amendment proposed, we will not have 100 per cent. territorial representation, Balanced representation, for which both the hon. Leader of the Opposition (Senator Sundaram) and my humble self have a great regard, is still preserved.

The impression was being created that if 10 people send one Member, and later on if 20 people send one Member, those 20 people have lost half their right of representation. I do not subscribe to that view because even under the existing Constitution, which has had the blessing of the hon. Leader of the Opposition, there is some such imbalance, because a certain electorate having 31,000 or 40,000 persons sends one Member and another having 60,000 persons also sends one Member. So that, it was not the intention that every Member should represent an identical number of persons.

Therefore I fail to see how the principles of democracy are adversely affected - there may be other reasons but I am not concerned with them at this stage - because in a certain area, where the population has increased, a larger number of voters now send the same number of Members. The Talawakelle constituency has been cited. I would ask the hon. Leader of the Opposition how the Talawakelle constituency is affected by the present amending Bill. That argument is not relevant to the Bill we are now discussing. The Talawakelle instance may be cited by

some arguing that the word "resident" in Section 41 should mean something else. Talawakelle remains unaffected whether we pass this Bill or not; and I would therefore submit that we need not concern ourselves with it now.

At the end his speech, the hon. Leader of the Opposition, who was so much concerned - and I think rightly concerned - with balanced representation, propounded the astounding theory that it is wrong for Government to have insisted on a two-third majority vote in the case of any amendment. The whole basis of balanced representation is that there should not be a snap majority trying to upset the Constitution. If representation is something important - and my hon. Friend has accepted its importance - it is essential that provision connected with representation, which forms an essential part of the Constitution, should not be amended in the ordinary way. He had subscribed to the view that the Constitution of Ceylon should not be amended, except by a two-third majority. Therefore, Government is carrying out the spirit of the Constitution when it insists upon a two-third majority to amend any provision of the Constitution.

I am really amazed that the advocate of balanced representation should suggest that the requirement of a two-third majority should be dropped, thereby making it possible for a bare majority to tamper with the principle of representation, to twist it to suit the whims and fancies of a party that may have one more vote than any other parties put together. Therefore I feel that many of the objections raised, particularly those regarding the Talawakelle constituency and the principle of democracy, have no strict relevance to the Bill before the House.

**AN HON SENATOR:** What about Mawanella?

**SENATOR AZEEZ:** The hon. Leader of the Opposition has said nothing about Mawanella.

I wholeheartedly support this Bill.

**DEFENCE STATIONS BILL  
SECOND READING**

*27th July 1954*

*The object of the Bill is to provide for the establishment and development of certain areas which are occupied mainly by members of the Defence Force.*

**SENATOR AZEEZ:** Mr. President, my hon. Friend of the Nava Lanka Sama Samaja Party (Senator Perera) always criticize Bills that are brought up in this House as “vicious” and “ill-considered”. I think to him these terms have lost their meaning. My hon. Friend who spoke last (Senator Nagalingam) said that it was the intention of Government not to develop areas under the jurisdiction of local authorities. He said that Government is bringing forward this particular Bill-

**SENATOR NAGALINGAM:** To abolish them.

**SENATOR AZEEZ:** In order to abolish local authorities and not to encourage them. But the object of the Bill has been clearly stated: it seeks to provide those amenities to the local residents who happen to reside within certain areas. You cannot possible establish a defence station without having a few civilians living in its vicinity or within it. I would, however, like to point out that there is a very satisfactory safeguard in the Bill. Clause 2 (3) ensures that no Order shall be made for the declaration of a defence station without it being brought before the Senate and the House of Representatives. So that, if there is any doubt in our minds as to whether a particular area should be declared a defence station or not, the legislature has the opportunity of verifying or scrutinizing the Order when it is placed before the Senate or the House of Representatives. I therefore support this Bill.

**SENATE**

*Tuesday, 25th January 1955*

The Senate met at 2.30 p.m.

**Announcement**

**The CLERK:** Hon. Senators, I have to acquaint this honourable House of the resignation of his seat in the Senate by Mr. President, Sir Nicholas Attygalle, with effect from 18th January, 1955. Under Standing Orders 3 and 4, the House will now proceed to the election of a new President.

**Election of President**

The Senate proceeded to elect a President.

**SENATOR THE HON. E. B. WIKRAMANAYAKE (MINISTER OF JUSTICE AND LEADER OF THE SENATE):** I propose,

That Senator Cyril de Zoysa do take the Chair of the Senate as President.

**SENATOR A.M.A. AZEEZ:** I have great pleasure in seconding the proposal.

No other names being proposed, the Clerk declared that Senator Cyril de Zoysa was elected President.

Whereupon Senator Cyril de Zoysa was taken out of his place and conducted to the Chair by Senator The Hon. E.B. Wikramanayake and Senator A. M. A. Azeez.

**THE PRESIDENT:** (Standing on a dais): Hon. Senators, I submit myself to the will of this House. I do so in all humility, conscious alike of the high dignity of this office to which you have elected me and of the heavy responsibilities and onerous duties that attached to it. My first duty on your behalf is to present myself to Her Majesty’s representative, His Excellency the Governor General and to report to him, that this is the will of this Honourable House that I take its chair as President. In order that I may do so, I adjourn the sitting for half an hour.

*Sitting suspended at 2.35 p.m., and resumed at 3.05 p.m.*

**THE PRESIDENT** (in robes): Hon Leader, Hon. Senators, I have to announce that I have in the company of the Hon. Senators who proposed and seconded my name for election as your President presented myself to His Excellency, the Governor-General and reported to him the will of this Honourable House.

Mr. President *then occupied the Chair.*

## HOSPITAL LOTTERIES BILL SECOND READING

15th February 1955

*The Bill is to provide for the procuring of money for the national health services by means of lotteries.*

**SENATOR A.M.A. AZEEZ:** I was asked by one of the previous speakers (Senator Kannangara) to confirm that certain steps had been taken by him some years ago with regard to these hospital sweeps. My memory is not so very good. So, I am not in a position to either contradict or confirm it. I chose to intervene in the debate at this stage because of the gratitude I feel for the hon. Senator who preceded me (Senator Nadesan), for having asked us to address our minds to the principle underlying this Bill and not to concentrate our attention on the question of whether the prizes should be large or small or whether those who are otherwise charitably inclined would refuse to contribute to charity hereafter. My hon. lawyer Friend said that he opposed this Bill on two very strong grounds: firstly, that it hinders the development of a self-reliant democracy and, secondly, because it very adversely interferes with some private charities, the authorities concerned with which are really struggling to raise money for very laudable causes. He opposed it on principle, as I understand it, on the ground that the State, which believes in social welfare, more or less shirks its responsibility in trying to raise funds for the purpose of providing health services which it should definitely provide.

I should like to point out that, by the introduction of this lottery, the State is not shirking its responsibility; it is only trying to augment its funds; because hospital service is not the only service which a social welfare State is compelled to carry out. There are very many other services, and the resources of the State are limited - and naturally so. In fact, my hon. lawyer Friend indicated that our revenue is based on world markets, and so forth. The social welfare State of

Ceylon is not having unlimited resources, but so far as social services themselves are concerned, there is no limitation, no ceiling, no upper limit to them because social services can be provided in various ways and be expanded. I do not think any State in the world has reached the height of social service; there are always further improvements to be effected, further services to be supplied, and the range is ever widening.

Like my hon. Friend, I, too, am a great believer in democracy. He went on to speak of Ceylon as a secular State. I feel that the question whether Ceylon is a secular State or not is somewhat irrelevant to the subject under discussion. I am glad that I have not heard from anyone representing the Government that Ceylon is a secular State.

**SENATOR NADESAN:** Why not? From the Hon. Minister of Justice. At Jaffna, he said that Ceylon was a secular State.

**SENATOR AZEEZ:** In that case, I very humbly beg to differ from the hon. Leader.

**SENATOR NADESAN:** He did say so.

**SENATOR P. NAGALINGAM:** You think this is a theocratic State, like Pakistan?

**SENATOR A.M.A. AZEEZ:** As far as I understand, the Ceylon Government believes in the encouragement of all religions. Whatever it may be, Mr. President, I do not want to be drawn away from the main purpose of my observations. There is no point in trying to define or determine whether Ceylon is a secular State or a theocratic State or even whether we are in favour of a Marxist State.

Coming back to the subject, I want to make it clear that the State is not trying to shirk its responsibilities. On the other hand, funds accumulated as a result of this lottery can be spent on hospital services and any money saved can be diverted to equally essential services, like education, national insurance, and old-age pensions.

My hon. Friend who preceded me (Senator Nadesan) is astonished. I cannot understand his astonishment, unless he thinks that Ceylon has reached its peak in educational and other social services.

**SENATOR NADESAN:** I was astonished at education on gambling. It seems so contradictory.

**SENATOR AZEEZ:** The hon. Senator wanted unlimited freedom given to private organizations to indulge in gambling. My point is that if gambling is bad, then it is logical to say that the State should not gamble or encourage gambling.

If the principle of permitting private organizations to gamble is accepted, then under no circumstances would it be immoral for the State to run a lottery, and the question of undermining the development of Ceylon and preventing her from growing up to be a self-reliant democracy does not arise. There is no question of the State shirking its responsibilities. It would certainly be logical if I or any hon. Senator said that lotteries should be prohibited altogether, whether they are conducted by the State or by private parties. If private organizations can run lotteries, and the State permits them to do so, I cannot see how a State lottery could be looked upon as immoral or improper. Every hon. Senator will agree with me that there are many private lotteries organized at present for purposes which do not fall under the category of social service. Today there are not many lotteries conducted for the benefit of educational institutions because of competition from racing clubs.

As the hon. Mover explained, there is unfortunately a great desire for gambling today and, in those circumstances, there is no objection to the State taking advantage of the situation and conducting a lottery. I, for one, would desire that lotteries for raising funds, both for State and private organizations, should be prohibited. I speak from experience because I, too, once conducted a lottery.

**SENATOR NAGALINGAM:** Not beneficial?

**SENATOR NADESAN:** Did not make much money?

**THE PRESIDENT:** If the hon. Senator will address the Chair, I think he will have fewer interruptions and the work will be better conducted.

**SENATOR AZEEZ:** I thank you, Sir. In those circumstances I feel that conducting a lottery will not undermine a democracy; nor does it mean that the State is shirking its responsibilities. Therefore, however much I may hate lotteries in principle, for the reasons stated, I support this Bill.

## **ADMINISTRATIVE DISTRICTS BILL SECOND READING**

*11th April 1955*

**SENATOR A.M.A. AZEEZ:** I can assure you that I do not suffer from the disability of having been a Government Agent. I am only very happy that the two speakers who preceded me, at one time my senior colleagues, are now my juniors, and suffer from that disability.

My hon. Friend (Senator Kannangara) stated that he was against perpetuating the old colonial system of having Government Agents. He was also concerned with the economy aspect of the matter and was worried that the Government is going to spend more money. Right from the days of the Donoughmore Constitution, we have had 9 Government Agents with very little supervision to exercise. They were more concerned with the precedence table than with doing anything very substantial. Although there were 9 Government Agents supposed to be ruling over the destinies of the sub-agencies, in fact the Government Agents, as far as I am aware, did not exercise much supervision once the Ministries and Colombo offices were created. What Government is trying to do, as far as I am able to understand it, is to make legal what is already there.

Now we are going to have 20 Government Agents and Assistant Government Agents looking after 20 kachcheris. Nine of them are provincial kachcheris under Government Agents who are supposed to exercise a discretion which, in fact, has not been exercised because there is such a vast amount of correspondence to be dealt with between the kachcheris and the various offices in Colombo. Therefore, I feel that this Bill is a little too late - but better late than never!

I am not sure whether my hon. Friend (Senator Kannangara) is going to support or oppose this Bill, but I should like to comment on certain aspects of

provincial administration he referred to, namely, land work, agricultural work, co-operative work, and so on. I would submit that that is strictly not relevant to this Bill because it does not detail the exact functions Government Agents are to perform, the extent of governmental work that should be delegated to local authorities and the extent to which there should be co-ordination between the various departments that function in a province or district. It is very necessary that the work of all Government departments in relation to one district should be co-ordinated at the district level. That is very essential; otherwise, there will be quite a lot of overlapping and confusion. There has to be co-ordination but I presume that at present co-ordination does not exist to the extent it should because there is a certain amount of confusion with regard to the functions of local authorities, the functions of the central authority and the functions of Government Agents. But this Bill does not relate to the problem of co-ordination.

I do not suppose the hon. Senator thought that we should abolish all these kachcheris and delegate all the functions to the local authorities. That would be the ideal. That is the sort of thing we should work for but I do feel that, unfortunately, we have not come to that stage. For several years more, the work of the Government cannot be devolved entirely on local authorities. There must be some co-ordinating authority and I cannot think of any better co-ordinating authority for this purpose than a Government Agent. He has the knowledge, the experience and the necessary background. Therefore I feel that this is a step towards the abolition of Government Agents who, in fact have ceased to function, except for purposes of precedence, and such other important things! We are only trying to legalize something that already exists.

I whole-heartedly support this Bill.

**MUSLIM LADIES COLLEGE,  
BOARD OF DIRECTORS - (Incorporation) BILL**

*14th February 1956*

**SENATOR A.M.A. AZEEZ:** I move, "That the Bill be now read a Second time".

I am sure it is a very refreshing change from estate proprietorship that always, or almost always, conflict with the public interest to educational institutions which never conflict with the public interest. In moving this Bill, I do not think it is necessary for me to use many words because of its non-contentious nature and also because it would be rather inappropriate on an occasion like this when we have to go through several Bills.

This institution was inaugurated in 1941 and it moved into its new premises in 1946. It has since grown from strength to strength, year by year. Today, it has on its roll an attendance of 502. It is a secondary school which, it is hoped, will soon attain the status of a collegiate institute.

The Muslim Ladies College occupies an important and significant place in the promotion of Muslim education in Ceylon and it performs many useful functions. One of the most useful functions - may I be permitted to say as Principal of Zahira College, Colombo - is that it provides the young "old" boys of Zahira College, Colombo, with good and educated brides. I am sure no other reasons are necessary at this stage.

I warmly commend the Bill to this honourable House.

**SENATOR WILSON:** Seconded.

Question proposed from the Chair.

**SENATOR KOTELAWALA:** In this Bill I find the names of a number of important people of this country. May I ask why the names of Dr. Kaleel and Senator Azeez have not been included in the list?

**SENATOR KANAGANAYAGAM:** They are already married.

**SENATOR AZEEZ:** It is a satisfactory division of labour.

On Question, Bill read a Second time; and committed to a Committee of the whole Senate, and considered in Committee.

Mr. President sat Chairman.

Clauses 1 to 16 agreed to.

Enacting Clause and Title agreed to.

Bill reported without amendment; read the Third time and passed.

## ADDRESS OF THANKS TO THE THRONE SPEECH

8<sup>th</sup> May 1956

*The main comments of this speech are on the proposals to set up a Department of Cultural Affairs; and adoption of Sinhala as the official language of the State.*

**SENATOR A.M.A. AZEEZ:** Mr. President, I believe I would be in order if I offer my observations not only on the Amendment but also on the Throne Speech itself.

There are many matters which are not mentioned in the Throne Speech and I should like to enumerate at least some of them. There has been a very important Commission which was appointed and which published its report, namely, the Buddhist Commission Report, or to be more accurate, the Buddhist Committee of Enquiry Report. The recommendations cover a very wide field of subjects and I find no reference to them in the Throne Speech.

There is another important subject on which I find there is already a Commission sitting, namely, the prohibition of liquor and gambling. I see no reference to that either in the Throne Speech.

Then there is the question of education. As I read the Throne Speech, I observed that it is being conceived to be one of several items of social service, whereas education may be considered to be an ally of the Government in its policy of industrial and agricultural development. It may even be considered to be an ally of the Government in the solution of its employment or unemployment problems. I gained the impression that education - and I repeat it - has been conceived merely as one of the many items of social service.

There is also, I find, reference made in the Throne Speech to the creation of a new department, the Department of Cultural Affairs. In that connection, we

would have liked some statement to have been made about the scope and functions of this new department; for example, whether it was going to deal with only one culture - perhaps, the predominant culture in Ceylon - or with all the cultures that prevail in Ceylon.

I would have liked very much to see some reference made to the Wakfs Ordinance which had a chequered history, due partly to the fault of the Government that was then in power and partly to the fault of Muslim public opinion. I hope early attention will be paid to the introduction of the Wakfs Bill.

**SENATOR NADESAN:** What about the Hindu Temporalities Bill?

**SENATOR AZEEZ:** The hon. Senator who interrupted me reminded me of the Hindu Temporalities Bill. As a matter of fact, the introduction of the Wakfs Ordinance has been delayed on the ground that the Hindu Temporalities Bill has been delayed. It looks as if the Hindus and the Muslims have many things in common not only in respect of their language.

The Government, I understand, claims that it has had a very short period in which to prepare its Throne Speech. If that is so, I do not know why it could not have incorporated in the Throne Speech some of the promises that were made by the M.E.P. in its manifesto. After all, I presume quite a lot of thinking must have been done when its manifesto was prepared.

However, there are two passages in the Throne Speech which give us a measure of satisfaction, I might even say a measure of relief. The first passage I am referring to reads as follows:

“My Government intends, in pursuance of its declared policy, to effect many changes with expedition and efficiency but in a manner that will neither result in injustice nor cause confusion and dislocation.”

I do not see the word or rather the phrase “democratic socialism” used in the Throne Speech but I presume it is the intention of the Government to follow the policy of democratic socialism and not revolutionary socialism; and I take it this

paragraph does give a guarantee that this Government is hoping to follow a policy of pure democratic socialism, even though some of the Government's distinguished responsive co-operators are making subtle efforts to goad it to take rash action so as to bring about chaos and confusion leading to the Revolution that is so passionately desired by some of them.

But more important than that passage is another that I am going to read to you now. It is as follows:

“My Government wishes to assure minorities, religious, racial or otherwise, that they need have no fear of injustice of discrimination in the carrying out of its policies and programmes. My Government will insure to all citizens the rights, privileges and freedoms to which they are entitled in a democratic State”

If that passage is the first indication of the present Prime Minister's policy, I would have had some misgivings; some hon. Senators, probably, may not remember an article that was contributed to the *Ceylon Daily News* of 11th July, 1955, by the present Prime Minister in which he defines “democracy” as “the rule of the people”. It is very refreshing to note that he does not say that democracy, as some of his party Members are tempted to say, is the rule of the majority. He deliberately uses the words “the rule of the people”.

But there is a still more important passage in that article where he says:

“I wish to point out that the chief fault really lies at the door of the governing party; for a greater responsibility rests on them than on anyone else to set an example of democratic practice and establish sound democratic traditions and precedents”

And further down, he goes on to say:

“It will thus be seen that the government far from discharging the serious responsibility that lies on it for the fostering of the spirit of democracy and the establishing of sound traditions and precedents has been acting in a way to discredit the very idea of democracy in the minds of the people ”

Whatever that may be, he is emphatic that it is the chief responsibility of the governing party to foster democracy.

I do not want to read too many passages from that article, but all the same, he makes it a point to stress that in Ceylon, which is not so used to parliamentary democracy as England, it should be the special task of the governing party, the party in power, not only to foster democracy, not only to follow democracy in the letter but also in the spirit, and also to set an example of democratic precedents. I would request the Hon. Prime Minister to give due performance of that promise.

**SENATOR KANAGANAYAGAM:** He is sure to do it!

**SENATOR AZEEZ:** I still have hopes. However, the article is entitled, “Essentials of democracy: Individual and collective freedoms.” It is very fortunate that this article gives us an indication of the love he has for democracy and the task that has fallen on him.

In that connection, I should also like to refer to his broadcast message in which he stated - that was the broadcast message of 12th April:

“We shall extend fairplay to all and observe the best traditions of democracy in the letter as well as the spirit.”

That is very comforting indeed - both in the letter and in the spirit. But the difficulty arises when you try to reconcile that assurance with a statement contained in another paragraph of the Throne Speech, which says:

“It will also take necessary steps for the adoption of Sinhalese as the one Official Language of the State .”

There is no reference whatsoever to the status of the Tamil language. My view differs - and as I go along you will appreciate it - from the view expressed by hon. Senator who comes from my homeland, Senator Kanaganayagam.

**SENATOR KANAGANAYAGAM:** Traditional homeland!

**SENATOR AZEEZ:** But there is absolutely no reference to the status of the Tamil language, and naturally there have been misgivings felt and expressed. Up to now, we do not know what the status of the Tamil language is going to be. But certainly we know that it is the intention of this Government to make Sinhalese the only State language, and in making Sinhalese the only State language, the position of the Tamil language is left vague and uncertain. That naturally causes a certain amount of anxiety on the part of the Tamil speaking peoples.

It is true that the minorities have been promised that there need be no fear of injustice or discrimination. But who is to decide at a precise point what is unjust or what is just, or what is fair and what is unfair? I hope the Government Party and, particularly, the Prime Minister himself would not interpret it to mean that the task of defining what is fair and unfair is entirely his or his party's. In such a case I would point out that the judge and the accused will be one and the same person. That is why it is very necessary to canvas minority opinion to find out what exactly in the opinion of the minorities is considered fair and unfair.

That there is communal tension today, I need not labour at length to prove but unfortunately that communal tension has been aggravated by the behavior of some Ministers of the Government who purposely become dumb in order to make others deaf. They deliberately become dumb in order to make other people deaf when they, who have been spell-binders in the English language, refuse to answer the questions in the English language to people who do not understand the Sinhalese language. This tension is also aggravated by visions conjured up of partitioning Ceylon, again aggravated by the talk of blood baths during the Buddha Jayanthi year, aggravated further by the slogans that we read of in the papers of one race, one language, one religion, and aggravated still further by many other circumstances, by the *ad hoc* news paragraphs that appear from day to day with regard to the Tamil-medium schools being discontinued and the teaching of Sinhalese made compulsory in them. My hon. friend, Senator Kanaganayagam, pointed this out, and hon. Senator Nadesan contradicted it.

**SENATOR NADESAN:** I did not contradict it.

**SENATOR AZEEZ:** The hon. Senator said that it was not true.

**SENATOR NADESAN:** I did not say so.

**SENATOR AZEEZ:** I thought he was a knowledgeable person.

**SENATOR NADESAN:** I asked: "Is that so?"

**SENATOR AZEEZ:** He asked: "Is that so?" Let us hope that it is not so because newspaper paragraphs are somewhat different from policy statements of Ministers. It is clearly the paramount duty of the Hon. Prime Minister, in the light of the various statements he has made about democratic policy and procedure and the rights of minorities, to see that this communal tension is eased, that the fears of the minorities are allayed, that the place of the Tamil language is considered in all its aspects instead of having a rushed Bill.

How can that be done? Is it by enlarging the Government Parliamentary Party by the nomination of a Member here and a Member there and a Member there and a Member here? I would submit that that is not the solution. Some writer has said that all men are slaves of their experiences. I have nothing to say about the inherent goodness or badness of Members of the Government Parliamentary Party; they are undoubtedly the slaves of their experiences as much as we are. Therefore, to have this matter debated and discussed by a Government Parliamentary Party or by a group which is predominated by the Government Parliamentary Party would not be doing justice, because to do justice the Hon. Prime Minister should acquaint himself with the views of the people who are greatly affected by and are deeply concerned in the matter. And the people who are concerned in the matter - at least their representatives - must be heard, and heard before the Bill is drafted, because once the Bill is drafted, any amendment to it becomes a matter of prestige. The Hon. Prime Minister himself has been referring to the baneful influence of this matter of prestige in his own speech in the Other Place. Therefore I would submit that the time for discussion is not after the Bill is drafted; the time for discussion on a matter of national importance like the status of the Tamil language which has hitherto, for a period of centuries,

been occupying parity of status with the Sinhalese language - when such an important matter is going to be discussed - should be before the Legal Draftsman has drafted the Bill.

There may be many ways of solving this problem of obtaining the opinion of the people concerned. I am not saying that there is only one solution. I am thinking of a commission or a committee of inquiry where members of the public, representatives of local authorities, representatives and organizations, could have the opportunity of giving their views. But there is a difference between the view adopted by my hon. Friend Senator Kanaganayagam and myself, because he wants the Hon. Prime Minister to depart from the mandate that he says - and there is no reason for us to doubt it - he has had from the people, namely, that Sinhalese should be the one official language of the state.

**THE PRESIDENT:** I did not follow that.

**SENATOR AZEEZ:** I am not saying that in defining the status of the Tamil language, it should be made an additional official language. But I do say that subject to Sinhalese being the only State language, the status of the Tamil language has to be defined because it affects us in many respects.

**SENATOR KANAGANAYAGAM:** It is a sort of concubine.

**SENATOR AZEEZ:** I shall not be drawn into that analogy. The status of the Tamil language has to be defined because a language is not merely the language of the State; It is also the language in other aspects, such as the medium of instruction, the language of local administration, the language of provincial administration, the language connected with employment, the language of examinations. There are indeed very many aspects. I have not exhausted them.

Reading from the papers, one gains the impressions that all that the present Bill is concerned with is to declare Sinhalese as the only State language and to tell the people when and how departments will start corresponding and having their files in the Sinhalese language.

**THE PRESIDENT:** when you exclude all those departments you mentioned just now, what do you say should the official language apply to?

**SENATOR AZEEZ:** It should include something more, namely, the status of the Tamil language. We still want to know what is going to be the status of the Tamil language in the matter of education, because that is a very important matter. There is the question of what is going to be the official language of purely or predominantly Tamil-speaking areas. It is possible that Tamil and Sinhalese may be the official languages in respect of those areas.

What I do say is that the M.E.P.'s commitment to the electorates that Sinhalese should be the only State language of Ceylon does not preclude them from recognizing many of the demands and giving that status to the Tamil language which it deserves, which it should get by virtue of its history and importance.

**SENATOR THE HON. M.W.H. DE SILVA :** Quite right , I think.

**SENATOR AZEEZ:** I hear the words, "Quite right", from the hon. Leader.

**SENATOR P. NAGALINGAM:** Moving in the correct direction.

**SENATOR AZEEZ:** I am supposed to move in the correct direction. I always like to move in the correct direction. I would not like to move in the wrong direction.

**SENATOR KANAGANAYAGAM:** Inferior status.

**SENATOR AZEEZ:** That is what I am coming to. It may not be quite pleasant either to the Sinhalese or the Tamils, but I am sure they will appreciate that by virtue of our history, by virtue of our geographical distribution, by virtue of the basis on which our community is built, and by virtue of the fact that we, Muslims, are a minority community for the last 500 years or more - from the very inception of Ceylon history, we have been a minority community not only from the point of view of numbers but also from the point of view of influence - we are bound to take a slightly different view from that of the other minorities, or the larger

minority community, the elder brothers of the minority communities, namely, the Tamil community. Therefore, I hope that neither the Sinhalese nor the Tamil, would expect that we should have a view exactly the same as that of either of them. We have a distinctive view.

In the first place, before I say what our view is on the language question, I would like to say what our view is on federation - an idea that is talked about so much these days, about which even my hon. Friend Senator Kanaganayagam could not refrain from referring to, although there are no confirmed federalists here. I do not know whether there are any ex-federalists. If it is found to be the only constitutional device available, when all efforts have failed and all remedies have been denied, to prevent the sure emasculation and the final extinction in Ceylon of the Tamil language, I can, in those circumstances, appreciate the federal principle and even subscribe to it.

**SENATOR KANAGANAYAGAM:** It may be too late then.

**SENATOR AZEEZ:** I am somewhat of an optimist in this matter. My hon. Friend is a pessimist. I still feel -

**SENATOR KANAGANAYAGAM:** Knowing the Government as I do, I am very pessimistic.

**SENATOR AZEEZ:** I feel that we shall have a satisfactory solution if only the Hon. Prime Minister would keep to the promises he has already made in various utterances, that he would set an example of democracy not only in the letter but also in spirit in the procedure that should be followed in a country like Ceylon. Unfortunately, that is not the position. We are now being called upon by the federalists to solve the problem by accepting the new and novel theory of the existence of a so-called Tamil-speaking nation in Ceylon - quite a different conception from the Tamil-speaking peoples of Ceylon.

I submit, Mr. President, that this theory of the Tamil-speaking nation is historically inaccurate and politically mischievous. It is historically inaccurate because there are at least two distinct Ceylonese communities whose language is

Tamil, and they are the Tamils and the Muslims. While language and citizenship unite these two communities, both of them minorities, religion and culture separate them. And let me point out that religion and culture, culture associated with religion plays an important part, a much more important part in the life of the Muslim community than it does in the life of the Tamil community. In those circumstances, there is no such nation as a Tamil-speaking nation in Ceylon. This theory, as far as the Muslims are concerned, cannot fail to revive the memories of the controversy that agitated the Muslim community and exercised their minds in the eighties and the nineties of the last century when Sir Ponnambalam Ramanathan, who was the representing in the Legislative Council the Tamil-speaking the inhabitants of the Island, read a paper before the Royal Asiatic Society and thereby sought to share the fruits of his researches, however incomplete they might have been, with his fellow members -his researches on the subject of the ethnology of the Moors of Ceylon. Whether his theories were correct or not, I need not go into them at this stage; but what is relevant is that the Muslims then felt, rightly or wrongly, but sincerely and genuinely, that there was an insidious attempt made to deprive the Muslims community of the special representation for the community in the Legislative Council that was then being considered by the Government.

In this background, You can understand the kind of uneasiness that this new theory could create in the minds of Muslims who love their language much but love their religion more. Why I say that this theory of the Tamil-speaking nation is politically mischievous, I shall proceed to show. No one, as far as I am aware, has found a very satisfactory definition of nation and nationhood, Probably the best definition of a nation is that it is a group of people either determined to continue as a nation or a group of people who will to be a nation. And the circumstances obtaining in Ceylon are such that if the concept of the Tamil-speaking nation is pursued to its logical conclusion, there should be at sometime or other, in the near or distant future, a separate State for this nation - a Tamil Arasu in its true etymological sense and not in terms of the special meaning popularized by the Federal Party of Ceylon. The partition of Ceylon that is thereby envisaged is something abhorrent to the Muslims of Ceylon, whether they belong to East Ceylon, West Ceylon, or Central Ceylon.

**SENATOR NAGALINGAM:** You cannot speak for the east of Ceylon.

**SENATOR AZEEZ:** Yes I shall proceed to show that I am not speaking for the east alone; but there are the facts before us and facts can be interpreted competently by me or by my hon. Friend. Partition of Ceylon is abhorrent to the Muslims. I am saying this deliberately to the federalists, to hon. Senator Nagalingam and to the blood-mongers at present from the north - let me add that the federalist, are not the blood-mongers at present from the floor of this House; please do not blame the Muslims of the Eastern Province and do not say that they have let you down when they repudiate the two-nation theory and refuse to adopt some of the methods the federalists may ask them to adopt in the near future in pursuance of their cherished ideals, measures that are bound to have consequences beyond their intentions and will inevitably have the effect of unleashing communal passion of the kind witnessed in the year 1947 on the subcontinent of India, however much you may sincerely desire communal peace and harmony. Let the Muslims not be blamed at that time, that they have let down their colleagues, because Muslims have never accepted, as far as I am aware, this two-nation theory; they have not even showed indication of their acceptance of this theory. If you think they have, you have read the election results and the voting figures all wrong, the election results of the seven constituencies of the Eastern Province, and particularly of Pottuvil and Kalkuda. I especially refer to my hon. Friend Senator Nagalingam, and if he still persists, then he refuses to be convinced by facts. I have now other aspects of the matter to deal with -

**SENATOR NAGALINGAM:** My hon. Friend did not step into Jaffna during the elections.

**SENATOR AZEEZ:** I think my hon. Friend is not one of those army personnel about whom we have heard. I do not know whether the new Government has entrusted my hon. Friend the power to issue the passports to my humble self who hails from Jaffna.

**SENATOR KANAGANAYAGAM:** Apply to Chelvanayakam. The hon. Senator has gone to the wrong shop.

**SENATOR AZEEZ:** I also would request hon. Senators not to be misled by the love and affection that has been shown by the Muslim ladies of Suduvenhapulavu for their own dear member of Parliament, the hon. Member for Vavunia. I tell them and my hon. Friend Senator Nagalingam not to make a wrong assumption and formulate theories inconsistent with those result and without any real appreciation of the feeling and sentiments of the Muslims of the Eastern Province. It would be as true to say that there are three nation as there are two nations. As a matter of fact, there is only one nation at present at it is my prayer and hope that there shall be only one nation, although Ceylon may be a multi-lingual and multi-religious nation-State.

We were at one time hoping that throughout Ceylon we would have two official languages. Tamil and Sinhalese, but unfortunately for us and for the Tamil language, the Sinhalese people - it is not merely the power-seeking politicians as one would say, but the Sinhalese people by and large: that is my feeling, and it is the considered view of many Muslims - have convinced themselves that parity of status cannot obtain without parity of strength. They think, maybe groundlessly, maybe their fears are exaggerated, but I think they sincerely are of the belief that the Sinhalese language cannot develop adequately if parity of status is granted to Tamil. I am not saying that this is the correct view, but that it seems to me to be the view sincerely held.

The L.S.S.P. has another theory. It thinks there was no mandate given to the M.E.P. on the language issue; instead, it says it says the hartal that was alive from 1953 to 1956 and that the M.E.P victory has something to do with the hartal of 1953. I do not share that view and I am sure the present party in power does not share that view either.

**SENATOR KANAGANAYAGAM:** The hon. Senator should have contested a seat.

**SENATOR AZEEZ:** It is my hon. Friend, who, as an elder statesman, should set me an example by contesting the Jaffna seat which he could have done not only in 1952 but also in 1956. I have followed his policy of caution and he cannot blame me for that.

So that, if the L.S.S.P. and its leader can convince the Sinhalese people, I personally would be the happiest person, but I feel that the Sinhalese people, rightly or wrongly, sincerely feel that so long as Sinhalese is a language which is not found anywhere else in the world, it cannot develop satisfactorily with parity of status. The Canadian example has been cited, but I find that there is a vital difference. Canada has two languages, namely French and English; and both those language look to their mother countries, namely France and England, for vitalizing influences and for sources of development. Such a situation does not obtain in Ceylon in respect of Sinhalese, and therefore our view, that is by and large the Muslim view, is that the Sinhalese attitude must be respected however much we may feel that attitude is not quite correct. But, once again, I repeat that we feel that attitude is held by the Sinhalese people sincerely. They point out that the Tamil language has 40,000,000 people to help towards its development. It is already a very rich language; it has text-books for university education; it has an encyclopaedia; it has a dictionary comparable with the Oxford Dictionary; whereas the Sinhalese language still has not got a dictionary. And so they think that there is no room for the development of the Sinhalese language along with the Tamil language once parity of status is granted.

So far I have no quarrel with the Sinhalese. Once you have established Sinhalese as the state language, why do you attempt to kill the Tamil language? The hon. Leader of the House seems to give an answer in the negative. I shall be very happy if that position is maintained in the Hon. Prime Minister's Bill. Senator Kanaganayagam said that the Bill was handed in secret to Members and then taken back and put in a cupboard but I have no access to sources of information which he apparently has access to. I humbly submit that is not the way to settle to problem of this nature, with vital consequences to a very large section of the Ceylonese People. Whatever fears there might have been, whatever rash utterances might have been made during election time by both sections, surely it is possible, with a due exercise of statesmanship, to find a solution? I personally know of no other solution than to have a commission or a committee set up with wide powers to canvass public opinion, to obtain the views of all concerned. After all, the people who are most concerned are the Tamil speaking peoples because an attempt is being made to define the status of their own language. How can there be

satisfaction, how can the democratic procedure be complied with, if they are shut out? That is the question I would like to ask the Government of the day and particularly the Hon. Prime Minister.

They still have ample time. I believe it was the object of those concerned to make Sinhalese the official language in 24 hours. Many 24 hours have passed; we are now prepared to wait for a month. Cannot we wait for three or six months, having given definite directions as regards time to a committee or commission? Views can be obtained; the committee or commission will be able to canvass views; they can stipulate a time-limit for views to be put forward. It is now stated that the public servants are working harder; we read in the newspapers that people do not buy tickets in trains because it is a people's Government. Surely, it is possible to have this work expedited?

Before I come to the next point, I would like to read to you the resolution of the Muslim community –

**SENATOR NAGALINGAM:** The Muslim League.

**SENATOR AZEEZ:** – the Muslim League.

**SENATOR NAGALINGAM:** That is not the Muslim Community!

**SENATOR AZEEZ:** Well, if Senator Nagalingam and Senator Kanaganayagam know the Muslim community better than I do, it is left to them to convince the people even though some of them, may not accept their credentials. All that I am saying is that this is the resolution that has been accepted by the All-Ceylon Muslim League and the All-Ceylon Moor's Association. There are no other political organizations as far as this community is concerned. These two organizations might have had their little differences, but on this matter they deliberated and came to unanimous conclusion. I would add that, in this conclusion, Muslims of the Eastern Province have definitely been included. I do not know whether the Muslims of the Northern Province are included. Hon. Members who come from the north can perhaps speak on that. I do not want to argue that point but I think I can also claim to know the sentiments and the feelings of Muslims in the north.

This is the resolution that has been passed unanimously:

“The Conference was of the view, subject to acceptance by the two associations..”

The resolution was later ratified by both associations.

“ . . .that Sinhalese be accepted as the only State language...”

This is where we differ from our Friends here. The resolution goes on to say:

“ ... with due official recognition being given to Tamil and English, provided that fundamental rights of the minorities in respect of religion, culture, language, etc., are incorporated in the Constitution.”

Though some hon. Senators may perhaps contradict me, I would say this expresses the general will of the community.

What do we mean by “due official recognition”? I am not saying I am going to exhaust all the aspects of this question, but in Tamil-speaking areas, in the matter of the medium of instruction for Tamil-speaking peoples there should be no compulsion to use Sinhalese. It does not end there. There should be provision to see that a boy who pursues his education through Tamil as the medium of instruction is not unduly handicapped when it comes to appearing for public examinations. I would like to remind the hon. Leader of the House of a portion in the manifesto of the M.E.P. where under the chapter “Employment” it is said there will be no discrimination on the ground of language. I do not know the full implications of that statement, but it does seem refreshing to me to read that there will be no discrimination on the ground of language. If there is going to be no discrimination and if Sinhalese is going to be the only state language, there is a certain difficulty arising. A boy who has been educated through the Tamil medium may be required to know the Sinhalese language. It may be necessary for him to know Sinhalese, but it is not necessary to handicap him by setting all the question papers in the Sinhalese language. I am not trying to enter into details because that they would be irrelevant, but this is a vital problem. Merely to say that you are going to protect the Tamil medium of instruction does not solve the problem

because there is the problem of employment. I admit that this is in the nature of a difficulty. If Sinhalese is to be the only state language it should not preclude the Tamil-speaking people from having their share of employment. I think in India, which has Hindu as the State language, there are many regional languages. There problem is a complicated one, though similar to ours, and I believe they are solving its satisfactorily. If the policies of the Government are similar in certain respects to those adopted by India, in whose steps we are said to be following, I am legitimate in requesting the Hon. Prime Minister that India’s policies be imitated in other equally important respects.

Tamil has to be recognized as a medium of instruction throughout the Island because there are Tamil-speaking Muslims living scattered throughout the country. The federal solution is no solution to the Muslims who are Tamil-speaking and who inhabit South, Central and West Ceylon. As a matter of fact, the previous Government, for the last several years - many years - have been establishing Tamil schools for the Muslim children in South, Central and West Ceylon. There must be some provision made for them.

I come to the question of the use of Tamil as a language of administration. I am sure there is no intention on the part of Government to thrust Sinhalese as the only language of administration on purely Tamil-speaking areas. Some kind of solution has to be found. The Hon. Prime Minister has referred in his speech on the debate on the Address to regional councils, regionalization, decentralization, de-control, and so on -

**SENATOR KANAGANAYAGAM:** And eventual emasculation!

**SENATOR AZEEZ:** He did not say that. There should be scope given for the development of the Tamil language. As for the Gal Oya Scheme, the Allai and Kantalai Schemes, I do feel personally that it is a legitimate desire on the part of Tamil-speaking peoples to have a home of their own. I am not thinking in terms of the exact territories, boundaries, and so on, but I do say that if there is going to be scope, if there is going to be room for the development of the Tamil language, it is inevitable that there should also be a home for it.

**THE PRESIDENT:** The sitting will be suspended for 30 minutes.

*Sitting suspended at 4.30 p.m., and resumed at 5 p.m.*

**SENATOR AZEEZ:** When we adjourned, I was dealing with the right of a Tamil-speaking citizen to communicate with any Government department in Tamil and receive a reply in Tamil. It is to me a very small matter but I know that it has been agitating the minds of very many distinguished persons. After all, I can lay claim to some experience in the sphere of administration and I not only do not envisage any greater difficulty than the employment of just one clerk or more in every department to conform to this rightful demand of the Tamil-speaking peoples but I am also envisaging a situation when the Tamil speaking persons themselves may not take advantage of this right because they will, in course of time, find that the translation of correspondence, unless the Government machinery changes beyond recognition, will mean a delay of a day or two and that they will be surer of an expeditious reply by corresponding in the language that is current in the department. So that, it does not derogate from the position of Sinhalese as the only State language if the right, the legitimate right of a Tamil-speaking person in the light of history, in the light of the position he has occupied for over so many centuries, is conceded, is recognized. I am sorry to have use the word "conceded": it should not create an insuperable problem. But when we read the papers from day to day, when we see the utterances of some of the Ministers, we do not know where we stand. No one, no Minister, has yet made a pronouncement about the kind of status that should be given to the Tamil language. They are, more or less, silent on it.

Then a similar right as the use of the Tamil language in Parliament should be recognized in the case of local authorities. And here again we will see that the Tamil-speaking Member himself will after, a period of years, prefer to speak in the language that is understood by the large majority who compose an assembly, and I am sure no Tamil-speaking member will adopt the attitude that has been adopted by one of the Ministers of the present Government who deliberately made himself dumb in order to make others deaf.

I do not think I have exhausted the enumeration of all the problems that are connected with the legitimate and the rightful status of the Tamil language. I have indicated some of them and I am sure there are many more of them because, as I have stated before, this question affects not one department but all the departments, not one Ministry but all the Ministries. For example the two Hon. Ministers who are seated before me are concerned with this question in the day-to-day administration of their own departments; similarly every other Ministry.

As I have pointed out before, I do differ from the speaker who preceded me in that I am prepared to accept Sinhalese as the only State language but that alone would not satisfy me or the Muslims because we want Tamil given such a position that there should be no fear of the sure emasculation of that language and its final extinction. It is no use saying that that language is found in another part of the world. The Tamil-speaking peoples of this country would like to preserve that language in this country as well. After all, Tamil-speaking peoples of this country have made their own contributions to the growth and development of the Tamil language. I can think at the moment of the names of two of them - Sirila Siri Arumuga Navalar and Swami Vipulananda. Therefore, to say that this language is found elsewhere is no argument at all to deny its legitimate and due status.

Then the resolution of All-Ceylon Muslim League and the All-Ceylon Moor's Association I referred to earlier also deals with the question of due official recognition given to English. I need not labour that point because some recent happenings have convinced me beyond all doubt that the status of the English language is quite safe because in the personality of the present Hon. Prime Minister we see that the acquisition of English under the best of surroundings does not in any way retard one's progress in Sinhalese, and we also find that there is absolutely no incongruity in the eating of Kiribath with the help of folk and spoon nor with the additional embellishment of one's attire with a coloured or a dark bow. If there is no incongruity in those respects, surely there cannot be any incongruity in the simultaneous development of the Sinhalese and English languages in this country? I am also without any doubt that the status of the English language is quite safe without any special pleading on my part because it was only last Sunday we were delighted to read in the papers the rhyming verses of two busy Ministers.

They had time, in spite of the pressure of their work, in spite of the preparing the budget and having to reverse the budget that was prepared by the another Government. In the midst of all that work, they did find time to compose with relish some rhyming verses. Not only did they give official recognition to the English language - it is badly in need of such recognition I suppose - they also immortalized in their imperishable verses some of the distinguished members of the Ceylon Civil Service which is famous for its anonymity. With these facts before me, I do not think I need take any more of your time in trying to explain the position of the English language. It is quite safe.

Our resolution also refers to the fundamental rights of minorities. We want due official recognition given to Tamil and I have indicated some of the ways in which it could be done. I have emphasized some points but have not exhausted all the problems or dealt with the language question in all aspects.

With regard to the fundamental rights, there was a time we were under the wrong impression that Section 29 of the Order in Council gave us all the rights we were entitled to. Now we are disillusioned. We even thought that the Sinhalese language as the only State language of this country could not be introduced without an amendment to that Section 29, which many of us thought gave us all our rights. Now we are disillusioned, I repeat, and I am rather surprised - of course, I am no lawyer - because it is stated that you can introduce the Bill as a simple Bill and if it is passed by a two-third majority it is considered to be incorporated in the Constitution. I do not know the legality or otherwise of it but it would not be very satisfactory to introduce the Bill as an ordinary Bill and when it is passed by a certain number, to regard it as an amendment of the Constitution. Further it is also stated that a drastic amendment of the whole Constitution is contemplated and that all these matters may be taken up then. Why cannot this Language Bill be embodied as an *ad hoc* amendment to the Constitution? In this matter, I am glad to find myself supported by the very influential organization, the Eksath Bhikku Peramuna. I believe that according to the newspapers, they, too are not quite satisfied with a simple Bill. As we are dealing with an important question, namely, the rights of minorities, it is best that such a matter is dealt with in the form of an amendment to the Constitution.

Section 29 of the Order in Council is no longer the Magna Charta of the minorities; and our leaders were wrong. Our leaders were also wrong in thinking that obtaining a place in the Cabinet was enough. I am thinking at the moment exclusively of the Muslim leaders; I do not want to go into the complicated subject of portfolios for the Tamil community, because every time I happened to attend the debates in the Other Place I noticed this question was raised and answered and re-raised. As far as the Muslims go, they were under the wrong impression - I say "wrong" in the light of experience that had been gained over a period of eight years, that a place in the Cabinet was the surest form of safeguarding minority interests. I now say deliberately that that is no safeguard.

That does not mean that we, Muslims, are not grateful to the present Hon. Prime Minister for having given the Speakership to a member of our community and a portfolio also to a member of our community.

**SENATOR KANAGANAYAGAM:** Has the Speaker also passed the test in Sinhalese?

**SENATOR AZEEZ:** The hon. Senator knows about a test; I do not know, and I am not competent to appreciate the details and the finer points of such a test. I did appear long ago for the Civil Service Sinhalese test, but those examiners helped me to pass the test.

**SENATOR PALIPANE:** The Minister has passed his test.

**SENATOR AZEEZ:** I do not know the kind of knowledge that you must possess to pass the test in Sinhalese. All that I say is that we are grateful to the Hon. Prime Minister.

**SENATOR AZEEZ:** I do not know the kind of knowledge that you must possess to pass the test in Sinhalese. All that I say is that we are grateful to the Hon. Prime Minister.

**SENATOR NADESAN:** Why should you be grateful? It is your right.

**SENATOR KANAGANAYAGAM:** Grateful for favours?

**THE PRESIDENT:** Please allow the hon. Senator continue.

**SENATOR AZEEZ:** Well, the tenor of my argument was that many of our rights are not being given due recognition; so that, in that context, when a right is given, it looks as if it is a gift.

**SENATOR KANAGANAYAGAM:** Small mercies.

**SENATOR AZEEZ:** Anyway, I will not be diverted by the argument whether it is a gift or a right. All that I say is that our leaders were wrong in thinking that minority interests were adequately safeguarded by obtaining a place in the Cabinet.

However, once some of the cultural questions are solved - and I am sure they will be solved quickly - the economic questions will come on top; and I feel that every Muslim cannot necessarily think alike on economic questions. After all, there are lawyers, there are poor men, there are teachers, there are schoolmasters and all sorts of people in every community. Therefore, when economic question come to occupy the foremost place in the deliberations of the Cabinet, things may change, Whatever our positions may be - while we appreciate the fact that there are Muslims holding high positions like that of Speaker and Minister - we want whatever rights we have incorporated in the Constitution because the present Constitution has proved inadequate. There are no two words about that.

Fortunately for us, two big countries, our neighbouring countries, have addressed their minds to this question. They have produced two Constitutions where fundamental rights are enshrined. We can have the benefit of their experience. I am not suggesting that we should copy, line by line, from their Constitution. But there should be one chapter of fundamental rights.

We have also a basis to go upon in the series of resolutions, or rather one resolution, of several parts, notice of which was given in the last Parliament by then Minister of Posts and Broadcasting - or I should say Mr. Natesan, the former

member of Parliament for Kankasanturai, for he had given up his portfolio at the time. He has about 11 clauses in that resolution. I do not propose to read them all, but I should like to quote one of them as it is fairly important:

“No restriction shall be imposed on the free use by any Ceylon national of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind or at public meetings.

Adequate facilities shall be given to all Ceylon nationals to use their own language orally or in writing before the courts or in transacting their business with public departments or administrative bodies whether local or central or in performing their functions as members of local bodies or of the Houses of Parliament.

But I would go further and any that this is not a matter of just recognition. It should be incorporated in the Constitution so that this same matter may not worry us over and over again. I should like to assure the Members of the present Government, who are very keen on establishing in Ceylon a democratic form of society not only its political aspect but also its economic aspect, that we are equally keen about it, and that is why we request them to solve this problem quickly, so that the march towards democratic socialism may not be halted; otherwise, the march will be definitely halted by the kind of frustration caused, by the kind of fears engendered. And this question of giving due recognition to Tamil is not only a matter of purely cultural and religious interest but also a matter of economic interest for the reason that I have stated, namely, if you solve this question the chances of establishing democratic socialism in this country are much brighter; otherwise, those efforts are bound to be retarded.

So that, in the matter of fundamental rights, this resolution, which I spoke of, refers not only language, but also religion and culture; because just as the language controversy has arisen all of a sudden, there are fears expressed in certain quarters that a similar controversy may arise in respect of religion. Therefore it is best that all these problems which are very important - important not only to the minority communities but also to the majority community - are solved expeditiously.

I now come to the question of education. I notice a certain paragraph in the M.E.P. manifesto which I should like to read:

“We shall reorganize the system of education to cater to the interests of the spiritual, cultural, social and economic needs of the country.”

Now, spiritual and cultural needs are very closely related to the language question; and I hope the Hon. Minister of Education will reorganize the system of education in such a way as not to suppress the Tamil language or create special obstacles in the way of its development.

While on the question of education, it is also refreshing to read in that manifesto that this re-organization will meet with not only the spiritual and cultural but also the social and economic needs of the country. Why this paragraph has not been incorporated in the Throne Speech, I do not know. I hope that there has been no shift in the emphasis or that there has been no deliberate omission; perhaps it was just an omission caused by lack of time.

**SENATOR KANAGANAYAGAM:** Forgetfulness!

**SENATOR AZEEZ:** Once again, I repeat - it cannot be over-emphasized - this paragraph in the Throne Speech is not very satisfactory to me:

“My Government will take such measures as are necessary to provide satisfactory social services, including such services as health, education and housing, and an adequate and comprehensive plan for agricultural and industrial development, and to deal with growing unemployment amongst all classes of the people.”

I say that education should not be treated as just one item of the many social services, because on the foundation of education you can erect the structure of a social democracy; and that is the only way, or rather that is the best way of erecting that structure. So, I would commend to the Members of the Government that they go back to the M.E.P. manifesto, at least so far as education is concerned.

I appeal to the Hon. Prime Minister, through the hon. Leader of the House, to pay special attention to minority rights in relation to language. The Hon. Prime

Minister may solve the Indian question satisfactorily, in view of his friendship with Shri Neru; with Shri Nehru's help our Prime Minister may also be able to solve all international questions, even those baffling the United States of America and the United Kingdom, but the most important problem that should engage the attention of our Government, particularly of our Prime Minister, I would respectfully submit, is the need to allay the fears of the minorities in this country.

The Hon. Prime Minister, in the article I referred to, assumed to himself the task of setting an example to the country in the democratic way of life, in democratic procedure. I request him to devote his entire attention to this problem of allaying the fears of the minorities.

The Indian question has been with us for many years; it can wait a little longer. As for international questions, why need we bother about them when our very existence as a nation is at stake, threatened, when disruptive forces are gaining ground?

In all humility, with all the earnestness I can command, I would request the hon. Leader of the House to impress upon the Hon. Prime Minister the urgent need to solve the problem of recognizing the legitimate status of the Tamil language.

The Government should not be satisfied with the appointment of an *ad hoc* committee consisting of members of the Government Parliamentary Party, Members who have just returned from the hustings - passionate, argumentative, and emotional. Would it not be better to appoint a special committee, composed of men - and perhaps women - who can view the problem with a certain degree of detachment and calmness, people who can give careful thought to the subject?

A mere promise to the minorities that the Government would be fair and just will not do. Who is to decide what is just and fair to the minorities? What the Hon. Prime Minister may think is just and fair to the minorities may not be so regarded by the minorities themselves. I do not say that there should be a Government of the minorities. The Hon. Prime Minister cannot claim that he has solved the problem satisfactorily if he has not taken all measures to consult the

largest section of minority opinion on the subject, the opinion of people who know their own strength and weakness.

There is a common saying that it is the wearer who knows where the shoe pinches. If you want to solve the minority problem, minority opinion should be obtained. I am not saying that the minorities should be allowed to dictate to the Government, but the composition of the committee or group that has been appointed to discuss this Bill is most unsatisfactory, to say the least of it. Once the Bill has been drafted and legal expression given to the proposal, the question of prestige can play an unfortunate part, Members of the Government party may not be willing to accept amendments because they would feel that they had already committed themselves. But if a committee were to decide the general features of the Bill, the Government Parliamentary Party will not lose its right to criticize or re-shape the Bill.

Here is a problem for the exercise of statesmanship. The Hon. Prime Minister has made many promises and given us hope that he would exercise his powers in a statesmanlike manner. Let him solve this problem to the satisfaction, not only of the majority community but also of the minority communities.

## **SUSPENSION OF CAPITAL PUNISHMENT BILL SECOND READING**

*20<sup>th</sup> May 1956*

**SENATOR A.M.A. AZEEZ:** Mr. President, I must confess that I did not think this small Bill had such dire financial consequences till I had the benefit of hon. Senator Kotelawala's speech. He has told us that the whole Budget is going to be upset as a result of so many murderers being fed for the rest of their lives in jails.

**SENATOR KOTELAWELA:** That is, for a period of 10 or 15 years.

**SENATOR AZEEZ:** They might live longer, I thought.

**SENATOR KOTELAWELA:** What I mean is that in the first year it will cost, even at the rate of Rs. 2,000 per prisoner, Rs. 1½ million. The next lot of prisoners will come in the following year, and so on; so that, for 10 years it will cost Rs. 50 million.

**SENATOR AZEEZ:** I only wish that hon. Senator Kotelawala had concluded his remarks by saying that this was a ruse on the part of the M.E.P. Government to deprive the people of the 25 - cents-a-measure rice, because by inflating the Budget the Government can say it has no money to bring about the reduction in the price of rice as it has to feed all the murderers in jail. But he did not go to that extent.

While hon. Senator Cooray was addressing you, Mr. President, I wondered if I had misread the Bill; whether it proposed the abolition and not the suspension of capital punishment. So that, I looked at the Bill once again; and I say that there is no move on the part of the Government to abolish capital punishment; it only seeks to suspend capital punishment.

**SENATOR COORAY:** Abolish for three years.

**SENATOR AZEEZ:** I shall proceed to explain that that is not so. My hon. Friend wanted to make out that if we were to pass this Bill, our very lives would be in danger, that the lives of eight million people in Ceylon would be in danger. He went on to say that a rich man like himself could hire a thug for the paltry sum of Rs. 5,000 to murder anybody. I have not offered any money to a thug to murder anybody, so I do not know whether that price is correct; But on the assurance of hon. Senator Cooray, I have to take it that any enemy of mine who has Rs. 5,000 could easily contrive to have me killed. But I do not think that is the real situation. After all, 30 countries which have definitely abolished capital punishment find that the death penalty is not such a necessity.

I do find it very refreshing to see that this Government is not adopting any doctrinaire attitude in this matter as it has adopted in some other measures, because it has come forward with a Bill not to abolish but to suspend capital punishment. Its motive has been well explained in the Other Place. I think the hon. Leader also said something to that effect here, but since I have the benefit of HANSARD of the other place, I should like to read a passage from the speech made by the hon. Parliamentary Secretary to the Minister of Justice, who introduced the Bill. I quote:

“This Bill does not propose the abolition of the death penalty for all time. It merely proposes to suspend it for three years. If within that period it can be established by statistics that there that there has been an increase in the number of murders, and that that increase can be attributed to the abolition of the death penalty, than the remedy lies in the hands of the House. It can at any time, even before the expiry of the three years, if the situation warrants it, reimpose the death penalty - OFFICIAL REPORT, REPRESENTATIVES], 17 May, 1956; Vol 24, c 541,]

I once again say that this non-doctrinaire attitude of the Government should be welcomed, and I hope the Government will adopt this attitude in other respects as well.

**THE PRESIDENT:** May I ask the hon. Leader whether he agrees with the statement that Government can reimpose the death penalty without waiting for the expiry of the three years?

**SENATOR THE HON. M.W.H. DE SILVA:** Oh yes.

**THE PRESIDENT:** The sitting is suspended for 30 minutes.

*Sitting suspended at 4.30 p.m., and resumed at 5 p.m.*

**SENATOR AZEEZ:** Mr. President, I was quoting a passage from the HANSARD of the Other Place, and would like to repeat that quotation:

“This Bill does not propose the abolition of the death penalty for all time. It merely propose to suspend it for three years. If within that period it can be established by statistics that there has been an increase in the number of murders, and that that increase can be attributed to the abolition of the death penalty, then the remedy lies in the hands of the House. . .”-[OFFICIAL REPORT REPRESENTATIVES, 17th May, 1956; Vol 24, c 541,]

**AN HON. SENATOR:** It is difficult to prove.

**SENATOR AZEEZ:** I believe it is the intention of the Government, once this Bill is enacted and comes into operation, to make a satisfied analysis of the murders, and the punishment inflicted, and the other facts, in order to form correct conclusions.

I am supporting this Bill because of the assurance given that if it is found - I do not think any one can say that it will be found - that the number of murders has increased as a result of the suspension of capital punishment, the Government would be prepared to reconsider the matter and bring in another Bill to re-introduce capital punishment. In the last Session and in the earlier Session, we have been used to “rush” Bills, and I therefore do not think that there would be any delay in introducing legislation if it is proved that murders have increased in number.

My hon. Friend Senator Cooray, said that this is a matter for a Royal Commission.

**SENATOR COORAY:** I did not say that.

**SENATOR AZEEZ:** Not a Royal Commission but an ordinary commission? I am not a constitutional lawyer, and I do not know the difference between a Royal Commission and an ordinary commission or committee.

**SENATOR COORAY:** I said that in England a Royal Commission was appointed to go into this question.

**SENATOR AZEEZ:** I understood him to say that some kind of committee should have been appointed before this Bill was introduced. I submit that so long as this an experimental measure, so long as the proposal is merely to suspend, not abolish, capital punishment, the appointment of a committee or commission would be appropriate towards the end of the period of experiment. It may be necessary then to call in expert statisticians, people versed in criminology, who would be able to analyse the figures and come to correct conclusions. A committee or a commission, in present circumstances, would be more appropriate towards the end of this three-year period.

A good deal was said about undetected murders. I am not a lawyer and am not particularly interested in this aspect of the matter, but I do not see the connection between undetected murders and the proposal to suspend capital punishment. Murders go undetected for various reasons, not because of the existence, or absence, of capital punishment.

Much has been said about the effectiveness of the death penalty in preventing murders. Opinions may differ as to whether the death penalty of the type obtaining during the time of the Sinhalese kings was more, or less, effective than the death penalty as it obtains today, but the fact remains that the death penalty itself is an ancient primitive type of punishment, Humanity has been moving towards the abolition of capital punishment. Were it not so, some thirty countries would not have abolished capital punishment.

Authorities have been quoted; passages from huge have been read out to us. I have no books to quote from, but having listened to speeches on this subject, having read the reports of speeches as recorded in HANSARD. I know that this is a matter on which there can be divergence of opinion. Even the fact that thirty

countries have abolished capital punishment does not mean that there is unanimity on the question.

The Government has therefore rightly decided to give the experiment a trial, and in view of the assurance that if the murder rate in this country shows an appreciable increase, the Government would not even wait for the end of three years to reconsider the matter, I feel that the experiment should be given a trial.

I support this Bill.

## OFFICIAL LANGUAGE BILL

*3<sup>rd</sup> July 1956*

**SENATOR AZEEZ:** Mr. President, the hon. Leader of the House has just told us that the chief objective of this Bill is to assist the common man to take his due share in the administration of the country. I, as one who also believe in democratic socialism, agree with that objective but it is precisely my point that that objective is not fully secured by this Bill. And as I proceed I shall show hon. Senators how this particular Bill which has been brought forward now does not assist all the common men to take their due share in the administration of the country which is their legitimate right.

The hon. Leader also characterised this Bill as a simple Bill, as quite simple Bill. I may say that in the history of legislatures, past and present, of the entire world, this is probably the shortest of Bills ever introduced but fraught with the gravest of consequences. I am not thinking at the moment of the consequences that were witnessed on the 5th June and thereafter but of the consequences that will outlast the present generation.

I have had the privilege of speaking on this same subject on the 8th May when, on the floor of this House, I made my observations on the speech from the Throne. It is my intention in view of many hon. Senators wanting to participate in this debate not to cover the same ground I covered on that occasion. It is my duty, I feel, Mr. President, to acquaint the Government - after reading the speeches that have been delivered in the Other Place and listening to speakers - of the fact that I am convinced that the present Government do not seem to be aware of the hardships they are causing to a community like the Muslim community by the introduction of the Sinhala language as the one official language of Ceylon in the manner in which it has been brought up by this Bill. It is my contention and I

hope to convince you, Mr. President, that this Bill places grave disabilities on the Muslim community who are not Sinhalese-speaking. There may be all sorts of controversies as to what they speak but are not relevant. It is admitted that the Muslims are not Sinhalese-speaking people. Therefore once this Bill is put into effect, once this becomes an Act, certain disabilities will be caused to them and it is my duty to emphasise those disabilities rather than enter into other side issues which unfortunately for this country have been high-lighted, namely, telegrams sent to Indian leaders by certain persons and telegrams sent to others in Great Britain, and so on. As far as I am concerned these things are utterly irrelevant to the issue because the Muslim community has not sent telegrams to anybody. We will demand justice from this Government; and if this Government does not give us justice, we will demand justice from the people, at the next General Election.

There has been a statement made in the Other Place that the Sinhalese race forms the Ceylonese nation and the others are mere national minorities. I am sure the hon. Leader does not share that view. He will, I am sure, admit that the Sinhalese, Tamils, Muslims and Burghers all form the Ceylonese nation. I am sure the hon. Leader will agree that the Muslim community forms an integral part of the Ceylonese nation. I am saying this because of the utterances of some members of the Government party which are creating a lot of anxiety in our minds and I do hope it will be the task of responsible members like the hon. Leader and the Hon. Minister who is seated by his side (Senator The Hon. Jayasuriya) to ensure that in their party the tail does not wag the dog! People have short memories and some of the members of the Government party are comparatively young, so that it will be proper for me to quote portions from the concluding speech of the present prime Minister when he wound up the debate on the Sri Lanka Bill which he sponsored. This is what he says at column 2062 of the HANSARD 22nd March, 1945:

“ May I here refer to the support that the main principle of this Bill has received from the hon. Nominated Member, (Mr. Jayah) the hon. Nominated Member, (Mr. Razik) and the hon. Member for Colombo Central (Dr. Kaleel) among the minority members. I say that if any member has brought closer the achievement of agreement among the various sections of the people of this country.”-

He used the words “sections of the people” and not “national minorities”-

“ . . . by an attitude of generosity , where even those with whom he is concerned stand to suffer, I say the fullest credit, must go, more than to anyone among us, to the hon. Nominated Member (Mr. Jayah).

The hon. Nominated Member (Mr. Jayah) has made a speech today that will have a great effect in bringing unity among the people of this country, in bringing sense of reality to this struggle, however it may shape, that we are going to undertake to obtain a satisfactory measure of freedom.

What have the hon. Nominated Member (Mr. Jayah) and his colleagues, the hon. Nominated Member (Mr. Razik) and the hon. Member of Colombo Central done? There is provided in this Bill a scheme of representations under which I the Muslim community more than any other community in this country might suffer, in the form in which it appears, but yet he himself was so sincerely determined to work for the main idea of freedom that he was prepared to vote for that principle embodied in this Bill.”

It is very unfortunate that there is an impression in the minds of many people, some distinguished people, that the Muslim community is the one least affected by the language problem. In fact, the present Prime Minister stated this in February 1955 - I am reading from the *Ceylon Daily News* of 26th February, 1955.

“**Muslims need have no fears**, Mr. S.W.R.D. Bandaranaike, Leader of the Opposition, assured the Muslim community in Ceylon that theirs was the one community that need worry least about the language problem which now confronts the people of this country. Mr. Bandaranaike, who was addressing members of the Young Men’s Muslim Association, at its headquarters in the Fort yesterday, asked them to ‘tell Mr. Azeez that if he will spare me (Mr. Bandaranaike) half an hour, I will remove all his doubts and fears !’”

He was under impression that the Muslim community suffered least by any change in the language policy and he had been kind enough to issue an invitation, which I unfortunately did not avail of for quite a length of time; but he did give me the privilege of discussing this problem along with others for nearly four hours on 24th May, 1956. He said in February, 1955, that within half an hour he would remove all my doubts and fears; I was with him for four hours - I am quite convinced that he is very anxious to do his best for us in the circumstances but I

cannot honestly say that all my doubts and fears have been removed, but still I am hoping for the best.

The Muslim community is affected most, not least, because of the complicated problems of language it has to face. Mr. President, I would crave your permission to read a short extract from the Zahira College Prize Day Report which I was privileged to read last January. It explains why the language problem is more complicated and more troublesome to us. This is what I stated:

“It is our conviction that we best serve Sri Lanka not by the abandonment of our culture but by its preservation and promotion, aiming at unity in diversity - political unity in the midst of cultural diversity. On Zahira therefore, devolves a sacred obligation to foster the culture that is distinctively our own. In thus stressing its importance, we are not unmindful of the value of political unity. We believe with Sir Richard Livingstone that, ‘Men are born to four citizenships. They should be able to live as good members of their of their family, of their community, of their nation, and of the whole human society’. and that ‘many of the world’s troubles can be traced to a failure in one or other of these citizenships - to our never mastering the art of living with others, in the family, in the community, in the nation, in international relations’. We also realize that these four citizenships must co-exist and that the transgression of one of these loyalties must necessarily involve the transgression of the other three. While an Englishman in the United Kingdom or an American of Anglo-Saxon descent in the United States could exercise his rights and discharge his duties inherent in these four citizenships through the medium of one single language, namely English, and without the necessity of his having to acquire a knowledge of any other language, we, the Muslims of Ceylon, are in an entirely different and extremely difficult position. To fulfil adequately the obligations cast on us by these four citizenships, we should of necessity acquire a knowledge of four different languages with four different four scripts - the four languages concerned being Tamil, Arabic, Sinhalese and English, each of them with a different background of religion and history. In the case of the Ceylonese Malay-Muslims, the problem is further complicated by the presence of still another language. Malay”.

Therefore when any change takes place precipitately it becomes a complicated problem to us, and it is not correct to say that we are the least affected; I would say that we are the most affected. We have another peculiar difficulty because our is a community scattered throughout the Island, with its one-third of its members inhabiting the purely Tamil-speaking areas in the Northern and the Eastern Provinces and with the other portion, namely two-thirds, inhabiting the

other seven Provinces. Any language question introduces a new and novel problem to us - how to preserve the solidarity of the community, how to ensure that the political power it possesses or the political influence it possesses is not diminished. That is a problem that has been created because of the present language policy, because the Eastern and Northern Province Muslims - they may be smaller in numbers - but they are the ones who are in a position in to send a fair number of Muslim Members to the House of Representatives, whereas the other portion, namely two - thirds of the Muslims who inhabit the other seven Provinces, cannot because of their living isolatedly, because of their not-

**SENATOR NAGALINGAM:** What about Sir Razik Fareed?

**SENATOR AZEEZ:** They cannot send so many; one as against four.

So that it is not a simple problem to us. This may be a "simple" Bill but to us it is not simple; it is very complicated indeed.

The hon. Leader of the House referred to parity and gave his own definition of it. I do not propose to enter into a discussion on that highly controversial subject but I would like to summarize the various solutions that have been offered in the matter of State languages, official languages, into nine categories.

First comes parity as envisaged by the hon. Leader of the House which, I may say, is parity quantitatively and qualitatively - parity which is almost "fifty-fifty" in disguise. Then there is the other parity which is parity qualitatively and not quantitatively. Then we have parity with priorities within, as the one defined by one of our former colleagues, Sir Kanthiah Vaithianathan. Then we come to two official languages throughout the Island, and that is in accordance with the resolution passed in 1954 at the U.N.P. sessions. Next we have two official languages of the Island, meaning regional languages - one language to be the official language in certain parts of the Island and the language to be the official language in the other parts of the Island. Then we come to another category - Sinhalese only with due recognition of Tamil and fundamental rights in respect of language guaranteed. Then we come to the next category - Sinhalese only

while according due recognition to Tamil in the legislature, administration and education. That phraseology is taken from the memorandum that was submitted by the present Prime Minister to his Party on or about 12th September, 1955. Then we come to another kind, Sinhalese only with reasonable use of the Tamil language. This, I believe, is the one in the M.E.P. manifesto.

The hon. Leader of the House elucidated it further by saying that only one part has the effect of the mandate. I find it rather difficult to draw that subtle distinction because the phraseology in the M.E.P. manifesto is "Sinhalese only with reasonable use of the Tamil language." This is the first time I heard that the mandate covers the former part and not the latter part.

Sinhalese only as the official language, with no recognition whatever of Tamil, is the last category and normally I would include this Bill as falling into the last category but for the several assurances given by the Hon. Prime Minister in the Other Place and some assurances given by the hon. Leader of the House. If they had not given their assurances, our task would have been very simple because in this categorising we would have placed this Bill in the last category, that is Sinhalese only undiluted, with no sharing of status or power with any other language or languages. But the various assurances, the various statements, that have been made in the Other Place and some of the statements that have been made by the hon. Leader make the position very difficult indeed for us to place the present Bill in any one of these latter categories. Whether this particular Bill contemplates Sinhalese only, while giving due recognition to Tamil in the legislature, administration and education, or whether it is a Bill which envisages the reasonable use of the Tamil language, or whether this Bill is for due official recognition of the Tamil language. together with fundamental rights, we are at a loss to understand. We have been given several assurances, each assurance making the position more confused. If I knew for certain what is meant by these assurances and what exactly is conoted by the phase "reasonable use of the Tamil language" I may be able easily to come to a conclusion. But this knowledge is withheld from us. We are asked to accept certain assurances and I therefore think it is my duty to analyse some of these assurances and to convince you that they mean nothing more and nothing less than that those who have given them

are very fair minded persons! But that does not carry us far. We are aware they are fair minded persons, particularly the Prime Minister. We know that he would not be consciously harsh towards the minorities. I shall develop that point further, but I must say I find it very difficult to accept those assurances in the form in which they have been given.

I believe the hon. Leader said that the term "Official language" is not defined. He asked: "Why are you afraid?" We are afraid because unless this is defined we are at a loss to know to know where we stand. In fact, there was an interruption - the question was asked, "What about a plaint?" The hon. Leader said that a plaint has to be in the Sinhalese language because the Bill is such, but that if that is a question of marriage registration, and so on, they might consider allowing a different language. But can they allow that without first telling us exactly what is connoted by the words "official language"

In the Other Place. the Hon. Prime Minister said that he could not introduce into the Bill any phrase like "due recognition of the Tamil language" or "reasonable use of the Tamil language" because those are things that cannot be precisely defined. I am an entire agreement with him there. But it is therefore most curious that the words "official language" have not been defined in so important a Bill as this. In other important Bills that have come before this House, the Objects and Reason were printed along with the texts of the Bills, together with Statements of Legal Effect. If there is any Bill that should have the the Objects and Reasons stated and a Statement of Legal Effect included, it is this because it affects the entirety of the nation, because it has been moved with the sole purpose of changing the language of administration of the country. But the Objects and Reasons have not been stated. There is no statement of Legal Effect given. So that, truly, we are at a loss to understand what precisely the definition of "official language" is. Therefore we are compelled to think that the words "one official language" mean that Sinhalese and no other language will be allowed as an official language. If it is stated that Sinhalese shall be the "the official language" or "an official language" it would be a different matter, but what is stated here is "one official language". In these circumstances, when this Bill comes in force, how can marriage registrations be made in any language other than Sinhalese, just as plaint cannot be filed except

in one language, the Sinhala language? I do not know how that can be done.

**THE PRESIDENT:** The hon. Leader explained that the Prime Minister is prepared, by regulation or otherwise, to see to such things.

**SENATOR AZEEZ:** I was dealing with another aspect of the matter, but the Prime Minister's powers cease to exist on 1st January, 1961.

**SENATOR NAGALINGAM:** No, 1960

**SENATOR AZEEZ:** It may be 31st December, 1960, but anyway that is a very minor matter. That is exactly my objection to the Bill. I shall come to this later. The hon. Leader is very solicitous about the minor languages of this country. Unfortunately I do not speak any minor language of this country. I am not a descendant of the Portuguese who have a language of their own, nor can I speak Malay, Sindhi, Gujarati or any of those languages. I must protest against this attitude of putting all languages together because, after all, the Hon. Prime Minister himself was an active participant in the debate on the Motion which was brought up in the State Council by Mr. J. R. Jayawardene in 1944. From 1944, till perhaps now, this very moment the hon. Leader spoke, there was no intention of raising any language other than the Sinhalese and Tamil languages to the status of national languages. Therefore, if the hon. Leader is going to foster minor languages of this country, he has my sympathy, but I am not particularly interested in them. In 1944, all of them participated in the debate. The original resolution was to make Sinhalese the official language, but it was amended to include Tamil as well. Therefore it has been accepted that Tamil should also come in. We do not say that it is a fundamental right that it should be a state language, an official language. But that does not mean we are obvious of the special claims the Tamil language has by virtue of its past history and by virtue of the various decisions that have been made from 1944 onwards. I do not think it is correct to say that the Tamil language is in the same position as some other minor language which is spoken in this country. We do not know what precisely is a State language; we do not know what is an official language. I believe they are identical terms. But certainly I hope that the hon. Leader will not deny the status of a national language to the

Tamil language. He may deny, but history will not support him.

Some reference, fortunately or unfortunately, has been made to a resolution that I proposed on 20th February, 1954, at the annual session of the U.N.P. The text of that resolution was not given and I crave your indulgence to give the text of that resolution because it might clear a lot of misunderstanding. This was the resolution.

“This Conference reiterates its decision to make Sinhalese and Tamil the official languages throughout the country in the shortest possible time.”

Now, the question was asked as to why that resolution was introduced at that particular stage and in that particular form. The reason was that in January, 1954, there was an Indo-Ceylon Agreement in which the phrase “the language of the area” was used. Unfortunately, I have not got the text of that agreement, but the words “the language of the area” were used and there were some who sought to give the interpretation to that proposal that Tamil and Sinhalese shall be the official languages of Ceylon, that Tamil would be the official language in one part of Ceylon and Sinhalese would be the official language in another part of Ceylon.

**THE PRESIDENT:** Who had that impression?

**SENATOR AZEEZ:** Some Members of the U.N.P. were under the impression that a certain amount of confusion would be created by the use of the words “the language of the area” in an official document; that some persons might legitimately consider that that would mean having Tamil in certain areas and Sinhalese in certain other areas in Ceylon. That would have affected the Muslims most because they reside in both areas and I was particularly interested therefore in obtaining a clarification and moved a resolution in that form at that U.N.P. Conference.

**SENATOR NAGALINGAM:** It was worthless.

**SENATOR AZEEZ:** I shall not be diverted by these interruptions as I wish to carry on with the history of this matter uninterrupted. Therefore this resolution

made it crystal clear that there were not going to be official languages in terms of areas, but that there were going to be two official languages. The words “parity of status” were never used by me. I never envisaged parity nor was I ever happy when the term “parity of status” came into use and when my Sinhalese friends interpreted that term as “fifty-fifty” in disguise. I used to tell my Tamil friends -

**SENATOR B.I. PALIPANE:** There was no disguise; it was “fifty-fifty”.

**SENATOR AZEEZ:** Senator Palipane says there was no disguise. I used to advise my Tamil friends not to use the term “parity of status” and my resolution never contained that phrase. Then this question of parity of status became very acute as a result of the official disregard of the Tamil language on the occasion of the opening of Parliament by the Queen on 24th June, 1954. Mr. G.G. Ponnambalam sought to move an Amendment to the Throne Speech, to the effect that provision should be made in the Constitution by which Tamil would be assured of a position of complete equality with Sinhalese as one of the official and national languages. Senator Nadesan dealt with that aspect of the question when commenting on the Throne Speech, and I do not want to go into that again. All that I desire to stress is that it started an acute controversy throughout the country. The Muslim community had to take note of the controversy agitating the country, the feeling expressed and the tension created.

Therefore, on 11th December, 1955, the All-Ceylon Muslim League held a symposium on the language question. It invited various parties. We had the representatives of the S.L.F.P., the V.L.S.S.P., etc., and the Ceylonese National League which advocated English as the only official language for many years to come. We were benefited by the discussions, and we gained valuable experience.

On 18th December, 1955, we had a Joint Conference of the All-Ceylon Muslim League and the Moors' Association, and we passed a resolution which is relevant to my approach to this Bill. This was the resolution we passed in December, 1955:

“That Sinhalese be accepted as the only State Language with due official recognition being given to Tamil and English, and provided that fundamental rights of the minorities in

respect of religion, culture, language, etc. are incorporated in the Constitution.”

That resolution was ratified by the Central Council of the All-Ceylon Muslim League on 8th January, 1956. On 11th January, 1956, two sets of representatives from these two organizations met and considered whether that particular resolution should be moved as an amendment to the U.N.P. resolution at the Kelaniya conference. There was a diversity of view. Some opposed the proposal of an amendment, and felt that an interview should be sought with the then Prime Minister, Sir John Kotelawala, to find out whether he had in mind the giving of due recognition to Tamil and English, and incorporating fundamental rights. At that time the idea was that there was going to be an amendment to the Constitution. Some felt that there should be an amendment moved at Kelaniya; others felt that an assurance from the then Prime Minister would be sufficient, and that there was no need for an amendment.

On 19th January, 1956, a deputation waited on the then Prime Minister, led by Dr. Kaleel, then Minister of Labour. The necessary assurance was given by Sir John Kotelawala to the Muslim League and the Moors' Association, and those who represented these bodies in that deputation pledged their support to the U.N.P. after that assurance was given.

The assurance was that the Bill to be brought forward by Sir John Kotelawala, when he was voted to power, would conform to the requirement that due recognition be given to Tamil and English, and that fundamental rights would be incorporated in it. At that time the S.L.F.P. said that they had the reasonable use of Tamil in view.

On 17th May this year, we had a glimpse of the Bill that was being prepared by the present Government. The newspapers of 17th May had details of the Bill. The Bill as it appeared on 17th May was not acceptable to us. Between the publication of the details of the Bill on 17th May and the publication of the present Bill, some vital clauses, providing for some recognition of Tamil, had been omitted. The present Bill is worse than the draft Bill which appeared on 17th May.

When the draft of the Bill appeared in the papers, we passed a resolution on 20th May, three days after the draft was published. This was the resolution:

“Whereas the All-Ceylon Muslim League in December, 1955, passed a resolution ‘that Sinhalese be accepted as the only State Language with due official recognition being given to Tamil and English, and provided that fundamental rights of the minorities in respect of religion, culture, language etc., are incorporated in the Constitution.’

And whereas the draft Bill which has been approved by the Sinhala Only Committee of the M.E.P. does not give due official recognition to the Tamil and English languages.

And whereas no steps have been taken to incorporate in the Constitution the Fundamental Rights of the minorities in respect of religion, culture, and language.

And whereas the draft Bill violates the fundamental language rights of the Ceylonese Muslims,

And whereas the immediate change over to Sinhalese as the official language and the completion of the process before January, 1960, denies to the Muslim the opportunity of participating fully in the life of the country and imposes on them disabilities and disadvantages” -

All the effect this resolution appears to have had on the Government was that instead of January, 1960, they made it 31st December, 1960. They probably thought that the Muslims are so capable of acquiring a new language quickly that twelve months would make all the difference to them! We are not claiming parity. We wanted opportunities for participating fully in the life of the country, and our quarrel is that the Government does not give us time to cope with the situation. They are over-hasty. To conclude my quotation from the resolution.

“This Central Council of the All-Ceylon Muslim League hereby unequivocally declares that it cannot accept a Bill in terms of the proposed draft”.

This resolution was passed on 20th May, and on 24th May we had the honour of an invitation from the Prime Minister to discuss this resolution and the language problem with him. We met him in the morning. We spent four hours with him. We expressed our point of view fully. He saw our difficulties, but that same evening Mr. F.R. Jayasuriya commenced his fast to death. He was good enough

to call off his hunger strike on the 26th, and on the 28th he had the privilege of attending a meeting of the Parliamentary Group of the M.E.P. It is not for me to discuss the purport and manner of his fast which are well known. Although Mr. Jayasuriya's friends may think that no language owed so much to one individual as the Sinhalese language to Mr. Jayasuriya, history, I am sure, will give a different verdict.

The Bill became truncated and incomplete - whether as a result of Mr. Jayasuriya's action or not, I do not know. The Bill became less satisfactory to us.

After the draft Bill was published, the Working Committee of the All-Ceylon Muslim League passed this resolution on 8th June:

"The Working Committee while regretting its inability to support the Official Language Bill in the form in which it has been introduced by the present Government in the House of Representatives on June 5, 1956, reaffirms the League's acceptance of Sinhalese as the only State Language of Ceylon."

**THE PRESIDENT:** The sitting is suspended for 30 minutes.

*Sitting accordingly suspended at 4.30 p.m., and resumed at 5 p.m.*

**SENATOR AZEEZ:** Mr. President, I find it extremely difficult to cast my vote in favour of this Bill for what it contains and what it does not contain. In the first place, it contains just one date which throws on us a lot of hard-ship, that is, "the thirty-first day of December, 1960."

Before I come to that I must also stress that this Bill is silent with regard to the status of the Tamil language, and I have already pointed out to you that the Tamil language, by virtue of its history, deserves an entirely different place from that being a minor language. But the hon. Leader envisaged in his speech - in fact, the present Prime Minister in his memorandum of September 1955 also did envisage - some kind of status being given to the Tamil language in the spheres of legislation, administration, education and examination. If I remember right,

he was not so solicitous about the minor languages at that time, and perhaps even now, as our present Leader who thinks probably that it is his duty to foster those languages which might die but for his timely intervention and special help.

The term "official language" has not been defined and, therefore, it is very difficult for us to know exactly what the implications of this Bill are. I think the hon. Leader stated that he would not mind allowing registration of marriages and deaths taking place in a language other than Sinhalese even after 31st December, 1960. But the position is not so simple. What about the proceedings of the Kathi courts? Under the Muslim Marriage and Divorce Act, there are a set of judicial officers called Kathis, many of whom do not know any language other than Tamil, and who are now allowed to have their records in Tamil.

**SENATOR THE HON. M.W.H.DE SILVA:** I think I explained that the Bill will not affect the special provisions of the law. There is a special provision with regard to Kathis which this Bill will not affect.

**SENATOR AZEEZ:** I am not Lawyer, but when I read the clause:

"The Sinhala language shall be the one official language of Ceylon:",

I understand no other meaning except there being one official language. We would have been very happy if that provision had been incorporated in the Bill. After all, the Legal Draftsman is quite competent to translate that idea into legal form, and I would have been very willing to vote for this Bill if such provision were made satisfactorily.

**SENATOR S. NADESAN:** That is because lawyers also must live.

**SENATOR AZEEZ:** Lawyers must live but I am only concerned with the hardship that is likely to be caused to people who cannot employ expensive lawyers. This is more confusing because statements are made in various forms by various Ministers. Here is one statement by the hon. Leader of the House in the Other Place.

**THE PRESIDENT:** If the hon. Senator says that the Bill does not provide for the language. What language is going to be?

**SENATOR AZEEZ:** The Bill provides clearly what the official language is going to be as soon as it is passed. We have not still technically passed it. But it says that in such very clear and unequivocal terms that I gained the impression that unless there is an Amending Act, this would have an overriding effect because at the moment we do not have any legislation; specifying that a particular language is the official language of Ceylon. This is *ad hoc* legislation: there are certain Acts where mention is made of documents being kept in Sinhalese or Tamil or English. But as far as I am aware, there is no legislation in existence today which makes English the one official language. As a matter of fact, there are subsidiary official languages today. Even during the colonial days, although English was the dominant or primary official language, it is my submission that there had been subsidiary official languages - not Malay and Gujarati and Sindi, and so on, but Tamil and Sinhalese - and, may I say, enjoying parity of status whatever its worth.

**SENATOR THE HON M.W.H. DE SILVA:** What about English?

**SENATOR AZEEZ:** English was the principal official language. Having been a member of the Government Service once upon a time, I know that the village headmen were allowed to have their official records in Sinhalese or Tamil. But the whole point is, there should be some meaning in making a language the one official language of Ceylon. Otherwise, one could have taken some administrative steps. As a matter of fact, before this Bill was introduced, some Ministers had taken steps on their own.

**SENATOR NADESAN:** That is illegal.

**SENATOR AZEEZ:** That was illegal. That is being legalized.

**SENATOR NADESAN:** Even now it is illegal. Only the Prime Minister can make it legal

**SENATOR AZEEZ:** If the hon. Leader's assurance had been embodied in this Bill, if his statement had been transformed into legal form, then, of course, I would have been satisfied. But now as it is, my own impression is - and the words justify my impression is - that on and after 1st January, 1961, the Kathi courts, and so on, cannot have their records in a language other than Sinhalese. If it is otherwise, I will be happy; but that is not the meaning that I see in this Bill. For example, statements are made by Ministers. This is a statement by the hon. Leader of the House in the Other place made at Kalmunai. This is from a report in the *Times of Ceylon* of 17th June, 1956. He is alleged to have told the people who were gathered there that the language Bill meant nothing more than the replacement of English by Sinhalese and that Tamil would continue to occupy the place which it held in the Island from time immemorial. Obviously, this is a contradiction of the Bill because English was an official language along with two other official languages. If that was the intention of the Government, we would have expected them to say that Sinhalese shall hereafter continue to occupy the place that English occupied in the sphere of administration, education and so on. Why are they not so clear? They are giving assurance after assurance. I shall deal with the assurances at a later stage.

Another difficulty is that English was never a national language. It was an official language; but Sinhalese is a national language. So is Tamil. The difficulty becomes rather worse on account of these distinguishing features. Merely to say that Sinhalese is going to substitute English carries us no further because Sinhalese is the language of 70 or 80 per cent of the people of this country, and except for the members of the Burgher community who are small in number and who speak English, the others do not speak English as their language. So that, the position is entirely different. I personally feel that we should not be lulled into a false sense of security by this statement that Sinhalese is to replace English because it is not so stated in the Bill.

The hon. Leader of the House referred to the medium of instruction and said there is absolutely no intention of this Government to make my changes in the medium of instruction. But the problem is not so simple as that. What is going to be the medium of examinations, examination in respect of the future Civil Service.

Clerical Service and other Government employment? That question has not been answered. Now we are asked to take the assurance of the Prime Minister and other Ministers and give our assent to this Bill. When that question was pointedly referred to - I believe I am in order in reading the statement of the Hon. Minister of Education, because this is a subject that belongs to him - this is what he said:

“That is a detail that will have to be worked out. I have already said, of my hon. Friend did not understand me, that I shall place before the Hon. Prime Minister the results of all the investigations we have made. I even pointed to the example of a question paper that was being answered in three languages and was being marked and listed for purposes of results without showing any differences. Therefore, the answer to the question of the hon. Member for Vavuniya is that whatever results we have achieved will be placed before the Hon. Prime Minister so that he will be in a position to say how exactly future public examination should be conducted. - [OFFICIAL REPORT, REPRESENTATIVES, 8th June, 1956; Vol 24, c 1047,]

He says “We will look into the matter.” As far as we are concerned, it is a vital matter because in 1945 - I believe, on 11th September, 1945 - there was a regulation framed by the Education Department and the then Minister of Education setting out what the medium of instruction should be. At present some childrens are being educated in Tamil. some in Sinhalese and some in English. Those are the three languages recognized as the media of instruction. The Government says, as far as the medium of examinations is concerned, they shall consider the matter, they shall go into the details - and they call that an assurance. I wish to know the real effect of the words. “I shall consider the matter, I shall give my anxious consideration to the matter.” As for as the medium of instruction in concerned, all the assurances the Government have given us is that they will work out the details, they will study everything and do what right in their opinion.

The hon. Leader said that the medium of instruction has no connection with the official language. That is exactly the point at which I differ vitally from the Government. The official language cannot be dissociated from the medium of instruction, from the medium of education, from the medium of administration, from the medium of the local authorities, etc. It is too vital a matter. As I said, the Bill just covers one aspect of the matter and the rest are unwritten assurances given in various shapes and forms, some on the floor of this House, some at the

other Place, some at public meetings. As far as we are concerned the medium of examination is so vital. The Leader of the House might say, “We are not interfering with instruction,” but it is not so simple as all that.

Suppose all the papers connected with examinations were to be in Sinhalese, certainly you are placing an insuperable obstacle in the path of the boy who has not studied in Sinhalese as the medium. Therefore, we cannot be vague about the matter. All that I can do is to quote a passage from Shakespeare which indicates what a vital connection exists between the official language and the medium of examination. This is the quotation:

“You take my house when you take the  
prop  
That doth sustain my house; you take my  
life  
When you do take the means whereby I  
live.”

When you manipulate your medium of education in a particular way, you are certainly placing an obstacle in the path of a Tamil-speaking boy pursuing his studies in his language as the medium.

I have seen statements in the Press where it is envisaged that higher education in Ceylon after 1961 should be pursued in the Sinhalese language. That is to say, a Tamil-speaking boy will start his education in the Tamil medium, but as he goes to the VI standard or Senior Prep. he will be expected to switch on to the Sinhalese medium. That is what I read in the Press.

**SENATOR NADESAN:** The Tamil boy can go on in the English language.

**SENATOR AZEEZ:** But he will be denying himself opportunities of employment, opportunities like what Senator Nadesan had. Unlike Senator Nadesan, my profession is such that I have to deal with the growing generation. I say that they will be very much handicapped unless the Government decided that the medium of examination will be so arranged as not to unduly handicap

the Tamil-speaking boys.

**SENATOR NADESAN:** Government will give them land.

**SENATOR AZEEZ:** There is nothing whatever said about the medium of instruction. The statement of the Hon. Minister of Education is not one which we can accept. He said the Government had an open mind, that they had not come to a conclusion. They have not given an assurance that the Tamil-speaking boy will not be handicapped or even not unduly handicapped. I for one am prepared to accept that vague assurance.

I was trying to find out for myself why the particular year 1960 was selected and not any other year. Someone said it was because an election has to take place in 1961 unless something unfortunate befalls the Government before that. I was not too happy about the reason and I read for myself the statement made by the Hon. Prime Minister. He has given us a reason why 1960 was selected. This is what the Hon. Prime Minister, in introducing this Bill, said:

“What is the time required to make the change-over - I am talking apart from the language of the minorities - to change over from English, what is the period? The hon. Minister of Justice, in consulting the Supreme Court of Court Judges, was informed by them-of course provided that certain things were done, interpreters were provided and so on -that they could make the change in four years, and we took the the supreme Court as the body where it would be most difficult to effect a change. Therefore we fixed a date that exceeds four years; that is to say 31st December, 1963.[OFFICIAL REPORT, REPRESENTATIVES, 6th June, 1956; Vol. 21, c. 839]

**SENATOR NADESAN:** The whole of that is wrong.

**SENATOR AZEEZ:** Some questions were put on the floor of this House by the former Minister of Justice (Senator E.B. Wikramanayake) and some answer was given. But it was stated that in the public interest the correspondence could not be tabled.

**SENATOR NADESAN:** In the interest of the Prime Minister.

**SENATOR AZEEZ:** I do not know what exactly were the reasons that made him take that step, but it was clear from the statement of the hon. Leader that, provided certain interpreters were available, provided certain things were done, it would be possible.

**SENATOR NADESAN:** Possible to have the record.

**SENATOR AZEEZ:** But what about the pleaders? I refer to those who plead before the Supreme Court. It is very strange in fact, as far as the Supreme Court is concerned, that the Official Languages Committee has made this statement, which it is appropriate at this stage to quote. The statement, as a matter of fact, is quoted at column 690 of the House of Representatives HANSARD of 19th October, 1955. It read as follows:

“The Select Committee of the State Council visualised this when it stated, We have to proceed with the greatest caution. The history of other countries which have gone through the phase that is now upon us when the national languages supplanted by a foreign tongue were struggling to gain ascendancy, tell us that the courts have been the last citadel of the foreign language.

In other words, it is accepted on all hands - even the Constitution of India has accepted it - that the most difficult place where the new language could be introduced is the Supreme Court.

The hon. Leader talked about records, about pleaders pleading in their own language and getting in interpreted by somebody for the benefit of the judge where the judge did not know the language of the pleaders, but he did not make any reference to the translation of the various legislative enactments. I say that because I envisage that after 1961, if there is a pleader who knows only Sinhalese and no other language, in terms of this Bill, of the spirit of this Bill, by virtue of the mandate that has been given this Government, he should not be compelled to get hold of the translator to read a set of legislative enactments -

**SENATOR NADESAN:** It will solve the unemployment problem.

**SENATOR AZEEZ:** Well, I can envisage an ironic situation where a lawyer who is very proficient in the Sinhalese language, as proficient as the Muslim Minister in the present Government, but who, unlike the Muslim Minister does not know the English language pleads in the Supreme court. What is he expected to do? That is a matter that has not been dealt with. What I say is, in respect of the most difficult sphere of administration, the most difficult place where you can have Sinhalese, you have fixed on 1960 for the switch-over. Therefore by implication, in every other aspect of administration this switch over could be possible much earlier, but it has been accepted everywhere -in the Indian Constitution, in the Select Committee Report - and history has proved it, that the place where it is most difficult to introduction a new language is the Appeal Court or the Supreme Court. If I remember right, in Egypt, where they had Arabic in all the various courts, they could not avoid French or English in their highest tribunal.

So, in that state of affairs, if you have fixed 1960 as the time for the switch over in respect of the Supreme Court, then I take it that in the other spheres of administration you could switch over much earlier. That is why we are very much concerned and perturbed because the position is that 1960 is the last date; it is not the first date. So that the some of the members of the Muslim community must be prepared, as soon as this Bill is passed, to possess a knowledge of Sinhalese which they cannot acquire in that style, in that manner and in that quick time.

Now, I would like to ask the hon. Leader one simple question - I am not a lawyer - a commonsense question. You say that the courts will have to keep their records in Sinhalese by 1st January, 1961, but you are allowing the pleaders to plead in their own language. Is it easy for them to do that? Are you not creating difficulties? Supposing you made it 1971? If you 24-hours mandate can be 1960 cannot that mandate be 1970? Either you have it in 24 hours or you have it in reasonable time. We were under impression that the intention at one time was to switch over to Sinhalese within 24 hours. Later, an explanation as given that within 24 hours the Government pledged itself to have a target date. I accept it. But if you can have 1960 as the target date why cannot you have 1970 as the target date, particularly when it is pointed out to Government the various hardships

that are caused to a set of people who are not Sinhalese-speaking?

**SENATOR THE HON M.W.H. DE SILVA:** The Hon Prime Minister stated that the date would be extended if necessary.

**SENATOR AZEEZ:** When the date is sufficiently extended, I will be the first to speak, squally at length, in acceptance. Till the date is extended, I cannot accept it.

I will also read the particular passage where the Hon. Prime Minister spoke about the date.

**SENATOR NADESAN:** The Prime Minister's assurance

**SENATOR AZEEZ:** Here is the assurance and the particular passage to which, I believe, the hon. Leader referred.

“May I say now, at this stage, that it is our intention, as far as possible, to make that change wherever possible, but if in the course of our proceeding in implementation we find on sufficient ground and data that the change-over just cannot reasonably be made during that time, we will not hesitate to come before the House and the Country for passing the necessary amendment to the Bill with the facts before us.” [OFFICIAL REPORT, REPRESENTATIVES, 6th June, 1956; Vol. 24, c. 840.]

I ask in all earnestness, have I not shown the hon. Leader our difficulties? So, why does he not consent to an amendment now? The Hon. Prime Minister says, “If it just cannot reasonably be made.” According to whose reasoning? According to the Government's reasoning. Do they think that our Muslim boys are so linguistically made an created specially that they can take to any language in such quick time? But that is not so; it simply cannot be done. Within four and a half years they cannot acquire proficiency in a new language. Our proctors, our advocates who have been practising for such a long time cannot adapt themselves so quickly to the change-over. They may have to plead with interpreters, understand with the help of interpreters and read records also with the help of interpreters. I do not know of any country in the world either in the past or the present, and I am sure not even in the future - with the kind of arrangement where

the judge must have an interpreter, the lawyer himself must have an interpreter, and where the books are in a language which is not the official language.

These are difficulties to understand which there is no necessity to wait for a certain measure of time; these are difficulties which stare us in the face. With a little imagination, with a little common sense, they can be envisaged right now. The Government says that the Bill can be amended later when the change - over "just cannot reasonably be made," but as far as the difficulties are concerned, they are as clear as daylight. It is impossible to expect a person to acquire proficiency in a new language in such quick time. Of course, if it is the kind of proficiency, that is expected of a salesman or a hawker, it can certainly be acquired; but if it is the standard expected a professional man, it simply cannot be done.

Now reference was made to a circular that was sent by the hon. Leader in respect of the law students. The hon. Leader was perfectly logical, and in fact I must congratulate him on having sent on that circular, because I found the Bill unfolded in that circular. The implication is very clear that Muslim law students who will acquire a certain knowledge -

**SENATOR THE HON M.W.H. DE SILVA:** Not a circular

**SENATOR AZEEZ:** I am sorry, it was a letter.

**SENATOR NADESAN:** He had no right to send that letter.

**SENATOR AZEEZ:** Anyway he has given his interpretation of the Bill -

**SENATOR THE HON M.W.H. DE SILVA:** Anybody has a right to suggest.

**SENATOR NADESAN:** I do not think so. The Minister in charge of the Bill is the Prime Minister.

**SENATOR THE HON M.W.H. DE SILVA:** This was long before the Bill.

**SENATOR AZEEZ:** I am sorry, it was a letter.

**SENATOR NADESAN:** That makes it worse.

**SENATOR AZEEZ:** Senator Nadesan has, as usual, interrupted me to say that the hon. Leader had no right to send a circular, or letter, or whatever it is, to the Incorporated Law Society. I am not concerned with that aspect of the matter.

**THE PRESIDENT:** I do not think it is the Incorporated Law Society. It is the Council of Legal Education.

**SENATOR AZEEZ:** The Council of Legal Education. I thank you, Mr. President, but I am not concerned, as I said, with that aspect. What I say is that this letter to the Council of Legal Education, whether it is legal or illegal - if it had not been illegal, it would have been much better - this letter or circular or whatever it is, gives us an idea of the kind implementation of this Bill envisaged by the hon. Leader, and I say that he is perfectly logical thank him for his elucidation, because of this Bill is passed, the Muslim boy who does not possess any knowledge of Sinhalese has to acquire a certain knowledge of the Sinhalese language within a very short space of time; and with the kind of rigorous examination that this body holds - you know, Mr. President, that all these professional bodies hold very strict examinations - they do not pass all the candidates, as is done at the Training College under the new arrangement. Unlike the present Government which is very generous and pass all the candidates, Council of Legal Education do not pass all candidates; so that, the boys who are non-Sinhalese-speaking will find it very difficult to become proficient in Sinhalese in such a hurry.

**SENATOR NADESAN:** The Director of Education holds the S.S.C. So, they will pass.

**SENATOR AZEEZ:** If the assurance is given that all the candidates who take up the S.S.C. from Zahira College will have the same luck as the trainees at -  
*[Interruption]*

**THE PRESIDENT:** I would wish the hon. Senator not to listen to the interruptions but go on with his speech.

**SENATOR AZEEZ:** I thank for of your advice and I shall follow it.

All that I say is, we are grateful to the hon. Leader for giving us an indication of how this Bill is likely to be implemented; so that the kind of requirement that is contained in this letter is more valuable to us than the many assurances given in other places and by other persons. All that I say is, the net result of this Bill interpreted in this way would be to make political illiterates of a generation of our community. I use that phrase in all seriousness. We are going for a generation to be political illiterates in our own country, and with that kind of implication I cannot naturally support this Bill. Of course, if you want one to be a sycophant of the Prime Minister, if you want one to hear the things he wishes to hear rather than the things he should hear, one can say, "Do it"; but I cannot do that. I am very sorry I cannot do that. I have to place before the Prime Minister and the hon. Leader our difficulties and give them correct information.

I would like to add that there are several Muslims who have come to me after seeing this Bill and sought my advice whether they should not emigrate to Pakistan or to Malaya or to Indonesia, particularly those who have many children. They are perturbed. Of course, I know some hotheaded members of the M.E.P. would say. "That is exactly, the kind of result we want from this Bill", but I know that the sober elements of that party do not desire that type of result.

Let us to take the example of the Malay Union, which is an association that accepted the Sinhalese language as the only official language without any condition regarding due recognition of fundamental rights. All they wanted was 15 years' time, but they are now protesting that they cannot cope with the provisions of this Bill.

Many references have been made to these assurances. I first refer to the assurance given by the Hon. Minister of Education in regard to the medium of examinations. When he was told what would happen, he said that he would look into the matter carefully and that he would give it his most anxious consideration. So that, we have to take him on trust without knowing exactly what he is going to do.

The Prime Minister has given several assurances. Before I try to analyse what those assurance would or do mean, let us remind ourselves that the Prime Minister has his own limitations, not in point of knowledge or stature or eminence, but limitation by virtue of the fact that he is a popular Prime Minister, a democratic Prime Minister who has to consult his party, who has to do things according to mandates given to him. He cannot isolate himself from pressure groups within and outside his party, and we have seen that happening. We only hope and pray that his influence grows stronger daily in the party because we know he is not an extremist and is fair-minded; but we are always fearful of the forces of extremism in his party, because the extremists have forged a new weapon, "namely glucose fasting". With this new weapon, anything can happen. The Prime Minister, in his personal capacity, can give an assurance but when the Prime Minister, in his capacity as the leader of a popular party, as the leader of a people's Government, gives an assurance, he gives it with certain limitations. That is one defect. Even if he were a dictator, we may not find it possible to accept assurance from him. Now he gives assurance, limited as he is by the conversion of party mandates and Parliamentary Government; but even if he were a dictator we would not be able to accept his assurance because this is what he has said in the Other Place:

"I think it is not a matter of political condemnation of a person that he may have changed his views on important points. I believe a many good people have done that in the history of this world. [OFFICIAL REPORT, REPRESENTATIVES, 6th June, 1956; Vol. 21, c. 839]

**AN HON. SENATOR:** Who said that?

**SENATOR AZEEZ:** The Prime Minister himself.

New facts may emerge on which he may change, new conditions may arise, whereas if these assurances are clothed in legal phraseology and embodied in a Bill, you cannot change them because you will have to go the House and face a debate. Therefore my position is, in any case it is not fair for our Prime Minister to expect us, those of us who belong to minority communities, to accept assurances of this nature when they are given in respect of problems and questions which are of such vital consequences to us and when those assurances are subject to the limitations I have indicated.

I would like to read another assurance that is contained in his speech:

“... on the further assurance that I gave them and which I give now, namely, that when this Bill is passed I intend to be the Minister in charge of this subject.” -[OFFICIAL REPORT REPRESENTATIVES, 6th June, 1956; Vol. 24 c. 841.]

But he can only frame regulations within the ambit of this Bill and it says he cannot frame regulations after 1st January, 1961. So, our grivance, the wrong that has been inflicted upon us, is that by this switch-over you do not give us time to cope with the new official language. Therefore this assurance has relevance only to the regulations which can be framed within the ambit of this Bill and which will cease to operate on 1st January, 1961.

Then, he has given another assurance, that he will make this change-over “of course, wherever it is possible without causing hardship.” Who is to define “wherever it is possible”? We have already pointed out our hardships as the Bill stands at present. So, that assurance also does not take us very far.

Here is another passage that is very relevant:

“There are various other points like that which we have to take up. Instead of thinking of all that now and trying to introduce these things into the Bill, we felt that the wiser course was to address our minds in detail to each and every one of those problems where they arise.”

As far as we are concerned, the problems have already arisen, have been studied and explained; but according to the Hon. Prime Minister, he will take action whenever and wherever they arise, the implication being that they have not arisen already. I know it is difficult. He goes on to say:

“I know four languages myself: I will be very happy if I knew more. But I would like to assure my hon. Friends in this House that those are details on which I do not think they should try to pin me down.....” - OFFICIAL REPORT REPRESENTATIVES, 6th June, 1956; Vol. 24 c. 847.]

He gives the assurance of being fairminded, of being quite conscious of the rights of the minorities. He gives the assurance that he considers the Muslims also an integral part of the Ceylonese nation. But when you ask him what exactly

he proposes to do, how he is going to solve this difficulty, his answer is, “Give me time, do not pin me down”. What we say is, “Why do you not give us your solution and ask for our assent? You know we are in the dark; you do not tell us how you mean to solve it.”

I cannot understand these assurances because I have never felt that the present Prime Minister is not fair-minded, is not democratic. It is not necessary for him to say so. But the point is on questions of this nature, what I may honestly and truly consider fair, another person may not consider fair, another person may not consider fair. It is something like what is jokingly said of the Honours student and the S.S.C. student in history. The S.S.C. student thinks that the first global war was a war between right and might whereas the Honours student thinks, or should think, that it was a war between one conception of right and another conception of right. The Germans had their conception of right and the English and her allies had their conception of right.

I am not denying that the hon. Leader and the Hon. Prime Minister and other Ministers are not fair-minded and do not have our interests and the interests of the country at heart. But what I do contest is that on certain matters and problems their conception of right may conflict with our conception of right. Therefore, the necessity may and does arise to resolve those conflicts. This one-sided conception of right does not help us in any way. You are not helping us in any way by saying that you will endeavour to the best of your ability to be fair-minded.

**THE PRESIDENT:** Would it be correct to say that the hon. Senator is not against Sinhalese being made the official language but that his objection is that more time should be given before it is made the official language?

**SENATOR AZEEZ:** I was, in fact, hoping to deal with that aspect in my concluding remarks. That is my main objection. The other question of “due-recognition” is also there, on which the Bill is silent. But apart from being silent on the point, the Bill also imposes on us a terrible hardship.

Unfortunately for our country and the minorities, this question has been treated as if it were a conflict between two races. The prestige, status and race aspects have been highlighted to the detriment of certain other important aspects. Having been in the Administrative Service, I myself would like to view this matter from another aspect. I feel that the implementation of this Bill is going to result in a breakdown of the administration, and that is a very vital matter. I understand that a team of Government Parliamentary Party Members are going to India and it is our earnest hope that they are going there with the intention, not of educating India as to how things can be done quickly and within the shortest possible time, to educate India and particularly the Indian Prime Minister, but with the intention and the idea of educating themselves. They should have gone there before this Bill was introduced. I trust they are going after reading that section of the Indian Constitution which deals with the problem, which is fundamentally a negation of the kind of practice they have adopted and followed here. Unfortunately, the Indian people do not believe in “simple ” Bills, they want complicated Bills, so in their Constitution there are a number of sections dealing with the language question. Sections 343 to 351 deal with this question; and I hope that the team that is going to India will carefully read that section of the Indian Constitution which deals with the Supreme Court. If they are going with open minds we will be very happy, but we do not know whether they are going with the intention of converting India to their way of doing things. The hon. Senator seated by my side is very keen that I should read that section of the Indian Constitution which deals with the Supreme Court, namely, Section 348; so I shall read it:

“348 (1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides-

- (a) all proceedings in the Supreme Court and in every High Court,
- (b) the authoritative texts-
  - (i) of all Bills to be introduced or amendments thereto be moved in either House of Parliament or in the House or either House of the Legislature of a State.
  - (ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor or Rajpramukh of a State and

(iii) of all orders, rules, regulations and bye-laws issued under this constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language.”

**SENATOR PALIPANE:** Thereafter?

**SENATOR AZEEZ:** There is no “thereafter”. In other words, they have given unlimited time to the Indian Government. But I suppose there is a peculiar logic which is appealing to the Government Parliamentary Party, namely, the smaller the country, the shorter the time necessary. I do not think that stands to reason.

Coming back to the point I was about to deal with, namely, the breakdown in the administration, there is a passage which I should like to quote from *The Madras Hindu*. Actually, it contains the views of the Madras Government submitted, I think, to the Language Commission. It is a memorandum to the Commission appearing in *The Madras Hindu* of 18th January. I do not want to read the entire passage; I shall only read the relevant portions of it.

“In the light of this preliminary explanation the provisions of Articles 343 and 344 of the Constitution regarding the official languages of the Union may be summarised as follows:

- (1) English should be the principal official language of the Union up to January 26, 1965. Hindi should be the the subsidiary official language up to the same date.
- (2) Hindi should be the principal official language of the Union from and after January 26, 1965.”

And this should interest my hon. Friend Senator Palipane:

“If, at any stage, Parliament considers it necessary it may by law, provide that English should continue to be used, but only as a subsidiary official language. The change-over on a State-wide basis is seen to involve a considerable amount of preparatory work as well as a certain amount of dislocation. It is considered desirable to avoid this, when the machinery of administration is already strained in the effort to implement the National Five Year Development Plan in this State and such activities as the National Extension Service and Community Projects which promote the welfare of the people more concretely than a change in the official language.”

So, as far as India is concerned, they have an ambitious economic programme; and if I understood the manifesto of the M.E.P. they also have an ambitious economic programme for Ceylon. But India is alive to the danger of slowing down the administration when an effort has to be made to reorganize the country on progressive economic lines. But in Ceylon these are minor details and so we can have Sinhalese only as the State language by 1960 !

What is the implication in the Bill stating that Sinhalese shall be the only official language? I imagine that all documents, all files, will be kept in Sinhalese. If all records in the Supreme Court will have to be kept in Sinhalese, I believe it is the intention of the Government, it is the implication of the Bill, that the language in which the files and official records will be kept should be Sinhalese. I am told that some Cabinet Ministers are not very fluent in Sinhalese or that they cannot read Sinhalese so well. I do not know what is going to happen to them. Of course, there is the traditional answer "Have interpreters and translators and perhaps readers." I know that there are Permanent Secretaries who were recruited in a different age, under a different set of conditions, who are not at all proficient in the Sinhalese language although they have passed the so-called First and Second Examinations. I know that they may be able to give orders to peons and talk a few words in Sinhalese, but many of them cannot write a Cabinet Paper in the Sinhalese language. So, what is the remedy this Government proposes for these difficulties?

Speaking of interpreters and translators, have we got a sufficient number of such persons in this country who are bilingually proficient?

**SENATOR NADESAN:** What about S.S.C. passed students?

**SENATOR AZEEZ:** Yes, there are so many of them, and it is a good thing if they get employment, but they cannot translate satisfactorily because, in the first place, official terminology will give them a good deal of trouble and they are not bilingual. This is the type of situation that is going to arise.

Is it necessary for our Prime Minister to wait till an administrative breakdown

occurs for him to find a solution to this problem? Are we not fair in expecting him to envisage the difficulties that are bound to arise and provide for them straightway?

The Minister of Finance has made some statements on this subject. I do not want to quote them because I want to finish my speech by six o'clock. There is the famous radio speech of his in reference to public servants in which he uttered words to this effect: "We are not going to do things in a hurry, we will be very reasonable and considerate to all. We have no intention to disturb the promotion prospects of public officers. We are aware of the fact that you entered the service under different conditions." All this is very fair of him, very nice of him, but while on the one hand there is this Bill by which you have to complete the switch-over into Sinhalese in the whole administration by the end of 1960, on the other hand you are promising all the public servants that you will not compel them to learn sufficient Sinhalese or expect them to hasten their study of that language, or even go out, perhaps with a pension, if they cannot cope with the situation. This is utterly contradictory.

I say, Mr. President, they cannot have it both ways. We behold a dilemma. Either they have to be fair to the Public Service and keep them, or face an administrative breakdown. And if the assurances of the Finance Minister mean anything at all, the administration is going to break down. In this connection, it is interesting to consider what an eminent Sinhalese scholar like Mr. Julius de Lanerolle has said. He himself has been an administrator and he has put it so well that I desire to quote from an article he wrote to the *Times of Ceylon* of 6th June 1956:

"When I asked Mr. Bandaranaike about this matter, he told me that he fixed the time-limit in order to enable him to review the position within the life-time of the present Parliament."

That itself is not very fortunate. If things go on normally, the Government is going to be on the eve of a General Election at the end of 1960. Those of us who have followed current history and politics will realize that these are not things that can be done on the eve of a General Election. You cannot extend the time-

limit for the operation of this Bill beyond 1960 by bringing up an amendment at that stage. I say, therefore, that if you are sincere you are most unwise in fixing this particular date.

**SENATOR NADESAN:** They can extend the same promise to the electorate in 1960.

**SENATOR AZEEZ:** In that case, the people will be disillusioned. The people will open their eyes and see how the promises made to them have been carried out. Sometimes, Mr. President, justice is done in unexpected ways.

I go on to quote Mr. Lanerolle:

“In that case, a provision to that effect should have been made in the Bill itself, as has been done in the Indian Constitution. For otherwise, the ever-pressing hurry, on top of the numerous complications looming large, will thoroughly demoralise the services. That is why I maintain that any time-limits should not be fixed without making the necessary investigations.

In these circumstances, not only the Tamil officers, but a very large number of Sinhalese officers themselves will find it extremely difficult to satisfy the exacting demands of the administration in such functions as minuting, etc.

The Tamil officers who were all these years qualifying for the change both in Tamil and Sinhalese will find it well-nigh impossible to switch on to Sinhalese alone within that time. Nor will it be an easy task for the departments concerned to undertake the training of all these Tamil officers.

If the administrative machine fails one of these days owing to the confusion and chaos caused by these sudden conversions, the Government will have none but themselves to blame.”

If it is only a question of the Government's difficulty, then we would not be concerned so much, but unfortunately the people will suffer more. On the other hand, the people will not have the economic relief that has been promised to them. The Government will be busy the whole time trying to work the administration that they will not be able to spare any time to give their mind to the economic programme which they placed before the country. I wonder whether

it is the idea of the richer sections of the M.E.P. to slow down that economic programme in this fashion. I hope that is not the case.

Let me quote Mr. Lanerolle further

“On the other hand, if the Government agrees to make some systematic use of the bilingual work already done in the two Language Departments, some respite can be afforded to the Tamil officers whose co-operation is absolutely necessary for the well-being of the administration.”

I do not want to quote further than that. Mr. Lanerolle makes it quite clear that we are heading for chaos in the administration and, if that happens, he says, it will be entirely due to the fault of the Government.

Mr. President, we were at one stage prepared to accept Sinhalese as the only official language, but we are unable to support this Bill for the reasons I have set out. I am reminded of a story our own Prime Minister related when he wound up the debate on the Throne Speech in 1947 as the Leader of the House of Representatives. He was referring to the combination of the Indian Members and the Leftists. History has many surprises. But let me go on to the story. I quote his own words:

“I would just remind my hon. Friend, Mr. Speaker, of a very fine but very terrible tale in one of the late Mr. W.W. Jacob's books called 'The Monkey's Paw'. Let him read it and learn its moral. Briefly, the tale is this: There was a shrivelled monkey's paw which possessed a most potent charm. Anyone who which grasped it firmly in his hand and whispered a request would have that request granted; but also there was such a curse attached to that charm that the request granted; very often came in a way that was much more disastrous than the actual attainment of the prayer. This monkey's paw came into the possession of a humdrum Englishman of the lower middle-class. He knew, of course, of the legend attached to it. He was sorely tempted to try it. He only wanted a small thing - a matter of £100 in order to purchase some long desired household needs of his wife. He thought, as the request was small, the curse would not work. He took the monkey's paw in his hand in a moment of courage and he breathed his prayer for a hundred pounds, and he got it. His only son, a worker in a factory went the following day to the factory. He was caught in the machinery and died a horrible and agonizing death. The mangled remains of the son were brought to the house of the couple with the regrets of the manager of the factory and the assurance of the payment of £100 as compensation.”

We accepted Sinhalese as the only official language and we have got this Bill. That poor man wanted £100 and got it through the death of his son. If we pass this Bill, it will make political illiterates of a whole generation of us. That man in the story did not know what was going to happen to his son but we do know what is going to happen to us as a result of this Bill. It is therefore not possible for me to vote for it. I therefore hope and request that now that our difficulties have been pointed out in clear terms, this Government will strive to make amends quickly. I do not propose to send a telegram to Prime Minister Eden or to anyone else because I am quite confident that if the present Government does not do justice, the Sinhalese people who voted this Government to power will, when they find that an injustice has been perpetrated, and when they are given the opportunity of choosing the next Government grant us redress, will not delay or deny us justice.

*It being 6 p.m., proceedings on business under consideration were interrupted under the Standing Order.*

Debate adjourned; to be resumed tomorrow.

On Question, Motion agreed to; the Senate dividing - Ayes, 19; Noes. 6:

Ayes

de Silva, Senator The Hon. M.W.H.  
Jayasuriya, Senator The Hon. A.P.  
Wijesinghe, Senator C.  
Amarasuriya, Senator T.  
Cooray, Senator E.J.  
de Mel, Senator R.A.  
de Saram, Senator J.E.M.  
Jayasena, Senator P.M.  
Jayasundera, Senator Sir Ukwatte.  
Kannangara, Senator E.W.  
Kotelawala, Senator Justin.  
Molamure, Senator Lady  
Palipane, Senator B.I.  
Peiris, Senator Dr. M.V.P.  
Rodrigo, Senator Sir Philip.  
Senanayake, Senator Dr. J.E.  
Siriwardana, Senator Hector de Zoysa.  
Soysa, Senator Sir Bennett.  
Wanninayake, Senator U.B.

Noes

Azeez, Senator A.M.A.  
Kanaganayagam, Senator S.R.  
Nadesan, Senator S.  
Pararajasingham, Senator Sir Sangarapillai.  
Wilson, Senator John.

## **MUSLIM MOSQUES AND CHARITABLE TRUSTS OR WAKFS BILL**

*17<sup>th</sup> July 1956*

**SENATOR A.M.A. AZEEZ:** Madam Deputy-President, at the very outset, I may say that I am not quite competent to deal with all the legal points that Senator Nadesan adverted to, but I shall give the Muslim point of view, as far as I understand it, for the benefit of this honourable House.

As the Hon. Minister of Home Affairs stated in introducing the Bill, we have been waiting for many, many years - I believe he said for 25 years. It is quite correct that the Muslim community has been waiting for exactly a quarter of a century for this Bill. When Senator Nadesan spoke, one perhaps might have got the impression that this is brand new legislation as far wakfs are concerned. That is not so. There was an Ordinance passed in 1931 which governed some other matters besides Muslim wakfs. But, unfortunately, that Ordinance has not come into full effect yet, for lack of rules. As a result, that legislation has not had the beneficial results that were expected of it, and so the Muslims have been waiting for a quarter of a century to see that some kind of adequate provision is made for the supervision and administration of the Muslim wakfs. During this period of a quarter of a century, properties belonging to God - I know according to the law of Islam these properties really and truly belong to God - and meant for the use of the members of the Muslim community have been, in a large measure, mismanaged or misappropriated or inefficiently administered, with the result that in many cases the beneficiaries have been the least benefited.

For about 20 years, the late Mr. Justice Akbar, who was a very pious Muslim and who was quite experienced in the law of the land and Muslim jurisprudence, tried his best to have some kind of machinery set up that would enable the better administration of these wakfs, including mosques. Unfortunately, he did not

succeed. I shall explain why he did not succeed and that will also explain one of the points raised by Senator Nadesan.

There was a Special Committee appointed in 1933 to frame rules under the Ordinance of 1931, to which I referred. The Committee was composed of very eminent legal men and Muslim leaders, and they came to the conclusion that there was no use framing rules as there had to be an amending Ordinance setting up a central authority to supervise the administration of these trusts and mosques. If there was opposition to an amending Ordinance, the Government might have as well framed the rules under Ordinance. It did not. The result is because the Committee in 1935, I believe, said that it was better to have an amending Ordinance than the rules, today we neither have an amending Ordinance nor the rules. So, for the last 25 years those trustees who were not very honest - I am not saying that all the trustees were dishonest - have made full use of the opportunity. Therefore, I submit that there was a certain amount of moral responsibility shirked by the Government for the last 25 years in not having brought up an amending Bill. That will indicate to Senator Nadesan the reason why, having failed to get something on the statute-book for the last 25 years, we are rather perturbed at the mere prospect of any further delay being caused to the passage of this Bill. It is a psychological factor, but it is a factor which is of great importance. I know Bills can be framed in a perfect way if there is more and more time for consideration. But I shall proceed to show that this Bill has been gone into by several Public Trustees - I believe they were eminent lawyers - by a series of Legal Draftsmen, and by a series of Muslim committees. I know we can rely on Senator Nadesan to make still more perfect a Bill or Act that is already perfect.

I do not want to deal at length with the reasons for the unsatisfactory nature of the present Ordinance - I mean the Ordinance of 1931. It sought to supervise and control; in other words, it sought to ensure satisfactory supervision through the machinery of courts. The result was that if some one found that a mosque was being administered badly, he had to spend a good deal of his money and time; very often he did not have the necessary documents, and the burden of producing those documents was on him. So that, it was impossible for a private person to contest the position of the trustee who had the funds of the mosque to expend on

litigation. It is therefore not necessary to go into details and explain at length why the Ordinance of 1931 was unsatisfactory. It did not fulfil its purpose; no rules have been framed; and, as a result, for the last 25 years there has been quite a lot of misappropriation and mismanagement. The late Mr. Justice Akbar, who had personal knowledge of this, had stated in one of his minutes that there had been a good deal of malpractices; and we ourselves, in our experience, know of cases where the committee of management did not meet; cases where mosque property have been given as dowry to some relation of the trustee. Therefore, we are naturally anxious that this situation should cease.

If the Government was not fully alive to its moral responsibility, we - the members of the Muslim community - have been also to blame for not exercising that degree of pressure on the previous Governments that was essential to ensure proper administration of these mosques and wakfs. I think it was Senator Nadesan who said that, like the Hindus, Muslims do not have a central organization. In other words, we have no central organization to supervise these mosques: each mosque is an independent and autonomous unit by itself. We have no priests as such, in the sense of ordained priests who are under the supervision of some superior ecclesiastical authority. Each mosque, each congregation in a village, is almost an autonomous unit. Therefore, it is the moral responsibility of the Government to give the Muslim community some kind of machinery that would ensure these mosques properties being properly administered. What is more important, there are mosques in villages and, as you are aware, Madam Deputy President, Muslim villages are scattered throughout the Island. In several cases, the Muslim residents are unable to maintain the mosques satisfactorily; they are unable to call to book defaulting trustees. I again emphasize that in the absence of a central organization, it is the moral responsibility of the Government to give us some machinery; and that is what has been sought in this Bill. I am no lawyer but I have a feeling that, as far as this Bill is concerned, its real purpose is to set up a machinery for administration rather than to lay down any new principles of law as such.

I have said that there are no priests, no ordained priests. There is a reference to a "Council of Theologians" in the document quoted by Senator Amarasuriya.

All that I wish to say is, any body of persons who have some knowledge of Arabic can assume that title. Let it not be understood that this is some council corresponding to a church council among other religionists. We have no council in the sense of an administrative or superior council possessing ecclesiastical authority that can lay down the law. As far as the contents of that document go, I shall proceed to explain that all these matters are not new. They were all examined by the Special Committee between 1952 and 1954. So that, in this background, Madam Deputy-President, you will appreciate the general feeling of satisfaction that prevails in all sections of the Muslim community today at the introduction of this Bill, of course, with the sole exception of the trustees who do not want to be deprived of the benefit they are illegitimately deriving and who, though honest, are not capable of efficient administration and are not very anxious to be taught how to administer efficiently - and also those trustees who are patriarchally-minded, who do not want supervision or interference of any kind, and their henchmen. With the exception of these groups, the Muslim community in general is very happy that, at long last, this Bill has been introduced in this honourable House.

I would say that the feeling of the community is best expressed by the resolution that was passed last Sunday by the All-Ceylon Muslim League in these terms:

"The League welcomes the introduction of the Muslim Mosques and Charitable Trusts or Wakfs Bill as it is in the best interests of the Ceylon Muslim community, and request the Government to have it enacted without delay."

I am sure, Madam Deputy-President, that you will appreciate, the last part of that resolution - that this Government should have it enacted without delay - because we have waited for 25 years and, therefore, we are very keen that it should be enacted soon. I explained that the cause of the delay is partly due to the Government not being alive to its moral responsibility and partly due to the apathy of the Muslim community. But the real reason why the draft Bills that were brought up in 1943 and 1946 failed was the non-acceptance by Government of the principle to which Senator Nadesan referred - having a 100 per cent Muslim personnel on

the Board and ensuring that the executive officer is also a Muslim. The opposition was based on a certain verse from the Quran - of course, other people interpreted it differently - which said that in the administration of the mosques no non-Muslim should have a hand. So, when the draft Bill was brought up in 1943, there was strong opposition to it. However, people like Mr. Justice Akbar felt otherwise but it may be stated here that Mr. Justice Akbar was unable to convince his co-religionists. Muslim public opinion was against having in the Bill of 1943 a provision to make the Public Trustee the chief officer, with an advisory board of Muslims. The Muslims in general would not have it, even though eminent persons, like Mr. Justice Akbar, said that there was no harm in such a provision and that it was not in conflict with the Quaranic verse; the theologians - not only the theologians but also some lawyers - did not accept that interpretation.

In the draft Bill of 1946 - I do not want to go into great detail - there was concession made in that the Public Trustee was to be the chairman, without a vote, of an executive board composed, apart from the Public Trustee, of Muslims. But even then, the Muslim community was not prepared to accept it, for the Public Trustee, it was said, had the power to hold inquiries, and so on. The Government was however not prepared to accept the principle insisted upon by the Muslim public. Senator Nadesan pointed out that, in his opinion, it was not a satisfactory principle. The then Government also thought likewise. The Bill was, therefore, further delayed.

As a result of the protest by the Muslims, and as a result of the Government not accepting the position of having an entire Muslim personnel on the Board and a Commissioner who was a Muslim, there was absolutely no progress made from 1946 to 1952. And, as far as I am aware, there was no effort made to even recast the Ordinance of 1931 or to frame rules. It was only when the Hon. A Ratnayake became Minister of Home Affairs in 1952 - and I must avail myself of this opportunity to thank him for the interest that he took - that he appointed a Special Committee consisting of Muslim Members of both Houses of Parliament to go into this matter. That Committee was appointed on 10th July, 1952, and it submitted its report on 24th November, 1954. I shall later read the report - it is a very short report - that was submitted by the hon. H.S. Ismail, the Speaker in the

Other Place, who was the Chairman of that Special Committee. The report was submitted after a period of two years. I may say that time was not idly spent: the Committee invited representations from Muslims and went through their representations. So that, the contents of the document that Senator Amarasuriya read were not new to this Committee. In fact, there was a similar memorandum submitted to the Hon. A. Ratnayake. What I am trying to say is that all these objections which are mentioned in the document referred to by Senator Amarasuriya have been gone into, and the Special Committee was aware of them.

**THE DEPUTY-PRESIDENT:** The Sitting is suspended for 30 minutes.

*Sitting suspended at 4.30 p.m., and resumed at 5 p.m.*

**SENATOR A.M.A. AZEEZ:** When we adjourned, I was referring to the Special Committee that was appointed by the Hon. A Ratnayake in 1952. The report that was made by the Chairman of the Special Committee, the Hon. H.S. Ismail, is a short one. It states:

“On the 10th day of July, 1952, we were appointed a Committee with Mr. H.S. Ismail, the Deputy Speaker, as Chairman, to investigate and report on what lines the Muslim Intestate Succession and Wakf Ordinance, No. 10 of 1931, should be amended to meet the present needs of the Muslim community in Ceylon.”

The Committee met on 21st July, 1952, and after due deliberate resolved to ask the Hon. Minister of Home Affairs to insert a notice in the local Press calling for written representations-

That is the point I want to emphasize; I was also a member of that Committee and we did call for representations and several of them reached us-

“on the proposed amendment of the Ordinance, No. 10 of 1931.

The notice asked for was duly published and extensions for the final date for representations to be made were allowed by the Hon. Minister.

The Committee appointed on 10th July, 1952, co-opted Senators Shums Cassim and K. Adamaly, who became Senators after the said date.

The written representations made to the Minister were duly sent to the Chairman of the Committee for disposal.

The chief objection raised by the various bodies of Muslims was in relation to the administrative interference by *non-Muslims* in the affairs of mosques and other allied institutions, as such interference, by *non-Muslims* was a violation of the Law of Shariat (Ecclesiastical Law) of Islam.

The Committee gave its most anxious consideration to this representation and decided to recommend the appointment of Muslim as the Commissioner of Wakfs.

The Committee feels that in view of the important position the Muslims hold in the body politic of this Island, this recommendation would be accepted by the Government.

The other objections raised by the opponents to the proposal for the amendment of Ordinance No. 10 of 1931 are not of a serious nature and as far as is practicable they have been considered and given effect to in the amendments and the alterations suggested by the Committee to the draft proposals.”

In other words, the 1946 draft was amended considerably to meet the legitimate objections of the persons who made representations to this Committee, and I would like to repeat that the most serious objection was that the draft bill of 1946 permitted the Public Trustee to be associated with, or as Executive Officer to be in charge of, the administration of the Ordinance dealing with mosques.

Therefore, it became essential, in view of Muslim public opinion, that the entire personnel of the Board which was going to be in charge of the administration of this Bill should be Muslims, and I would like to thank the Hon. A. Ratnayake and the Cabinet, of which he was a Member, for having accepted that principle for the first time - a principle with which my hon. Friend, Senator Nadesan, is not quite satisfied. But now that I have explained to him how this Bill has been delayed for a period of a quarter of a century, mainly on this point at issue - the alleged interference by non-Muslims - I am sure he will appreciate the decision of the Special Committee in having recommended that the entire Board should be composed of Muslims and the Commissioner himself should be a Muslim. After all, the Board is intimately concerned with mosques, which are religious institutions. I believe my good Friend, Senator Nadesan, will not feel that there is

anything wrong in making it essential that the entire personnel of the Board should be composed of Muslims because it is called upon to administer something most intimately connected with the religious life of the Muslim people.

It was, in the way, unfortunate that the Hon. A. Ratnanayake, who took a great deal of interest in this Bill, could not sponsor it due to the intervention of the General Election. But we are still more gratified that the present Government did not think that as this was U.N.P.-sponsored Bill, it should be looked into rather closely and carefully and take some more time over it. Instead, it has given high priority to this matter and brought this Bill before the House. It could have adopted the attitude that it had several other more important matters pending; it might have said that the M.E.P. manifesto has not been implemented even to a small extent, but it did not.

I would therefore express the thanks of the Muslims community in general, and of the All-Ceylon Muslim League in particular, for the expeditious manner in which this Bill has been presented by the Government, and the sympathetic attitude that has been shown towards the promotion of the culture of a group of people who are very small in number. I expressed my misgivings on the occasion of the debate on the Throne Speech as to whether the newly inaugurated Ministry of Cultural Affairs is to deal with exclusively one culture or with all cultures. I am personally happy to have had the opportunity of listening to the statement of the Hon. Minister of Home Affairs when he introduced the Bill, that in pursuance of the policy of the Government Party to help, protect and promote not merely one culture but all cultures that prevailed in this country, the Government has given this Bill precedence. I make pointed reference to that and express the gratitude of the Muslim community for expediting the passage of this Bill which has had a chequered history. We are still wondering whether some unforeseen obstacle may come in the way of the passage of this Bill. But, as far as I am able to see events, I think we can hope to have this Bill on the statute-book fairly quickly - within a few weeks.

There are some points that have been raised by Senator Nadesan. But before I come to them, since I am now speaking on the Bill generally, I would entreat

the Hon. Minister, in constituting the first Board, to kindly ensure that really good and efficient persons are appointed, because the future of this Bill, the kind of reaction that will prevail in the country among the Muslims, would depend on the manner in which it is going to be administered; and much would depend on the personnel of the first Board.

I would suggest to the Hon. Minister of Home Affairs that he makes the composition of the Board as representative as possible. I mean that in the Board there should be persons who are qualified in law, persons who are qualified in Muslim theology, and persons who have shown that they are good administrators; in other words, persons of proved administrative ability. The Commissioner, in particular, should be a person of proved administrative ability; otherwise, we may find that this Bill is not going to produce the results that are expected of it. It is also necessary that on this Board there should be persons who have knowledge of, and experience in, finance and allied matters.

With regard to the Charities Fund, objections have been raised that the Bill seeks to divert a portion of the funds from other wakfs to constitute this Charities Fund. All that I can say is that we have no central organization, and the amount of levy, or contribution, that is enforced by this Bill is not very large. It is really 1 per cent, 3 per cent and 5 per cent, having regard to the total gross income. Senator Nadesan reminds me that there is also a 25 per cent contribution. That is in reference to the rate of contribution in respect of Muslims shrines or places of religious resort, and what are called *undiyals*. I am sure, now that he knows it is 25 per cent from those sources, he will not have any serious objection to it, because the Charities Fund will be able to administer the funds much better and for much better purposes than an ordinary trustee in isolation.

Senator Nadesan stated that this is the first time we are seeking to enact, or introduce by means of this Bill, the principle of communal appointments. I believe I have sufficiently explained to you the reason for this provision, and I have also emphasized that without this clause Muslim public opinion would not assent to this Bill. Therefore, I am sure hon. Senators will not object to that particular aspect of the Bill.

Senator Nadesan raised a very interesting point about the powers of the Minister to terminate the appointment of any member of the Board. Personally, I am not very happy about it. The only justification for it is that many of our Acts seem to have that kind of provision. Under the Muslim Marriage and Divorce Act, the appointment of a Qazi, who is a judicial officer, is similarly terminable. Again, the position is similar, I believe, under the Co-operative Wholesale Establishment Act in regard to the members of the Board. In other words, it seems to be a fashion in our legislation to have this power. It is not a very happy position and I wish and hope the Hon. Minister will reconsider it; but we have come to the stage when it is better to have this Bill with flaws of that kind than have no Bill at all. I also agree with Senator Nadesan that it would be more correct to have that provision removed.

Senator Nadesan raised many legal issues, and it is not necessary at this stage for me to attempt to answer them. All I can say is that, as far as I understand the Bill, it seeks to set up administrative machinery which has been sadly lacking since the inception of the old Ordinance of 1931; and as far as the Muslim public are concerned, I can say that what they desire earnestly and urgently is that this central authority for which they had been looking forward for a quarter of a century should be established expeditiously. It is a moral responsibility of the Government to establish such a central authority in the absence in our society of a central organization.

Once again, I thank the present Government for taking this interest in the Muslim community, and I hope that very soon this Bill will find its way into the statute-book.

**SENATOR B.I. PALIPANE:** I did not wish to enter into a discussion on this Bill, but there is just one matter which is creating a certain amount of confusion and bewilderment in my mind and I think my good Friend, Senator Azeez, may be able to enlighten me on it.

There is no clause in this Bill which defines what a Muslim charitable trust is, and in the absence of such a definition a certain amount of confusion is created

in my mind. I know of a particular case, that of a good friend of mine, a very pious Muslim -

**SENATOR AZEEZ:** Clause 32.

**MUSLIM MOSQUES AND CHARITABLE TRUSTS OR  
WAKFS BILL  
COMMITTEE**

*4<sup>th</sup> September 1956*

Order for Consideration read,

**SENATOR THE HON. JAYASURIYA:** I move, “That the Muslim Mosques and Charitable Trusts or Wakfs Bill, as amended by the Select Committee, be considered in Committee of the whole House.”

On Question, motion agreed to.

Senate in Committee accordingly.

Mr. President sat Chairman.

Bill considered in Committee.

Clause 1 ordered to stand part of the Bill.

Clause 2. - (*Appointment of officers and servants.*)

(1) There may be appointed for the purposes of this Act a Commissioner for Mosques and Muslim Charitable Trusts or wakfs and such number of Deputy Commissioners for Mosques and Muslim Charitable Trust or wakfs and other officers and servants as may be necessary. Such Commissioner, Deputy Commissioners and other officers and servants shall be servants of the Crown in respect of the Government at Ceylon.

(2) A person who is not a Muslim shall not be appointed as the Commissioner or as a Deputy Commissioner.

**SENATOR COORAY :** Mr. Chairman Clause 2 (2) says:

“ A person who is not a Muslim shall not be appointed as the Commissioner or as a Deputy Commissioner .”

I am afraid I am unable to agree to any law being enacted providing that a citizen of this country shall not be appointed to a particular post under the

Government unless he belongs to a particular community or professes a particular religion. I say so on several grounds; but before I set them out, may I, with your leave, in order to avoid any possible misunderstanding, preface my remarks by saying that I am in entire sympathy with my Muslim friends in their desire to improve their religious organization or, for a matter of that with the desire of any community or any denomination to improve their organization. I myself have the honour of belonging to a religious denomination which, as my learned and hon. Friend, Senator Nadesan remarked in this same connection, can claim to possess one of the best organizations in the world. But may I add, as a matter of historical interest, that that is not so because of any State intervention or legislation, but rather in spite of Governments, and often in the teeth of their bitterest persecution, from the time of Nero, shall I say, down to Mussolini and Hitler.

To come back to this particular provision which it is sought to enact, my difficulties are twofold. First of all, I think it is utterly wrong in principle for a State which professes to be a secular State - I trust that we are yet a secular State - to take into consideration the religious beliefs of any candidate for public office in making an appointment. In the present temper of this country, I say it is not only wrong but it is also a most dangerous principle. We are only too painfully aware of certain recent unfortunate developments, of foul libels uttered by some of the new political parvenus of this country against some of its most outstanding public servants - men who by the traditions of their service are not in a position to defend themselves - to the effect that they are the agents of a foreign power, that their loyalty cannot be depended on, and so on. All this merely because they happen to belong to a particular religion, and the strangest irony of it is that it is a religion which has all along impressed on its adherents the duty of rendering to Caesar the things that are Caesar's and to God the things that are God's. If then, in such circumstances, we concede for the first time in our legislative history this novel principle of making appointments to public office, I say with a due sense of responsibility that we are letting open the flood-gates of religious fanaticism which will destroy not only the Muslims themselves, but also the adherents of every other religious denomination. So, it is not only on grounds of principle but also - I shall be quite frank about it - on grounds of self-preservation, which is the first human instinct, that I oppose this particular provision.

I find that in the course of his speech on the Second Reading of this Bill, at which I was unfortunately prevented by illness from being present, my learned Friend, Senator Nadesan, himself pointed out the dangers inherent in this type of legislation. I am sorry - I am fairly certain he himself is sorry - that he was unable to get this clause deleted in the Select Committee, just as on an earlier occasion, I believe, he got a similar clause deleted from the draft Hindu Religious Trusts and Temporalities Bill. Therefore, having refused this same privilege to one religious denomination, namely the Hindus, how can we possibly justly grant it now to another religious denomination the Muslims? In my opinion, to do so would, in itself, be an act of gross discrimination as between two religious denominations.

My second difficulty, which is a constitutional one, is even more formidable. As you are aware, Mr. Chairman, under Section 29(2)(c) of our Constitution, Parliament cannot make any law conferring on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religion. Now, it should be fairly obvious, without elaboration the point, that if a particular post in the Public Service is to be reserved, by law, for candidates of a particular religion or a particular community, we are clearly conferring an advantage on persons of that community. I do not think it is necessary to argue the law on that subject. Actually, I had occasions to look this up, and found there are decided cases which clearly show that no Government department can discriminate against a candidate for a post in the Public Service on grounds of religion. I will give a simple instance to illustrate that. As you are aware, all posts in the Public Service - including the Civil Service which, I believe, is to be absorbed into the administrative service - are graded, and they fit into a particular scheme of recruitment by advertisement or promotion. Now, when it comes to the question of appointing a Commissioner or Deputy Commissioner for Mosques and Muslim Charitable Trust or Wakfs, if you say that only Muslim candidates will be considered, obviously you are discriminating against non-Muslim candidates.

In this connection, I wish to assure my Muslim friends here and outside that it is in no spirit of animosity that I object to this clause, and I trust they will

appreciate the fact. Indeed there is no occasion for any such bias, and I was extremely pained to be told this morning that I was against this Bill, the very name of which I can hardly pronounce - the word "wakfs". I wish to assure my Muslim friends that I am entirely in sympathy with the objects of the Bill. My sole objection is to this provisions where, for the first time in the history of this country's legislation, you are attempting to lay down by law that a candidate will not be eligible for a post in the Public Service unless he belongs to a particular religious denomination.

To come back to Section 29 (2)(c) of the Constitution, no lengthy argument is necessary to show that in the circumstances which I pointed out, this provision confers an advantage on persons of a particular community. Whether you like it or not, it is discrimination - I am fairly certain that none of my Muslims friends intended that to be so, but that is what you are, in short, doing by Clause 2 (2) of the Bill - that a person who is not a Muslim shall not be appointed Commissioner or Deputy Commissioner. It is imperative: non Muslims are barred. In the Civil Service, to which I had the honour to belong at one time, whenever a vacancy for a fairly senior posts occurs, there is friendly rivalry among the aspirants to the post. Now, it is so happen - I say this in no spirit of disparagement - there are far more non- Muslims than Muslims in the administrative service, as will be borne out by my good Friend Senator Azeez who, if I am not mistaken, has the distinction of having been the first Muslims Civil Servant of this country: I take some pride in that fact as I myself, in a very small way, had some share in that achievement by giving some advice with regard to the Civil Service Examination. If such a situation arises, what is the Government expected to do? Government will have to go right through the Civil List to find a Muslim to fill the vacancy; perhaps it will have to come down to a cadet at the bottom of the list as the only person eligible to be appointed Commissioner for Mosques and Muslims Charitable Trust or Wakfs. And I certainly do not think that non-Muslims Civil Servants are going to be very happy about it. But I am not concerned with their feelings in this matter. I am only concerned with a matter of principle, a matter of constitutional propriety, a matter of contravening the Constitution under which we work.

At the same time, I do appreciate the difficulties in which my Muslim friends find themselves. Though I was not present in the House when Senator Azeez spoke, I have very carefully gone through his speech, and I find that according to some of his co - religionists, unless they have can a Muslim as the head of the department they do not want a department at all - apparently on the ground of some interpretation of a text which says that the affairs of the Muslims shall not be entrusted to non-Muslims.

**SENATOR PALIPANE:** There is a Board for that.

**SENATOR COORAY:** As Senator Palipane points out, there is a Board consisting of Muslims which will be really responsible and the administrative head will not interfere with mosques at all. And if you take this objection to its logical conclusion, we should provide by law that the Minister who appoints the Board, and who is the ultimate authority, shall be a Muslim, I do not know how the Minister of Home Affairs would view that.

**SENATOR NADESAN:** He might welcome it.

**SENATOR COORAY:** Possibly he might, for reasons I do not like to refer to on this occasion! But the law cannot provide that no non-Muslim shall have any say in the affairs of Musslim Mosques and Charitable Trust or Wakfs, unless the Minister himself is to be a Muslim.

To come back to the point I was making: that is the difficulty of my Muslim friends, and I think we should appreciate that difficulty, namely, that some at least of their co-religionists will rather not have this Bill, unless at the same time it is ensured that the head of the new department is a Muslim. But I have gone through the Bill very carefully, and having also had the benefit of a discussion with some of the leading members of the Muslim community who are very much in favour of this Bill, I feel there is no need to have this clause at all.. I am assured, and it is also on record in our Official Report, that such an eminent Muslims as the late Mr. Justice Akbar himself, whose name is revered and respected by Muslims and non-Muslims alike, was of the view that it is not necessary that the head of the department should be a Muslim.

The gentlemen with whom I had the privilege of discussing this matter, who came to see me because a false rumour was spread that I was against this Bill - I wish to say on the floor of this House that I am not against this or any other Bill which seeks to improve the status and organization of any denomination - we are all of the view that this Bill is urgently necessary; and they were quite prepared to have the Bill passed without the provision. It is not for me and the rest of us who are non - Muslims to decide this matter: it is entirely for our Muslim friends to decide among themselves whether the requirement that the head of the department shall be a Muslim is a *sine qua non* of the Bill. If they say, "Well we want a Government department to administer the affairs of Muslim Mosques and Charitable Trusts or Wakfs," then of course, as honest men, as Legislators of this country, all that we can say is, "If you want a Government department, you can have a department subject to the normal terms and conditions on which appointments are made to Government department." You cannot have it both ways. You must make up your mind whether you want Government control of your mosques and religious affairs, and whether you want a Government department for that purpose. If you want it, it is for you to decide; it is not for people like me to do that. If you want it, we will by all means help you have to it. You cannot, however come forward and say you want a Government department but not on conditions applicable to Government departments. That just cannot be done, because the law of the land does not permit that to be done, For that, and no other reason, I, for one, cannot agree to make any provision of law that the head of the department shall be a Muslim.

Clause 2 (2) seeks to provide by law that no person other than a Muslim shall be considered for appointment to this department. As all of us are aware the same thing can be done purely by administrative arrangements, and there will then be no breach of the Constitution; there will be no breach of law involved. I should imagine that people conversant with the affairs of that particular religion will normally be appointed. I am certain, from the point of view of Government administration, that in selecting the head of this new department, the Minister or whatever authority does so will naturally have regard to the wishes of the Muslim community; he cannot create an impasse or an impossible situation. But we cannot

do all that by law; it has to be done by administrative arrangements with the Government. If the Government refuses to co-operate with the Muslim, then the Muslim can refuse to co-operate with the head of the department. That is a simple matter.

Take, for instances, for Buddhist Temporalities Ordinance which is administered by the Public Trustee. There is no legal provision that on that account the Public Trustee shall be a Buddhist - [*Interruption.*] As my hon. Friend, Senator Nadesan, just pointed out, some of the most eminent Public Trustees, men like Sir Paul Peiris and Sir Arthur Ranasinghe, were non-Buddhist; and I have yet to hear the criticism that on that account they discriminated against the Buddhists. If we concede this principle, it might well be contended that no Christian, or rather no non-Buddhist, shall be appointed Public Trustee. Hence, as I have already stated, to grant a concession in this case would be discriminating against the Hindus, to whom we have already refused it, and on the same analogy it would be discriminating against the Buddhists. You are getting the Buddhist Temporalities Ordinance administered by the public officers who need not be Buddhists, therefore, it would constitute an act of discrimination against the Buddhist if this concession is granted to the Muslims. On the other hand, I am not for a moment suggesting that a non-Muslim should be appointed by law to be head of this department. All I am saying is, do not provide by law that only a Muslim shall be eligible for appointment as head of the department because to do so is itself illegal.

Mr. Chairman, I do not propose to take up any more of the time of the House. I say it is dangerous and wrong in principle to make this provision, especially under the present unfortunate circumstances to which I have drawn the attention of the House. These are not matters of my imagination. Anybody who has read the newspapers during last week will have seen the foul libels repeated day in and day out, with impunity, against public officers merely because they happen to be members of a silent service, to which I myself had the honour to belong; and I should have thought it was the elementary duty of the Ministers concerned at the first opportunity to get up on the floor of the House and defend those public officers. That has not been done.

With all respect to my Muslim Friends, I want them to know that I am absolutely sincere in this matter and that I wish them all the best in their efforts to improve their organization. I fully appreciate the wish of every religious community in this country to improve its organization because I am one of those who do believe that for the progress of the country religion is essential. But for goodness sake, let us not, at the same time, commit a breach of the law of the land and try to confer on ourselves rights which the law itself cannot confer on us.

There is another danger. In my opinion, it should be fairly clear even to the non-lawyer Members of this House that if we provide for this by law we will be contravening one of the sections of our Constitution. As you know we have been flooded with literature by another section of the Muslim community who, I understand, are opposed to this Bill. It is not for me to take sides in that dispute. I am not paying the slightest attention to those numerous documents which have been sent to us, saying that this Bill is against the Quran. But I should like to tell my good Friends who want to see this Bill on the statute-book that they are taking a grave risk by inserting this clause, because the entire Bill may be questioned in the Supreme Court. By adopting a very short-sighted policy merely because they want a Muslim head of department, which they can arrange administratively with the Government. I say you cannot provide for it by law, and if you attempt to provide for it by law there is a fair chance of the entire Act being declared *ultra vires*. If the majority of the House is of the same view as myself, namely, that this provision is wrong in principle and that it is unconstitutional, then I say that the House will be merely stultifying itself if it approves of Clause 2 (2), which, I therefore move, should be deleted from the Bill.

**SENATOR PALIPANE:** In seconding the amendment moved by Senator Cooray, I should like at the outset to stress the fact that I am in complete accord with the spirit and purpose underlying this Bill and that a very honest attempt is being made to regularize and bring into order the various trusts that have been created by the Muslims. But I find it very difficult to agree that Clause 2 (2) should remain part of the Bill for the numerous reasons which have been so

admirably stated by my hon. Friend.

It will be seen that there is provision for a Board which is to be comprised entirely of Muslims and that all the decisions of the Board shall be made by not less than two-thirds of its personnel. The officer who is called the Commissioner, although he will preside at the meetings of this Board, will not even have the right to vote at the meetings. He has no voice whatsoever in the decisions this Board would make from time to time. The Commissioner and the Deputy Commissioners contemplated by this Bill are merely executive officers carrying out the decisions of the Board.

Clause 3 Provides:

“The Commissioner shall, in the exercise of his powers and the performance of his duties, be subject to the directions of the Board.”

So that, the Commissioner and Deputy Commissioners are merely executive officers. There are also other officers which this Bill contemplates, because Clause 2 (1) provides :

“... Such Commissioner, Deputy Commissioners and other officers and servants shall be servants of the Crown in respect of the Government of Ceylon. . .”

But only the Commissioner or Deputy Commissioners need be Muslims as provided for by clause 2 (2). What about the other officers? Why should not the other officers also who are to administer this piece of legislation, if it becomes law be Muslims if the argument is that the Board would be useless unless the officers belong to the Muslim faith? It is said that they cannot have a hand in the administration of a Muslim charitable trust unless they are followers of the Muslim faith. How is it then possible for any other officer, even a minor official, unless he is a Muslim, to be an administrative officer under this clause once it becomes law?

Cannot it be possible for a dark and sinister suggestion to be made that these two high offices, those of the Commissioner and the Deputy Commissioner, are being coveted by certain members of the Muslim Community. I do not say that

there is any truth in such a suggestion, but is it not possible for such a sinister suggestion to be made? And such a suggestion could be read into this particular clause.

As Senator Cooray stated, it is not good even for the Muslim community and other communities in this country that Sub-clause (2) should be allowed to stand part of the Bill. As was pointed out, when the Buddhists of this country agitated that the Government should intervene and exercise a certain amount of control over the administration of their temporalities, they never made it a condition that the highest executive officer in charge of the proposed Buddhist Temporalities Ordinance should be a Buddhist. In fact, the first Public Trustee who administered the Buddhist Temporalities Ordinance was Sir Paul Peiris, who is a very eminent and ardent Christian, and the Buddhists at no time had any cause for complaint in regard to his various administrative acts under that Ordinance.

You know, Mr. Chairman, that in various parts of the country where there are Muslim villages although there is no hard and fast rule, purely as a matter of practice, whenever officers are appointed to posts of village headmen in these areas, it is usual to select Muslims to fill such posts. So that, by administrative action it may also be possible for a Muslim to be appointed as the Commissioner or Deputy Commissioner. In view of the arguments that have been urged, it would be unjust, improper and even illegal for certain places to be reserved for those who profess the Muslim faith.

I second the amendment moved by my hon. Friend, and would again impress upon the House the desirability for deleting Clause 2 (2).

Amendment proposed from the Chair.

**SENATOR KANNANGARA:** Mr. Chairman, I agree with the views expressed by Senator Cooray because it would be most dangerous to create a precedent of this nature, particularly in a democratic country where the Government stands for neutrality in religion if such a precedent is established. I think a day may

come when we would have Christian civil servants, Muslim civil servants and Buddhist civil servants filling special posts according to the religion of those various officers. Under Clause 2 (1) the officers and servants administering the Act shall be servants of the Crown. In selecting these officers the Crown should not pay regard to the religious professed by them. I think we will be creating a dangerous precedent if we allow Clause 2 (2) to stand.

I remember that in the past, when the Government had to deal with certain communities in different parts of the country, civil servants who were adherents of a particular religion were selected. Senator Azeez is aware that during the rice crisis at the time of the war, he was specially selected as A.G.A. (Emergency), Kalmunai. Because the majority of the people of Kalmunai were Muslim, Government felt that he would be the best officer to work there.

The only way in which we can attempt to solve this problem is to select the right type of person for a particular office. If we make a provision that an officer of a particular faith shall be selected for a special type of work, we shall be laying down by law a very dangerous precedent, especially when there are several religions practised in this country. Moreover, it is likely that members with other religious leanings will begin to feel that this is an attempt to prejudice their own religious interests in the country.

**MUSLIM MOSQUES AND CHARITABLE TRUSTS OR  
WAKFS BILL  
COMMITTEE (CONTINUATION)**

*4<sup>th</sup> September 1956*

**SENATOR A.M.A. AZEEZ:** I think if I give the background to this legislation perhaps the Muslim point of view may become clear.

In 1943, a Wakfs Bill was published in the *Government Gazette*.

**THE CHAIRMAN:** I wish to ask the hon. Senator whether he would like to commence his observations when the House sits next to consider this question as it has been decided to adjourn at 4 o'clock for the unveiling ceremony of the portrait of Sir General Wijeyakoon. It may not be possible for the hon. Senator to complete his remarks by 4 o'clock.

**SENATOR AZEEZ:** I may have to go on till about 4.15 p.m.

**SENATOR NADESAN:** Start on the next day.

**SENATOR COORAY:** Carry on till 4 o'clock.

**SENATOR AMARASURIYA:** We can adjourn now.

**SENATOR AZEEZ:** I will speak till 4'clock. In the 1943 Bill, the Public Trustee was the executive officer with a Muslim Advisory Council. That was the Bill which Mr. Justice Akbar thought was good enough, but the Muslim public was vehemently opposed to it. They held several mass meetings and protested that in the administration of mosques there should be no interference by non-Muslims. It was not a mere expression of opinion because they derived their authority from a certain passage in the Quran which says that in the management and maintenance of mosques there shall be no non-Muslims interfering or intervening.

**SENATOR NADESAN:** Muslims do not manage the mosques.

**SENATOR AZEEZ:** Yes, In fact, Mr. Justice Akbar thought that they were not managing the mosques. It was felt that when it came to enquiries and investigations, the man who implemented the decisions of the Board was the most important person. In actual fact, the 1943 Bill did not receive the approval of the Muslim public. Therefore, the 1946 Committee which sat to deal with this question amended it to this extent. They made the Public Trustee the executive officer without any power. The Board consisted entirely of Muslims. This is what the draft provided.

“The Public Trustee shall preside at every Meeting of the Executive Board but shall not vote at any such meetings nor shall there be vested in the Public Trustee any executive or other authority except to carry out the decisions of the Executive Board.”

Even that provision suggested in 1946 was not satisfactory to the Muslims and so this - *[Interruptions]*.

**SENATOR NADESAN:** Why?

**AN HON. SENATOR:** Because of the Quran?

**SENATOR COORAY:** There is no interference in the management by the Commissioner

**SENATOR PALIPANE:** What about the other officers?

**SENATOR AZEEZ:** I think I will answer all the questions after I trace the history of this measure.

Then a special committee composed of all Muslims parliamentarians under the chairmanship of the present Speaker, The Hon. H.S. Ismail, addressed itself specifically to this question from 1952 to 1955. It was specifically laid down that the executive officer, who is the most important person, should be a Muslim. It is that officer who comes into intimate contact with all matters raised by various bodies and persons.

I did not specifically draw the special attention of the House to that provision when I quoted on the Bill on the last occasion. This is what it said:

“The written representations made to the Minister were duly sent to the Chairman of the Committee for disposal.

The chief objection raised by the various bodies of Muslims was in relation to the administrative interference by *non-Muslims* in the affairs of mosques and other allied institutions, as such interference, by *non-Muslims*, was a violation of the Law of Shariat (Ecclesiastical Law) of Islam.”

It proceeded to say:

“The Committee gave its most anxious consideration to this representation and decided to recommend the appointment of a Muslim as the Commissioner of Wakfs. The Committee feels that in view of the important position the Muslims hold in the body politic of this Island, this recommendation would be accepted by the Government.”

If I know it, there was some hesitation on the part of the then Cabinet because - and I admit it - this was a new provision, but they would not say it was a vicious principle, as I shall proceed to show.

4.3 P.M.

*Chairman left the Chair to report progress.*

Committee report progress; to sit again on Tuesday, September 11th 1956.

## **MUSLIM MOSQUES AND CHARITABLE TRUSTS OR WAKFS BILL COMMITTEE (CONTINUATION)**

*11<sup>th</sup> September 1956*

**SENATOR A.M.A. AZEEZ:** On the last occasion, I was speaking on Clause 2 (2) when the debate was interrupted, and I was attempting to reply to my hon. Friend Senator Cooray. When he moved the deletion of Sub-clause (2), he stressed on more than one occasion that in him there dwelt no spirit of animosity against the Muslim community, and he hoped that Muslims would appreciate that fact and that point of view. I should like to take this opportunity of assuring my good Friend Senator Cooray, who was at one time a senior colleague of mine in the Civil Service, that the Muslim community quite appreciate the fact - I am aware that he has been discussing the matter with some of its members - that he objects to this sub-clause in no spirit of animosity. We also know, and he has stated it very clearly that his opposition to this provision is not merely on grounds of principle but also on grounds of self-preservation. May I say, in all earnestness and seriousness, that the Muslim community object to the deletion of the sub-clause, and that we like to have the sub-clause retained on grounds of principle and self-preservation?

I do not want to take much time of the House, but I shall deal with just one important point because it has been raised, and I think it is but fair that hon. Senators should have the Muslim point of view on that aspect of the matter.

The question of the appointment of a Muslim Commissioner has been agitating the minds of the Muslim community for nearly 25 years and, as I pointed out on the last occasion, that was, I think, on the 4th of September, the Bills of 1943 and of 1947 failed to gain that measure of public support owing to the lack - may I emphasize that word? - of statutory provision for a Muslim Commissioner.

I tried to explain to the House on that day that this insistence on the part of the Muslim community was based on a Quarnic verse which my hon. Friend, Senator Cooray, stressed was interpreted differently by the late Mr. Justice Akbar. That is true. My hon. Friend said on the floor of this House that Justice Akbar's name is revered and respected; that is also true. I also respect and revere his name as much as my hon. Friend.

But what is important is this. I think it was stated that he would rather follow Mr. Justice Akbar than follow me. It is not a case of Azeez versus Akbar. I do not want him to follow me, but it is a question of what is the interpretation of this particular verse. In the absence of any pontifical authority in our midst, the general will of the community in regard to the interpretation of this Quarnic verse has to receive recognition and must be accepted.

If Mr. Justice Akbar by his interpretation could not convince his community, or it is somebody else differs from his view, than is really not relevant to the issue, because let me say it again that in the absence of any pontifical authority among the Muslims, the general will of the community as regards interpretation has to prevail. That is why we are pressing for the retention of this sub-clause, not because, as it was suggested, we want to have two paid posts for the Muslims. It is not so, I should like to assure the House.

**SENATOR B.I. PALIPANE:** Who suggested?

**SENATOR A.M.A. AZEEZ:** It was stated that it may be suggested.

Then my hon. Friend said that Ceylon is a secular State. I do not want to go into that; it is rather a big issue. All that I would say is that Ceylon is not a secular State in the sense that U.S.A or U.S.S.R is a secular State. I can Quote many examples, but I do not want to do so.

**SENATOR PALIPANE:** U.S.S.R is a communist state.

**SENATOR A.M.A. AZEEZ:** It is a secular State, secular in the sense that it is a non-religious State. As far as we are concerned, I thought of quoting extensively

from the manifesto of the U.N.P issued in 1956, to which both Senator Cooray and myself have subscribed, to show what they have stated as to what they have done in relation to Buddha Jayanti and regard to Buddhism. So that, it is clear that the religious neutrality of Ceylon has been interpreted to mean the equal encouragement of all religions and not non-encouragement of any religion. Therefore it would not be quite correct to import ideas of a purely secular State, of the type that exists in the U.S.A., into some of our arguments. As I said, I do not think, at the present stage, it is necessary for me elaborate in that aspect of the argument.

There is one other point. Senator Cooray was objecting to the retention of this provision on the basis that this will open the flood-gates of religious fanaticism. There again, I do not want to spend a lot of time on that. All that I want to say is that one Mettananda swallow does not make a Buddhist summer. Even if some extremists have given utterances to some rash statements, I do not think we should so lose our sense of balance and proportion as to envisage a kind of fanaticism that has never obtained in the national traditions of this country or in the national history of this country. Therefore, I do request my colleagues of this honourable House not to be influenced by Mr. Mettananda's activities in passing judgement on the provision contained on Clause 2 (2) of this Bill.

Then again, it has also been stated that the Hindus have been refused this privilege. There, too, I should like to say that the Hindus never asked for it; a refusal could have come if they asked for it. In fact, some of the Hindus in the Select Committee wanted to delete the relevant clause and they got it deleted. I think, I might, for the benefit of this House, say that the Bill in the First and Second Readings had statutorily provided for a Hindu officer or a Commissioner, but unfortunately in the Select Committee some of the Hindus themselves did not want it. So, it is not correct to say that the Government refused it. I am sure following this precedent, if the Hindus want it, the Government will not refuse it or cannot refuse it.

It has been stated, with some emphasis, that in this country every citizen of Ceylon should be theoretically entitled to hold any Public Service appointment.

I think it was so stated by my former colleagues of the Ceylon Civil Service. I should like to remind them particularly of the existence of the D.R.O system whereby every citizen of Ceylon cannot aspire to be a D.R.O. in a Kandyan area. I am not saying that it is good or bad.

**SENATOR PALIPANE:** It is not provided by law.

**SENATOR A.M.A. AZEEZ:** It is provided not by law precisely. Normally, the appointment, the methods of recruitment are not provided by statute because they are servants of the Crown. No statute is ordinarily necessary but there is a *Gazette* notification. It is not an administrative arrangement as stated by my hon. Friend, Senator Cooray. It is not laid down in black and white. In the scheme of recruitment published in the *Gazette* it is stated that no non-Kandyan can aspire to the post of D.R.O. in any Kandyan area. It means Kandyan not in the sense of territorial occupation but Kandyan by blood and ancestry.

What I am trying to say is that this is not a novel and vicious principle as far as the Public Service is concerned; whether you provide for it by statute or whether you provide for it by way of *Gazette* notification, the fact remains that today we have the principle of communal qualification for certain types of appointment. I know that is not statutorily provided, and I have given the reasons for it. Therefore, I would like to emphasize that you are not introducing a novel and vicious principle by voting for this sub-clause.

I have been advised to make my speech short because some hon. Senators may not be able to carry on this debate tomorrow. So, conscious of the fact that the discussion on this Bill should not be prolonged, I am cutting short my speech. But I must deal with one argument of Senator Cooray before I conclude. I shall quote his words, but before I come to what he said, why cannot the Muslims have the assurance that administratively a Muslim can be appointed? But may I quote to him the very statement he made recently? Following me I think on the 8th of May, when he generally spoke of assurances, he said:

“But as my hon, Friend, Senator Azeez, mentioned, we do trust that in view

of certain things which have happened in the past these assurances will not remain merely as assurances but that they will be translated into definite, enforceable undertakings” -OFFICIAL REPORT, 8th May, 1956; Vol. 10 c. 78.]

In other words, he and I felt so on that day. I am sure we still feel that in regard to important matters, the more assurances given by certain persons cannot accepted and that those assurance should take statutory form.

Now we are unable to agree with my hon. Friend, Senator Cooray, in that you can have some kind of assurances by which administratively it can be arranged that a Muslim shall always fill the post of Commissioner, it is precisely because of the reason that no one is in a position to give assurances of sufficient validity. Senator Cooray cannot give those assurance because he is not the prime Minister; even the Prime Minister cannot give those assurances because he cannot continue to be the Prime Minister for ever and ever.

This aspect was debated and there was general agreement among us, when we debated the Language Bill, that assurances should take the form of legal provision. As a matter of fact, Senator Kannangara indicated that if you are logical you cannot oppose statutory provision for the appointment of a Muslim to this post and then say, “Let us have it administratively arranged.” It will be illogical to say so. That is why we insist and request of you to make it a statutory provision rather than give us assurances of administrative arrangements.

But the most formidable argument of Senator Cooray was, “ for goodness sake, let is not at the same time commit a breach of the law of the land and confer on ourselves rights which the law itself cannot confer on us” With his legal erudition, he said - it was almost a warning and a threat - let us not be lawbreakers. Naturally, I was a bit puzzled and rattled. It was a threat not in the sense of physical violence but in the sense of intellectual intimidation.

**SENATOR PALIPANE:** Mental threat.

**SENATOR AZEEZ:** So that, I thought to satisfy myself I must seek the advice of someone competent to give advice on these important matters, and

with the help of young Muslim lawyers I have been able to obtain the opinion of Dr. H.W. Tambiah, Q.C., who is co-author with Sir Ivor Jennings of a Book entitled *Dominion of Ceylon - Development of Laws and Constitution*. I thought it necessary to assure hon. Senators that they are not law-breakers in supporting us to have this clause retained. I shall read Dr. Tambiah's opinion and then conclude my speech. The opinion speaks for itself and I need not make any comments on it.

**THE CHAIRMAN :** I do not know whether it is quite in order for the hon. Senator to do that.

**THE CHAIRMAN:** I do not think he did it as a lawyer but just as an hon. Senator.

**SENATOR E.J. COORAY:** I do not claim legal infallibility or any other kind of infallibility. I merely expressed an opinion. As you know, there would be no future for the legal profession differed on these matters. I am perfectly prepared, without my hon. Friend reading it, to appreciate the fact that -

**SENATOR AZEEZ:** After all, a legal person, a lawyer, has stated it as his opinion-

**THE CHAIRMAN:** The only objection to it is that if hon. Senators start getting opinions from two different lawyers and commence reading them here-

**SENATOR AZEEZ:** But I would submit that this is a vital matter because Clause 29 of the Constitution has been considered by the minorities as a legal provision which ensures to them their rights. This clause comes up very frequently in the course of debate. I thought, rather than expressing my opinion, it would be somewhat helpful to the House and would reassure my non-lawyer Friends here if I read Dr. Tambiah's opinion.

**SENATOR KANNANGARA:** I rise to a point of Order. I think my hon. Friend, Senator Azeez, wants to read a legal opinion given by somebody as against the opinion given by an hon. Member of this House. I can quite appreciate if he

reads an expression of opinion or a verdict recorded in a public document or given in this House, in the other place, or in any other parliament of the world, but I would like to have your ruling as to whether, in order to rebut the statement of Senator Cooray, who is an eminent lawyer and for whom we have the highest respect, my hon. Friend can quote the opinion of somebody who is not here to support it.

**SENATOR COORAY:** It is not because of any personal views on this matter that I support Senator Kannangara's question whether it is quite proper, from the point of view of this House itself, to quote the legal opinion of somebody else in this connection. It is perfectly open my hon. Friend, Senator Azeez, or any other hon. Senator to arm himself with the opinion of any other lawyer and bring it to the notice of the House that eminent lawyers are of a different opinion, but I do not think it in keeping with the traditions and dignity of the House that we should be confronted with the opinion of somebody else, unless of course it is recorded in a public document.

**THE CHAIRMAN:** I am afraid I must uphold that point of Order.

**SENATOR AZEEZ:** Now that hon. Senators have been apprised of the fact that there are lawyers in this country who differ-

**SENATOR COORAY:** There will be always be.

**SENATOR AZEEZ:** But I am a layman, and when I was listening to the speech of the hon. Senator there was so much of categorical assurance and cocksureness in the way in which he put it-

**SENATOR NADESAN:** That is always so!

**SENATOR AZEEZ:** But we are not used to it. It was put in such in a manner that for a moment I doubted whether I should vote for the clause or not. We consider Article 29 of the Constitution of great importance and I paid important more than usual attention to that portion of my hon. Friend's speech which dealt with that section of the Constitution. I could not distinguish whether he was

speaking as a lawyer or as a Senator. I had a layman's answer to it but I thought in fairness to my colleagues I might quote another legal opinion but now that you have ruled that it shall not be quoted I can express my own opinion, guided by the views of persons who are authorities on the subject. There was a case decided under the Indian and the Pakistan Residents (Citizenship) Act and it was held that unless the main objective of the Bill was to impose special disabilities a provision of the nature that we are debating today is not *ultra vires*. After all, this clause is there purely for the appointment of a Muslim, statutorily provided for, to administer matters connected exclusively with Muslims. It is the pith, the substance, the true character of the clause that matters.

There is an article in the Indian Constitution - I do not want to spend much time on it - which states that in respect of state appointments there should be no discrimination by race or religion, but when it comes to the case of incumbents' offices connected with religious or denominational institutions another article of the Constitution says that such discrimination is not illegal. If we want to deal adequately with eastern system of law and traditions, I would stress that we cannot import the western conceptions bodily without care and caution.

I have consulted many lawyers and I am convinced that Clause 2 (2) is not *ultra vires*. The very fact that the U.N.P. Cabinet, which had its legal officers and luminaries, approved of this sub-clause is an indication that it is not *ultra vires*. In spite of all the arguments that have been urged by Senator Cooray that it is *ultra vires*, I do think that it is so. I am not insisting on the retention of this sub-clause out of a spirit of intransigence. I would like my hon. Friend to appreciate that fact. The community has interpreted the relevant verse of the Quran in unmistakable terms. We are not asking this clause to be retained in order to hurt or help somebody else but in order to conform to our ecclesiastical law as interpreted by the general will of the community. Just as Senator Cooray has asked you to delete this clause on grounds of principle and self-preservation I, too ask you, my colleagues, to allow the retention of this clause on ground of principle and on grounds of self-prevention because assurances that administratively it could be arranged that a Muslim always holds this post are

absolutely useless. Some Treasury minded official may come and ask why there should be a Muslim Commissioner and why the department should not be amalgamated with another. I would earnestly appeal to Senator Cooray, now that I have explained it, to withdraw his amendment to delete this sub-clause. I hope my fellow Senators will not oppose this sub-clause because it does not hurt anybody, it does not help somebody else and it is not *ultra vires*. There is no new or vicious principle introduced by this clause:

## **NATIONAL PLANNING COUNCIL COMMITTEE**

*12<sup>th</sup> September 1956*

**SENATOR AZEEZ:** Mr. President, unlike the two previous speakers who preceded me, I have neither an old book nor a brand new book to offer to the National Planning Council. I only hope the National Planning Council be either persuaded or intimidated into accepting the opinions expressed in any one of these books as the last word on the subject of planning and that they will seek guidance from other books and be careful in deciding what is good and what is bad in these two books - the old and the new. I too support this National Planning Council Bill, but I do not think it is possible for the Hon. Minister to accept this new book now that his Government has taken steps to create a National Planning Council and entrust the work of national planning to that Council.

I wish to support very earnestly Clause 15 of the Bill to which objection has been taken by my hon. Friend Senator Kannangara. If at all there is going to be any amendment, I would suggest that those who are in receipt of a certain income or are paying income tax above a certain level be exempted from receiving remuneration for serving on this National Planning Council. After all, this National Planning Council is going to create an egalitarian society as far as it is practically possible, on democratic lines, and in such circumstances it is not wrong to pay remuneration to people who cannot afford the luxury of serving on commissions of this nature without large private incomes. Therefore I support the entirety of this Bill whole-heartedly.

On question, Bill read a Second time; and committed to a Committee of the whole Senate, and considered in Committee.

## **APPROPRIATION BILL SECOND READING**

*12<sup>th</sup> September 1956*

**SENATOR AZEEZ:** Mr. President having been a member of the public Service for nearly thirteen years you will appreciate my commencing my remarks by referring to the public service.

My hon. Friend, Senator Kannangara, referred to the dissatisfaction that prevails in the Public Service. I noticed, however, that none of the speakers who followed him dealt with that aspect of the matter. There was a good deal of reference to the participation during the elections of certain Government servants on the side of the U.N.P. and others on the side of the M.E.P., but there were many who did not side with either party. I am sure they are in a majority. But that is not the question. The question is that there is a certain amount of dissatisfaction prevailing today among public servants in this country. Why is that? It is because of certain recent happenings, namely, the rather unfair references to public servants in the other place not being contradicted by the Ministers concerned. Public servants find that instead of this being done Ministers attend public meetings and abuse them.

This is a matter which should concern every citizen of this country because my good Friend, The Minister of Home Affairs, admitted that the public servants of this country are expected to perform a very important function. No government, whether it be the U.N.P. or M.E.P. Government or the government to follow, can expect public servants to carry out their important functions if they are abused in that manner. I must also say that no Government can carry on satisfactorily without the whole-hearted co-operation and enthusiasm of public servants. I am not trying to speak for any section of the public servants, but it is the duty of the Minister of Home Affairs to give us an assurance that the public

servants will not be criticized unnecessarily and unfairly. The disquieting feature today is that public servants are condemned by Ministers of this Government not in Parliament but also in public platforms. That is a situation which needs to be remedied at once.

The Minister of Home Affairs told us about the activities of public servants during election time. He is more competent than myself to express an opinion on this matter because he has been the election manager of a big party. I have never been the election manager of any party.

**SENATOR THE HON. JAYASURIYA:** The fact some public servants took part in election activities is well known. It is an open secret.

**SENATOR AZEEZ:** In fact, it is an open secret. I had many friends during election time who tried to canvass my support for the M.E.P.

**SENATOR THE HON. JAYASURIYA:** Some of the Government servants did participate in election activities. I do not know whether they supported the M.E.P. But the danger was this. This government that was in power at the time made use of their full power in pressing every Government servant to work for the U.N.P. Whether any other party was supported by certain Government servants, we do not know. It might have happened. But the vicious thing was that the party in power pressed every Government servant to support it. That was the damage done.

**SENATOR WIKRAMANAYAKE:** The Hon. Minister makes that statement as though it is a statement of fact. I challenge the statement.

**SENATOR AZEEZ:** I do not want to be drawn into these side issues as regards the participation of public servants in the elections. What I am trying to emphasize is that the present position is somewhat disquieting. I know that if I contradict the Hon. Minister I shall be drawn into a side discussion. Hypothetically, let me admit that there has been a great fault committed by the party in power but what is the present Government doing? Is it trying to solve the problem and improve matters?

I do not think there is a single previous instance in the history of our country since the Soulbury Constitution when a Minister in charge of a particular department went to a public meeting and criticized the public officers of his own department. It is because of this that the Soulbury Commissioners recommended the creation of a set of officers called Permanent Secretaries, and the Ministers concerned play a great part in their appointment. They are, in a sense, semi-political appointments because, according to the Constitution, it is necessary that Ministers should have Permanent Secretaries who enjoy their confidence. But why is there all this trouble with heads of departments? If that was the machinery that was established and something has gone wrong, then it is the Permanent Secretary who is to blame because he is responsible for all the departments under the Ministry. There is no necessity under our set-up for the Minister to quarrel with any head of department because the head of the department is one who should not come into direct clash or conflict with the Minister. That is what I am trying to emphasize.

Whatever may be the faults, precedents or traditions, we expect this Government to set an example in regard to this matter. So far as the previous Government was concerned it also inherited the evils of the Donoughmore Constitution; but I sincerely hope, now that a people's government has come into power it will try to check some of the unfortunate happenings of the recent past and see that the rights of public servants are maintained. That is all I wish to say because it will be admitted that this is a feature that has caused a lot of unpleasantness.

If the public servants find that when they are criticised there is no Minister to defend them, they will be too cautious and not bring to bear on their work that degree of enthusiasm that is expected of them to fulfill the very alluring promises of the present Government. Therefore, in the interests of the Government itself I appeal to hon. Members opposite, who have many alluring promises to fulfil, that they should have a satisfied and satisfactory Public Service. I shall stop at that for the present.

## APPROPRIATION BILL SECOND READING (CONTINUATION)

13<sup>th</sup> September 1956

**SENATOR AZEEZ:** Mr. President, yesterday I was referring to the attacks publicly launched against public servants, collectively and individually, by some Members of the present Cabinet without any restraints being imposed on them by those in command. When one reads these utterances in the Press one cannot help feeling that Members of the Cabinet have been so long in the Opposition that they have carried the opposition mentality to their Cabinet seats. They are so conditioned that they must oppose and attack. I suppose they cannot attack the Government because they themselves are the Government. They cannot attack with impunity the Opposition parties because the opposition parties are in a position to retaliate effectively. They have to attack somebody and therefore they seem to have selected for it the public servants, who are defenceless; and the irony of it is that by law and convention public servants are expected to be defended by the attackers themselves! That is the situation that presents itself before us and it is somewhat tragic for the future of this country.

I do not think the soft words and mellifluous style of the Minister of Finance to provide a solution to these problems. They only expose his ineffectiveness. He should, as head of the Public Service, either contain his colleagues or tell us that this theory of the collective responsibility of the Cabinet is a bad legacy from the U.N.P.; that they have no faith in collective responsibility of the cabinet and that they are, in fact, experimenting with a novel and new theory of cabinet government according to which the Prime Minister is not the leader of a team but only a referee for the time being and accepted as such by the contending factions and the rival claimants. If that is the theory, we should like to have some statement that a new form of cabinet government is being experimented upon and that this Government has a different theory which is far from the idea

of this so-called collective responsibility, which it probably thinks is a bad legacy from the last Government.

I think it is hardly necessary for me to say that Cabinet Ministers and the Government should not regard civil servants - I am using the term "civil servants" in the English sense as inclusive of all members of the Public Service and not in the narrow and restricted sense that is popular in Ceylon - as rivals in power. I hope they will realize that civil servants are not rivals in power but co-operators, their own co-operators in administration. I think it would be relevant for me to read a quotation from an authority which sets out the relationship that should prevail between Ministers and the administration. I am quoting from Harold J. Laski's *Parliamentary Government in England*, page 311:

"If housing is bad, if standards of public health have to be set, if there are trades in which wages are unendurably low, if the public conscience demands certain minima of sanitation and safety in factories, then there must be the assembling of knowledge to permit action. There must be principles of action decided upon: and the civil servants whose life is passed in dealing with that knowledge will naturally advise upon those principles. Because, moreover, he has ability, he will also have views; he is not, and cannot be, a die to receive without discussion the imprint of ministerial direction. It is his business to tell the minister what, in his judgement, are the probable consequences of any policy for which the minister proposes to be responsible. He must warn against this line and urge the wisdom of that. The minister must make up his mind; but he cannot, certainly, make up his mind wisely, save as he considers the burden of the experience upon his proposed line as that experience is interpreted for him by his officials. There is nothing in this of conspiracy; it is plain common sense. A policy which was separated from official experience would almost certainly be ignorant and, not seldom, disastrous.

The civil service, in a word, has the influence it exercises because that influence corresponds in the needs implied by our political democracy. Once there is universal suffrage, political parties naturally seek to win the largest vote they can. They construct their programmes with a view to its attraction."

He goes on--

"What the civil service really does is to maintain the government as a going concern. It corrects the risks of popular election by subduing its results to a medium where ascertainable knowledge is the protective envelope of action. . . It indicates consequences; it does not impose

commands. The decision which results is the minister's decision: its business is the provision of the material within which, in its judgement, the best decision can be made."

Yesterday my hon, Friend Senator Kannangara, referred to the impartially of the Civil Service and the tradition that has developed by which its members are bound to carry out the decisions of the Ministers. I would underline that statement by reading a very short passage from the book *Cabinet Government* by Sir Ivor Jennings, who quotes Sir Warren Fisher, at page 97:

"Determination of the policy is the function of ministers, and once a policy is determined it is the unquestioned and unquestionable business of the civil servant to strive to carry out that policy with precisely the same goodwill whether he agrees with it or not. That is axiomatic and will never be in dispute. At the same time, it is the traditional duty of civil servants, while decisions are being formulated, to make available to their political chiefs all their information and experience at their disposal, and to do this without fear or favour irrespective of whether the advice thus tendered may accord or not with the minister's initial view. The presentation to the minister of relevant facts, the ascertainment and marshalling of which may often call into play the whole organization of the department, demands of the civil servant the greatest care. The presentation of inferences from the facts equally demands from him all the wisdom and all the detachment he can command"

Therefore instead of regarding them as rivals to be attacked, I think the time has come when Members of the Government should realize that they are really partners - in fact junior partners. Therefore, it is all the more the duty of the Government to assure public servants rather than this be made the task of the opposition parties or groups.

I have read rather lengthy extracts to impress this fact on the Government. I have done so because I am convinced that some Ministers of the present Government are not aware of these passages and I do hope the hon. Leader will bring these facts to their notice.

**SENATOR P. NAGALINGAM:** Publish them in swabasha!

**SENATOR AZEEZ:** We have not got the new regulations. They have suspended the operations of the new Act. I do hope these passages will be brought to their notice.

I would summarize and say that it is not a question of replacing one set of favourites in the Public Service by another set of favourites. The real crux of the matter is not to have any favourites at all. I hope this People's Government will follow a policy of "no favourites" rather than have one set of favourites replaced by another.

I said that in the Public Service there is a certain amount of uneasiness and unrest and tried to explain one of the principal causes for that unrest. But there is also another cause, namely a feeling of uncertainty has come upon them as a result of the official language policy. It is true the Minister of Finance, particularly in the course of post-prandial speeches, has assured public servants that their terms of office and prospects are as sound as ever and that they need not be unduly perturbed. As a result of the Official Language Act certain transitional arrangements have become imperative. The public servants now in service were never required to possess competence in the Sinhalese language - in some cases, not to have even a knowledge of it. Many of them cannot now acquire competency in Sinhalese, and you cannot therefore claim that the Act has no effect on them. Some transitional provisions should be made.

The Official Language Bill, in its original form, contained some transitional provisions in respect of public servants, but those provisions disappeared for reasons that have become part of history and are not current relevancy. Something definite should be done quickly so that public servants will know what their future is, whether they are going to be affected by the switch-over from English to Sinhalese. The mellifluous oratory of the Minister of Finance is no substitute for Government regulations. The public servants must know where they stand. A remedy for present situation must soon be found.

The Official Language Act was the result of Government's desire to fulfil its pledge to the electorates, but the Hon. Prime Minister has admitted on several occasions that the Act does not solve all the problems connected with the official language. There are other problems and he promised to find solutions for them. Judging by his speeches, the Hon. Prime Minister is quite aware of the existence of these other problems. There is the problem relating to the recognition of the

Tamil language in the spheres of administration and education, and in respect of Parliament and local authorities, and a number of allied matters.

It is heartening to see from this budget that the Hon. Prime minister has assumed control over two departments which were under two different Ministries last year: the Official Language Department, then the Official Languages Department, which was under the Ministry of Finance, and the Department of Swabasha, which was under the Ministry of Education. The fact that the Hon. Prime Minister has assumed control over these two departments indicates the nature of the priority and precedence he has given to the rather difficult problem on the solution of which depends the unity, peace and happiness of the country. The important question facing the Government and the country is: What is the measure of recognition that is going to be given to Tamil by the present Government within the ambit of its avowed policy of having one official language for Ceylon?

This question is agitating the country. I am glad to tell the House that on the 30th August this year a resolution was passed in Kandy at the Annual General Meeting of the All-Ceylon Union of Teachers. This union is composed of teachers in English schools, and includes Sinhalese, Tamils, Muslims, and Burghers. At this particular meeting there were about 100 delegates present, and with only two dissentients this resolution, to which I attach the greatest significance, was passed. I repeat this resolution was passed almost unanimously, with only two dissentients in an assembly of one hundred. I quote:

“This Union views with alarm the disruptive tendencies leading to national disunity due to the present language policy and urges that the question of the State language should be solved in consonance with the self-respect and fundamental rights of all races that form the people of this country.”

This resolution has support of some respected Members of the Buddhist clergy, several undergraduates at the University at Peradeniya and prominent Tamils and Sinhalese. It shows that right-thinking opinion in the country is in favour of this resolution, which I interpret to mean as demand for a measure of

recognition of Tamil that would command the assent of the minorities and earn the goodwill of the entire country.

The trends we witness today may lead to a certain amount of harm to the country and must be arrested and reversed. As these two departments are now under the Hon. Prime Minister, I hope he will address himself as quickly as possible to the pressing problem of giving that degree of recognition to Tamil which is a necessary in the current contact affairs.

With regard to the suspension - not of capital punishment but of the selective test--

**SENATOR NAGALINGAM:** Equally bad !

**SENATOR AZEEZ:** That is the L.S.S.P view, but I hold some other views on this question, even different from those held by certain principals of schools.

The hon. Senator will agree that the real objective of all educational reforms that we have been familiar with since 1941 has been to ensure equality of opportunity, so that a poor but a talented boy would enjoy equality of opportunity with the rich and not so talented boy. Although on the face of it, suspension of the selective test appears to be a landable measure - it is certainly a popular measure - it has produced certain strange results. I shall explain.

There are several junior schools in the country where a boy cannot receive education beyond Standard 8. If the selective test were continued, a certain number of potential S.S.C. boys and girls would join the S.S.C. classes in the secondary schools, because the Government said that those schools, so long as they were free schools, could not admit into the S.S.C. class students who had not passed the selective test. The result of the suspension of the selective test is that boys in the junior section of a senior school, however inferior they may be to boys in a junior school, have a terrible advantage over boys in a junior school.

My own view is that there must be some kind of selection or choice. We are told that there is a widespread craze for an academic education, that every student

pursues a purely academic education without any end in view. Here we had a test - which we admit was not perfect. From year to year the mechanics of the test were being improved, and experience was being accumulated by the department, and over a period of a few years the department would have been able to make the test as perfect as was humanly possible. At this stage, the test was suspended, and that is another sort of indecisive answer to the main question. The Cabinet, I believe, has not said that it is wrong to have this test and that it should be abolished; it has been merely suspended.

As I said, many of the boys in the junior schools will not be able to find places in the senior schools because the senior schools will naturally have to give places to all their own junior school boys. If we had the test, some of the boys in the senior schools could have been eliminated and their places necessarily filled by deserving boys from junior schools. Therefore, I am not enamoured of this suspension of the selective test, and I hope this Government will address itself to the question of having some kind of selective test at the stage of Standard 8, so that the talented boy, fit for University education, will not be deprived of such education for want of money on the part of his parents. I think we are all agreed - I do not think any government will differ from that view - that the main object of all educational reform is to equalize opportunities as between the rich and the poor.

I also find from the papers a certain degree of impatience on the part of the Minister of Education in regard to the Advisory Council on Education. We do not know whether one fine day we will read in the papers that the Advisory Council on Education has been abolished altogether. All I desire to say on this occasion is that in all democratic countries advisory councils on education seem to be a distinguishing feature, because education is something that impinges on all aspects of national life, and national reconstruction cannot be conceived of without an adequate educational policy. It seems to be the custom nearly all over the world, at least in countries wedded to a democratic form of government, that the Minister concerned is helped and guided by advisory councils composed of educational experts - experts in psychology, experts in educational administration, and so on. So that, the kind of attitude adopted towards the Advisory Council or councils in

this country in the past and present is not satisfactory. In England they have an advisory council; it has produced many reports, and in fact the educational systems that have operated in that country have been the direct result of recommendations made by this council. I submit, therefore, that in the context of affairs in our country there is a very real need for the continuation of the Advisory Council that is already functioning. One might say that the composition of the council is faulty. If that is so, it is up to the Minister to see that it is composed of the right type of men rather than abolish it altogether.

There is also need for a central advisory council in respect of training of teachers and training schools. We have switched over from English to swabasha and adopted Sinhalese as the State language. All these changes naturally call for a change in regard to training schools. We know that, in the past, swabasha training schools were treated in a step-motherly fashion. The more highly-paid lecturers were found in the so-called English training schools. If we want to improve the quality of the teachers who are going to be called upon to teach in the medium of the swabasha, it is very essential that the status of the swabasha training schools should be raised; they should be provided with adequate staff, with adequate salaries.

Before I conclude I should like to refer to one other matter - the inauguration of regional councils which has been promised by the present Government. I personally welcome it because if we want to be an effective democracy it is very necessary that training in citizenship should be given at the local authority level. I feel that our democracy is somewhat lop-sided. There is too much of centralization, particularly in such spheres as health and education. Health and education are two subjects that concern the people so intimately and at so many points. It has been our tradition - probably a legacy from British days - that the Education Department and the Health Department should be administered centrally, without any effective participation by local authorities. If we are going to have regional councils it is very essential that they should have a definite share of responsibility in the spheres of education and health. In every developed country the most important functions of local authorities are those connected with these two matters. We have had a system of local authorities for many years

without their having any effective share in these fields of administration. It is my contention that if we are going to have regional councils such councils, without responsibilities in matters of health and education, will be useless; in other words they will be quite ineffective bodies which will never be able to give that degree of training in citizenship which is so vital for a modern democracy. Now we have an overdeveloped and over-centralized Education Department; it is the same with the Health Department. If we are going to have regional councils, let these functions be assigned to them.

I do not want to take any more of the time of the House. I conclude with these observations.

**CHILDREN & YOUNG PERSONS -  
(HARMFUL PUBLICATIONS) BILL  
SECOND READING**

*30<sup>th</sup> October 1956*

**SENATOR A.M.A. AZEEZ:** I did not intend to make any contribution to this debate but the remarks of the previous speaker compel me to speak a few words. He says that this Bill does not go far enough. When it comes to a question of placing restrictions, one has, I think to err on the side of less legislation rather than more. In the case of films, I believe the hon. Senator is not aware that there is a Board of Censors appointed by Government. So that, there is no necessity-  
*[Interruption].*

**SENATOR KANNANGARA:** They are prevented from banning films.

**SENATOR A.M.A. AZEEZ:** I am not trying to say anything about the merits or demerits of particular persons on the Committee. All I am trying to stress is that so far as the present position is concerned, there is a duly constituted body which has the power to restrict the screening of such films. I support the Bill.

## PREVENTION OF SOCIAL DISABILITIES BILL SECOND READING

19<sup>th</sup> February 1957

**SENATOR A.M.A. AZEEZ:** Mr. President, I had no intention of intervening in this debate on the assumption that this Bill would receive unanimous assent in this House, but I now find that there has been a point of view expressed opposing this Bill and stating that social disabilities of the type this Bill hopes to prevent are matters that should really be outside the scope of legislation; that such disabilities should be prevented only through propaganda and education. I do not want to cast a silent vote in view of that opinion expressed. I wholeheartedly welcome this Bill and support it.

I, too, like Senator Cooray, desire that the main points of this Bill be enshrined in the constitution, as part of the fundamental rights attaching to the citizens of this country, but I am quite familiar with the kind of arguments that can be urged by lawyers and the kind of interpretation a particular clause may lead to. I imagine that to enshrine this as a fundamental right in the Constitution would take some time because the phraseology would have to be carefully considered. I do not personally like to wait till the principles of this Bill are enshrined in the Constitution as such and I therefore welcome the fact that this Government has thought it fit bring in this *ad hoc* legislation to solve a particular problem in a quick manner.

With regard to the suggestion that these are matters outside the scope of legislation, I think we have seen over a period of several years that things that were once considered to be outside the scope of legislation are now accepted to be within the scope of legislation.

After all, there are certain fundamental rights attaching to the citizens of this

country and if a person is discriminated against, he should have the legal remedy to enforce his rights. We cannot expect him to wait till all the people are educated, nor can we expect him to go and appeal to those who discriminated against him. Therefore, this Bill give an enforceable remedy to the person discriminated against. It is a piece of legislation that should be readily welcomed. I do not want to make a long speech. I wholeheartedly support it.

## **GRAMABHIWARDHI SADHAKA SOCIETY BILL - COMMITTEE**

*12<sup>th</sup> March 1957*

**SENATOR A.M.A. AZEEZ:** If the hon. Senator will look at the Schedule, Section 5, on page 3 of the printed Bill, he will observe that the position is made clear. One of the objects is as follows: "The practical observance of Buddhism and the encouragement to Buddhists of living according to the principles of Buddhism."

**SENATOR NADESAN:** That is just what I am drawing attention to.

**SENATOR AZEEZ:** Some mistake has crept in.

**SENATOR E.J. COORAY:** That mistake has to be rectified. We are really at cross purposes, because we are all agreed that the object is to encourage Buddhists to live according to the principles of Buddhism. Only, as Senator Nadesan says—and all of us agree with him—it is couched in language which does not make that object clear at all. On the contrary, it is neither English nor Sinhalese. It is Singlish.

**AN HON. SENATOR:** Fly-by-night's Singlish !

**SENATOR NADESAN:** It is not even that.

**SENATOR NADESAN:** It is not even that

**SENATOR COORAY:** What is in question is this phrase. I certainly agree that if mistakes are discovered, we must put them right at this stage. We should not merely pass this Bill.

**SENATOR A.M.A. AZEEZ:** I feel that if they have framed their rules using this phraseology, it is not for us to dispute them.

**SENATOR NADESAN:** It is not a rule.

**SENATOR A.M.A. AZEEZ:** So, we have no right to amend their rules. After all, this is a Private Member's Bill. The members of this society care for certain principles, and they ought to know what they are about. They have defined their objects in these terms and understand them quite well. Otherwise, they would not have embodied this provision in one place in the Schedule and taken it over to a particular clause of the Bill in another place. Whatever we may feel about the English, we should give freedom to these bodies to frame their rules as they like.

**THE CHAIRMAN:** I do not think the hon. Senator is pressing his amendment.

**SENATOR NADESAN:** What the hon. Senator says is that, after all, they have framed rules and they understand them, and that therefore it is not necessary that we should understand them. The time has come when we have to pass laws which we do not understand but which others understand ! This is the first time we are going to create such a precedent-of passing something they understand but which we do not understand. If that is so, I shall certainly move to withdraw my amendment.

## **MOTOR TRAFFIC (AMENDMENT) BILL - SECOND READING**

*13<sup>th</sup> March 1957*

**SENATOR A.M.A. AZEEZ:** Madam Deputy-President, I do not think we object to the Bill on the ground that it lacks any clarity or precision. We object to the Bill because it is too clear in respect of one clause which we say is a bad provision. So that, the hon. Senator who preceded me is not correct in saying that any objection was raised by us on the ground that this Bill is lacking in clarity or precision.

**SENATOR COORAY:** It is too clear?

**SENATOR AZEEZ:** It is far too clear. In fact, it makes the Minister omnipotent. The legal pundits have already told us that this Bill makes the judge a party. The Minister is the one who give instructions and directions to the Commissioner. As a matter of fact, I believe this provision empowering the Minister to gives directions was not in the original draft Bill as it was presented in the other place. In that original draft Bill, there was provision for payment as compensation of an amount equal to the fair market value of the property on the day immediately preceding that of acquisition to the person in whose possession that property was on that day. This was an amendment that was introduced at the Committee stage. So that, even originally the framers of the Bill did not contemplate the Minister giving general directions and, having given general directions, sitting in judgment over the various claims for compensation.

There is another aspect of the matter. The Minister has to be advised by somebody in the department, because in practice - I am sure, even the present Government will accept it - the Minister does not gather information on his own from any person he likes. He has to be, in the normal Parliamentary procedure,

guided by the department. Therefore, I feel that it would be rather difficult for the Minister to have to sit in judgment over the decision of the Commissioner and also to rely on him on account of his expert knowledge on all the details of compensation. Otherwise, the Minister has to seek advice from an entirely different source. Then what is the position of the Commissioner? So that, it is admitted on all hands, except perhaps by the last speaker, that this provision is not only bad but also sets a precedent which would lead to a very unhealthy development of our Constitution.

Although I am no lawyer, I think the hon. Parliamentary Secretary cited a rather curious parallel about a Rule issuable by the Supreme Court. I speak subject to correction by legal pundits here. I am sure every Rule or every Order of a Court is appealable to some higher tribunal; it is possible for the aggrieved party to appeal. But let us read the clause here. It says:

“and the Ministers decision on every appeal under this sub-section shall be final and conclusive and shall not be called in question in any court.”

That, I think, is fundamentally a different position. So, let us not be misled by the rather wrong parallel drawn by the last speaker. There is no appeal from the Minister's decision, and that is why this provision is very vicious.

**SENATOR WIJESINGHE:** The appeal may go before the Supreme Court.

**SENATOR COORAY:** The question is whether it will be allowed or not.

**SENATOR AZEEZ:** I am not competent to speak about the procedure in the Supreme Court, but I can at least envisage one judge issuing a Rule and another judge hearing it or an appeal from it. But I cannot envisage a position where, because an appeal is made, the Prime Minister would displace this Minister and appoint another, or rather ask him to take a trip abroad and have another Minister to look into the appeal. Those are the possibilities I can envisage.

Well, whatever it is, I am sure it is conceded on all sides that it is a vicious principle. I believe the hon. Leader stated that it is proposed to bring forward a Bill very shortly with a view to nationalizing all buses and, I think, he said there was provision in that Bill for a tribunal. That is all we want. I do not like to be silent on this point because it is a vicious principle whereby the Minister constitutes himself a tribunal.

Therefore, I hope the hon. Leader will give us the assurance that has been asked for by Senator Wikaramanayake, so that we may also co-operate with the Government in passing this Bill to cope with the emergency and also ensure that this will not create an unhealthy precedent which will be very disastrous to the country if allowed to pass unopposed.

**SENATOR THE HON. M.W.H. DE SILVA:** Madam Deputy-President, I must say that I am very much obliged to the Opposition, both for the consideration they have shown me and for the way in which they have accepted this Bill.

## **PREVENTION OF SOCIAL DISABILITIES BILL**

*9<sup>th</sup> April 1957*

**SENATOR A.M.A. AZEEZ:** Mr. President, I was closely following the debate in this honourable House on the last occasion and I thought that my hon. Friend, Senator Cooray - unfortunately he is not present at the moment - welcomed this Bill. He called this Bill, to quote from HANSARD, "an important and, if I may say so, epoch-making bit of legislation." His criticism was that the hon. Leader of the House did not bring in a comprehensive Bill that would deal with all kinds of discrimination and not only that pertaining to caste. He also said - I am again quoting from HANSARD.

"Before concluding, may I make a final appeal to the hon. Leader to follow up this important and useful piece of legislation on the lines suggested by me and see to it that not merely caste discrimination but every type of discrimination is made punishable....." - [OFFICIAL REPORT, 19th February, 1957; Vol. 10 c. 1303.]

I have not had time to look up HANSARD, but, speaking from memory, I have the impression that it was the hon. Leader of the Opposition who was very doubtful of the efficacy of legislation to prevent discrimination of the type envisaged. In view of the remarks made by Senator Cooray, I looked up HANSARD and I think it is relevant for me to quote these extracts:

**SENATOR NADESAN:** It is far better to have the Bill in this form, because one can go to the country and say that there is a Bill, and the Bill will be innocuous! It is far better to have such a Bill....

**THE CHAIRMAN:** It is becoming difficult for me to follow this. Is it the view of the House that the word 'only' should be deleted?

**SENATOR NADESAN:** It is not the wish of the Government, which is following the Indian procedure. There is no amendment suggested for the deletion of the word.

**SENATOR THE HON. M.W.H. DE SILVA:** If it is the wish of the majority of the House, I do not mind the word 'only' being excluded. But I do not think it is the wish of the majority of the House to exclude it. " [OFFICIAL REPORT, 19th February, 1957; Vol. 10 c. 1313.]

So that, at that stage, we were all giving our acquiescence to the hon. Leader of the House, and the wrong impression has been created that the deletion was not pressed for because we thought that in any case the Bill would be innocuous, whereas from the earlier discussion it was clear that hon. Senators who spoke on that Bill were very keen that the word "only" should be omitted.

A few minutes ago Senator Cooray gave me the impression that he had not made up his mind whether to vote for this amendment or not and that he was doubtful whether this type of legislation was useful at all in curing social disabilities of the type envisaged. It is because of the doubt expressed by him that I have felt it my duty to intervene at this stage of the debate.

Whether the word "only" finds a place or not in the Bill. I welcome this measure because, for the first time in the history of legislation in this country, there is statutory recognition of a right. Whether the word "only" is essential or not or whether a case will fail or succeed on it, I cannot say. I am no lawyer, but with the little experience I have of legal interpretations in this House I have learnt not to take the word of lawyers as final on a subject. It was conclusively proved on several occasions, on one occasion in particular, in the course of debate here that that was a reasonable view for one to take.

Therefore, this is a piece of legislation that should be welcomed with or without the word "only". In the words of Senator Cooray himself, this is a piece of "epoch-making legislation". I quite heartily agree with him, but I do not think he seemed so enthusiastic about it on this occasion. Even if there are differences of opinion as to whether this Bill is one hundred per cent enforceable, whether it is not at all enforceable or whether it is enforceable in some cases, I say let it be

passed so that any person who is discriminated against may have a remedy which he has not got now. Let him go to court for redress, and if he fails to obtain redress due to the wording of the Act or to other deficiencies in it, I am sure there will be opportunity for the Legislature to bring in such amendments as may be then found necessary.

I do not want to share the doubts of Senator Cooray as to whether this legislation is going to be of any benefit or not. It is my conviction that this legislation, in whatever form its - with the inclusion or exclusion of the word "only"- will definitely be of some benefit. It gives, for the first time, statutory recognition of a right to a person that he should not be discriminated against in the form envisaged here.

It was our own legal experts in this House who argued very cogently and convincingly about the word "only". I think we were all guilty of not pressing the amendment then even though all argued that the omission of the word "only" would be far better. I would therefore like to use the opportunity of the right of vote and exercise it for the deletion of the word "only", even though in the course of the debate in the other place many erroneous statements were made and misconceptions displayed as to the general attitude of the Senate is regard to this Bill. It is, of course, unfortunate that a salutary amendment was not proposed and pressed in this House; we were all guilty on that score. I would therefore wholeheartedly cast my vote for the deletion of the word "only".

**SENATOR NADESAN:** I have only listened to the tail-end of the speech of the hon. Senator who preceded me but it has certainly given me an indication as to what he said with regard to the deletion of the word "only". I am gratified to find that over this word "only" there has been a fair number of speeches made in this House. Apparently, much importance is being attached to this word "only". All that I need say is that I was certainly guilty of having been, as somebody said, a little humorous with regard to certain aspects of this matter. It appears that what I said has been misunderstood in certain quarters.

## ADDRESS OF THANKS TO THE THRONE SPEECH

25<sup>th</sup> June 1957

**SENATOR AZEEZ:** Madam deputy President, if I were to divert your attention from Hungary to events nearer home, I am sure I need not apologise for it because all Members of this honourable House will agree that we are today faced with a crisis, which is unprecedented. Satyagraha and civil disobedience have been announced for the 20th August and there is very little time indeed for the Government to take really effective measures to prevent the evil consequences - not by sending the military to Jaffna and Batticaloa, not by recruiting so many thousands of volunteers - by diagnosing the disease and finding a remedy therefor. I am sure I need not apologise for referring somewhat at length to the language problem which has been referred to by my hon. Friend Senator Palipane and, to a certain extent, by the hon. Senator who preceded me. I myself have been referring to the language problem on two occasions on the floor of this House - during the last debate on the Address of Thanks, that was in May, last year, and again in July last when the "Sinhala Only" Act was debated in this House. I shall attempt however not to traverse the same ground, not to repeat what I said on those occasions, but to deal with the situation as it presents itself today.

I am sure you will agree that disruptive tendencies have increased tremendously since last year and our national unity is utterly and really imperilled. That is the position our country is confronted with and I sure it is the duty of all right-thinking citizens of this country to give priority to this question that is agitating the minds of everyone. I think I would not be exaggerating it I were to say that we are having something of a communal cold war and, reading the events, we can anticipate a civil strife. It is a very dismal prospect and some definite steps must be taken in the matter. That must be done by the Government because it is in its power to take the initiative; others cannot take the initiative.

I think one of my former Members of the House of Representatives, Mr. Veerasingam, referred to it as a catastrophic calamity that is going to overtake us. I am sure many of us in Ceylon do anticipate violence because we have witnessed the events, the very ugly events, of the 5th June last year. We have also seen how satyagrahis and their leaders could not control the mob at Mannar and Jaffna and perhaps at Kalmunai, We have seen these things and therefore it would be unreasonable on our part to think that the satyagraha that is to be waged in August could be dissociated from violence. Even the President of the Federal Party himself seems to be quite aware that violence cannot be avoided because he says:

"It has been urged that satyagraha may result in violence. I do not altogether rule out that possibility."

Further down, he says:

"That is precisely what we want to do. If we do not resort to satyagraha something worse will happen" [OFFICIAL REPORT REPRESENTATIVES, 19th June, 1957; Vol. 28 c. 377.]

He has not ruled out violence and another part of the speech he has referred to the ugly incidents of the 5th of June, 1956, when honest satyagrahis were attacked by the mob. I would like to ask him what could prevent the same fate overtaking the satyagrahis on the 20th August. The satyagrahis love their cause, and say that they are prepared to sacrifice and suffer, but they have no way of controlling the mob, controlling violence of preventing a communal clash not only between the Tamils and Sinhalese but I shall proceed to show between the Muslims and Tamils too, who have been living peacefully for so many years in the Eastern Province.

The leader of the satyagraha movement, Mr. Chelvanayakam, has said - I am quoting from the *Ceylon Observer* of the 2nd June, 1957:

"Our campaign will not make our people resort to violence at any stage. If the Sinhalese-speaking people resort to violence or disturbances, it is for the Government to look after that. We will make sure that our people will not resort to violence at any time."

Does he mean just a few volunteers or many volunteers that he will have or

does he include by that the Tamil-speaking people? He could not prevent, the leaders could not prevent, violence at Mannar and at Jaffna and therefore what is the guarantee that there will be no violence as result of that action? I think those of us who follow events carefully will agree that there will probably be violence. In the tension that will be created, violence cannot be ruled out it has to be anticipated.

Mahatma Gandhi has been quoted. In fact, Mr. Vanniasingam has quoted extensively from the writings of the Mahatma Gandhi. I am not so optimistic, because Mahatma Gandhi applied the satyagraha technique against British imperialism with which the whole nation was dissatisfied. Besides there is no way by which Mahatma Gandhi or the national leaders could seek the democratic process to move the electorate, convince the people and thereby change the government. Therefore there had to be satyagraha. But in this case, I personally feel that it is a misapplication of the Gandhian technique and in that belief I am fairly fortified by the views of the profound student of the Hindu philosophy, one of our former colleagues, Sir Kandiah Vaithianathan. This is what he stated in January, 1956, in the course of an address given to the Union Society of the University of Ceylon at King George's Hall. I am quoting from the *Daily News* of the 31st January, 1956. It is a long speech and I do not propose to quote it entirely. I will quote just one or two passages:

“The point to remember is that the Gandhian outlook and techniques are not a political weapon to be used by the ordinary politician, however able he may be. If we need a political weapon to solve a political problem, let us by all means as are political without calling them Gandhian.

If as a result of independence from foreign rule, a majority community propose to deny elementary human rights to minority, the fault does not lie in the Independence which was achieved.

It may be politically right or expedient to teach the other fellow a good lesson, but why ascribe it to the Prince of the patience and peace. You will hear Gandhi mentioned in the next few months, as the authority for many remedies, against which remedies Gandhi himself might have fasted unto death if he were alive.

There are many successful political remedies outside the Gandhian pharmacopoeia. I don't deny that we may even approve of such remedies. But let us examine anything put forward as Gandhian in the light of those high ideals which he taught and practised and which has brought freedom to a fifth of the human race and established, once again the sovereignty of the spirit of man on earth.”

**SENATOR NAGALINGAM:** That was when he supported the U.N.P. Subsequently, he changed his mind.

**SENATOR AZEEZ:** Well, Senator Nagalingam can claim to know Sir. Kanthiah Vaithianathan better than I do, but I am not aware of any such change. Whether he has changed or not, I entirely agree with the views. I shall later on show that the moment is not propitious for satyagraha and I personally do not know - Senator Nagalingam may be able to enlighten me because before he joined the L.S.S.P. he was a Gandhite - whether there has been any example of satyagraha being practised by one racial group against another race.

**SENATOR NADESAN:** South Africa.

**SENATOR AZEEZ:** It did not succeed there.

**SENATOR NADESAN:** It did succeed up to a point.

**SENATOR AZEEZ:** Up to a point! And there you have worse legislation now.

**SENATOR NADESAN:** Success is not the only criterion. Self-respect is more important.

**SENATOR AZEEZ:** I have no quarrel with anyone trying to assert his self-respect in the way he likes. But in the assertion of such self-respect several innocent people are going to be involved, thefts and murders are going to take place; and I have a right to persuade, to the best of my ability, those leaders of self-respect to think and pause, and to appeal to them to stay this satyagraha.

**SENATOR NAGALINGAM:** And resort to violence?

**SENATOR AZEEZ:** No. That is my answer; but to try and stop this satyagraha, to try the democratic means of persuading others.

**SENATOR NADESAN:** Persuade whom?

**SENATOR AZEEZ:** The Muslims of the Eastern Province.

**SENATOR NADESAN:** What about the Sinhalese?

**SENATOR AZEEZ:** Yes, to persuade the Sinhalese also.

**SENATOR NAGALINGAM:** How to persuade them?

**SENATOR AZEEZ:** My hon. Friend Senator Nadesan, who is such an authority on democracy, knows of the methods of the persuasion. He might have learnt new method of persuasion in Russia where they do not practise satyagraha. I am sure he is resourceful enough to give a few lessons to me on methods of persuasion. I am not aware, although Senator Nadesan thinks otherwise, of any racial conflict being fully and satisfactorily solved by satyagraha. Of course, the father of the federalism, Mr. Chelavanayakam says, "We are bringing suffering on ourselves". As I tried to point out, they are bringing suffering on themselves and I respect them because they are prepares to sacrifice for the cause they love. But in their unswerving loyalty to their cause, they are blind to some of the consequences that flow from satyagraha.

**SENATOR NADESAN:** The price of freedom.

**SENATOR AZEEZ:** The price of freedom is eternal vigilance, they say.

**SENATOR NADESAN:** Maybe shedding blood.

**SENATOR AZEEZ:** May be shedding blood! I do not know whether Senator Nadesan will also be found shedding blood. I would request of him not to, because his talents are still required by this nation. I think I have come to stage when I should not be diverted by these interruptions. Even on the last occasion, these hon. Senators did succeed in interrupting me and drawing me away from the

main line of my argument. I think I will not succumb to their attempts any more.

I was rather interested in reading the resolution--the amendment to the Address of Thanks - that was submitted by the Federal Party in 1956, and the one submitted in 1957. There is a striking change in the last paragraph or the last portion of the amendment in 1956. I am not quoted the entire amendment, but only what is relevant:

"We cannot but express our dissatisfaction . . . Your Excellency's Government to this most urgent and essential constitutional matter, namely, the amendment of the present Unitary Constitution in accordance with the democratic determination of the Tamil speaking nation..." [OFFICIAL REPORT, REPRESENTATIVES, 4th May, 1956; Vol. 24 c. 292.]

On that occasion when I participated in the debate on the Address of Thanks, I pointed out that there was no evidence of democratic determination nor of a Tamil-speaking nation as such.

**SENATOR NADESAN:** There is a Tamil nation.

**SENATOR AZEEZ:** I have to accept the resolution of the Leader of the Federal Party, not of *ex*-Federalists.

**SENATOR NADESAN:** Who are the *ex*-Federalists?

**SENATOR AZEEZ:** There are quite a number of them. Many of them who were in the Muslim ward of Jaffna as Federalists have become *ex*-Federalists now.

**SENATOR NADESAN:** I am still a Federalist.

**SENATOR AZEEZ:** On that occasion I tried to show that there was neither democratic determination nor a Tamil-speaking nation. In fact, this is what I said, and, I hope, you will pardon my reading that little portion from HANSARD because I like to repeat what I said on that occasion

"If it is found to be the only constitutional device available, when all efforts have failed

and all remedies have been denied, to prevent the sure emasculation and the final extinction in Ceylon of the Tamil language, I can, in those circumstances, appreciate the federal principle and even subscribe to it.

We are now being called upon by the Federalists to solve the problem by accepting the new and the novel theory of the existence of a so-called Tamil-speaking nation in Ceylon - quite a different conception from the Tamil - speaking peoples of Ceylon.

I submit. Mr. President, that this theory of the Tamil-speaking nation is historically inaccurate and politically mischievous. It is historically inaccurate because there are at least two distinct Ceylonese communities whose language is Tamil, and they are the Tamils and the Muslims. While language and citizenship unite these two communities, both of them minorities, religion and culture separate them. And let me point out that religion and culture, culture associated with religion, plays an important part in the life of the Muslim community than it does in the life of the Tamil community. In those circumstances there is no such nation as a Tamil-speaking nation in Ceylon. [OFFICIAL REPORT, REPRESENTATIVES, 8th May, 1956; Vol. 10, c. 52.]

**SENATOR NADESAN:** Right.

**SENATOR NAGALINGAM:** May I know the from the hon. Senator whether the quotation is from himself?

**SENATOR AZEEZ:** Yes, because my hon. Friend does not have a good memory, I wish to quote what I said, for his benefit. He is the one who interrupted me on the last occasion, but I am happy that the Federal leader is prepared to accept what I said, because this year the resolution is somewhat different. It does not speak of the Tamil-speaking nation. It speaks about "conceding the just and democratic demand of an over whelming majority of the Tamil-speaking people of Ceylon." I welcome it because this shows that the Federal Party is open to conviction. They have not staked their claims high.

*It is being 6 p.m., proceeding on business under consideration were interrupted under the Standing order.*

Debate adjourned; to be resumed tomorrow.

## ADJOURNMENT

Resolved: "That the House do now adjourn-[Senator The Hon. Jayasuriya.]

### **HIS EXCELLENCY THE Governor General in reply to his speech**

*"May it please Your Excellency*

*We the Members of the Senate of Ceylon, thank Your Excellency for the Speech with which you have been pleased to open parliament.*

*We assure your Excellency that we shall give our best attention to all matters placed before us,"*

Question again proposed from the Chair.

**SENATOR A.M.A.AZEEZ:** Mr. President, yesterday despite distracting and, at times, disturbing interruptions of Senator Nadesan and Senator Nagalingam, I attempted to stress on the floor of this House, as emphatically as I could and to the best of my ability, the fact that our country had never faced a crisis so serious as it is now confronted with and fraught with such dire consequences reminiscent of the violence that was let loose in the Sub-Continent of India in the year 1947, when neighbours who had lived happily together for many years, men and women who rejoiced together in prosperity and helped each other in adversity, killed each other, even children, in a fit of communal frenzy and that thereby millions of lives were wantonly lost.

I also pointed out the inappropriateness at this stage of the Gandhian techniques of satyagraha, of civil disobedience and even death fasts, when communal tensions so unfortunately prevail in our midst to a degree never before known in this country, and when communities and persons have to be educated and persuaded and not coerced or intimidated through satyagraha or otherwise.

I also attempted to explain to the hon. Members of this House that in spite of the spirit of self-sacrifice and even self-immolation so steadfastly shown by Mr. Chelvanayakam for the cause he dearly loves and to which he has over such a

long period given unswerving loyalty - and these are qualities so rare in our country that they have evoked the spontaneous admiration and respect of several persons towards Mr. Chelvanayakam, and I should like to say on the floor of this House that I am one of those who admire his steadfastness and his spirit of sacrifice - he cannot as one who has successfully practised law for many years, as the respected and admired leader of the Federal Party, as one who has been hailed as the Father of Federalism in Ceylon, escape the responsibility for the natural and probable consequences of the satyagraha campaign that has been so well planned and timed for the 20th of August this year. I may say that it is a grave and heavy responsibility.

I would therefore say that it is his duty as the leader of the Federal Party, in the light of the events that have taken place during the past few days and the reaction his programme has produced on all other political parties and on men and women who do not belong to any political party, who do not owe allegiance to any political party in this country, to pause and review the situation as it confronts him now in a manner that is certainly not alien to the precepts and practices of Mahatma Gandhi who forged this powerful weapon against British Imperialism but could not prevent the communal violence of 1947, the disastrous consequences of which we see even today.

Yesterday I tried to stress that in the present situation that has developed - due to a series of circumstances into which I do not want to go at this stage, because they are somewhat irrelevant to the kind of crisis that we were faced with - our Prime Minister is charged with the special responsibility of finding a quick and satisfactory solution to the language problem. He has to take the initiative by virtue of the position he occupies, as the person in whom the Sinhalese people have placed their confidence as in no other, and by virtue of the powers he wields as the Prime Minister of this country. In finding a solution to the problem, I hope he will treat the disease and not the symptoms of the disease.

It is my submission that he should not and cannot any longer delay the Bill that he has so often promised, the Bill that will provide for the statutory recognition of the Tamil language, a language which, along with Sinhalese, forms the two

and the only two national languages of our country, both of which enjoyed equal status in adversity and suffered together, and were deliberately neglected by the rulers of Ceylon during the colonial period of nearly four hundred years.

When the debate was interrupted due to the normal adjournment yesterday, I was trying to draw the attention of the House to the significant change that is noticeable in the approach of the Federal Party to its theory of federalism. The "democratic determination of the Tamil-speaking nation" of the Federal Party's amendment to the Address of Thanks of 1956 has been whittled down to the "just of democratic demand of an overwhelming majority of the Tamil speaking people of Ceylon" This is the Federal Party's amendment of 1957. During last year's debate I contested the claim of the Federal Party and submitted to this honourable House that there was neither democratic determination nor a nation as was referred to in that amendment. I am glad to find that my criticism has produced visible results, by which I mean the significant change in the amendment between last year and this year.

I shall now attempt to discuss the claim that is made in the Federal Party's amendment, namely "the just and democratic demand of an overwhelming majority of the Tamil-speaking people of Ceylon." I think this claim should be subjected to a sober analysis with the help of the election results, the figures of which are fortunately available in this book *Parliament of Ceylon, 1956*, published by the *Ceylon Daily News*. We have all the relevant figures tabulated. I did not have benefit of such a publication in the last debate when I referred to this subject.

Now let us look these figures. On page 87, there is a summary showing how the country voted in 1956. We will take the Northern Province first. There are nine seats and the Federalists obtained 93,894 votes. As against this, the Tamil Congress obtained 8,914 votes; Independents 58,155 votes; the Communist Party 32,783 votes; and N.L.S.S.P., 2,703 votes. In the Northern Province the Federalists do not have a majority as far as voting goes. In fact, the anti-Federalists have a larger number of votes to their credit than the Federalists. Of these nine seats in the Northern Province, there is just one seat where the Muslims can exercise a fair amount of influence, namely, the Mannar electorate and in the Mannar District,

and where the Muslim number over 30 per cent of the population. There, we have the Federalists obtaining 6,726 votes; Sir Kanthiah Vaithianathan 4857 votes; and Mr. Sittampalam 1,078 votes. These figures are somewhat significant for my purpose because the majority of the anti-Federalist votes of 4,000-odd and 1,000-odd came from the Muslims. In other words, what I am trying to submit, Mr. President, is that as far as the Muslims of the Mannar constituency are concerned, the predominant majority of Muslims votes against federalism. It is also significant that Sir Kanthiah Vaithianathan, our former colleague, devised the tricolour flag specially suited for the occasion, comprised of the three sections to represent the Christians, Hindus and Muslims, that election flag was first unfurled within the mosque premises of Erukkulampiddy. I am trying to show that the Muslims of the Mannar District were opposed to federalism although they were, like their neighbours, very keen on seeing that Tamil did get the status it deserved and demanded.

The figures in relation to the Eastern Province are more significant because the Eastern Province is of special importance not only to the Muslims of the Eastern Province but also to the Muslims of the whole Island, for the reason that it is only through the Eastern Province that the Muslims as a community, as a cultural group, will be able to exercise adequate political influence over the affairs of Ceylon. I do not want to quote at length from the Soulbury Report, except to cite this short passage. The Soulbury Commissioners, on page 74, paragraph 275 of their Report, say:

“We admit, however, that this scheme of representation. . .”-

They are referring to the Ministers’ Scheme-

“ . . . by no means conforms to the strict canons of territorial election, and that it would not be unfair to describe it as a combination of territorial and communal representation... At any rate, in the present circumstances of Ceylon we see no satisfactory way of securing a reasonable proportion of seats for the minorities, except by a method which combines territorial and communal elements”.

In other words, what I am trying to stress is that while it is true that the

Eastern Province is inhabited only by the Muslims of the Eastern Province, what happens there is of political interest to the entire Muslim community. I may also add that one-third of the Muslim community is in the Eastern and Northern Provinces - I have not got the figures with me, but I remember them - and two-thirds are outside. I do not wish to go into this aspect at length. What happens in the Eastern Province is of vital interest to the Muslim community of Ceylon because, if they want to exercise any political influence and be able to make their voice heard, it is through the seats that are available to them in the Eastern Province. The results of the elections of 1947, 1952, and 1956 have conclusively proved that.

The results of the Eastern Province elections are of special significance, and I should like to quote the figures. There are seven seats in the Eastern Province; and of the votes cast the Federal Party obtained 48,042 votes, Independents, 61,087 votes, and the N.L.S.S.P., 4,242 votes. So that, 48,042 votes went to the Federal Party and 65,329 votes to others. But this figure has become very complicated, because the figure of 48,042 includes 9,464 votes obtained by the Gate Mudaliyar Kariapper and 8,353 votes obtained by Mr. M.M. Mustapha, the Member of Pottuvil. Inclusive of those, which total 17,817, the Federal Party obtained 48,042 Votes. And what is most significant is that of the seven elected Members of the House of Representatives from the Eastern Province today, there are only two Members belonging to the Federal Party, whereas all the other five are not members of the Federal Party and do not subscribe to the Federal Party policy at present. Of these five members, four are Muslims, and all the Muslim Members of the Eastern Province are not in sympathy with the present policy of the Federal Party. In fact, in the Muttur Constituency no Federal Party member contested the seat; and as regards the Kalkudah Constituency, the present Member is opposed to federalism. So that, as far as the Eastern Province is concerned, I feel that the claim of the Federal Party that there has been an overwhelming majority of Tamil-speaking people of Ceylon who have made a just and democratic demand for a federal form of Government is untenable. That is my submission.

I see in one of the pamphlets - statements were also made in the other place - that if the Muslims of Kalmunai area wanted, they could have a separate federal

unit. That is not a solution. What happens in the Eastern Province is of interest to the entire Muslim community. By giving a federal unit or cantonment to Kalmunai, the problem of the Muslims of the other portions of the Eastern Province cannot be solved

Those of us who have been to that Province, who have worked in that Province, know that from one end of the Batticaloa District to the other end of the Trincomalee District the Muslims and Tamils live in contiguous villages, and you cannot cut and divide the place without creating new problems with regard to the Tamils living in the Muslim federal unit and *vice versa*.

As far as federation is concerned, the Muslims have not supported it. They may change their minds, but any claim that there has been a "just and democratic demand", in the light of a figures I have produced, is untenable.

If the satyagraha campaign is going to be started on 20th August of this somewhat false and untenable premise, indirectly it will be an attempt to coerce a set of people who have so far not accepted the federal solution. The Muslim have not accepted it. That does not mean that they are not resentful of the attitude shown by the Government in regard to the language problem. All that I am trying to say is that the Muslims have not supported federalism. If there is going to be satyagraha, I am anxious that there should be no bitterness created between the two communities, the Tamils might feel that the Muslims, who have been their neighbours, are not supporting them in this their hour of crisis, whereas Muslims all along have not supported this approach and this attitude.

I would ask Mr. Chelvanayakam on the floor of this House-

**SENATOR S. NADESAN:** He is not here.

**SENATOR AZEEZ:** - whether it is correct to coerce a community into a position and a policy which that community so far has been unwilling to adopt, a policy which has so far proved unpalatable to it. When he demands justice from the Sinhalese he should not deny justice to the Muslims to express their own views with regard to the solution.

I have been approaching the federal solution from the Muslim point of view so far, but there have been other criticisms. It is for the Federal Party to persuade, in the democratic way, those do not accept their solution.

There have been other criticisms. For example, there is the criticism which has been tersely put by the leader of the Tamil Congress, "Federalism is bad for Ceylon and worse for the Tamils"

History proves that federalism has been more appropriate where two parties, or states, or nations, who existed independently, have owing to political and economic circumstances decided to come together. On the contrary, there are very few examples of countries which were united, which were together, deciding on a federal solution.

Modern trends of Government, which have encouraged centralization, have all revealed that federation has its defects. There was an agitation going on - perhaps the problems has now been solved - in the United States of America demanding financial assistance for schools from the federal centre. They found that in the present context it was difficult for each State to manage its finances without help from the federal centre. These are some of the economic and political problems which I do not wish to go into detail. I wish to stress as strongly as I can that, judging by the election results, there has been no overwhelming demand for federation in Ceylon.

Coming to the other aspects of the language problem, with regard to the kind of status that Tamil should occupy in this country, there have been various solutions suggested - the federal solution, the Tamil Congress solution and Mr. Rajaratne's own solution. So far as the Muslims are concerned, I would refer to a solution passed in December, 1955, which more or less expresses the unanimous view of the Muslim community. That resolution reads thus:

"It was unanimously adopted on 18th December, 1955, at a joint conference of the All-Ceylon Muslim League and the All-Ceylon Moor's Association, that Sinhalese be accepted as the only State language, with due official recognition being given to Tamil and English, and

provided that fundamental rights of the minorities in respect of religion, culture, language, etc., are incorporated in the Constitution.”

After the “Sinhala Only” Bill was enacted, many parties have submitted their views. I would like to single out two of them on this occasion. I do so for the reason that the two memoranda I am going to quote from were subscribed to by signatories representative of all racial and religious groups in the Island. Several memoranda were, no doubt, submitted individually and by different cultural groups.

I propose now to quote from the memorandum submitted by the All-Ceylon Union of Teachers in October, 1956. This Union has affiliated branches in the North and in the South. This memorandum was accepted by both sections - the North and the South. It is dated 4th October, 1956, and is addressed to the Prime Minister. It states:

“At the 36th Annual Sessions of the All-Ceylon Union of Teachers held on the 30th and 31st August, 1956, at Kandy, the following Resolution was adopted:-

“This Union views with alarm the disruptive tendencies leading to national disunity due to the present language policy and urges that the question of state language should be solved in consonance with the self-respect and fundamental rights of all races that form the people of this country.

The members of the Union in passing this Resolution were moved by a keen sense to preserve the unity of our nation.

We feel that our Union, consisting as it does of teachers of all races, religions and of all grades from the Kindergarten to University, is in a position to suggest a solution which would be fair and just to all.

The following points are therefore urged:

- (1) Every Child whether he is Sinhalese, Tamil or Burgher, must be guaranteed the right to be taught and examined through the medium of his mother-tongue.
- (2) (a) Examinations for entry into the Public Service should be in the language in which the child has been educated;

(b) As public servants have to work in any part of the Island, they should be competent in both Sinhalese and Tamil. But a test of their competence should be held a few years after their entry into the service.

- (3) Statutory provision should be made to enable citizens who so desire to transact their business with the State in Tamil too.
- (4) All Government publications and notifications should be in both Sinhalese and Tamil.
- (5) Proceedings in Parliament, too, should be in both languages.
- (6) Each local body should have the right to determine the language of its administration, provided that members may speak in either language and provided also that the ratepayers are able to transact their business in either language.
- (7) When it is decided to replace English as the medium of instruction in the University, provision should be made for instruction in both media, i.e. Sinhalese and Tamil.
- (8) Provision should be made for a longer period in which the transition from English should be carried out.

The Union has appointed a deputation to meet you and place oral evidence in support of these proposals and therefore we should be grateful to have the opportunity of meeting you early.

Sgd J.D. ASEERVATHAM,  
General Secretary”

There was another memorandum submitted to the Prime Minister signed by Narawila Dhammaratna Thero, Mr. C.Coomaraswamy, a former High Commissioner for Ceylon in India, Rev. Celestine Fernando, Mr. C.J. Oorlof, Mr. K.Nesiah of the University of Ceylon and myself. I do not want to read the whole memorandum, I would just read a portion of it. This is what it contained:

“With a view to working for national unity and efficiency in administration, we who sign this appeal earnestly request you to sponsor legislation. . .”

There were 30 other signatories to this memorandum but I do not have the list with me at present; I know, however, they were representative of all racial

and religious groups of this Island. To continue what I was reading-

“ . . . sponsor legislation generally on the following lines:

- (1) (a) Securing due official recognition of the Tamil language;  
(b) providing for a longer period in which to complete the transition from English.
- (2) (a) providing for instruction and examination in schools to be based on the principle that every child should be taught and examined in its mother tongue;  
(b) ensuring that the medium of instruction is also the medium of examination in respect of all candidates for the Public Service (provided that in the case of those candidates whose medium of instruction has not been Sinhalese they should be required to pass, after a reasonable period, in Sinhalese; and in the case of those candidates whose medium of instruction has been Sinhalese required to pass in Tamil if the nature of their service demands it;
- (c) providing of both media of instruction, viz, Sinhalese and Tamil, in the University when the present medium is changed.
- (d) ensuring that a Tamil-speaking person, if he so desires, may transact business with the State in his own language;
- (e) ensuring that Government publications and notifications are in both in Sinhalese and Tamil;
- (f) enabling proceedings in Parliament to be conducted both in Sinhalese and Tamil; and
- (g) giving each local body the right to determine the language of its administration (with the proviso that members may speak either in Sinhalese or Tamil and that ratepayers will be able to transact their business in either of the national language.)”

As I said, I have singled them out because they are representatives of all races and all religions in this country. It was very unfortunate that between October last year and April this year, there was no authoritative statement or pronouncement made by the Government or by the Prime Minister with regard to what the language policy is.

But on 25th April the Prime Minister made a statement as to what he was going to do. This is what he stated:

“In other words, the policy that the Government intends to follow is that while accepting Sinhalese as the official language citizens who do not know Sinhalese and who are probably educated in different medium should not suffer inconvenience, embarrassment or any trouble as a result of that.” -[OFFICIAL REPORT, REPRESENTATIVES, 25th April, 1957; Vol. 27 c. 2683.]

A similar statement was made by him in his broadcast address to the nation which was published in the *Sri Lanka (Weekly)* of June 19, 1957. There, too, he made this statement;

“ Before the last General Elections our Party made it clear that while making Sinhalese the only official language of the country, we would give due recognition to the reasonable use of Tamil. Even when introducing the Sinhala Only Bill, one year ago, I clearly explain this position. Two month ago in Parliament I stated that the having fulfilled the first part of our promise in making Sinhalese the official language, the time had come to fulfil the second part of the promise regarding the Tamil language, and indicated certain lines on which the use of Tamil might be considered . In working out the details of this, all points of view will be carefully considered and, of course any steps taken in this regard, while ensuring to Tamil citizens the ability to take their place with their fellow-citizens of Ceylon without discrimination or injustice, will also not be of a nature to negative the position of Sinhalese as the official language”.

But, unfortunately, the Bill has not been introduced yet. There are some other details that are not clarified yet. It is not quite clear from the statement of the Prime Minister what his attitude or decision is with regard to local authorities, that is, whether local authorities in any part of the island will be allowed to transact business in the national language they choose. In the Press we read that an idea is being entertained by some Members of the Government that they only local authorities in the Eastern and Northern Provinces will be allowed this facility.

I should like to point out that there are local authorities in which Muslims are predominant outside the Eastern and Northern Provinces which, at present, do not know the Sinhalese language. I would cite, for example, the case of the Puttalam Urban Council. Now, it is necessary that they should have the right to transact business in the Tamil language, if they choose to, guaranteed by any legislation that is contemplated.

There are many other details. This is probably not the time for me to go into them, but I should like to read out a *communiqué* that was issued by Rev. Dr. D.T. Niles, Principal, Jaffna Central College with regard to the Prime Minister's statement. He goes into certain details which are of great importance. This is what he says - I am quoting from the *Ceylon Observer* of 16th March 1957:

“Rev. Dr. D.T. Niles, Principal, Jaffna Central College, points out three obvious omissions in the Premier's recent proposals on the use of the Tamil language”-

He says-“It is not enough that individuals have the right to correspond with the Government in the language of their own choice. It is essential that people should be governed in a language they understand.

For instance, it is absolutely necessary that name boards, sign-boards, Government circulars, etc., should be in all three languages.

While it is laid down that the Public Service Examinations will be held in all three languages, it would be impossible to ensure that there is no discrimination in regard to entrance to the Public Service.

Arrangements should be made to have the marks obtained by the candidates moderated by a common panel of examiners so that people are chosen on merit alone.

If this is not done, there will be a tendency to establish a racial quota for entrants to the Public Service. Indeed, one of the major causes that precipitated the present controversy was the suggestion that the entrance to the University should be on the basis of a racial quota.

Democracy cannot grow if in any walk of life the quota system should be introduced.

In the amendment to the Constitution that is proposed the Charter of Fundamental Rights must stipulate that since Sinhalese and Tamil are both national languages in this country all administrative and educational provisions will be based on the principle that Tamil shall be to the Tamil people what Sinhalese is to the Sinhalese people.”

Thus it would be seen that there are many items - maybe of details - which are really important to the Tamil-speaking people. Every item has its significance and we see that the Prime Minister - in the two passages I quoted, one from HANSARD and the other from the *Sri Lanka (Weekly)* - has categorically stated that

he will ensure that the people who do not know Sinhalese, and who are of this country, will not suffer inconvenience, embarrassment or any trouble as a result of the “Sinhala Only” Act. I would therefore, urge on the Government that this principle should be translated into legislation and observed both in the letter and in the spirit.

That is only satisfactory way of meeting the satyagraha campaign - certainly it is a more effective way than preparing armies and perhaps navies. It is a better method than trying to recruit volunteers who will, later on, be found to be uncontrollable, just as some of the extremists have already been found to be uncontrollable. I do not want to devote any further time to the language problem. I do hope these promises will be fulfilled. In fact, there were assurances given at the time of the passage of the “Sinhala Only” Bill, and thereafter assurances were given on many occasions. Finally, there has been an authoritative statement made on the 25th of April that the Government will soon translate these principles into practice and that here will be legal provision made for the use of Tamil in the manner indicated.

Before I sit down, I should like to refer to one other problem which, I feel, is important in the educational sphere. So far the Government has not made a definite pronouncement as regards its policy in respect of the S.S.C. Examination. You are aware that there was a G.C.E. Examination introduced in 1952. It was really to imitation of the G.C.E. Examination introduced in England. When they introduced the G.C.E. Examination in England, they had a definite purpose. They had thought about it for a long time and after a good deal of discussion, debate and planning, they introduced it for the purpose of having a wide variety of subjects-included in the examination. They gave up the idea of compulsory subjects. The main purpose of the G.C.E. Examination was to abolish compulsory subjects, the certificate previously being obtainable only on passing certain specified compulsory subjects. The real purpose was to diminish the cramping influence of the external examination on the curriculum and the class.

In Ceylon, it would appear that it was just an imitation. The real purpose was not appreciated. We had the G.C.E. introduced alongside the S.S.C.; so that

in addition to the S.S.C.; we also had the G.C.E. Examinations. At that time some of the educationists protested against having simultaneously the S.S.C. and G.C.E. Examinations. But there were some others who pointed out that if you omitted the compulsory languages, it would retard the progress that had been made as far as the swabasha medium was concerned. There was justification for that argument at that time. But the situation has altered now because from this year every Sinhalese boy has to take up his papers, or a large majority of his papers, in Sinhalese and the Tamil boy has to do so in Tamil. So that, the old objection that the abolition of the S.S.C. Examination would retard the progress of introducing the swabasha medium does not hold good today.

There was the another objection namely, that the University had made the S.S.C. the eligible qualification for purpose of entrance. But the University authorities have now changed the requirement and are not satisfied with the mere S.S.C. They want three credit passes, and they want an Arts candidate to pass in Science and a Science candidate to pass in Arts. So that the present S.S.C. Examination does not fulfil the eligibility condition as such. But what has happened? The idea in England in introducing the G.C.E. Examination was to diminish the cramping influence of the external examination on the class and the curriculum. In Ceylon the S.S.C. is now supposed to have a superior status than the G.C.E., and the G.C.E. has become a sort of stepping-stone to the S.S.C. In England employers are expected not to ask for an Examination certificate as such. They are expected to define their requirements. In other words, one employer would say that he would like a candidate who has passed the G.C.E. Examinations with a particular combination of subjects. Another employer would ask for a candidate with another combination of subjects. But here the unfortunate result is that everybody - I am now talking of employers - is asking for candidates who have passed the S.S.C. Examination. So that, the time has come to review the whole question. I say that there is no justification for continuing the S.S.C. Examination. Reading the newspapers, we felt this question was engaging the active attention of the Hon. Minister of Education, but so far no decision has been made.

Yesterday, Senator Cooray referred to the other big problem that is agitating value to our country. That has been accepted on all hands. They have built up traditions of the country in the educational sphere, namely, the threat of the Government taking over assisted schools. It looks like throwing the baby together with the bath water. After all, assisted schools have been existence successfully and have contributed greatly to the progress of our country, have built up traditions of value to our country. That has been accepted on all hands. They have built up traditions of piety and learning, traditions of discipline and devotion, and also those traditions have been created and fostered by several self-sacrificing leaders of Ceylon society for many generations. Therefore, it is not as if we are trying to build up in an educational system afresh or anew. Assisted schools have been in existence for a long time. Generally-speaking, they are superior to the Government schools, and why should they be destroyed? One gets the impression that the whole question is looked at merely from the point of view of teachers and employment because we find various teachers' organizations being asked whether they would like to serve under Government or continue to serve in assisted schools. But there is something more than that, It is not a question of employment. Whether assisted schools ought to continue or not would depend on what the attitude of the Government is and whether the Government would like to encourage freedom and ensure the existence of a democratic set-up. What I am trying to stress is this question of assisted schools cannot be dissociated from the philosophy or practice of the State or the Government. My submission is that assisted schools have served a useful purpose, are serving a useful purpose and will continue to serve a useful purpose.

Then the question may be asked why there is so much controversy and why this controversy is being highlighted these days? The evils complained of may be roughly categorised as follows: All assisted schools are not run for the altruistic purpose of imparting a sound religious education to pupils belonging to the faith of the management. Some schools have no managing bodies either financially sound or spiritually motivated. The pupil not belonging to the religion of the proprietor of an assisted school obtains in the school an education which is not only incomplete but is prejudicial to his culture.

That these are evils cannot be denied but the extent to which they prevail and the alternative or remedies that are available have not been investigated in any really satisfactory manner. Merely taking over assisted is not going to provide a satisfactory solution, because Government is finding it very difficulty to satisfactorily and efficiently run its own schools.

There is another problem. The Hon. Prime Minister, I think, mentioned in the other place that he was very keen on the introduction of regional councils. I personally would consider regional councils very ineffective if they are not going to be entrusted with the task of public health and education, because local authorities all over the world are deeply concerned with health and education. In Ceylon we have a tragic situation by which even the premier municipal council of the island has not any responsibility towards the education of the children in its areas. I am thinking of Colombo where there are a large number of children who are unable, in spite of free education, in spite of the anxiety of providing education on the part of their parents, to go to either a Government or an assisted school; and the municipality has no responsibility towards them, except perhaps to agitate and ask the Government to start schools. Therefore the Government is now finding itself burdened with an over-centralized administration. In fact, the Minister of Education started by trying to transfer teachers, but I believe - the papers have news about this - he has abandoned that attempt because he found that it was too much of a business. He could not devote all his time making list of such transfers.

This is the defect. With the over-centralized administration we have in the Education Department, we cannot have an efficient educational system going. Having all these problems, I do not think Government can take over assisted schools. If this problem is not solve in a calm atmosphere, if this problem of taking over assisted schools is not discussed dispassionately, there is the danger of it being discussed in the heat of political passion or on the eve of another general election. We know what happened to the language problem as a result of making it one of the issues during the general election. Therefore I would urge on the Government to appoint a committee or commission that would go into this question and find out the evils complained of against assisted schools, whether it

is true such evils exist to any appreciable extent; and, if so, whether the assisted schools system cannot be preserved and improved, shorn of such evils. It is a very important question for the country as a whole and therefore I think the time has come when some committee or commission should be asked to go into it - a body entrusted with powers to make all the necessary inquires.

I do not want to take more than two minutes of your time. In passing I would refer to some of the promises made with regard to improvements in the administration. If I remember right, in the Throne Speech there is a promise held out that some experts will be coming to look into the question of a unified administrative service. I would submit that the problem of a unified administrative service cannot be dissociated from the problems of the Government, namely, whether the Government was going to believe in decentralization, whether it is going to perpetuate the kachcheri system and D.R.O. and village headmen system that existed during the colonial period, or whether it wants to modify all that to suit modern conditions, or whether it wants to abolish them entirely and give over those powers to the local authorities, or whether it wants adapt the system in England to our conditions. These are matters that have to be first settled before any improvement can be affected in administration. Merely regarding salaries or fixing new salary scales, without having definite views as to whether departments should function in the centralized way they do now, with provincial representatives like education officers who have no powers, will not improve the position. Education officers can make decisions but their decisions are made appealable by Members of Parliament to the authorities in Colombo. If you are going to have system of that nature, it is much better to admit the fact that you are for a centralized system without having highly-paid officials at the head of each province which makes it a nominal business and an expensive one at that. Therefore before foreign experts come to advise us, these fundamental questions in the sphere of administration have to be settled. Unfortunately, they have not been settled for the past seven or eight years. I remember, as a government official at that time, some eminent person who was sent to England to study the system coming back and adding permanent secretaries and assistant secretaries to heads of departments who were already there. We neither gained in efficiency nor in economy. The result was that in addition to the officials who were already in

charge new officials were put in responsibility was diffused and more people did the same work.

We have read of decentralization in the medical and the education departments but we have not seen this decentralization. There is a reason for it. So long as local authorities have no control, so long as people who represent the area in the local bodies have no control, the Member of Parliament naturally has to go to the Minister to get his final decision. He cannot accept the decision of the local official. So that, decentralization has to come from another direction, from the direction of vesting local authorities with new powers. I have seen the draft of a proposed Bill concerned with regional councils, but unfortunately as far as their powers go I have not gained much enlightenment because the Bill merely says that whatever functions the Minister has he may devolve on these regional councils if he so desires. Those who would be the functions. I would urge that if regional councils and our local authorities are to function satisfactorily they should be vested with definite powers. They should be given responsibility. I would add that there cannot be an effective local body without such local body having the responsibility for public health and public education in its area. That has been the history of local authorities.

There are some other subjects I would like to comment on, but I do not want to take up any more time and I thank the Members of this honourable House for having given me this indulgence.

**SENATOR NADESAN:** Mr. President, I should congratulate the previous speaker on the very able manner in which he put forward the position, particularly of the Muslim community in this country. I agree wholeheartedly with every statement he made with regard to the position occupied by the Muslims today. Apart from that, the hon. Senator made a number of suggestions and I am happy to say that I do not find myself in disagreement with the observations made by him on various matters of vital importance.

## **MOTOR TRANSPORT BILL SECOND READING**

*30<sup>th</sup> October 1957*

*The Bill is intended to provide for the establishment of a Transport Board concerned with the provision of regular and occasional omnibus and hiring car services in Ceylon.*

**SENATOR A.M.A. AZEEZ:** Madam Deputy-President, belonging to no party, I do not want to give a silent vote on this important issue. I do not regard this Bill as one creating just an additional corporation to the many and varied corporations that are in existence today; I regard this Bill as one which is important on account of the fact it is an earnest that the present Government is really keen on ushering in democratic socialism which is its avowed policy, as stated in its manifesto, if I remember right.

I also know that the first executive committee of the U.N.P. that met after the general elections passed a resolution in favour of democratic socialism. So that, on paper, there is wide agreement as to the pattern of the society that this country should aim at. But I still have an open mind with regard to the intentions of both the Government as well as the U.N.P. as to whether they intend seriously practising this democratic socialism. It is heartening to find that as far as this Bill goes the present Government has shown some indication that it is keen on trying to bring in measures that will promote democratic socialism. It is my humble view that although there can be nationalized transport without democratic socialism there cannot be democratic socialism without nationalized transport.

Belonging to no party, I do not know what exactly are those amendments which the two speakers who preceded me said they were going to move in the Committee stage, especially my hon. Friend Senator Kannangara - who was once my senior colleague in the Ceylon Civil Service - who said that he had the good fortune of training two members of the Transport Board. I hope they will remember the lessons they learnt, both good and bad, and that they are also considerably

benefited by the experience they have gained since they left the Civil Service and the departments they belonged to. Senator Kannangara indicated that he is going to propose some amendments with regard the constitution of the Compensation Tribunal, that is, that it should be appointed by the Governor-General and not by the Minister. As far as I understand, it is merely a technicality because under the Constitution - if our Constitution is really based on the model of the British Constitution - the Governor-General has to discretion in the matter except to accept the advice of the Minister. So that - being a non-lawyer and an administrator like my hon. Friend Senator Kannangara - I do not see much virtue in these little little technicalities.

As I said, when the amendments are proposed - I do not know what they are - I for my part will be guided by one consideration, that is, whether an imperfect Bill soon enacted is not better for the country than a perfect Bill long delayed. I do not like to contribute in any way to the delaying of this Bill which will indirectly have the result of showing some kind of solicitude for the present bus-owners and the bus magnates. Therefore when those amendments come up, I shall at that stage comment on them if I have any comments to make. For the present, I welcome this Bill; and I hope this Government will not forget its democratic socialism after the Bill is passed but will continue to bring such measures as will promote democratic socialism and not the kind of socialism that some of our new Senators would like.

## OFFICIAL LANGUAGE IN LAW COURTS

*26<sup>th</sup> November 1957*

*While court records continue to be kept in English, it is of the opinion that such records be kept in the official language, except in the Northern and Eastern Provinces.*

**SENATOR AZEEZ:** Mr. President, I heartily support the concluding portion of my hon. Friend's speech in appealing to Senator Dunuwille not to press this motion for the reasons adduced, namely, that while his intention has to be guessed the language is vague with regard to many important problems and aspects of the question. I thought he would explain in introducing his motion what he meant by "rare instances". He did not tell what those "rare instances" are nor did he tell us what position a Tamil-speaking person outside the Northern and Eastern Provinces has as a matter of right.

The supporters of the motion emphatically stated that this is a very timely and opportune motion but it is my submission that it is a very untimely and very inopportune for the reason that the language of administration in the courts of the country cannot be dissociated from the larger and bigger question of the State language. Fortunately, there has been a language pact entered into between the Prime Minister and the leaders of the Federal Party some time in July which, I think, harmonized the conflicts prevailing at that time.

In that joint statement it has been made clear that Tamil is recognized as the language of a national minority, and it is proposed to bring forward legislation to make that position clear. It was also stated subsequently by the Prime Minister that he proposed to go into the details of the four points that were discussed and also of the portion which emphasized that Tamil should be recognized as the language of a national minority. Further, it has been stated in the statement of August 12, 1957, made by the Prime Minister that various details have yet to be discussed before the necessary Bills are presented in Parliament. So, we are at

that stage when, I am sure, reading from the statement, Government is contemplating bringing in some legislation; and it has been said various details have to be discussed prior to the introduction of such legislation. With whom they have to be discussed is not stated, but I think I am right inferring that they will have to be discussed at least with the other party to the pact, namely, the leaders of the Federal Party. While we are at that stage, we have here a motion which is the silent in regard to the position of the Tamil-speaking people outside the Northern and Eastern Provinces. Even in respect of these two provinces the position is not made clear. "Rare instances" and "as circumstances require" are very ambiguous terms. More than that, in the last portion the motion reads-

"...except in rare instances where the presiding judge is of opinion that it is impracticable to do so in the official language."

The discretion is vested in the judge, So that, the person concerned has not the right, as such, according to the wording of this motion, and therefore it is very difficult for me to subscribe to a motion where the right of a Tamil-speaking person to be heard in Tamil is left to the discretion of the judge.

What I am trying to emphasize is that these are matters which are being discussed. The motion is worded in such a vague way that even its intention is not clear. The hon. Mover made a brief speech. He brought out only two points in his speech. The first was with regard to the Kandy Municipal resolution, to which reference has been made by Senator De Souza. The other was the telling example of litigants, counsel and the judge being all Sinhalese. But there was silence as regards another example where all of them would be Tamil-Speaking. So that, I cannot cast my vote in favour of this motion because this is not the time for a motion of this nature to be introduced, when the whole problem and the larger issues surrounding it are being discussed by the Government. We would like to see what the details are. If a motion like this merely enunciates a principle, and leaves it at that, we may be able to support it if the principle is correct. But this motion does not merely enuciate a principle. Even the principle is not enunciated in clear terms; it goes into details, and the details are vague. The phraseology is still more vague and therefore it is not possible for us to support this motion.

## **TEA CONTROL BILL SECOND READING**

*27<sup>th</sup> November 1957*

*This is a Consolidating Bill to deal with the registration of tea lands and tea factories, and provides for statistics of production, new planting and replanting of tea, licencing of tea dealers, tea exports and establishment of tea control funds.*

**SENATOR A.M.A. AZEEZ:** Mr. President, it is significant that one of the general points that emerged during the course of the debate on the Motor Transport Bill that was discussed in this honourable House a few weeks back arose yesterday in the course of the present debate, namely, how exactly should administrative tribunals be constituted; and that is also bound up with the question of delegated legislation. It was suggested on the previous occasion that the personnel of the compensation tribunal under the Motor Transport Bill - which is now the Motor Transport Act - should be appointed by the Governor-General on the recommendation of the Judicial Service Commission or should be appointed by the Judicial Service Commission. In fact, my hon. Friend Senator Cooray moved an amendment to the effect that the compensation tribunal should be appointed by the Governor-General on the recommendation of the Judicial Service Commission. Earlier, in the paper consisting of a list of amendments that was circulated, there was an amendment in the name of Senator Wickramanayake.

**THE PRESIDENT:** What is the hon. Senator referring to now?

**SENATOR AZEEZ:** To the Motor Transport Bill. That amendment was to the effect that the compensation tribunal should be appointed by the Judicial Service Commission itself. On that occasion, I contended that there was no precedent in the statute-book of this country wherein the Judicial Service Commission either recommended or appointed the personnel of any administrative tribunal. Yesterday, the impression was sought to be created that there were precedents. I still say that there are no precedents, because no such precedents have been quoted. It is one thing for the Judicial Service Commission to appoint or recommend to the

Governor-General the personnel of the tribunal; it is quite another thing for the Minister to obtain the advice of the Judicial Service Commission, as we find for example, in the Land Acquisition Act, and, later on, in the Motor Traffic Act. In those two instances, the administrative tribunals are constituted in the same way, namely, the Minister has to recommend to the to the Governor-General the personnel. But before he recommends, the Minister is statutorily required to obtain the advice of the Judicial Service Commission - solely to obtain advice. Whether he accepts it or rejects it is matter that is. I believe, left entirely to the discretion of the Minister. So that, the Judicial Service Commission is only called upon to advise the Minister; not to make a recommendation to the Governor-General nor to advise the Governor-General. Therefore I still say that there is no precedent so far as we are concerned whereby the Judicial Service Commission recommends or appoints the Members of administrative tribunals.

It is rather interesting to note that on the last occasion when an amendment was moved to change the nature or the composition of the compensation tribunal - there is another tribunal in the same Act under Section 41, the labour tribunal which too the Minister appoints - no efforts were made to change the procedure with regard to the labour tribunal, However, it was sought by an amendment, to change the procedure connected with the composition of the compensation tribunal. There was some sort of discrepancy in that in the same Act, efforts were made to change the composition of one tribunal but not of the other.

It is also interesting to note that whereas the Land Acquisition Act of 1950 and the Motor Traffic Act of 1951 contemplated administrative tribunals being constituted after the Minister had sought the advice of the Judicial Service Commission, an Act was passed during the interim period - I believe it was the Industrial Disputes Act, No 43 of 1950 - which has a section or sections dealing with industrial courts in which no reference is made to the Judicial Service Commission, I speak subject to correction. It says that the Governor-General shall nominate-

**THE PRESIDENT:** What is the reference?

**SENATOR AZEEZ:** Section 22 of Act No. 43 of 1950. It provides:

“For the purpose of this Act, the Governor-General may from time to time appoint a Panel, of not less than five persons, from which Industrial Courts shall be constituted as hereinafter provided. . .”

So that, in the case of industrial courts the advice of the Judicial Service Commission is not statutorily required but in the case of the tribunals under the Land Acquisition Act and the Motor Traffic Act the advice of the Judicial Service Commission is required.

It is somewhat difficult to explain this discrepancy. Perhaps those responsible for these enactments thought that where property owning people were involved the advice of the Judicial Service Commission was necessary but in the case of non-property owning people it was not necessary. It is a facile explanation which one is tempted to give but I do not think that is the reason. The real reason, I believe, was that these Acts were considered piecemeal and the Minister, or whoever was responsible for drafting these Acts, thought that one administrative tribunal should be constituted in a particular way without having regard to the constitution of the other administrative tribunal. I am saying this because on a previous occasion, too when we were debating the Motor Transport Bill this question of administrative tribunals came up. I think my hon. Friend Senator Cooray, told us of the various efforts that being made in England to systematize procedure relating to delegated legislation and administrative tribunals.

I submit that the best body to go into this matter would be the Joint Select Committee of the Senate and the House of Representatives which is due to be appointed shortly in regard to the revision of the Constitution and which will have very wide terms of reference. The text of the motion moved in the other place by the Prime Minister indicates that the terms reference of this Joint Select Committee will be wide enough to embrace this subject of delegated legislation and administrative tribunals. I do hope the Government would seek the advice of this Joint Select Committee on this very important question because, as I have pointed out earlier, there are so many discrepancies. There is no uniformity in practice.

In fact, there are worse examples than the ones quoted. We are all agreed that the Minister should not be allowed to act arbitrarily to the detriment of any person but we have very glaring examples of a Minister being vested with very wide powers under certain provisions of the law. I would cite a section in the Citizenship Act, No. 18 of 1948, where if the status of a person who is a Ceylonese by descent is in doubt, such person is expected to obtain a certificate from the Minister who, I believe, is the Prime Minister. There is no appeal. There is no tribunal. So that, while we are concentrating our attention on licence holders and others in a similar position, we should not fail to notice that at present there are very wide powers given to a Minister in regard to declaring whether a person is a Ceylonese by descent or not; and if, for some reason, the Minister decides otherwise the person concerned has no appeal. Therefore I would stress that this aspect of the matter be viewed in the larger context of delegated legislation and administrative tribunals.

Coming to this particular Bill, yesterday Senator Cooray referred to the Paddy Lands Bill. At that time neither he nor I had the benefit of the Bill itself. It was tabled in the other place yesterday and I have got a copy of it now. A board of review is sought to be provided for in the Bill as presented by the Minister of Agriculture and Food yesterday. Clause 15 of the Paddy Lands Bill reads.

“A Board of Review consisting of a prescribed number of members appointed by the Minister shall be established for the purpose of hearing and determining appeals that may be made to such a Board under this Act...”

Then it says, “Regulations may be made,” and so on, and later the clause deals with the kind of appeals that would come up before the Board of Review. Those details are not relevant, but what is relevant is that the present Government is committed to the policy or to the principle of having a board of review rather than allowing appeals to be determined by the Minister. Senator Cooray gave certain reason why the Minister should not enjoy such powers. I would say that, although technically it may not be correct, really the Minister, if he were to be appealed from a decision of the head of one of his own departments, would be acting as judge in his own case. More than that, he is bound to be biased, consciously or

otherwise, in favour of the decision of the Commissioner. At present the Commissioner, knowing the mind of the Minister, has to obtain general directions or sometimes even specific directions. I am sure the head of the department is not precluded from doing that. As a matter of fact, in controversial matters he is expected to find out beforehand what the Minister feels on a particularly important subjects - to know the mind of the Minister. So that, the Minister cannot normally be expected to reverse the decision of his own head of a department, and therefore there is that disadvantage.

More than that there is some administrative disadvantage, in my view, if the Minister is to be the authority for hearing appeals. He cannot possibly delegate that function to one of his many officers. I do not know the exact legal position, but certainly he is morally obliged to go into the whole case himself - *[Interruption]* I am now told that he cannot delegate. So long as he is the authority to be appealed to he is bound to hear the appeal, which means he has to go through whatever evidence there is and examine each case thoroughly. One can picture the situation. There may be hundred appeals for a year. The Minister is the person who lays down general policy and has to be in charge of very important activities of the Government, particularly matters dealing with the tea industry, the rubber industry, and so on. But he is now called upon really to spend his time going through the details of a number of cases where particular individuals are aggrieved that they have not been given licences, and so on. So that, apart from the reasons adduced by Senator Cooray, it is also administratively not advisable for the Minister to be engaged in all these details. Therefore, I hope the Government would consent to adopting the same point of view it has adopted with regard to the Paddy Lands Bill and agree to the constitution of a board of review.

As to how it should be constituted, I am not very happy about the idea of bringing in the Judicial Service Commission. As I explained, there is no precedent for the Judicial Service Commission to appoint or recommend appointments. As to their advice, if the Minister is not statutorily required to accept the advice of the Judicial Service Commission, if he is at liberty to accept or reject that advice, I do not think it is-

**SENATOR E.J. COORAY:** The reference is to the Governor-General.

**SENATOR AZEEZ:** No, not under your amendment. It says “The Minister shall before making any recommendations to the Governor-General in regard to the exercise of the powers...” and so on.

**SENATOR COORAY:** You are right.

**SENATOR AZEEZ:** So that, the suggestion that is made now is to follow the lines of the Land Acquisition Act and the Motor Traffic Act, namely, that the Minister before making the recommendations should consult or obtain the advice of the Judicial Service Commission, and it is quite clear he may or may not accept that advice.

There is another point I am now reading from the document containing the printed amendments:

“(2) Not less than five members of the Board shall be persons having adequate knowledge of the tea industry.”

How can you expect the Judicial Service Commission to know that? We can understand it if they are expected to know who the eminent lawyers are, who the potential judges are, who good jurists are, and so on. It is derogatory to their dignity to expect them to have knowledge of persons with adequate knowledge of the tea industry. If their advice is to be accepted with regard to the names of persons who are possessed of judicial experience, that is understandable. So that, bringing in the Judicial Service Commission in this way, although there are precedents in the Land Acquisition and the Motor Traffic Act, is not appropriate because there have been many Acts passed before and after them where the advice of the Judicial Service Commission, is not to be sought.

In these circumstances I feel there should be some kind of board of review or administrative tribunal to deal with appeals from persons aggrieved about decisions of the head of the department under this Tea Control Bill. While it is necessary that there should be a board, I would say that it is not necessary to have

any advice from the Judicial Service Commission because, if it is to be advice which can be accepted or rejected, it will be derogatory to the dignity and the status created for the Judicial Service Commission by our Constitution. They have been constituted, as mentioned by the hon. Leader on a previous occasion, for a specific purpose and what they are to do is specified in our Constitution. So that the details with regard to the composition of the administrative tribunal is a matter that has to be gone into without the intervention of the Judicial Service Commission.

I would be prepared to agree to the provision which Government has already accepted in relation to the Paddy Lands Bill. I have nothing more to add. Thank You.

## PADDY LANDS BILL SECOND READING

28<sup>th</sup> January 1958

*The primary object of the Bill is to encourage and increase the production of paddy in the country. Also to provide security to tenant cultivators.*

SENATOR A.M.A. AZEEZ: Mr. President, in my understanding and appraisal of this very important Bill, it is very difficult for me to divest myself of whatever experience I was privileged to gain during the troublous years of 1942-43 when I happened to function as A.G.A., Emergency, at Kalmunai. Kalmunai is a district of hardy cultivators to whom paddy cultivation was and is almost a vocation. I know that many of them preferred paddy cultivation to more remunerative forms of employment. Let me say at this stage because what I witnessed at Kalmunai - I had many opportunities of knowing intimately the various classes of people connected with paddy production and knowing their method and attitudes - I am strongly impelled to give my support to this Bill not in a half-hearted manner but most heartily and with enthusiasm.

During the period I referred to there was a possibility of Ceylon being invaded through her eastern shores, and paddy cultivation was given a kind of priority by the then Government which was unknown before and after. Yet, in spite of all efforts of the Government to encourage intensive cultivation, to increase the yield per acre, there was no appreciable success. There was no success primarily because the tillers of the soil - a very large number of them - had no security of tenure and, in the absence of that security there was no inducement for them to adopt methods of intensive cultivation. Unlike the tenement dwellers of Colombo who clamoured for a Rent Restriction Bill and succeeded in getting it passed, these tillers could not assert themselves. They, no doubt, possessed the right to vote, the right of the franchise, but they could not effectively exercise this right

because of the vestiges of feudalism that they were still left in that part of Ceylon. To say that the relationship that existed between these tillers of the soil and the landlords or the lessees in one of co-operative companionship would be as accurate as saying that all the crows in Ceylon are white. There has been an enormous amount of literature since the first draft of this Bill was published and Senator Cooray gave us the benefit of some of it by reading certain extracts. It is clear to me that the situation in Kalmunai is not an exception but the rule. That situation exists in all parts of our country which is predominantly agricultural.

Figures have been computed and I have taken them from the *Ceylon Economist*. At page 83, there is an article by Mr. J.B. Kelegama entitled the "Economic significance of the Paddy Lands Bill." It has been computed on the basis of the Report on Paddy Statistics and as follows:

"On the basis of the Report on Paddy Statistics, there are 404,000 paddy land holdings in the hands of tenant-cultivators. Assuming one rural family to one paddy holding, there are about 404,000 families fully or partly engaged in cultivating these holdings. As the average rural family in Ceylon consists of 5 persons, there are about 2 million people whose employment and income are directly or indirectly tied up with the cultivation of paddy lands not their own. The improvement of the lot of this vast section of the country's population is one of the aims of the Paddy Lands Bill."

Therefore significance of this Bill in the national development of Ceylon will be quite clear from these figures. The author has summarised the main purpose of this Bill in relation to the tenant cultivator. He says:

"The tenant cultivator occupies the central position in the agrarian reform envisaged in the Paddy Lands Bill. He is granted three important rights (or Three Freedoms) under the Bill:

- (1) Freedom from eviction by the landlord or permanent security of tenure.
- (2) Freedom from interference by the landlord in his cultivation and work.
- (3) Freedom from exploitation by the landlord. He is required to pay the landlord only the prescribed rent for the land, prescribed maximum interest rates on loans from

the landlord, and prescribed terms of hire for tractors, agricultural implements, buffaloes etc.”

The only objection that at least looked valid on the face of it was that this Bill contained the seeds of communism in it. In fact, that aspect of the matter has been very eloquently dealt with by Senator Cooray and if I did not study this Bill as closely as I had, I would have been persuaded to vote against it by his eloquence. But though it is alleged that there are the seed of communism in this Bill - and it was said so in the other place - I personally feel that there are seeds of democratic socialism in it, because, the scope and range of the activities of the cultivation committees show that there is real and true democracy, not the kind of negative democracy that supports *laissez faire*.

**SENATOR KOTELAWALA:** Are you against communism?

**SENATOR AZEEZ:** I am definitely against it and it is there that I differ from Senator Cooray. If you want to see that Ceylon does not go communist, the only way to do so is to ensure equality of opportunity and not to follow the old ideal of democracy where only liberty is emphasized. The other aspect also should be emphasized, the equality which, in other words, would mean the ideology of democratic socialism.

I support this Bill because it is my conviction that there is the seed of the democratic socialism in it and if, worked properly it will produce the desired results. It would be depend on how the Bill is going to be administered. In fact, my hon, Friend Senator Cooray said that there is only one way of the Cultivation Committee meeting. But I think clause 33 of the Bill provides for regulations to be framed by which Cultivation Committee can meet, in other ways.

I do not want to enter into the various details of the Bill, but there was one observation made by Senator Cooray. --

**SENATOR NADESAN:** On requisition, he must call a meeting!

**SENATOR AZEEZ:** That is clause 33. There are also regulations to be framed,

and we have not seen them yet. I need hardly emphasize to this House that it is specifically provided that these regulations cannot be effective unless they are approved by the House of Representatives and the Senate. As I said, I do not want to go into details because it is not quite necessary to do so.

Objection was taken to the power of requisitioning. We have had many Ordinances where there is power of requisitioning. Suppose this Bill is going to affect vested interests - the *mudalalis*, money-lenders and the middlemen. If they obstruct, there must be some power given to the administrators to take steps to ensure that the Bill is implemented well and truly. Therefore, requisitioning powers as such are not obnoxious; and if the requisitioning powers were to be exercised arbitrarily, there is always a remedy in the hands of Parliament.

With regard to the seeds of communism. I can do no better than a read a small extract from an article in the same journal, the *Ceylon Economist*, written by Mr. W. Don Michael. He is far from the communist; he is not even a fellow traveller. I think he belongs to the Catholic faith and is known to Senator Cooray. He has written a very interesting paragraph, which I happened to come across yesterday, about Cultivation Committees. This is what he says:

“The Cultivation Committees were another false alarm. To some they were communist cells, Trojans horses stabled and ready for a coup d’etat. A reference to the original Bill, however would show:

(a) that these Cultivation Committees are elected bodies forming a Corporation. . . :

not imposed from above by the Minister or by the Commissioner or Commissar-

“(b) that every cultivator with any extent of paddy land within its jurisdiction is an elector of these Committees;

(c) that their term of office is only one year:

(d) that they have no power to initiate any act of consolidation or collectivization of land whatever, but that their powers are limited purely to making recommendation to the Minister for the approval of the Senate and the House of Representatives.”

These are his words, not mine-

“Somebody must have lost his dictionary or some impish Oberon anointed him with the juice he tried on Titania, if he can see in these bodies the spectre of communism, or any such goblin”

And he finally ends this article by saying:

“These are some of the reflections that dawn on a student of the agrarian question in Ceylon as he looks back in retrospect on the industrious futility of the ideological clash generated by the first Paddy Bill. And the final verdict must remain for all time, in the words of Burke, that, for the most part, those vain fears were but the gorgons and hydras which infest the cheerless regions of minds fruitful of nothing but the production of monsters.”

I do not think he would have anticipated that eloquent speech of my hon. Friend Senator Cooray, nor did I anticipate it when I decided to quote from it. He argues:

“The Bill has given the right of private property its proper meaning by recognising its functional concept.”

If an *ande* cultivator is not going to cultivate efficiently, there is no magic, no sacred value about his owning property. I, as a Muslim, do not believe in the absolute right of private property. If an *ande* cultivator is not going to perform that function, which is a national function, I do not see any great sanctity in allowing him to continue to possess the land and obstruct the development of the country. So that, the supervisory powers that are provided are essential. If you say that they will be arbitrarily exercised then every Act has the seeds of arbitrariness. But that is why Parliament and Senators exist - to see that such arbitrariness is not indulged in. The writer continues:

“The Bill has given the right of private property its proper meaning by recognising its functional concept. In order to ensure this both in its own interest and in the interest of the society which all rights have to serve, it has created a second category of ownerships called ‘tenant ownerships’ to widen and reinforce the concept of private property and to give both landlords and tenant owners their due share of the produce of the property. This is a blow against communism and not in favour of it, because in a land of dwindling surface area the new

law of tenant ownership is a lever for the diffusion of land ownerships and increasing the personal stake of the citizen of the land of his toil, and this is not a concept in the gospel according to Karl Max, but rather one in the true spirit of the great Encyclicals of the Popes.”

I have no adequate knowledge of these encyclicals but this is from Mr. Michael. I, for one, was a bit agitated about these collective farms to start with; that may be due to the fact that I did not have the patience to study the various stages which this Bill passed through. But what is relevant is that the Bill, as it stands, has sufficient safeguards. A scheme has to be submitted. “Collective farm” is not defined in the Bill. There may be a lot of the co-operative spirit in it. I asked my friends whether they had a definition of “collective farm” and they said. “No”. What is the definition of a “nation”? A certain author, after devoting many pages to it, came to the conclusion that a “nation is a group of a people who will be a nation.” Similarly, I think a “collective farm” will be a collective farm deemed as such by the regulation framed. So that, when the first scheme of collective farms comes, all of us will have the opportunity of scrutinizing the regulations in that respect to see that there is no forced collectivization but that the collective farm established will be democratic.

More than that, why should we not experiment with a few collective farms in this Island to see whether there is anything so intrinsically bad in them? Let us not associate collective farms with any particular country or with any particular period of history. This method by which Parliament has to give specific sanction not a general sanction, to every scheme has the possibility of good experimentation, so that finally a kind of organization that suits the genius of the people and the needs of the country can be developed.

Many hon. Senators would like to participate in this debate. I do not represent any party and, therefore, have no party directives of any kind. I have expressed my views as clearly and briefly as I could. Once again, I emphasized that particularly because the Hon. Minister of Agriculture and Food has introduced this Bill we should not assume that there are seeds of communism in it. It does not follow that every Bill introduced by him need have seeds of communism in it. He may be communist or Marxist; he may have his own philosophy, but we

have to analyse the Bill as it is presented to us and not as we fathom the mind of the Hon. Minister.

As far as I am able to understand the collectivism spoken of in this Bill, there is no compulsion, nor is there any communism in it. I hope this Bill will be passed. If this Bill is passed, certainly when the first set of regulations setting up the first collective farm comes up, I shall be only too happy to listen to the observations that will be made by those who normally are against collective farms, and I shall then make up my mind whether the collective farm of the type referred to in those regulations is good or bad.

## **PADDY LANDS BILL COMMITTEE**

*30<sup>th</sup> January 1958*

**SENATOR AZEEZ:** I want to tell hon. Senators what I have personally observed in Kalmunai. I know of several persons who own several hundreds of acres but not in one plot. They have one acre here and half an acre somewhere else, and if you go into the genesis of this ownership sometimes you come across very unfortunate instances where, in the colonial days, lands were arbitrarily sold for non-payment of irrigation rates and peasants lost their lands.

My good Friend Senator Cooray, who was once in Government Service like myself, was very solicitous about Government servants. As was pointed out by one hon. Senator, the feudal landlord did at least know the traditions of agriculture. That cannot be said of the Government servant. The time has come for the tenant cultivator to be protected against him as much as against others.

The tenant cultivator has also to be protected for another reason. I always have great respect for the arguments of the hon. Leader of the Opposition. He said that there were hired labourers. That is true. But in the case of paddy, intensive cultivation is not possible under the present system because the tenant who has no security of tenancy cannot be expected to take all the desired measures which are conducive to intensive cultivation. Therefore his argument cannot be accepted. Curiously enough, I find myself in complete agreement with the L.S.S.P. Senator.

## **EDUCATION REGULATIONS (Assisted English Schools)**

*11<sup>th</sup> March 1958*

**SENATOR A.M.A. AZEEZ:** Mr. President, I should like to make a few observations on this set of regulations that has been presented to this honourable House.

**THE PRESIDENT:** Senator Azeez, I propose to suspend the sitting for a couple of minutes because I want to consult the two honourable Leaders of the House in regard to a certain matter. We shall resume in five minutes.

**SENATOR AZEEZ:** Mr. President, I was saying that this set of regulation that has been placed before this honourable House introduces some very welcome changes for which, I personally know, the All-Ceylon Union of Teachers and the teaching profession in general have been agitating for many years, at least for ten years.

Those changes are, firstly, that a teacher is entitled to full-pay leave after completion of one year's service, as against the present five year's service; and, secondly, that the teacher is entitled to full-pay for two years, and is also entitled to incremental credit which he does not enjoy today. Another new provision is that the manager is enabled to employ a substitute at Government expense. So far, these have been welcome changes, and to that extent the Hon. Minister of Education, who is responsible for this set of regulations, should be thanked by the teaching profession.

When the Hon. Minister of Education introduced this set of regulations in the other place he made it clear that it was his intention that these new regulations should reply with retrospective effect from 1st January, 1957. I am pointedly referring you, Mr. President, to this aspect of the matter because of the wording

of the regulation is not so clear. The regulations says that the code is amended with effect from the first day of May, 1958. From the remarks made by the Hon. Minister of Education, it is clear that in the case of a teacher in training, who joined the Training College in January, 1957, regarding his increment, his full-pay and so on, this regulation applies from 1st January, 1957. But there is a danger in that some Treasury official may interpret it to the effect that this teacher is entitled to these privileges or rights - whatever we may call them - with effect from 1st May, 1958, and not from January, 1957.

Therefore, I would like the hon. Leader to tell the House that there will be no danger of the Treasury applying the regulation as if the teacher was entitled to these privileges only for part of the period, namely, from 1st May, 1958. Of course, when it was stated that the regulation will apply to teachers who are in training from 1st January, 1957, it was made clear that there was no intention on the part of the Government to apply it from a day prior to that date, namely, 1st January, 1957. I am saying this because it would appear from the newspaper paragraphs which we read that the Treasury is not always inclined to agree with the Hon. Minister of Education. I do not know how far it is true. We have the privilege of having the hon Parliamentary Secretary to the Minister of Finance in this House, and I am sure that he will clarify this point. The remarks of the Hon. Minister of Education appear at column 3533 of the House of Representatives' HANSARD OF 21st February, 1958.

Then, a new principle - not exactly a new principle: a welcome principle - has been accepted in this set of regulations, namely, that when a teacher is on study leave, the management of the assisted school is entitled to employ a substitute at Government expense. That is as it should be but, unfortunately, it has not been so far the past so many years. I would submit, for the consideration of the hon. Leader of the House and the Government, that this same principle should apply to teachers who are given sick leave. The present is that a teacher is given sick leave only if there is no additional expense to the Government; in other words, if arrangements are possible for the sharing of the work in the class. That is possible when a teacher in some large school is away on leave. But that may not be possible in all cases. It seems illogical and incongruous that while the employment of a

substitute at Government expense is allowed when a teacher is on study leave, it is not allowed when a teacher is on sick leave. I hope that the Government will rectify this error.

One novel feature in this set of regulations is the phraseology which occurs in several places, namely “the Director in consultations with the Permanent Secretary.” This is the first time I have come across a provision of this type in the Code. I am not a lawyer but I think “in consultation” means that you seek advice but that you are not bound to accept it. Administratively, it is very cumbersome, because if the Director is to consult the Permanent Secretary - and the matters on which consultation is enforced here are, more or less, of a routine nature - it is going to lead to delay. Apart from that, I cannot understand this type of provision where the relationship between the Permanent Secretary and the Director is, more or less, that of a superior and a subordinate. In the general administrative set-up, the Permanent Secretary is responsible for carrying out educational policy. I cannot understand what real advantage is gained by this type of provision.

Administratively, there is a further difficulty. From the point of view of the work and functions of the Permanent Secretary some of these matters are quite trivial, and if he is to be consulted on the leave applications of various teachers it would naturally not conduce to efficient work on his part. He will, of necessity, have to pass on this work to an Assistant Secretary in his office who, obviously, has much less experience and is possessed of much less knowledge than the Director of Education. I do not know how this new provision came to be included and what good it serves.

I would like to mention one other point before I conclude. When a teacher wants study leave he has to forward the applications to the Director through the school manager, and I know of an instance where the manager did not forward it to the Director. There is nothing to compel the manager of a school to forward such an application. This is a matter that deserves looking into.

Then with regard to study leave, while many welcome changes have been introduced, the position is made slightly worse in certain respects. For example,

there is study leave on full pay for those going abroad or for those studying here provided under Section (e) (1) which reads:

“For the purpose of following outside Ceylon a course of study approved by the Director, leave with full pay for a period not exceeding two years may, subject to the other provisions of this paragraph, be granted-

- (a) to a teacher who, being a graduate, has completed to the satisfaction of the Director not less than five years’ service in a Government or an Assisted School after obtaining in Ceylon the Diploma in Education, or such other qualification as the Director may consider to be equivalent to the Diploma in Education, or
- (b) to a teacher who, being a first class trained teacher, has completed to the satisfaction of the Director not less than five years’ service in a Government or an Assistant School after obtaining the First Class (Trained) Certificate (whether English or Swabasha), or
- (c) in exceptional circumstances and with the prior approval of the Treasury to a teacher who, by reason of his experience and ability, is, in the opinion of the Director, deserving of such leave.”

That is very restrictive because accommodation in our University is limited. This set of regulations confines the leave to a graduate teacher or a first-class trained teacher. Teachers who are neither graduates nor first-class trained graduates - and they are the ones who desire to go abroad to obtain further training in the present circumstances of limited accommodation in the University of Ceylon - are provided for in the last clause which says:

“in exceptional circumstances and with the prior approval of the Treasury, to a teacher who, by reason of his experience and ability, is, in the opinion of the Director, deserving of such leave.”

It is a seemingly innocuous proviso but those acquainted with Government procedure know the enormous amount of delay that would be involved, and the kind of questions that would be raised before this “prior approval of the Treasury” is obtained. Probably a teacher would lose his place in a university by the time the Treasury awards its decision.

What is still worse, on the next page there is provision made for no-pay leave outside Ceylon which reads:

“The Permanent Secretary, may, in such circumstances as he may consider exceptional, grant no pay leave for a period not exceeding one year to a teacher who is desirous of following a course of study in Ceylon or any other country-

- (i) if the Director has approved such course of study and has recommended the grant of such leave, and
- (ii) if the Permanent Secretary is satisfied that the grant of such leave will not involve the Government in any additional expenditure.”

Having prevented the non-graduate and the non-trained teacher from getting study leave or full-pay leave, he is being prevented from going abroad even at his own expense and pursuing a course of study. I do not see any reason for this very cumbersome procedure by which the Permanent Secretary has first to decide that this an exceptional case and then no-pay leave has to be given. The Controller of Emigration and the Exchange Control Department scrutinize the papers before a person goes abroad and if, on top of that, we are going to have this provision, we will not be encouraging teachers who wish to go abroad and improve themselves and enhance their usefulness to their pupils.

While these changes to which I made reference during the earlier part of my speech are very welcome, there are certain disadvantages now introduced. I am not opposing the passage of this set of regulations, but I hope the Ministry will consider the points I have urged.

## **COURTS' RECORDS (INSPECTION BY MINISTER OF JUSTICE) BILL SECOND READING**

*11<sup>th</sup> March 1958*

*The Bill enables the Minister of Justice to obtain any record of any court of justice for his inspection.*

**SENATOR A.M.A. AZEEZ:** I do not intend to make a long speech. I have been closely following the speeches that were made and I have to make up that mind as to what I should do, because it looks as if a vote would be taken on this Bill. Both Senator Cooray and Senator Kotelawela said that the Minister already has the right now asked for and that, therefore, this Bill is superfluous. That is a kind of logic that I cannot understand. If this Bill is assailed on the ground that it is mischievous, that it is an infringement of the liberty of the courts or of the subject, I can understand it. If the Minister had the right to do so all these days, what is the harm in giving that right legal clothing? With regard to pending cases, if there is abuse the Minister can always be questioned in Parliament. That is an inherent right in parliamentary democracy under which the people can raise the question in the open. To me what seems most important is the provision for questioning an officer in public rather than leave him to do something which cannot be questioned. If the right had been observed, say, by virtue of an administrative regulation, what is the harm in giving it statutory form?

## **ENLARGEMENT OF POWERS (URBAN COUNCILS, TOWN COUNCILS AND VILLAGE COMMITTEES) BILL COMMITTEE**

*7<sup>th</sup> May 1958*

*The Bill is to validate certain past expenditure and contributions (clause 5)*

**SENATOR A.M.A. AZEEZ:** I should like to follow up my question. I do not see any objection to the tabling of the items that come up from time to time under this clause. The fear entertained by Senator de Souza - and I share that fear is that in this large and amply provided clause, a number of items of expenditure incurred by this Government or by the last Government on what are commonly called tamashas may also be included.

The other point is that because of the prorogation it would be unfortunate if the Bill were deferred. That is why I suggested and you were inclined to agree, that the hon. Leader should undertake a table statement of the items covered by Clause 5. Unless there is something to hide from honourable House, I do not see any reason why that cannot be done, and any queries can be raised then. I thought that was a very reasonable suggestion which the Government would accept because the explanation given is not very satisfactory. We will have no way of knowing what items of expenditure will be passed and sanctioned by this provision, and so it will be a dereliction of duty on our part to pass this as it is. On the other hand, if the hon. Leader will table a statement, if there is a particular item which is suspicious or not satisfactory, any honourable Senator can raise a question on it. If the items are all right, there will be no question raised.

**THE CHAIRMAN:** Is the hon. Senator suggesting that each time an item comes up the hon. Leader has to table it?

**SENATOR AZEEZ:** From time to time; it may be after three months or six months, but the House will have the satisfaction of knowing that no unfair advantage is taken of this clause.

**SENATOR K. ADAMALY:** Are we discussing the amendment? It has not been seconded yet.

**THE CHAIRMAN:** We are in Committee at the moment.

**SENATOR THE HON. JAYASURIYA :** Are hon. Senators satisfied with the Government's statement that this clause is intended to cover expenditure incurred in connection with the Buddha Jayanthi celebrations? If they are not satisfied, and if they do not accept the assurance of the Government. I do not know what other course is open. If it is only the details of expenditure that are contemplated, let the Bill be passed now; the details of expenditure can be tabled later.

**SENATOR AZEEZ:** We are not quarrelling over the intention, but it has been accepted on the floor of the House that the wording and phrasing of this clause go much further. When my hon. Friend asked the hon. Leader about this, there was no assurance that the Hon. Minister would not take advantage of this clause to go beyond the intentions of the Government. If the Government will say, "This is our intention; we are not going to exercise these powers without the knowledge of the House-"

**SENATOR DE SOUZA:** "Deemed to have been valid."

**SENATOR AZEEZ:** Up to now, we have not had a statement.

## **SUSPENSION OF CAPITAL PUNISHMENT BILL SECOND READING**

*8<sup>th</sup> May 1958*

**SENATOR A.M.A. AZEEZ:** Both Senator Dr. Peiris and Senator Amarasuriya have emphasized that, on this occasion, we should vote according to our conscience, and that should be the normal practice of the Senate. I heartily agree with the sentiment. But that they may not be the practice always - as we have seen on several occasions - so long as the party system is in vogue in this country. I am however one of those few people who, at the moment, on this occasion is in a position to exercise his vote according to his conscience without any obligation to any party.

**SENATOR COORAY:** Having left the U.N.P.

**SENATOR AZEEZ:** For every good reasons, which may not be relevant for me to dilate on in this debate. I was senior in that party. Now the hon. Senator has become senior as a result.

**SENATOR COORAY:** You may be my junior in another capacity.

**THE PRESIDENT:** The hon. Senator may carry on.

**SENATOR AZEEZ:** I think Senator Cooray said that it may be that the hon. Leader has no previous conviction. But I think -

**SENATOR COORAY:** I never said anything of the sort.

**THE PRESIDENT:** Yes.

**SENATOR AZEEZ:** I am sorry. The hon. Leader has a conviction - he did not say it was a very strong conviction - on the question of capital punishment. Otherwise, we need not have this Bill persistently pursuing us; it has come up for the second time. So that, one has to carefully, consider - as far as I am concerned, I have to be careful - the figures that have been quoted by Senator Cooray and those that will be quoted by the hon. Leader. I have been listening very carefully to the figures because they were available from the time this Bill come to effect in an administrative way.

In fact Senator Amarsuriya suggested that as this Bill has come into effect in an administrative way why we should allow the situation to continue for the some time. I think that is the impression I had while listening to his speech. But I do not share that view. I do not think it is satisfactory that the purpose of this Bill should be achieved, not in a legal manner but in an administrative manner. As I said, the hon. Minister in charge of this subject has very strong convictions; probably he is convinced, on very authentic information, that capital punishment is not the type of the punishment to be meted out to offenders. So that, the time has now come for us to make up our minds - at least I for my part - on the figures and the facts that are available in respect of the last two years, and that is why I think-

**SENATOR DR. PEIRIS:** Statistics!

**SENATOR AZEEZ:** In fact, it is only a competent statistician who can analyse statistics. But some of the figures that were quoted yesterday by Senator Cooray -he said he was going to quote official figures and naturally I expected to hear-

**SENATOR COORAY:** On a point of personal explanation. It was an official statement and not official figures at all, and I must protest at my hon. Friend continuing a misrepresentation of this type.

**THE PRESIDENT:** Yes.

**SENATOR AZEEZ:** I was just looking it up. I have got the **HANSARD** now.

**THE PRESIDENT:** Please verify the point.

**SENATOR AZEEZ:** I accept his statement anyway. Not being so profound I might have got the wrong impression that when he used the words “official statement”, he meant official figures. I am not a lawyer. I do not see the difference. I am grateful to the hon. Senator for educating use on the difference between official figures and official statements.

**SENATOR A.T.A. DE SOUZA:** Let Senator Cooray look at column 1376, where he is reported to have said, “I shall quote to you official figures and official views.”

**SENATOR AZEEZ:** I am glad that support has come from **HANSARD**. I had the impression and I thought that they were official figures. I thought we were going to get figures from an Administration Report which the hon. Senator had.

**SENATOR COORAY:** I must apologize to the House. I made a mistake. I find that is what I said.

**SENATOR AMARASURIYA:** That is the uncorrected report.

**THE PRESIDENT:** I think the hon. Senator said that. But as the proceeded he was apprised that they were not official figures but figures that appeared in the *Daily News*.

**SENATOR COORAY:** May I submit that when I said “official”, I explained what I meant. Official figures are those given in an official document. But there is also another interpretation of “official” figures- that is, figures given by an official. I promptly explained that I was quoting a statement. This is what I said, “I am quoting to you a statement made by the Head of the Police Force, and I take it that is official.”

**SENATOR AZEEZ:** That is why I am repeat that I am personally happy. I now know that there is a difference between official statement and official figures.

**SENATOR COORAY:** And an official’s statement.

**SENATOR AZEEZ:** The **HANSARD** Reporter had probably the impression as I. So that, it will now be corrected and we will be educated on that. But later on there was an inference - speak subject to correction - that one has accept the figures appearing in the newspapers as given by a head of department if that official does not contradict them. My hon. Friend has been a head of department and I think if you expect a head of a department to be in touch with the newspapers and correct wrong statements, then it is asking too much of him.

The figures that we have, we cannot accept readily. Therefore the figures that have been quoted by Senator Amarasuriya have been very useful. But though I am glad to accept them - again I speak subject to correction at this stage - I hope hon. Leader will be able to enlighten us on the significance of those figures. The hon. Senator quoted a number of figures. I must confess that I have not studied them. I am not an expert nor a statistician. But the figures given in the course of his speech indicated that there is an overall increase in crime. Therefore the question that is relevant to this Bill is whether this administrative act of the Hon. Minister suspend capital punishment has aggravated the situation or whether this increase is independent of the administrative act.

I must say that so far as the arguments and the figures that were quoted go they are not helpful because they do not point to the fact that because the Suspension of Capital Punishment Bill has come into operation in an administrative way increase in crime has taken place. Certain things have happen; there is this present unrest and some people - the haves and have-nots - are interested in this Bill is only supported by the have-nots for their revolutionary purposes, and so on.

**THE PRESIDENT:** I do not think that impression was created.

**SENATOR AZEEZ:** I am sorry. Therefore I would support my hon. Friend Senator de Souza in asking the hon. Leader who has the official figures and the official facts to share them with us and to tell us whether, after nearly 24 months of the previous Bill being rejected, some conclusion can be definitely formed. If no conclusion can be definitely formed if the figures do not indicate to us - as I said I have no figures and therefore I cannot express an opinion on that - for lack of anything satisfactory I for one would accept the Hon. Minister's assurance which was quoted by Senator Cooray, that as soon as the Hon. Minister is satisfied or as soon as it is evident that as a result of the suspension of capital punishment crime and murder have increased - or the percentage or rate has increased - he would immediately bring in a Bill to amend or repeal this Bill he now proposes. I thank you for allowing me to express my views at this stage.

## **ADDRESS OF THANKS TO THE THRONE SPEECH**

*3<sup>th</sup> July 1958*

**SENATOR A.M.A. AZEEZ:** I think I am right in saying that this is the first time, at least in my experience of this honourable House, that we have a motion for amendment of the Address sponsored by the entire Opposition Group. I intended, as has been the custom on previous occasions, to deal with certain details of policy, but in view of the decision of the House that we should endeavour to close the debate today itself, I hope I shall have an opportunity to advert to those matters when the Appropriation Bill is presented.

I feel that within the time available it is my duty to keep strictly to the content of the two motions that are before us, firstly, the Address of Thanks and, secondly, the two amendments. One of the amendments has lapsed for want of a Seconder; so I shall not go into that. The other amendment is to add at the end of the Address the words:

“but regret that Your Excellency's Speech offers no hope of an early return to normality and that Your Excellency's Government which is responsible for the situation that has arisen as a result of its communalist policy is incapable of creating the conditions of communal harmony which are necessary for a return to normality, and therefore have no confidence in your Excellency's Government.”

Hon. Senator Nadesan and the other previous speakers explained to us the necessity, the urgency, of creating communal harmony, and therefore I think it is my duty to deal specifically with the capacity and capability of this particular Government to restore conditions of communal harmony, not in a theoretical and academic way, but by finding out whether there is anybody, anyone, other than this Government who can deliver the goods in the present situation. The present Government may be at fault in various things, but that is not the issue as far as I

am concerned, because I belong to no party. I am not here to seek some party advantage or to approach the problem from the point of view of the future, from the point of view of the next election. It is my duty to find out, if this Government is not capable of restoring communal harmony which is so essential and of paramount importance, whether there is any other party which is capable of doing so. Mr. President, this is the question to which I shall, with your indulgence, address myself and canvass the opinion of this honourable House.

At the very outset, before I do so, I should like to comment just briefly on the democratic socialism which this Government professes. I believe in democratic socialism as the only satisfactory method of solving our political and economic problems and as the only method of avoiding totalitarianism or military rule, of absolutism of any type.

In fact, I think it was my hon. Friend Senator Wanninayake who referred to “the age of transition” that has been popularized by the Hon. Prime Minister. He quoted Aldous Huxley, or purported to quote him. But I have gone to the original source and I find that the real quotation is:

“Wandering between two worlds, one dead, and the other powerless to be born.”

I can say this much to the credit of the present Government: the Prime Minister has delivered the baby of democratic socialism. But I regret to say that, at the moment, it is a very ill-nourished baby, due to the fact that the nurse and the others concerned did not probably pay it the kind of attention the surgeon paid when helping in the delivery. As a believer in democratic socialism, it is my earnest hope that this baby, which is now ill-nourished - I say so deliberately - will grow lustily and that, when the budget is presented, we shall see evidence of such growth.

**SENATOR NADESAN:** The baby is dead!

**SENATOR AZEEZ:** I have come here today, following your advice, not to be interrupted, except when I think it necessary to reply to any casual remark that may be made.

I feel one thing can be said. During the regime of the previous Government colonialism was dead. When the previous Government took office, social welfare was substituted for colonialism. Although the ideal of the social welfare State was substituted for colonialism, I cannot say that there was a complete breakaway from the spirit of paternalism and patriarchy. This Government therefore deserves credit for having completely broken away from the old ideology of a social welfare State, with patriarchy mixed, and for having delivered the baby of democratic socialism.

Yesterday, my hon. Friend Senator de Souza stressed on certain aspects of nationalization. As far as I am aware, democratic socialism need not necessarily admit of any doctrinaire belief in the inherent and inevitable virtues of nationalization or public ownership, though in several cases it is a very necessary or essential step for the achievement of democratic socialism. Then I may be asked, “What do you mean by democratic socialism?” because in regard to the other variety there is a set definition. In regard to democratic socialism there is a wide variety of opinion. Therefore, while I am on the subject of democratic socialism, I would like to state for your information that I accept the definition of democratic socialism as given by Hugh Gattiskell, the present leader of the Opposition of the British House of Commons:

“It is not because what we want to do is better than they want to do.”

“They” refers to the Tories-

“It is because we are idealists; it is because we have a faith, the faith of democratic socialism. This is not only our faith, this is the faith of the twentieth century; it is the faith of our generation, and its essence is this - that we, the people, can enjoy at the same time both liberty and self-government and equality.”

To amplify that, I would crave your indulgence to quote a few sentences from the book *The Socialist Case* by Douglas Jay:

“The abolition of unearned incomes and the consequent social ownership of property must be the centre and heart of socialism. The traditional socialist belief that unearned incomes

are the main removable cause of poverty and inequality is supremely important and supremely true.

For there is no abuse in a man saving £100 out of his earned income and investing it for a few years in the Post Office or in National Transport Stock: but there is a very great abuse in a man owning a vast country mansion and a part of a thousand acres, or a vast tract of slum property, inherited from his father, and handing it on to his children.”

**AN HON. SENATOR:** If they have no children?

**SENATOR AZEEZ:** If there are no children, the nephews perhaps!

**SENATOR K. ADAMALY:** What about dowry?

**SENATOR AZEEZ:** It is equally bad. I do not propose to give it to my daughter. To continue the quotation:

“It is not the ownership of the means of production as such, but ownership of large inherited incomes which ought to be eliminated.”

And finally:

“If we are to have the substance and not the shadow, therefore we must define socialism as the abolition of private unearned or inherited incomes rather than of the private ownership of the means of production.”

As I promised, I shall not dilate on this, but that is what I conceive to be democratic socialism and I regret to say that there is no explicit reference to such ideals in the Throne Speech with reference to the Ministry of Finance. Perhaps they may have some budget secrets, and they are going to have such ideas implemented! All I say is that I would have been happier to see some explicit statement because the Prime Minister has referred to the Scandinavian pattern of society in his interviews to foreign correspondents and others. I wish he had included reference to the Scandinavian pattern of society in the Throne Speech.

Coming to the main topic of the emergency which has been the subject of discussion by all speakers who preceded me, I now quote the words of my hon.

Friend Senator Cooray. When he addressed this House on the question of privileges, he said:

“This national emergency is nothing compared to the emergency which the Mother of Parliaments faced during the Great War.”

I totally differ from that view and I wish to mention that at the outset of my remarks. The divergence of views on this matter is going to persist throughout what I am going to say here, because if we want a parallel we should go not to the Mother of Parliaments during the first Great War or the Second Great War but to the Commonwealth Parliament during the period of Cromwell, when all the troubles which led to the abolition of the Commonwealth took place, to the Protectorate of Cromwell, to the return of the Stuarts, to the restoration of Charles II, to the Glorious Revolution, and so on. In other words, at that time England was faced with a religious conflict, with some kind of internal dissension, when owing to religion or to the various denominations of the same religion there was no national unity. It took a long time for England to recover from that. What I am trying to state here is that if we were fighting a war against an enemy, there would be the unified will of the nation in support of the Government, whichever Government conducts the war. We are facing an entirely different situation. We are almost having a fratricidal war. Therefore, some of the privileges that the Mother of Parliaments could have enjoyed even during the war, We may perhaps not be able to enjoy. But I am sure, we or many of us or all of us are alive to the gravity of the situation. We have never faced a national crisis of such dimensions. It is of unprecedented proportions.

Senator Nadesan has referred to certain aspects and others have referred to other aspects, but the fact remains as far as I am aware - I have read some books on history - that this crisis is of a magnitude which we have never before experienced. I have been in the premises of Zahira College during these days and I realise for myself what a calamity had befallen our country when children, school boys-it did not matter whether they were Sinhalese, Tamils or Muslim - were scared, were in fear of their lives; and the shock they received they have not got over. There has been a terrific dislocation of school work in my own institution,

although no one came to burn our building and no physical damage was caused. But the mental damage was very grave in a place like Zahira, which, although a Muslim institution, is not confined solely to Muslims either in respect of staff or students. The damage caused through the mental shock received is almost irreparable. Therefore my attitude towards this amendment, towards this resolution, and everything I am going to say is dominated, is governed, by the sense of gravity of the situation. It is something unprecedented. I am not saying what I am going to say in a boastful spirit or in order to quote my own speeches or articles but to emphasize the fact that humble citizens like me felt that the country was heading towards a crisis, unless some timely measures were taken to save the situation. I said so in an article which I contributed to the *Sunday Observer* of 23rd June, 1957:

“In our lifetime, our country has never faced a crisis so serious as it is now confronted with and fraught with such dire consequences reminiscent of the violence that was let loose in the Sub-Continent of India during the year 1947, when neighbours who had lived happily together for many previous years killed each other in a fit of communal frenzy. This crisis that has beset us is something which no one in Ceylon can afford to ignore - not even those who normally do not take an active interest in politics.”

I happened to be in New Delhi and in Lahore in 1954 - that is, three years before the article was written - and when I asked the Hindus of New Delhi about the disturbances, that took place in the Sub-Continent of India, they said: “These Muslims were the ones who killed our children and women. They were the aggressors. They were the people who were armed.” In Lahore, I asked the Muslims about it, and they said “The Hindus were the aggressors. They were the people who were armed. The Hindus killed our women and children,” and so on. So that, the pattern of things that then happened in India was very much the same as that of ours in respect of the present crisis. Today, if we follow the speeches made, it is really a question of who killed more and who started this trouble, and each party has a different answer to it. That seems to be the pattern common to all these communal disturbances. For years and years, no one seemed to have known who started disturbances, but nevertheless disturbances have been started. One party takes up the position that the other party started it; and the other party

denies it saying that it was the victim of the disturbances. We have the same position here.

The situation we are faced with is a grave one. On that occasion I suggested that there must be some solution to it as soon as possible. I also said that the 4-point formula put forward by the Prime Minister in the House of Representatives on 25th April, 1957, with which he sought to fulfil the second part of his election pledge, had given fresh hopes and new courage to the moderate and liberal elements. I said that there was little time left and that a solution must be found as soon as possible to meet the crisis that was brewing. The present Prime Minister, whatever his policy may have been earlier, made a categorical statement in the House of Representatives on April 25th, 1957, with regard to the kind of action he was contemplating and the principle by which he was guided in solving that problem. He gave an indication of that guiding principle in these words which I quoted on the floor of this House on 26th June, 1957:

“In other words, the policy that the Government intends to follow is that while accepting Sinhalese as the official language, citizens who do not know Sinhalese and who are probably educated in a different medium should not suffer inconvenience, embarrassment or any trouble as a result of that.” - [OFFICIAL REPORT, REPRESENTATIVES, 25th April, 1957; Vol, 27, c.2671.]

I sincerely feel that as far as this Government is concerned, particularly as far as the Head of this Government is concerned, an honest endeavour was made from that time onwards to find a solution to this problem. In fact, on that occasion when I spoke I said -I do not want to quote extensively - that if he produced a bill which he thought was fair and based on those principles he would be able to rally round him moderate opinion in this country. But that did not happen. Something better happened. I think in July - I am speaking from memory - an agreement was reached between Mr. Bandaranaike and Mr. Chelvanayakam. It is very significant that days before that agreement was reached, in the Governor-General's Speech from the Throne, there was this paragraph:

“My Government is much concerned at the threat to peace, law and order and communal amity in the country by the activities of the Federal Party and its proposed satyagraha movement in August. My Government is convinced that there is no justification whatever for these activities,

particularly in view of the assurances given by My Prime Minister before prorogation of Parliament. These problems can and should only be dealt with by friendly discussions.”

It is significant that the friendly discussions referred to in the Throne Speech turned out to be the friendly discussions between Mr. Chelvanayakam and Mr. Bandaranaike. Many people have condemned this agreement on the ground that the Prime Minister of a country should not come to an agreement with a private individual or a leader of a party. Looking back at the situation personally, I feel - I shall always be of that opinion - that it was an act of statesmanship on the part of the Prime Minister to have given an opportunity to Mr. Chelvanayakam who, on election results, was certainly the person who should be considered the representative of the Tamil community. I may speak for the Muslim community. I may think that I am reflecting their views but no one can produce proof positive of representative status, except those who have got a large majority of votes at a general election. Going on the election results, there can be absolutely no doubt that The Hon. Bandaranaike had the confidence of the vast majority of the Sinhalese people. Similarly, Mr. Chelvanayakam had the confidence of the vast majority of the Tamil people. So that, as a Muslim, not belonging either to the Sinhalese community or the Tamil community, and always anxious that there should be peace and amity in this country, I felt happy that the crisis that was brewing would not materialise. I stated here that there was a chance of restoring peace, of harmonising the conflicts that were retarding the progress of the country. It is my conviction, it is my contention that, as far as the present Government is concerned, from April, 1957, till now, the very present moment, it was and is anxious - particularly the Head of the Government, the Prime Minister - to solve all these problems in such a way as to safeguard the rights of the minorities.

Everything looked so bright when the impossible happened. People who wanted almost the moon - the Federal Party - agreed to whittle down their demands to almost zero. Everything looked bright then, but we now have the emergency! The crisis which was brewing finally took this shape, and now we are in the midst of an emergency talking about the sovereignty of Parliament, and so on. I hope what I have stated will convince this House that there is no justification whatsoever for blaming the Government in this fashion. I say that because when

the agreement was published - I speak subject to correction - the Communist Party gave their approval on rather blessed it. The L.S.S.P. may not have given their approval, but they did not object to it. There were, however, two parties who vociferously objected to that agreement or statement or pact. Those parties were the Tamil Congress and the United National Party. Yesterday, Senator Wanninaryake said that the Pact was kept a secret, that many people did not know what the contents of that Pact were. I think the Pact was entered into somewhere in July. Now I wish to quote a few extracts from two authoritative sources and not from newspapers. The *Sri Lanka* is published by the Information Department and it voices the official views of the Government. It is a paper that is available to anyone. Then there is the *U.N.P. Journal*, which is published weekly. I take it that journal reflects or sets out the official views of the United National Party. I propose to quote extracts from these authoritative sources rather than from speeches made at public meetings because usually those who make such speeches deny that they said such-and-such a thing at a public meeting or say that a garbled version of what they said had been published. In the *Sri Lanka* of 14th August, 1957, there is a long statement by the Prime Minister on the agreement with the Federal Party. I do not propose to quote it fully as it is a very long statement. I shall read a few extracts from it.

“The fourth point is in regard to local bodies in the Northern and Eastern Provinces. As most of these bodies are likely to consist of those who have been educated in Tamil, they could be given the right to carry on their business in that language. The question of correspondence between these bodies and the central government could be dealt with on the lines mentioned above regarding correspondence between individuals and the government, except that the position of the official language may have to be further safeguarded.”

Then, it goes on to say:

“I have explained generally the points which I have already stated earlier regarding my Four Points for the use of Tamil. These points were not discussed in my talks with the Federal Party. Except that they suggested that within my Four Points should be included the provision that administration in the Northern and Eastern Provinces should be done in Tamil. I stated that I would agree to this, provided that this would not in any way infringe on the position of Sinhalese as the only official language of the whole country. This was accepted by the Federal

Party.”

As regards Regional Councils, the Prime Minister states this. Before I quote his views I want to say, in passing, that this was a big point with the United National Party. This is what the Prime Minister says:

“I now come to the Regional Councils. It will be remembered that even the Donoughmore Commissioners, in their report, had recommended bodies of this type. When I was Minister of Local Government under the Donoughmore Constitution, the Executive Committee of Local Government went into this question and put up a detailed report to the State Council on the subject which was unanimously accepted.”

Senator Kannangara may be personally aware of this-

“When the new Parliament was elected, the Cabinet also approved of this idea, but later, Mr. D. S. Senanayake felt that they should not be established at the time and the question was shelved. It will thus be seen that this is not a new idea.”

As a matter of fact, there is reference to Regional Councils in the Throne Speech of June, 1957. These are the words:

“In order to secure greater efficiency in the administration, a large measure of decentralization will be achieved by the establishment of Regional Councils. A Bill for this purpose has been prepared and will be presented for your consideration.”

So that, this was not something new which came up as a result of Mr. Chelvanayakam’s talks or demands. In fact, the preamble to the talks starts with words to this effect - I am quoting them from memory - “I cannot grant federation nor can I give regional autonomy.” That means that he was unable to agree to the formation of another sub-Parliament or Chamber for a particular area or areas. It was on this one little point that there has been a whole lot of controversy, and that is why I am reading out this statement about Regional Councils. The statement continues:

“It will thus be seen that this is not a new idea. Regional Councils are really a step further in the decentralization of administration. Today, we have bodies such as Municipal Councils, Urban Councils, Town Councils, and Village Committees. But still the old colonial kachcheri

government continues. The Regional Councils, it was intended, should take over most of the work of kachcheries. So that the people of those areas, through their elected representatives, could deal with various matters.”

In other words, if we are going to have a democracy we cannot have for ever the kachcheri system, with Government Agents and Assistant Government Agents, because that is not a system which is compatible with any democracy. So that, this idea of Regional Councils was already there: it was nothing new. I do not want to read the whole statement because it is available to Hon. Senators.

As regards colonisation, there too it was stated by some that as a result of this agreement no Sinhalese man or woman could go to any of the colonisation schemes in the North and East. The Prime Minister says that that was not his intention. In the same issue of *Sri Lanka* there is an authoritative pronouncement of the Prime Minister and I will read out just one small extract from it:

“If the central government spends many millions of rupees on a very large colonization scheme that may happen to fall within the area of a Regional Council or even within the areas of more than one Regional Councils the central government, while permitting the Regional Councils concerned to have, by agreement with them, a reasonable number of allottees to be chosen by themselves, will find it necessary to choose for the balance of the allotments deserving allottees from overcrowded areas. On the other hand, there will be a number of small colonization and village-expansion schemes in regional areas which will be reserved for the people of that area.”

Senator Wanninayake, I believe, tried to make out that all these things were done in the utmost secrecy. I do not think that is correct because the entire position is outlined with details in the *Sri Lanka* issued on 14th August, 1957. Hon. Senators will appreciate that this weekly is an official publication issued by the Information Department. In this particular issue, four full pages have been published explaining the whole scheme.

The position taken up by the U.N.P. in regard to this matter is set out in an authoritative publication - the *U.N.P. Journal* of 8th November, 1957. This is what the *U.N.P. Journal* says:

“Mr. Bandaranayake has had to threaten dissolution of Parliament to silence the dissentients in his own Parliamentary Group: whilst the dissentient groups outside Parliament have been silenced by the fear that an appeal to the country now would mean the annihilation of the power of the M.E.P. and the return of the U.N.P. Thus silence has been secured for the betrayal.

The power, of patronage and those material benefits that have accrued to the members of the Eksath Bhikkhu Peramuna have made them acquiesce in the sacrifice of the whole future of their people and their religion.

Despite the slavish Press and despite the people to whom power is greater than the future of this country, the truth is spreading right through the land; that the Prime Minister is just a ‘gas bag’ who has been adroit enough to deceive the people to put him into power through the advocacy of disastrous policies which he has neither the courage to implement, nor the loyalty, in his later repudiation of them, to save the country unharmed, that the Prime Minister jumps from one expedient to another merely to keep himself in his exalted position....

During the interim period that part of the Pact that devolves on Regional Councils to execute, if implemented through the Government Agents there will be no Sinhalese allottees given land in the Northern and Eastern Provinces. What land has been given under the Padaviva Scheme is land in the North-Central Province and not in the Northern Province.

The silence of some vociferous Kandyans was obtained by the dangling of Senatorships before them! The Tamils are wisely silent on the Pact; they do not press for legislation: without publicity, covertly, with no Parliamentary sanction, Bandaranaike implements his promises.

There is no ‘illegality’ in the acts by which these things are done; yet, it is betrayal. Never has there been such surrender of territory in the whole history of this country - never such a disin-heritance of the Sinhalese and the Sinhalese alone. The Pact discriminates against only the Sinhalese.

The Pact does not deal only with language, Regional Councils and colonization; it promises a revision of the Indian and Pakistani Citizenship Act; in what way this will be done is yet unknown - possibly the law will be relaxed to allow all illegal immigrants to acquire citizenship.”

This was the reply of the U.N.P. If I am not correct, maybe someone will correct me.

**SENATOR AMARASURIYA:** You are not a U.N.P. Senator.

**SENATOR AZEEZ:** I was expecting such a remark and I will answer that. Of course, I am not a U.N.P. Senator.

**THE PRESIDENT:** I do not think an answer to that interruption is necessary.

**SENATOR AZEEZ:** He may consider himself a U.N.P. Senator.

**THE PRESIDENT:** I do not think an answer is necessary.

**SENATOR AZEEZ:** It is a personal question. I must give him an answer.

**THE PRESIDENT:** I did not hear it. If I did, I would not have allowed it.

**SENATOR AZEEZ:** A few days later, the next Journal of the U.N.P. dated 15th November, said this - *[Interruption]*

**THE PRESIDENT:** Hon. Senators, I am not trying to restrict the debate but I should like to know how many more hon. Senators are likely to speak. Will hon. Senators kindly let me know how long the debate is likely to go on?

**SENATOR KANNANGARA:** I will not take more than 10 minutes.

**SENATOR AZEEZ:** I will finish by about 7 o'clock.

**THE PRESIDENT:** May I know the wish of hon. Senators? It looks as if this debate will go on till 9 p.m.

**SENATOR THE HON. M.W.H. DE SILVA:** I do not think so. I think it will be over by 8.15 p.m.

**SENATOR E.J. COORAY:** May I know whether, besides Senator Kannangara, any other hon. Senator intends to speak?

**THE PRESIDENT:** From the list given to me. I find that Senators Layard Jayasundera and A.D. Jayasekera propose to speak - *[Interruption]*

**SENATOR COORAY:** They say that they will not speak for more than 10 minutes each.

**THE PRESIDENT:** The Government Benchers have to reply. Do not forget that.

**SENATOR THE HON. M.W.H. DE SILVA:** My reply will be short.

**THE PRESIDENT:** Very well. If it is the wish of the House, we will continue the debate even if it goes on till 9.30. I am not restricting the debate in any way. Let the debate take its course. I am giving hon. Senators all the time they want for the debate. As at present advised, no arrangements will be made for dinner.

**SENATOR KANNANGARA:** I am afraid that at least those hon. Senators who form the Special Committee which has been appointed to release the proceedings to the Press will want dinner.

**THE PRESIDENT:** If the debate goes beyond 8 p.m. I shall suspend the sitting for 15 or 20 minutes, so that hon. Senators may be refreshed. During that interval the Special Committee can attend to that matter.

**SENATOR AZEEZ:** I shall endeavour to finish as soon as possible.

**THE PRESIDENT:** Please do not take my words to mean that I want to restrict the hon. Senator's speech.

**SENATOR AZEEZ:** On my own, I have decided to finish soon because I understand the general sense of the House.

**THE PRESIDENT:** Thank you.

**SENATOR AZEEZ:** The first article from which I read out an extract appeared in the *U.N.P. Journal* of 8th November, 1957. It bears the headline "The Bandaranaike Government pays it toll to Chelvanayakam. Another article of 15th November, 1957, from the same *U.N.P. Journal* has the headline "Administrative

Action without Sanction of Parliament." Let me read out an extract from that article:

"It is clear that Pact or no Pact, if the present method of governing this country continues, not even the Ceylon Tamils will have any say in this country. And in a few years South Indian States will have the fullest statistics to prove in any International Court that Ceylon should be part of the South Indian Federation."

This is a statement appearing in the *U.N.P. Journal*. That was the attitude of the U.N.P. Comment is superfluous. Now I am in the very unhappy position of having to exercise my vote on an amendment sponsored primarily by the U.N.P. group, though seconded by Senator Nadesan, who, in my experience, has for the first time associated himself with the U.N.P. in this way.

**SENATOR COORAY:** Not with the party but with the principles of that party.

**SENATOR AZEEZ:** Yes, with the principles of a party that was founded to foster a united Ceylonese nationhood.

**SENATOR NADESAN:** I do not think that by seconding the amendment, I was supporting the U.N.P. or acknowledging that the views of the U.N.P. are better than those of the M.E.P. I was only concerned with the principle of the amendment.

**SENATOR AZEEZ:** I have not attributed that to him. However, I do not propose to be distracted, because I have not much time.

If it is said that the present Government has brought about this situation by its communalist policy - at least, it made an honest endeavour to reach agreement by entering into a pact which has not been implemented and which, unfortunately, owing to certain things that happened, is now a dead letter; and a series of events that took place there - after resulted in the present emergency - certainly the Tamil Congress and the U.N.P. have to take a large share of that blame. I would not have categorically stated that, but for the way in which the amendment is worded. The U.N.P. has sponsored amendments both here and in the other place;

the amendment here was to have been moved by Senator Wikramanayake, and in the other place, by Mr. M.D. Banda, who, like Senator Wikramanayake, was a Minister in the previous Government. It is significant that the amendment moved in the other place has no reference whatever to the situation “that has arisen as a result of its communalist policy”. It is my humble submission that the amendment moved there is more accurate from the point of view of the U.N.P. But, as far as I am concerned, I cannot conscientiously say that this Government has not made an effort from April, 1957, to solve this problem. It was trying to ease communal tension. It did not succeed - many parties have contributed to its failure - due to matters beyond its control. That is my first contention.

I now come to the events in April, 1958. Let me quote an extract from the *Supplement to Sri Lanka (Weekly)* of 16th April, 1958, which reports the speech the Hon. Prime Minister made in the House of Representatives on 9th April, 1958:

“In this period we have to find a method of obtaining peace internationally and nationally. I have been so convinced that that is the only hope for mankind and I have tried in my own way to pursue that policy. Peace, international and national, is the foremost outstanding need of the whole world. At the same time we should realize that in this transitional age there are various difficulties, international and national, that give rise to political, economic, racial, linguistic, religious and other differences but we have to reconcile them in a *modus vivendi* which respect those differences while at the same time securing a necessary unity. That is the problem that faces all of us today in the world in some form or other, in greater or lesser degree....

There is another statement I want to make on behalf of the Government. As I pointed out with regard to the reasonable use of the Tamil language and the Regional Councils, we are not going to allow any of these happenings to stand in the way of what we have always felt should be just action towards the minorities.

At the same time you will all concede that the position has been made very much more difficult, although it was difficult all along, and very much more embarrassing as a result of the feeling that has been aroused.

I am only saying at the moment that if there are any particular ingredients of the Pact that fall outside what this Government intended to do, I am still of the opinion that all these things can be smoothed out, and will be smoothed out satisfactorily.”

Now, this was a sort of appeal addressed to all communities, and this speech that the Hon. Prime Minister made in the House of Representatives on 9th April was published in the *Supplement to Sri Lanka* of 16th April. Two days later there was a report in the *U.N.P. Journal* of 18th of a speech made by Mr. J.R. Jayawardena on 12th April at Abeysinharamaya, Panchikawatta. I shall read out only an extract from that speech, and no more:

“We can divide the history of the M.E.P. Government into two periods. One before the Bandaranaike-Chelvanayakam Pact and the other after it. During the first period, it enjoyed many victories. During the second nothing but defeats.

The Bandaranaike-Chelvanayakam Pact, if implemented, would have divided the country and laid the foundation for the creation of a separate State or States. The establishment of Regional Councils, and the powers to be given to them, would have enabled them to shut out the Sinhalese from being selected as colonists and employed as labourers on irrigation schemes in the Northern and Eastern provinces. It was through the Regional Councils and by making Tamil the official language of the Northern and Eastern provinces that the Federal Party intended to divide the country into separate States.

The Pact has gone. The people must continue to be vigilant and see that the ideas contained in it, and buried with it, are never resurrected again by this or another Government...

It has been proved to the Sinhalese people that Mr. Bandaranaike and his colleagues would agree to any proposal, even bartering away their rights, in order to remain in their seats of office.

The Tamil people have now realized that Mr. Bandaranaike's Government is not to be trusted, because it treats a solemn agreement as 'a scrap of paper.'

If Mr. Bandaranaike thought the agreement could not or should not be implemented, then it was his solemn duty to go the way the agreement went and resign his office.”

When the Sinhalese people are told that there is an attempt to divide the country and that the Tamils have succeeded in persuading this so-called weak Prime Minister to agree to a division of the country, is there a possibility of easing tension? I have no hesitation in my mind and I am convinced that you cannot lay the blame at the door of this Government and say that its communalist

policy has brought about this situation. I repeat, once again, that an honest endeavour was made by the Government from April, 1957, right up to now to ease the tension. Then this tragedy occurred owing to various causes - many have contributed to it - and we all know what we were in for during the disturbances of the last week of May.

Then, on 5th June, the Hon. Prime Minister, replying to the debate on the emergency, said in the other place:

“I can only say this. This extremism must cease. The Government is determined to see that it shall cease. Then, the moderate opinion of most of the people in the country can assert itself; opinion which is now silenced by this extremism of one side or the other. Moderate opinion must be given a chance of asserting itself over the extremism of both sides.... But I entirely approve of the last sentence of his speech...”

that is the speech of the hon. Member for Wellawatte - Galkissa-

“when he said that we must have an ideal of a united people. It is the only course of sanity, it is the only course of sense, whether for the Sinhalese or the Tamil. Let us make no mistake whatsoever about it. It is so and I can assure this House of that. I myself am satisfied and convinced that, within all bounds of realism and practical possibilities of the situation, we are straining every nerve to achieve that position, and I can assure the House that no one regrets more than myself the necessity for the Government to have taken this step of declaring a state of emergency. We will try and work it as fairly and impartially as we can and make it least onerous under the circumstances, and I hope that when these difficulties cease we can go forward together in peace and contentment. May be a storm like this was needed. Believe me, I strained every nerve to prevent this, and I knew what would happen if a situation like this arose. Some people can learn that fire burns only by putting their fingers into the fire; they learn only by burning their fingers. We are all burning our fingers now, and I hope that we shall be able to profit from the lesson that we are learning.’ -[OFFICIAL REPORT, REPRESENTATIVES, 5th June, 1958; Vol. 31 c. 25].

That was the appeal and that was the promise that was contained in the Hon. Prime Minister’s speech. And this amendment is the reply of the U.N.P. Taken against the background of his endeavour to reach some kind of settlement, I have no hesitation in believing that he is making an honest endeavour. We may differ as regards the details, we may differ as to certain statistics and figures, their

interpretation, and so on, but it is my sincere belief - and I belong to a minority community - when he says “we shall be able to profit from the lesson that we are learning” that he has, in fact, profited by it.

As far as I am able to make out, by its amendment the U.N.P. is passing the whole blame for the present communal tension on this Government, and is trying to make out that this Government is incapable of creating conditions of communal harmony. If we assume that this Government or the Prime Minister is incapable of restoring conditions of communal harmony, then who else can do it? There must be some alternative solution, and some alternative party who can do it. Is it suggested that there should be a general election? I feel that this is the worst time to have a general election. I am sure everybody will agree with me that this is the worst time to have a general election, when passions have been inflamed, when communal tension has not eased. Therefore, a general election must be ruled out. If that is ruled out, then, obviously, there must be some kind of Parliamentary government. Speaking for myself, I do not like a “Hilter” to emerge out of this situation.

There is then, the Leader of the Opposition, Dr. N.M. Perera. I have the greatest admiration for him because he has been very courageous. But, with his language policy, has he got the confidence of the Sinhalese people? The people have not expressed their confidence in him, and with his language policy of parity he will find it difficult to carry on the Government. I am not foolish enough to think that Dr. Perera can in the present circumstances, convert the masses, the majority of the Ceylon people, to his view on the language policy. He can help but he cannot restore communal harmony. Therefore, the person whom we expect to restore this communal harmony must be capable, in point of power, in point of ability and in point of fitness. In point of power, the Prime Minister is the only one who can take the initiative in the matter. He is the only one vested with the necessary power to do certain things. In point of ability, he is the one who made an earnest attempt to bring about a solution of a very difficult problem. I have listened to his radio talks to the people after his agreement with Mr. Chelvanayakam. He made every attempt to convert the people towards the acceptance of his agreement with the Federal Party. He appealed to them that it is

essential that there should be peace and amity in this country. In point of fitness, he has the backing of the majority of the people; he has the mandate of the people to be Prime Minister. Therefore, I am not going to vote for a resolution that is concerned, perhaps, with the next general election I am really anxious about the future of this country and the immediate solution of the present problems. I therefore feel that the person who can and who is capable of restoring communal harmony is the present Head of the Government. I am convinced that I should not, in the circumstances which I have placed before you, vote for the amendment, and I shall therefore support the Government, that is to say, I shall vote for the Address of Thanks.

Just a word in conclusion. We have been debating about the privileges of Parliament, the emergency and the impairment of the sovereignty of Parliament. The Public Security Amendment Act, No. 22 of 1949, was, I think, passed after the new Constitution came into operation. There is this significant amendment in it, namely;

“Any Emergency Regulation may be added to, or altered or revoked by resolution of the House of Representatives or by regulation made under the proceeding provisions of this section.”

The Senate is not mentioned. Perhaps at that time itself the position was envisaged that there would be a Government with a majority in the House of Representatives with no majority in the Senate. However unhappy I may feel about the Senate being excluded from it, in the present context I can envisage an unfortunate situation that may arise by one House voting for a set of regulations and the other against it. So that, the sovereignty of Parliament, the sovereignty of the House of Representatives, which is composed of elected Representatives, is not impaired because it can amend or alter any regulation. Therefore, we need not be afraid that the sovereignty of Parliament, at least as far as the House of Representatives is concerned, will be affected.

I conclude by drawing your attention to the appeal made by the Hon. Prime Minister to the nation which appears in the *Daily News* of 19th June, 1958. He has stated that there are three steps necessary to restore order. The first is that

violence should completely cease; the second is that measures be pursued to bring under control extremism from whatever quarter; and the third is that Government take steps to restore peace and goodwill and a sense of security among the people of the country.

This last is the most difficult task. It cannot be done quickly, it cannot be done easily. How can it be done? I say the religious instinct of the average Ceylonese man and woman, whether he or she be Sinhalese or Tamil or Muslim, or Christian or Buddhist or Hindu, is so strong that it could be evoked and appealed to. When it is pointed out to the people that whatever differences there may be could be settled in the parliamentary way, in the spirit of religion. I am sure something could be achieved.

In this connection I was very happy and heartened to read a message which appeared in the *Sunday Observer* of 1st June, 1958, when we were in the thick of the emergency, from the Venerable Mahanayake Thero of Vajiraramaya. He said:

“Undoubtedly much of a sad nature has actually happened both in the Tamil Districts and the Sinhala Districts. What has happened has unfortunately happened. But the masses of the Buddhist people should not brood over these things bearing thoughts of hatred. We must remember that we are the followers of a Teacher who said, ‘Never by hatred does hatred cease at any time. Hatred ceases by love alone.’ We should, wherever we can, help those in need of help, protect those who are full of fear, and shield, especially women and children, from all harm. Our name, our honour and our old traditions are at stake. Our people must know that they are not going to do any good by piling fuel on raging fires. We must keep calm and aid the Government in every possible way to preserve law and order.”

I think, in this grave national emergency, all considerations of party advantage should be subordinated - that is my feeling - to the demands of the nation. I feel that moderate opinion in the country reassert itself and that every person should help the Government in its endeavour to restore peace and amity. I hope that all of us have learned some good lessons from this calamity that has befallen us; and that, in spite of the damage that has been done - some of it irreparable - we shall emerge a happy and united nation. Thank you.

## TAMIL LANGUAGE (SPECIAL PROVISIONS) BILL SECOND READING

*2<sup>nd</sup> September 1958*

*This is a Bill to make provision of the use of the Tamil Language*

**SENATOR AZEEZ:** I support this Bill in its principle and policy in broad outline. As stated by hon. Leader, the policy which this Bill seeks to implement was adumbrated in Parliament by the Hon. Prime Minister as early as 25th April, 1957. I shall quote a short extract from that speech as it is relevant to this debate. The Hon. Prime Minister said:

“In other words, the policy that the Government intends to follow is that while accepting Sinhalese as the official language citizens who do not know Sinhalese and who are probably educated in a different medium should not suffer inconvenience, embarrassment or any trouble as a result of that. Of course, some of my hon. Friends opposite who hold an extreme point of view will think differently. There are extremists on both sides. We have to take a rational, reasonable attitude in these matters.”-[OFFICIAL REPORT, REPRESENTATIVES, 25th April, 1957; Vol. 27 c. 2683.]

In my view, this Bill gives statutory recognition to the official use of the Tamil language in certain spheres defined in the Bill itself; and, more than that, it also gives statutory recognition, though implicitly if not in express terms, to its status as one of the two national languages of Ceylon.

My support to this Bill is whole-hearted on this occasion because the principle embodied therein is in complete accord with the resolution unanimously adopted on 18th December, 1955 - to which I have made references previously - at the Joint Conference of the All-Ceylon Muslim League and the All-Ceylon Moors Association. That resolution was subsequently ratified by these two organizations. I should like to quote that resolution.

“That Sinhalese be adopted as the only State language, with due official recognition being given to Tamil and English and provided that the fundamental rights of the minorities in respect of religion, culture, language etc., are incorporated in the Constitution.”

This resolution of the Muslim community envisaged, and in fact did anticipate, the middle-path solution of the language problem of Ceylon on the lines indicated by the Hon. Prime Minister in the other place on 25th April, 1957. We, who participated at the joint conference, came to the decision I have just referred to after a free and full discussion of the various methods by which the conflicting and extremist views that prevailed then could no doubt, be reconciled in the interest primarily of the Muslim community. May I stress that history and geography have conditioned the Ceylon Muslim community to attach the highest value to the ideal of national unity, a value, I am proud to say, higher than that which prevails among all other sections of the Ceylonese people.

*It being 6 p.m. proceedings on business under consideration were interrupted.*

*Resumed on 3rd September, 1958.*

**SENATOR A.M.A. AZEEZ:** Mr. President, in the course of my remarks yesterday before the proceedings of this honourable House were interrupted, I pointed out that the principle of this Bill is in complete accord with the language resolution of the Muslim League and Moors' Association, which was unanimously adopted on 18th December, 1955. Those of us who participated at that joint conference passed the resolution I referred to after a free and full discussion of the various methods by which the conflicting and extremist views that prevailed then could be reconciled in the interest no doubt primarily of the Muslim community but also in the larger national interest. May I stress that history and geography have conditioned the Ceylon Muslim community to attach the highest value to the ideal of national unity, a value, I am proud to say, higher than that which prevails among all other sections of the Ceylonese people.

We always thought what the Prime Minister now thinks, namely, that this Bill should have been introduced several months back. Of course, yesterday, the hon. Leader sought to find some consolation in the fact that no disability has so

far been imposed on the Tamil Language as a result of the “Sinhala Only” Bill and, on that score, I thought he tried to somewhat explain away the delay in regard to the introduction of this Bill. I shall not try to argue that point with him but I shall content myself with just one quotation from the Hon. Prime Minister. He has made his views very clear. This is what he said in the other place on 5th August, 1958:

“It would have been against the principles of democracy if I postponed this Bill unduly, if I postponed it too long. It was already postponed it too long. It should have been introduced simultaneously with the Official Language Bill. I did not do it at that time. I regret that we did not even delay the Official Language Bill and introduce the two Bills simultaneously. There is no violation of a democratic principle to which any objection may be raised. Everybody knows all about this issue. Any hon. Member can come here and discuss the Bill to his heart’s content and express any views he wishes.” [OFFICIAL REPORT, REPRESENTATIVES, 5th August, 1958; Vol. 31 c. 1965.]

It has been my contention all along, from the time this decision of the two Muslim organizations was reached in December, 1955, that this resolution did express the general will of the entire Ceylon Muslim community, irrespective of whether the Muslims belonged to the North of Ceylon or the South of Ceylon. A few felt and expressed otherwise. The event that have taken place during the last two and a half years or more, and the voting that took place in the other place the other day when the entire Muslim Elected Representatives voted for the Bill, have proved my contention and I do not think I should dilate upon that aspect at this stage.

During this period of nearly two and a half years, we in Ceylon have appreciated and experienced how difficult and how complex the language problem is, how passions could be roused, how tensions could be created and how innocent lives could be endangered through the base and unpatriotic exploitation of the love that is generally lavished on one’s language. We have had quite a lot of experience since the enactment of the “Sinhala Only” Bill and the present Government and particularly the Hon. Prime Minister, who is also the Minister in charge of this subject, should be congratulated on the introduction of this Bill, despite the defection of some of the Hon. Prime Minister’s erstwhile colleagues

and co-partners, and despite threats from several quarters. It is the duty of every patriotic citizen of this country to give the Government ample support in the measures that it is now taking to ease the communal tension and to bring about communal harmony.

The Hon. Prime Minister’s recent speeches at Dambadeniya and Nattandiya indicate that he has decided to give due priority to the problem of national integration and to the promotion of national unity. This Bill is an earnest of that priority which he has decided to give for the promotion of national unity and is an essential step taken to restore communal harmony, without which there cannot be any national unity. That aspect of the matter was amply emphasized in the concluding remarks of the hon. Leader of the House yesterday.

While on this matter, I should mention the pointed reference made by the Hon. Prime Minister in his concluding remarks during the course of the debate on this Bill in the other place, where he referred to an utterance by Shri Jawaharlal Nehru condemning in unequivocal terms linguistic fanaticism and communalism of all varieties.

I should like to amplify that citation with another passage from the same utterance of the Indian Prime Minister which appeared in the *Morning Times* of 12th May, 1958. It is unfortunate that that good paper has ceased publication since the 1st of this month. I am making use of an important portion of the article which appeared in that paper. Shri Nehru was reported to have said:

“The communalism of the minority was dangerous, but it petered out sometime or other. But the communalism of the majority is far more dangerous than the communalism of the minority because it wears the garb of nationalism. We have this communalism ingrained in us, and it comes out quickly at the slightest provocation, and even decent people began to behave like barbarians when this communalism is roused in them.”

The same idea has been expressed in somewhat different terms by an other eminent Indian, Humayun Kabir, Minister of Scientific Research and Culture, in his inaugural address at the Seminar on National Unity versus Group Isolation. I quote from Volume 18, page 40, of the periodical *Quest*.

“Minorities are generally more sensitive about the retention of their separate character. Majorities do not generally insist on such retention, because they know that greater uniformity is likely to lead to the acceptance of their way of life by the minority rather than vice versa. This is one of the main reasons why religious minorities are so anxious to preserve their special traditions and characteristic culture even at the cost of estranging the majority. The same fear is behind the passion exhibited in recent times over the question of the languages of India.

It is easy for the majority to press its own point of view under the guise of national interest and dismiss the fears of the minority groups as parochial. One may certainly argue that the larger national interest should always prevail over the interest of a section or group. Unfortunately, however, the majority has often a tendency of identifying the national interest with its own interest.

There need not be any dishonesty or hypocrisy in such identification, for it is a common human failing - in India and elsewhere - to regard one's own point of view.”

This shows that the language problem and other minority problems are not the monopoly of our country. They exist in many other countries; they are very prominent at the moment in practically all or many of the South-Asian countries which regained independence recently.

But we cannot adopt wholesale any ready-made solution from either a distant or neighbouring country even though some of its practices may suggest lines of approach to the solution of our own problem. The report of the States Reorganization Commission of India, published in 1955 by the Government of India, at paragraph 761, lists the methods that various countries have adopted to solve linguistic and other minority problems. It would interest this House if I quote that short list which gives a variety of solutions to these problems. Paragraph 761 states:

“In other countries, it may be of interest to note, the following expedients have been tried, singly or in combination, to protect the interests of the minorities.

- (i) constitution of administrative units on the basis of homogeneous nationalities, realised to a great extent in Switzerland, the U.S.S.R. and Yugoslavia;
- (ii) recognition of more than one language as official languages, tried mainly in Switzerland, Canada and South Africa;

- (iii) minority representation in the cabinet, tried in Switzerland and Canada;
- (iv) guaranteeing to the minorities an effective voice in legislation concerning them, *e.g.* the Scottish Standing Committee of the House of Commons;
- (v) appointment of special ministers to look after the interests of minorities, as, for example, the Secretary of State for Scotland in the British cabinet;
- (vi) fundamental rights for protection of minority interests, as in the constitutions of the U.S.S.R., Yugoslavia, Switzerland, Canada and Palestine, and in the pre-1939 constitutions of Poland and Czechoslovakia; and
- (vii) assumption of special responsibility by the federal government in respect of majority rights in constituent units, as in Canada.”

Paragraph 765 of that report states:

“Article 347 enables the President to direct, in appropriate cases, the use of minority languages in the administration.”

I wish to dwell a little on that article, because it has some relevance to our problem. Article 347 reads as follows:

Special Provision relating to language spoken by a section of the population of a State.	On a demand being made in that behalf, the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of language spoken by them to be recognised, by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify.”
--	---

There are several States in the Union of India, and some of the States have linguistic problems akin to ours. The solution envisaged in the Indian Constitution is found in Article 347 which I quoted just now. This solution is relevant to use to the extent that it points to the necessity for a constitutional solution. By “constitutional solution”, I mean some kind of provision or safeguards in the Constitution itself with a view to a permanent solution of the language problem. I shall not deal with this aspect any further on this occasion, for I am confident that this aspect of the problem will be gone into fully by the Select Committee of

both Houses that has been recently appointed to revise our Constitution.

Before I come to the actual clauses of the Bill, I would refer to a statement made by the Hon. Prime Minister recently at Dambadeniya, at a literary conference, I do not have the exact quotation, but I distinctly remember his statement that within one year the language issue would be forgotten. Having regard to the national efforts frittered away and the misunderstandings created between communities, every patriotic and peace-loving person in Ceylon would certainly wish the this language problem is soon forgotten. Whether that wish will be fulfilled depends on how this Bill is administered. It has to be administered with the sole intention and firm determination to give effect to the policy adumbrated in the Hon. Prime Minister's speech of 25th April, 1957, it has to be administered with patriotic zeal any sympathetic understanding, and without legal quibbles and bureaucratic methods.

I am sure that this Bill will be passed unanimously at voting time. Therefore, whether this language problem is forgotten within a year, or whether it is aggravated or remains as it is, will naturally depend on how this very important Bill is administered.

There are no doubt a few omissions and flaws in the text of the Bill. I like to point them out now, because I do not propose to suggest any amendments to the Bill. Many of the flaws could be rectified and adjusted administratively.

Clauses 2,3,4 and 5 reflect the four-point formula of the Hon. Prime Minister.

In Clause 2 (1) there is reference to a Tamil pupil. By "Tamil pupil" is meant not a pupil who has studied through the Tamil medium but a pupil who is racially a Tamil. In other words, the interpretation is not something like the definition of "English teacher". When we say "English teacher", we may mean an Englishman who is a teacher, or a person who teaches English as a subject, or a person who teaches a subject in the English medium. But there is no doubt about the interpretation of Clause 2 (1) of this Bill because the term "Tamil pupil" is taken from the Education Ordinance.

There arises the question of the many Muslim pupils who are now following, and who have in the past followed, instruction through the Tamil medium. This was discussed at length in the other place, and I do not want to spend much time in debating it here. I am personally satisfied with the assurance given by the Hon. Prime Minister in the other place in the course of the debate on this Bill, that the problem of the Muslim pupil will receive his early attention. What is more important, he gave an assurance that no decision will be taken by him without consulting the Muslim Representatives. I do not therefore desire to pursue the matter any further on this occasion.

Clause 2 (1) speaks of a Tamil pupil in a Government school or an assisted school. That is rather interesting, because there is a third category of schools called unaided schools. I am sure it is not the policy of this Government to discriminate against pupils who attend unaided schools. I can think of two leading institutions which from the legal point of view belong to the category of unaided schools, namely, Trinity College and St. Thomas' College. I do not think it is the intention of the Government that this provision should apply only to those who study in Government schools or assisted schools. Whoever drafted this Bill probably looked at the Education Ordinance of 1939 - that is, the main Ordinance - where these two categories are defined; he had forgotten to look at the Amending Ordinance, No. 26 of 1947, where unaided schools are mentioned and defined. "Unaided school" means a school which is not a Government school or an assisted school. As I said. I do not think it is worth while to move an amendment at this stage when the Bill has already been passed in the other place. But I am sure that this is a matter that can be administratively adjusted.

Then there is Clause 2 (2), I attach the greatest importance to this clause because I know, and I am personally aware, that at a certain stage some eminent men who are connected with the University of Ceylon - some of them Sinhalese - felt that instruction at the Peradeniya University should be confined to the Sinhalese medium and, curiously enough, there were also some Tamil gentlemen who are connected with the University who thought that they should have a separate Tamil-medium university outside Peradeniya. If that had taken place, it would have been disastrous from the point of view of Ceylon's national unity. If

there is no opportunity afforded to the young men and women of both the Sinhalese and the Tamil communities to meet together and discuss their problems in a place like the University, if they are segregated at the University level, it will be a real disaster. I attach, therefore, special importance to this particular clause and I am personally very happy that it has been brought in in this manner and at this stage.

Clause 3 deals with the language of examinations, a point which naturally flows from a decision on the language of instruction. I have nothing to say about the wording of that particular clause but I should like to point out to the Government that when it comes to the mechanics of these examinations, moderation is going to play a very important part in that respect because we are going to have these examinations in more than one medium, and this points to the extreme necessity in Ceylon of having graduates who are proficient in both languages.

We must have bilingual graduates who would be able to conduct these examinations with efficiency and impartiality. In fact, there are various definitions given of it but I do not want to take more of your time except to say that Malherbe, an educational expert, has investigated this problem of bilingualism in relation to South Africa and has classified bilingualism into six different categories. All that I want to say on this occasion is that we must have graduates who are extremely proficient not in one language but in both languages and unless, therefore, the Government offers special inducements I do not see any possibility of such graduates being produced quickly. I would, therefore, draw the attention of the hon. Leader of the House to the desirability of providing special scholarships or special monetary inducements for the purpose in implementing this particular clause.

Clause 4 is again interesting. It speaks of correspondence from persons educated through the medium of the Tamil language. Here again I think, there has been a little omission, because some learn Tamil as the second language while others learn it as the first language. What about those Tamil-speaking persons who have studied in English, with Tamil as the second language? This only refers to those educated through the medium of the Tamil language; there may be a

number of persons who are educated through the medium of the English language but who have studied Tamil as a second language. Personally, I think, that is only an inadvertence and I hope the Government will adjust that matter again administratively.

Then it talks of officials, and “official” is defined in Clause 8. I am sure the hon. Leader will enlighten me on this if I am wrong. It would appear that corporations that have come into being recently, for example, the Ceylon Transport Board, are not included. I am sure it is not the intention of the Government to preclude a person who could correspond in Tamil, say, with the Land Commissioner from corresponding with the Chairman of the Ceylon Transport Board in Tamil.

**AN HON. SENATOR:** He is an officer of the Public Service.

**SENATOR AZEEZ:** That is where I seek enlightenment from the hon. Leader. He says he is an officer of the Public Service. I tried to get at the definition of “Public Service” but I have not succeeded. I know roughly what “Public Service” means but I do not know whether a person in charge of the Ceylon Transport Board comes within that definition of “Public Service” or not in that sense. I am inclined to the view that he does not; but if he is included - it does not matter - there should be some statutory provision for that purpose. All that is necessary is some administrative directive to the C.T.B. and other similar bodies to follow the same procedure as is laid down for Government officials. The only place where I have come across the term “Public Service” is as a heading to a section in our Constitution, but the term used there, if I remember right, is “public officer”, the holder of a public office. I do not know whether even the Clerk to the Senate, our own Clerk, is an official in that sense; I am not sure. Well, these are finer points. All that I wish to emphasize at this stage is that, if they are excluded, some administrative measures be taken to rectify that omission.

Then with regard to the word “correspondence” I am not sure - I am not a lawyer, fortunately or unfortunately - whether it would include, for example, the filling up of forms. Nowadays forms are multiplying and sometimes one has to

fill not his own form relating to his death but one connected with the birth of his child or the death of a dependant, and so on. I do not know whether the word "correspondence" would include that; I presume it would. I hope, however, the hon. Leader would enlighten me on that.

I would have preferred a different wording of the clause which deals with Tamil as the language of administration in respect of local authorities - a wording that would have enabled the Minister to include local authorities like the Urban Council of Puttalam along with those of the Northern and Eastern Provinces. In view of the circumstances surrounding the present Bill, and the fact that this Bill has already received the assent of the other place, I do not want to press this point of view by way of an amendment.

I have always felt that a Bill of this nature was necessary. This Bill has been unduly delayed for about two and a half years but still it is better late than never. It is my conviction that this Bill will definitely promote national unity - it is intended to promote national unity; it should and it would, I hope - but whether it will foster national unity or aggravate communal tension depends on the kind of regulations that will be framed.

This Bill points to the fact that there are many other things which are contemplated in the policy statement of the Hon. Prime Minister and which are sought to be done by way of regulations. When we come to the problem of the language of administration, in contradistinction to the language of education and examination, I find that in so far as the language of administration is concerned very wide powers are given to the Minister in charge to frame regulations. All that this Bill does is to empower the Minister concerned to frame regulations. So that, whether regulations will be framed in as satisfactory a manner or not, or whether they will be framed at all, would depend on the use made of the Bill.

That is what I would like to emphasize, whether this Bill will foster national unity or will aggravate communal tension would depend on the kind of regulations that will be framed and the manner in which they will be framed, whether opportunities will or will not be afforded in time to the interests affected to express

their points of view and, if there is going to be any erring, whether such erring would be on the side of generosity or niggardliness in regard to the Tamil language. After all, this Bill is just an instrument for the promotion of national unity. It can be used for that purpose for the good of the country; but it can also be used for wrong purposes, or even be left unused. Judging by the attitude adopted by the Prime Minister and the several statements he has made since 25th April, 1957, I feel hopeful that he will use this Bill as an instrument to promote national unity. In the hope that by the manner in which this Bill will be administered communal harmony will soon be restored in our country, and that undivided attention to the economic problems of our country will be ensured, I give my support to this measure and shall vote for this Bill in its entirety.

## APPROPRIATION BILL 1958 - 59

10<sup>th</sup> September 1958

**SENATOR AZEEZ:** Mr. President, I listened most closely and attentively to the speech of Senator Kotelawala. He attributed one of the causes of the present political ill-health of this country to our climate. I wonder whether there is a supplementary solution to the many solutions he suggested, namely, whether in these days of scientific progress and advance, something could not be done to improve our climate and thereby improve the national character.

**SENATOR DUNUWILLE:** Air-conditioning.

**SENATOR AZEEZ:** I do not know whether scientists can air-condition the whole of Ceylon - as we have air-conditioned this honourable House.

I am very fortunate, thank God, that I am not of the propertied class. In the course of his eloquent speech, Senator Sir S. Pararajasingam told us, in a very telling manner, the hardships and the woes the propertied class is facing today. I am happy that I belong to the salaried class.

It was also hinted that this Government was paying “largesse” to Government servants. That is a topic to which I hope to give some attention, because a large slice of this budget is devoted to the salaries of public servants. I believe it is about 37.7 per cent, according to the figures given in Sessional Paper III of 1958, which deals with the accounts of the Government of Ceylon for the financial year 1956-57.

Senator Dr. Peiris stated that there is a good deal of under-expenditure. He doubted whether it is a deliberate trick - I think that is the word he used - adopted by the Government to have inflated budget estimates and then to have under-

expenditure. He wondered whether the under-expenditure in respect of a second medical college is as a result of the deficiency in the administrative set-up of this country.

It is apposite for me to quote from a notification published recently by the Salaries Commission, under the hand of Mr. C. Nagalingam, which says:

“In examining ‘the adequacy, superfluity or otherwise of the staff employed in Government Departments’ the Commission has necessarily had to consider the extent to which existing staff are fully utilised. It seems to be generally felt that certain reforms are necessary in the structure of the public service in the present administrative set-up....”

Various suggestions are also made therein. This appeared in the *Daily News* of 22nd August, 1958. The suggestion is made that there should be some reform in the present set-up. But the point to consider is whether the present set-up is satisfactory. It is not a question of the reform of the present set-up but whether the present set-up is adequate.

There have been Salaries Commissions in 1932, 1938, 1948 and 1953. Now we have one in 1958. This is a recurring problem. I would submit that this position has arisen because we are not very clear as to the objectives we aim at in regard to our administrative structure.

It is very interesting that about the same time there has been some reference made in the *Times* of June 29th to some correspondence between the Minister of Home Affairs and the Minister of Finance, wherein the former had suggested in the Treasury that striplings should not be sent as A.G. As. That correspondence gives an indication of the weakness of our administrative set-up. Many reasons are urged why striplings should not be sent to the kachcheries but that more senior men of the Ceylon Civil Service should be sent. One of the paragraphs in that Press report states:

“However, a large number of Civil Servants with between 5 and 20 years’ service are assistant secretaries in Ministries or are being seconded to key posts in Government-sponsored corporations, such as the Transport Board.”

**SENATOR THE HON. WIJESINGHE:** Whom is the hon. Senator quoting?

**SENATOR AZEEZ:** I am quoting from a newspaper report appearing in the *Sunday Times* of June 29, 1958, which is alleged to contain extracts of correspondence between the two Ministries, that is, the Ministry of Home Affairs and the Ministry of Finance. I do not know about the accuracy of it, but whether it is accurate or not, those are relevant points. The implication is that there are too many assistant secretaries and that preference is given to civil servants when it comes to the question of posting staff to national corporations.

Now that raises at once the problem of what these national corporations are expected to achieve and what is expected of these assistant secretaries. In fact, the notification which I referred to as a preface to my remarks makes the suggestion or rather invites suggestions from the public as to the unsatisfactory nature of the present Ministry set-up; in other words, the question is posed whether it is not good for Ceylon to follow the practice that is obtaining in England where a Ministry is equated with a department.

In Ceylon, we have nearly 150 departments and 14 Ministers, whereas in England if there are 14 Ministers there will be technically 14 departments. I refer to this particular correspondence because it seems to deal with a very simple problem which can be solved by transferring a few senior members of the Civil Service to, I believe, the 20 kachcheries. But when you read the text of the memorandum you will find that there are bigger and bigger problems cropping up.

The first question that is posed here is, should not preference be given to the kachcheris as against Ministries where there are too many assistant secretaries? I do not think any of these Salaries Commissions have satisfactorily solved the problem of what these assistant secretaries are expected to do. Are they expected to perform the functions of a Secretary to the Minister as under the Old Donoughmore Scheme where you find, if I remember right, the Public Service regulations precluded them from even writing minutes. So, I presume, they wrote minutes on pieces of paper which were kept away from the technically official

files. They were not officially available but they were available to the Minister. Is that the sort of function which an assistant secretary is expected to perform, or is he a kind of private secretary to the Minister?

**SENATOR KANNANGARA:** It was not so in the case of assistant secretaries in the olden days.

**SENATOR AZEEZ:** Well, they also performed other functions. I am not referring to the Permanent Secretary under whom I served, but I know of a case of an assistant secretary - again, I must qualify by saying that he was a colleague of mine. He came to see me and said, "Whenever the Minister made an order, the Permanent Secretary sent it to me saying, 'Please draft a report'. And when the head of the department sent a memorandum, he said, 'Please let me have your observations'". He made me understand that the Permanent Secretary was not doing anything else.

**SENATOR THE HON. WIJESINGHE:** He was having an afternoon siesta.

**SENATOR AZEEZ:** What I am trying to stress is this. The assistant secretary is expected to perform certain functions commensurate with the salary he receives, but his functions sometimes encroach on those of the head of the department. So long as we spend such a large percentage of our revenue on public servants - I think, an hon. Senator was inclined to suggest that they are being paid much more - my contention is that there should be a better distribution of work. At the moment, it is lopsided and a clear example of it is the work done by assistant secretaries. I have not computed the number of assistant secretaries who are functioning today in the various Ministries-

**AN HON. SENATOR:** Are you referring to Parliamentary Secretaries?

**SENATOR AZEEZ:** I am now dealing with assistant secretaries and not Parliamentary Secretaries. They should not be expected to encroach on the functions of heads of departments, who are mostly technical men or senior men with more experience than that possessed by assistant secretaries. So that, as far

as this memorandum goes, it is correct that the whole set-up for assistant secretaries has to be reviewed.

But it cannot be reviewed in the way the Salaries Commissioners have tried to do, by taking it to be just a problem and trying to find a solution to it. That problem is connected with so many other problems. If a Ministry is to be set up in the English way then, I think, it is certainly advisable and necessary to do so. At the same time, there was a reference made in the other place to a report that is to be furnished or has already been furnished by a Member of the Ceylon Civil Service on the new administrative service. Unless, there is some clear conception as to what this new administrative service is going to be, it is not worthwhile trying to tackle this problem only at the Ministry level.

The question of provincial administration also arises. I read in a paper that a committee had been set up by the Cabinet. I have not got the quotation here but I distinctly remember that the Cabinet is going into the question of the future of village headmen. I know that several Members in the other place raised the question whether village headmen are to survive or whether the system is to be reformed or reorganized. Unless we make up our minds as to whether we are going to follow the old colonial system or whether we are going to have a system that is relevant to a democratic set-up, I do not think we will be able to solve this question of administrative cadre. That is a point which I should like to stress on this occasion on the floor of the House.

It is true, at one time, the Government Agent was, if I may use a very popular phrase, a multi-purpose administrator. But, today, his position is entirely different. According to the Minister's memorandum, as it appears in the Press, there is justification for having senior men particularly because of the disastrous floods that took place recently and also because of the continuing state of emergency. But unless the floods and the emergency are to be recurring features, are to be continuously prevalent, I do not see any justification for the continuation of that system as it is. I would stress on the floor of the House that if the Government proposes to solve this problem, to tackle this problem in its broad perspective, to help towards the development of a democratic set-up where local government

should play a very important part - unless we go back to the old colonial system - I do not see how it can do so without associating local authorities with its various functions, particularly as regards health and education.

It is true that the Regional Councils Bill is now in abeyance owing to the language problem, and even though the State Council in 1944 recommended that primary education should be the function of local authorities - I have got the actual resolution here-

**THE PRESIDENT:** Will Senator Azeez excuse me for a moment? I do not see the Whip on the other side. May I ask the Hon. Minister whether he has formed any idea as to how many speakers there will be tomorrow and what length of time the debate will take?

**SENATOR THE HON. WIJESINGHE:** I think we can finish the debate tomorrow.

**THE PRESIDENT:** I hope we can.

**SENATOR THE HON. WIJESINGHE:** On our side, we shall be brief. We will give most of the time to the Opposition.

**SENATOR DE SOUZA:** Four hours were taken today by a Government Member.

**SENATOR THE HON. WIJESINGHE:** That is true, but that will not be repeated.

**THE PRESIDENT:** I am merely trying to find out whether Senator Cooray has computed the time this debate will take tomorrow.

**SENATOR DE SOUZA:** It depends on the filibusters on the other side.

**SENATOR THE HON. WIJESINGHE:** As for our side, we have given a time table to the Opposition Whip.

**SENATOR COORAY:** I do not anticipate that we shall have any difficulty tomorrow. Most speakers on our side have made their contributions. Senator de Souza and Senator Wanninayake have to speak.

**AN HON. SENATOR :** What about the hon. Leader of the Opposition?

**SENATOR COORAY:** He will not take more than ten or fifteen minutes.

**THE PRESIDENT:** Senator de Souza pointed out that a Government Member spent four hours on his speech today. Does it mean that Senator de Souza is going to repeat that performance? I am not for a moment trying to restrict the debate. I am merely trying to get a picture for myself-

**SENATOR DE SOUZA:** If Senator Jayawardena who apparently spoke on a detached basis - neither for the Government nor for anybody else - took four hours, those who represent recognised parties might also get some consideration.

**THE PRESIDENT:** There is no doubt about that. There will be no restriction. I merely wanted to gauge for myself the time the debate will take.

**AN HON. SENATOR:** Senator Azeez may not finish today.

**THE PRESIDENT:** Will Senator Azeez be concluding his speech today?

**SENATOR AZEEZ:** I am not concluding today.

**THE PRESIDENT:** I want to know from hon. Senators and from the Whip-

**SENATOR COORAY:** I do not think there will be any difficulty.

**SENATOR DE SOUZA:** Provided that speakers from that side do not hold the floor too long.

**SENATOR DUNUWILLE:** There are two of us here who will take half an hour each.

**SENATOR THE HON. WIJESINGHE:** We can organize it. We shall co-operate.

**THE PRESIDENT:** Thank you.

**SENATOR AZEEZ:** If we are going to have reforms in the administrative set-up, it is necessary that it should be put on a different footing. It is not a question of having minor reforms in the administrative set-up as it is constituted today; it is necessary to review the set-up and find out whether it fulfills the objectives of democratic socialism which seems to be the professed policy of this Government and, fortunately, of the majority of groups in the Opposition. Now we seem to have at last reached unanimity.

The U.N.P. as well as the M.E.P., and even the other parties, are all agreed about the need to have socialism. Even my neighbour, Senator Kotelawala, who believes in the Middle Way says that he stands for democracy and socialism. So that, we can now sit down to the task of setting up an administrative structure that will say goodbye to the old colonialism. We can now consider setting up a structure that would conform to the dictates of democratic socialism.

It is very unfortunate that in such a set-up, under the local government system as it is constituted today, even important municipal councils have nothing to do with education, in spite of the fact that the State Council resolved as early as 1944:

“That the responsibility for primary education in urban areas shall be transferred to local bodies where the Governor so decides, provided that they shall not be liable to contribute more than 50 per cent of the cost.”

My contention is that if we are going to foster democracy, people should get a training in exercising their votes. Unless people who exercise their vote at the level of local government elections are able to judge for themselves whether the parties contesting are merely indulging in slogans and promises or whether they can also be expected to keep to their promises, they cannot exercise their vote independently at a general election.

I can do no better than quote just one sentence from Lord Campion, who was Clerk of the House of Commons for several years and who has written an authoritative text on parliamentary government. Unfortunately, I do not have with me the text itself, but it is quoted in a booklet entitled *Democracy and Parliamentary Government* incorporating the Mavalankar Memorial Lecture by Sri Praksa of India. Lord Campion speaks of:

“The basic conditions for the health of Parliament - genuine local self-government, habits of co-operation in voluntary institutions, general acceptance of the rule of law and a spirit of toleration.”

If we are keen on practising democracy, we must have the necessary requirement for the growth of that democracy. If we cannot trust the ordinary people with the right and the duty of practising genuine local self-government, then we cannot trust the people to decide on the larger issues of national finance and national development contained in party programmes.

I have heard it argued that it is much better for the Central Government departments to perform these functions because the local authorities cannot be entrusted with them as they have neither the will nor the capacity to carry them out. If that is the argument used. It would be better to say that they should not exercise the power to select the governors or the government of the country. Therefore it is very clear that unless we have genuine local self-government and unless we are prepared to entrust local authorities with functions, particularly those relating to public health and education, we cannot have real democracy.

I am not suggesting that we should immediately ask the local authorities to undertake, for instance, the running of all the Government schools that are in existence, but a start has to be made; and it is worth noting that the State Council in 1944 recommended a step of this nature.

The heavy bill of 37.7 per cent on personal emoluments is a figure that has to be studied in relation to the peculiar conditions that prevail here today. In a country like England, teachers and doctors would not find a place in the emoluments section of the estimates because they would be all employees of the

local authorities, whereas in this country we have a very large number of them paid directly by the Government. When we speak of 37.7 per cent of expenditure on personal emoluments, it does not mean that the administrative set-up itself costs that amount. A large number of persons contribute by way of direct service to the people. We must also include other technical men in this category.

Along with this, there are other problems like co-ordination at the level of the provinces. For example, we have a rural development movement which has not been co-ordinated with the local government bodies. In fact, the Choksy Commission has pointedly referred to this, but I do not think the Government has taken any action on it.

One begins to wonder whether Ceylon needs fourteen Ministers, although a fifteenth has been created now. I am not suggesting that the fifteenth was not necessary; it is very necessary, but some of the other Ministries can be combined. For instance, Local Government and Home Affairs are subjects which are closely inter-related.

**SENATOR COORAY:** What about Posts and Broadcasting?

**SENATOR AZEEZ:** You can have as many Ministries as there are departments, except that there are only 101 Members in the other place as against the 150 departments.

It is very clear from the analysis I have sought to place before hon. Senators that, as long as there is one set-up for local authorities and another for village headmen, D.R.Os and G. As, we are not going to have the administrative efficiency we hope for.

**THE PRESIDENT:** The hon. Senator was suggesting a solution for this when he was interrupted.

**SENATOR AZEEZ:** The Salaries Commission is now addressing itself to one aspect of the problem; the Home Minister with his helpers is trying to solve another, but even the problem of village headmen is inextricably connected

with the local authorities; a third party is examining how a unified administrative service can be established. All this shows that the stage has been reached when this problem has to be viewed as a problem of administration. What is the kind of administrative set-up this country is to have? Is it going to be the old colonial system? Is it to be of the type that prevails in England?

What we are having today is not the old colonial system, which had at its apex a Chief Secretary, who was represented by the Government Agent, who had as his representative not the D.R.O. of today but the ratemahatmaya and the arachchi. There was some justification for that because the objective of the colonial rulers was not to spend too much money but to concentrate on the maintenance of law and order and to look to the interests of the imperial country. There was logic in that system. It may have been wrong from the point of view of objectives, but as an administrative system it was perfect. The ratemahatmaya in that set-up was a man of influence, and so was the village headman. They did not depend on salaries. It is useless trying to have a new system where they are supposed to have influence, receive small salaries, and have to perform all kinds of functions.

It is interesting to find out what a village headman is expected to do. There was a very revealing letter in the Press which sought to list the duties that a village headman performs Mr. V. Kandiah of Chulipuram says in a letter to the *Times of Ceylon* of 2nd September, 1958:

“It is not generally known that the headman has a say on many a matter that vitally affect the lives of the people. I quote some instances:

1. Appointment of JPs are referred to them.
2. Appointment of Jurors are made solely on their recommendation.
3. Colonists are selected on their recommendation.
4. Poor relief is made on their recommendation.
5. Relief is given for damage to crops on their recommendation.
6. Subsidies for sinking wells are made on their recommendation.

7. Personnel for conciliation boards are selected on their recommendation.
8. Enumeration for rice ration cards is done by them.
9. Selling of illicit liquor and contraband is checked by them.
10. Passports are issued on their recommendation.
11. Rural court cases are often decided on their evidence.
12. Maintenance and divorce cases are often decided on their recommendation.
13. They have a say in land disputes and partition cases.
14. Headmen look after the welfare of widows and minor children in villages.”

**SENATOR DE SOUZA:** They do not confine their attention to widows:

**SENATOR AZEEZ:** I have not the same degree of knowledge on that as my hon. Friend!

The letter goes on to state:

“It will thus be seen that headmen play an important part in the lives of villagers but the present-day minor headmen are the cause of a lot of trouble, bribery and corruption.

My considered view is that the headman system must be re-organised but the present headmen must be replaced by the cream of the intellect of the country, i.e., the civil servants, in which case we will have a clean and balanced rural and urban life.

We would not have undesirable men elected to local bodies and Parliament and we would avoid vulgar mobs and political thus ruling the country.”

**THE PRESIDENT:** Does the hon. Senator agree with that?

**SENATOR AZEEZ:** I agree with that to the extent that it gives a fairly good picture of the multifarious duties these poor men are expected to perform. I completely disagree with the solution he suggests.

If we are sincere in practising democracy, we must take the risk of having a democratic administration. My thesis is that while we have, or profess to have democracy, whether it is democratic socialism or any other type of democracy - all of us are going on the assumption that we have democracy or are trying to foster democracy - that democracy is incomplete unless we have an administrative set-up that conforms to the objectives of democracy. I have some little experience of provincial administration and I say that while it was good for the colonial set-up, it is certainly unsuitable now. I am not suggesting that we should have local authorities from day after tomorrow. All I am saying is that once Government makes up its mind as to what its objectives are, we can have a plan - a five-year or ten-year plan - for an administrative set-up that will conform to our present needs.

**SENATOR THE HON. WIJESINGHE:** Regional Councils.

**SENATOR AZEEZ:** Regional Councils are not going to solve the problem of the village headmen because there is a conference over which the Home Minister is presiding to revivify the headmen system, to give it fresh life. I think personally it is a step in the wrong direction. Sometime back the previous Government brought forward a Bill, on which I had the privilege of commenting, which change the names of A.G. As to G. As, although there was no alteration in the structure.

**SENATOR THE HON. WIJESINGHE:** Ratamahatmayas were changed to D.R.Os.

**SENATOR AZEEZ:** I am not sure whether my hon. Friend is Acting Minister of Finance or Minister of the Port. The Hon. Minister suggested regional councils, but I do not think they will solve the problem of the village headmen.

Somebody said - I think it was in the other place - that so long as processions have to be organised, pandals have to be erected, ceremonies have to be performed, village headmen have to function. Why should we not be honest and make them masters of ceremonies instead of making them multi-purpose administrators as they are supposed to be today? I was all along trying to stress that this problem

has to be viewed in proper perspective and on a broad basis. This is naturally related to the authority that transfers and appoints these public officers. Here, again, curiously we follow neither the colonial system nor the English system nor the Dominion system. We follow a system of our own. If my colleague had been here, he would have said that we always want to be unique. But, unfortunately, we do not have a workable system. We have taken the vices or the advantages of two systems and call the result a unique system. It is an unfortunate and tragic blend of two systems.

In England, the Public Service Commission or the Civil Service Commission is concerned only with the appointment of public servants. It is not concerned with salaries and promotions. In Ceylon, it is not so. As Senator Jayasundera suggests, it is a matter for a Select Committee. That is my point. The Salaries Committee has to deal with the salaries, the Public Service Commission with the appointments and the Home Minister with the work of the village headmen. I am very glad this interruption came. All that is necessary - it has been so right from the commencement of the Soulbury Constitution - is for one committee or one set of people to find out the position taking the overall point of view of the administrative set-up with which we are involved. I do not want to dilate too long on this particular aspect which involves the question of local government, the future of provincial administration, the set-up of rural development societies, the distribution of functions as between Ministers, the Public Service Commission and its powers. Is it going to be on the Australian model which combines the functions of the Treasury - for instance, organisation, cadre and method are dealt with in Australia by the Public Service Board - or do we want to have it under an Acting Minister of Finance, with a unique system which is a mixture of two systems.

**SENATOR DE SOUZA:** Who is this gentlemen? Is he the same person as the Acting Minister of the Port. I want clarification of that point. The hon. Senator referred to a Minister of Nationalisation and an Acting Minister of Finance.

**THE PRESIDENT:** He is one and the same person.

**SENATOR AZEEZ:** I think the hon. Senator has not read today's *Times*.

*It being 8 p.m. proceedings on business under consideration were interrupted.*

Debate adjourned; to be resumed tomorrow.

## **APPROPRIATION BILL (Continuation)**

**Thursday, 11th September, 1958.**

**SENATOR AZEEZ:** Mr. President, yesterday when the proceedings of this honourable House were interrupted. I was endeavouring to show that the problem of the Civil Service striplings at the kachcheries as G.As, so flamboyantly highlighted recently in a Ministerial memorandum alleged to have been prepared by the Hon. Minister of Home Affairs, is only a "problem within a problem" - a phrase that has been popularized by the Hon. Prime Minister, I also maintained that there was an underlying assumption in that memorandum - in fact, a totally untenable assumption - that provincial administration will be eternally and every day concerned with floods and riots.

I made reference to the Press notification of the Salaries Commission which has invited suggestions from the public that will help the Commission to formulate reforms in the present administrative set-up. I tried to point out that what is urgently required is not a set of reforms in the present administrative set-up but a reformed, and re-formed, set-up that would ensure that the objectives of a democratic and socialist State could be adequately fulfilled and would not be impeded by a faulty administrative structure.

In this context, the well-known dictum of Lord Acton that "power corrupts and absolute power corrupts absolutely" is truly applicable to some of our Central Government departments in relation to local authorities. It is axiomatic that democracy cannot be fostered and promoted without a steady growth of local self-government. If we are sincere in our professions in favour of democracy, we cannot any longer tolerate the kind of emasculated local authorities that function today. So that, what is wanted today is not piecemeal solutions of problems of administration arbitrarily isolated and scattered in an *ad hoc* fashion. What is

wanted is a national plan of a new administration that would do away with all the vestiges of colonialism and paternalism - colonialism of the white variety, and paternalism of the brown variety. Probably the most competent authority to undertake the preparation of this plan would be the National Planning Council already set up whose national economic plan requires an administration that is adequate both in quality and quantity.

In view of the limited time available, I shall list, without elaborating or enlarging upon them, some of the important items that might be considered by such a Council. These items are:

The abolition of the kachcheri system in favour of local self-government.

**THE PRESIDENT:** I am sorry, I could not follow the hon. Senator.

**SENATOR AZEEZ:** I was listing some of the items that might appropriately come within the purview of this National Planning Council set up to prepare a new plan of administration. These items are:

The abolition of the kachcheri system in favour of local self-government;

New Financial and Administrative Regulations - one set of regulations for nationalized undertakings and industries, and another set for ordinary departments of Government;

A unified administrative service with promotion prospects to be equated with ability;

A review of the present set-up of the Public Service Commission in the light of experience gained in the United Kingdom with reference to the Civil Service Commission, and in the light of experience gained in countries like Australia in respect of their Public Service Board.

**THE PRESIDENT:** Just a minute, Senator Azeez. I propose to suspend the sitting for two minutes. On resumption, the hon. Deputy-President will take the Chair.

*Sitting suspended at 2.44 p.m. and resumed at 2.46 p.m., THE DEPUTY PRESIDENT [SENATOR LADY MOLAMURE] in the Chair.*

**SENATOR AZEEZ:** I was listing some of the items that should come within a plan of national administration. I was coming to the item

“Constitution of Administrative tribunals on the lines recommended in England by the Franks Commission”.

The other items are:

Switching over to the Official Language, having regard to the criticisms offered by Mr. Julius de Lanerolle;

Treasury control of expenditure in the light of the recommendations recently made by the U.K. Select Committee on estimates;

A system of a continuous review of cadre belonging to the various departments of the Government;

The abolition of the system of assistant secretaries attached to the Ministries and the abolition of the 150-odd heads of departments as at present constituted and the constitution of as many departments as there are Ministries.

What I have given is not a complete list. I have been trying to demonstrate to the best of my ability that what is urgently needed is a complete review of our whole administrative structure and a review of it in all the three aspects of the legislative, executive and judicial functions of the State.

Within the twelve minutes still available to me, I shall offer a few remarks on education I have patiently gathered together all the extracts relating to education and educational policy contained in the various Speeches from the Throne delivered from 1947 to 1958. For want of time I shall not quote all those extracts. A careful perusal of all those extracts would show that the conclusion cannot be avoided that neither the past Governments nor the present Government, except perhaps with the solitary exception of the present Minister of Education, have appreciated the value of education as an instrument for a nation to transform itself from what it is to what it hopes to be.

This is probably one of the causes of the disputes which the present Minister of Education continually seems to have with the Treasury. Perhaps, to the Treasury mind education is another kind of outdoor relief, poor relief or flood relief. The Treasury does not seem to realize that education is not just a social service function.

At this hour I elaborate on this point of view. Let me content myself by reading a small extract from page XI of the Year Book of Education, 1956, which tersely sums up the kind of policy I should have liked to dwell on at some length. This is what it says:

“Education is a costly business for any country that takes it seriously - costly in money and in the intellectual resources of the country. In one form or another every government has to face the questions of the extent of the provision for education it would like to make and the extent it can afford to make. There is always a gap between the answers to the two, and then the further question arises of the ways and means whereby the limited resources available can be used to the best effect. It usually emerges that the scale of the provision for education as to make it a major item in the organization of national resources, and it has to stand in competition with economic development, social service and defence. The problem would be much simpler if it were possible to regard education as a national luxury and proceed to determine the extent of indulgence we can afford without regard to the forms of national activity.

It does not work out in this way, for it soon becomes apparent that the maintenance and development of the national effort in every direction ultimately depends upon education, whether in school or out of it. From this point of view education is the means by which a country organizes its human ability for the purposes of every form of national effort. You cannot have a due supply of engineers, doctors and administrators, or meet the personnel needs of industry and commerce unless you have good schools and institutions for higher education.

The problem, however, runs to a deeper level. The people of every country have their own private hopes for their national future. If these hopes are realized the tone of national life twenty-five of fifty years ahead will not be a mere reproduction of the present. Education, in all its manifold forms, is the instrument by which a nation transforms itself from what it is into what it hopes to be. Thus, the nature and intensity of the national effort for education provide a peculiarly reliable index of the national will for the future. A virile people with great hopes for the future will give active care to education; the first sign of national pessimism is a neglect of education.”

While on the subject of education, I should like to offer a few remarks on the topical and controversial subject of the future of assisted schools. I do not want to go into this problem at length. It is true that there are defects in the present system of assisted schools. It is also true that different countries have evolved their own systems of education. We may be able to categorize the various systems operating in the world today into four types.

There is the type operating in the United States of America which does not have our type of assisted schools but which has only public schools and private schools. There the question of the right of the parent to education means that a parent has the right to send his child to school at his own expense, whereas the problem we are confronted with is whether the parent has the right to receive a certain measure of assistance from the Government. That is one type.

Then there is the type found in the U.S.S.R. I speak subject to correction. In the U.S.S.R., I believe there is only one type of school, namely, the government school. I do not think in the U.S.S.R. there is any place for unaided or private schools.

Then there is the United Kingdom model. There they have a dual system of schools. There are state schools or schools run by local authorities on the one side, and a system of assisted schools and private schools on the other.

The fourth category is found in Scandinavian countries, particularly in Norway, where there is one Ministry for both Church and Education. In that country there is no distinction between government schools and denominational schools and that is probably because the country is inhabited predominantly by Protestants - I believe over 90 per cent of people there are Protestants.

The point I should like to stress is that when we are trying to plan education for Ceylon, it is necessary to remember that we have already inherited a system. It is nothing but correct for us to consider whether that system should be scrapped or reformed. There are, as usual two extreme views on this subject emanating from what one may term the “school for the *status quo*” and “the school for State

management.” The latter believes that the State should completely take over the schools or, to be more accurate, it does not envisage the existence of assisted schools. The former stands for preservation of the *status quo* without much change or with no change.

I was agreeably surprised when I came across these remarks made by Mr. P. de S. Kularatne, who is well known to all of us. He set out these proposals in a newspaper article in the *Sunday Observer* of 5th May, 1957: He said:

“There is no doubt that a denominational school well conducted and organised is the best school for a child of the same denomination.”

Unless he has since changed his mind, he is not for the State management of schools. Probably he thinks that the present denominational schools are well conducted and organised. Therefore the question is whether they cannot be well conducted and organised.

Two defects have been pointed out with regard to the assisted school system. The problem of the religious education of those who do not belong to the faith of the management is one of them. This is a very serious problem. After all, the justification for the existence of our assisted school system is the conviction that it is best that a child of a particular denomination should receive a religious training in the correct atmosphere of that denomination. For instance, Hindu or Buddhist children at Zahira College are certainly in a difficulty.

The other defect with regard to these assisted schools is the uneconomic employment of specialist teachers. There is already provision in the existing Code to prevent such types of uneconomic employment. Then there is the question of duplication and the difficulties of zoning, and so on.

These are not insuperable difficulties. There is power even now vested in the Department of Education which, of course, they do not seem to exercise satisfactorily. It is my conviction - and I would like to canvass the opinion of the honourable House - that there is room for improvement. What is needed is a comprehensive review by a competent commission or committee to see whether

these assisted schools, which we have inherited over the last so many years with their traditions and good points, could not be reformed to meet these valid objections. My conviction is that they can be reformed.

I would like to conclude by reading a memorandum that was prepared by a private group of individuals, of which I happened to be a member. I do not know whether it would be proper for me, at this stage, to mention the entire composition of this group, but it was representative of all denominations. This is the conclusion they arrived at. A spokesman of the group was hoping to meet the hon. Prime Minister and submit this memorandum but the emergency supervened. The memorandum has not yet received the final signatures. I am not in agreement with every single point of view expressed in the memorandum; I am quoting it because it shows that there is the possibility of a reasonable approach, a reasonable solution, that will meet the objections levelled by various groups against this system. The memorandum states:

“We urge the continuance of assisted schools along with State Schools and with certain modifications of the present system. We stress that the religious element in education is indispensable. The various religious denominations have emphasised that every child should have education in the atmosphere of his own denomination in addition to instruction in his own religion. We consider that religion as provided for in a government school would be inadequate compared to what would be possible in a denominational school.

It would help our thinking if we divide our considerations into (a) ultimate objectives (b) transitional arrangements. In respect of these we make the following suggestions:-

(a) Ultimate Objectives: (1) That provision be made for: (i) Government schools, (ii) Denominational schools with State assistance, (iii) Unaided schools. (2) Each denominational school with State assistance shall be run mainly for children of that denomination, and shall receive a grant in respect of children belonging to its own denomination only. Fees may be charged for other children in attendance as provided in (3) below (3) When the parent has the choice of sending his child to a school of his own denomination or to a Government school, but prefers to send the child to a school of another denomination, the school be permitted to charge fees. But where in the locality the parent has no school of his own denomination or a Government schools and is thereby compelled to send his child to a school of another denomination, the Government would pay a grant to the school in respect of such a child (4) Unaided schools be permitted to charge fees.

(b) Transitional Arrangements: (1) in order to avoid excessive dislocation when passing from the present to the ultimate position and in order not to prejudice the interest of children of other denominations now in various denominational schools, suitable transitional measures would have to be adopted. (2) That where a denomination is unable to open schools in an area for its children, the state be requested to open schools in that area. (3) The present provision for granting assistance to a school in respect of children other than those of the denomination of the management be continued in the interests of children already in school for such temporary periods as are necessary and agreed to by consultation between the Government and each school.

(4) The need for new denominational schools for children of that denomination should be recognised, the present restrictions regarding the opening of such new schools should be removed.”

So, there is a line of approach that meets the valid objections of those who are dissatisfied with the present assisted school system. I have no time to elaborate on the evils of having a hundred per cent State system especially in the realm of education, because I know that there are many hon. Senators waiting to follow me.

I thank you for the indulgence.

## STATE OF EMERGENCY

*28<sup>th</sup> October 1958*

**SENATOR A.M.A. AZEEZ:** Mr. President, I thought some Member of the Government would speak before me so that I may know for certain which precisely are the regulations that have been since repealed and which are the ones still in force. I have not had that benefit. However, on this important subject I wish to offer a few remarks and that, too, very briefly.

It was stated at one time that the emergency came 24 hours too late. So that, let me at the very outset say that I do not like the emergency to be lifted even 24 hours too early.

I agree with Senator Cooray that if the Public Security Ordinance is defective, it is the duty of the Government to bring forward an amending Bill as early as possible. But that is no justification for me to support the lifting of the emergency because there is the genuine fear that we may go back to the state that prevailed before the emergency. I would submit that this emergency, as you are aware, is intimately connected with the communal tension that prevailed, and as far as I am able to see as an ordinary citizen of the country, no serious efforts are being made by the Leaders - and leaders have a great say in a situation like this - to ease the communal tension. Instead of that, I find that as soon as the particular regulations prohibiting political meetings have been removed, speeches are being made on behalf of political parties, with the exception of the L.S.S.P., rousing the people once again, giving me the impression that democracy, in the interpretation that prevails today amongst a very large number of political leaders, is some kind of rabble-rousing device. If that is the kind of democracy that is going to be adopted, I say in all humility that I do not favour that form of democracy. I would prefer to have an efficient dictatorship to that kind of democracy.

**SENATOR COORAY:** Like in Pakistan.

**SENATOR AZEEZ:** That is the fear.

If I have the conviction that the hon. Senators who are very vociferous in their demand for lifting the emergency do not favour the Pakistan type of democracy; then of course I would be with them. But I have not that assurance and that is a sincerely held fear. So that, the alternative to the present emergency need not necessarily be a democracy of a peculiar definition, a kind of dictatorship.

I believe some of the regulations have been repealed. Some of the regulations have to be repealed early and the other defects referred to by Senator Cooray, namely, that in the present state of our legislation you cannot lift the emergency in certain particular areas, should be looked into.

It would therefore be premature to lift the emergency without an amending act. But the emergency has gone on for a good length of time and I would request that steps be taken by the Government to amend the Ordinance to suit the situation that we are confronted with today.

## EDUCATION REGULATIONS

*30<sup>th</sup> December 1958*

**SENATOR A.M.A. AZEEZ:** I should like to make a few observations on the regulations that are being presented before the House.

On 17th May, 1951, there was a circular issued by the Department of Education on the subject of these fees, which were chargeable under the education (Amendment) Act, No. 5 of 1951, when that circular was issued in 1951, many of the assisted schools, and particularly the Headmasters' Conference, felt that it contravened some of the undertakings that were given by the Government to assisted schools. On representations made the then Minister of Education referred the matter to the Central Advisory Council for Education, and that Council forwarded an interim report to the Minister of Education on 19th March, 1952. It is worth mentioning on this occasion that the kind of regulations now before the House was definitely envisaged in that interim report of the Central Advisory Council for Education.

That report was followed by the final report of the Central Advisory Council for Education, and it was discussed by the Council on 25th February, 1953. That no serious attention to this problem was being paid by the Ministry is clear from a communication dated 25th February, 1955, addressed by the Ceylon Headmasters' Conference to the Ministry of Education. With your leave, I propose to quote an extract from that communication which reads as follows:

“When H.W. Howes assumed duties as the Director of Education, many of the leading schools in Ceylon, including the several schools belonging to the Ceylon Headmasters' Conference, were outside the free scheme of the Government and were not willing to join the scheme unless the Basic Grants of the Maintenance and Equipment Grant were substantially increased. Even those schools which at that time had already joined the free scheme pointed

out that unless drastic modifications were made in the scheme which would substantially increase the amount of financial assistance received from the Government, they would be compelled either to close down or become independent.

Several discussions and Conferences took place where Dr. Howes explained his tentative proposals before the White Paper on Education was finally published; and at the last Conference that was held both the Prime Minister (The Rt. Hon. D.S. Senanayake) and the Minister of Education (The Honourable Mr. E.A. Nugawela) participated. On this occasion several were devoted to the discussion of the Government aid. On the one hand, it was pointed out that the finances of the Government did not permit any enhancement of the Basic Grant of the Maintenance and Equipment Grant and, on the other hand, that the schools could not join the free scheme unless such enhancement was made possible. After several alternatives were considered, it was expressly stated that the schools would be allowed the discretion of spending the Facilities and Services Fee for all legitimate school purposes, and with this end in view the term 'games fee' was changed to 'Facilities and Services Fee'.

When the Departmental Circular of May 17, 1951, in regard to the Facilities and Services Fee was brought to the notice of the Ceylon Headmasters' Conference, it was found that the circular contravened the undertaking indicated above, as a result of which many schools entered the free scheme. Representations were therefore made to the then Acting Minister of Education, The Honourable Mr. K. Kanagaratnam and later to The Honourable Mr. E.A. Nugawela, the Minister of Education. The latter appreciated our difficulties and therefore referred the matter to the Central Advisory Council on Education for advice on all aspects of the problem, and in the meantime the circular referred to above was not enforced."

For a long time this question remained unsettled, and the first circular that was issued, as far as I am aware, after the new Government came into power was dated 23rd March, 1957, which considerably modified the original circular of 1951. This circular was supplemented by another circular of 12th September, 1957, which allowed, pending the framing of regulations, the use of these fees for any *bona fide* educational purposes other than purchase of land and erections of building. This was followed by the present Minister of Education with conferences with representatives of assisted schools, and the necessary legislation was framed. That legislation was presented in this House on 30th October, 1958. We are now called upon to approve the regulations that have been framed under that Amending Act.

By the recital of these facts, I believe I have made it clear that this question has been a long-standing, much-discussed and somewhat difficult one. These facts would also have indicated that this problem has been left unsolved since 2nd March, 1951 - that is for nearly seven and a half years - and the proposed regulations are to be welcomed for the reason that the problem is being solved to the satisfaction of the principals and class-masters concerned. It will also be observed from a perusal of some of the clauses in these regulations that the problem has been solved to the satisfaction of the parents and pupils as well. I believe that the regulations which are to be approved now put the whole question on a legal and sound footing, and that it will be possible to prevent victimization by some teachers and principals, as well as exploitation by some parents and, perhaps, by some pupils too. I hope these regulations will enable pupils attending the various assisted schools to enjoy the benefits of the curricular co-curricular and extra-activities essentially needed in their education.

I would like to take this opportunity of saying that these regulations redound to the credit of the Present Minister of Education, and that the thanks of all those connected with assisted schools are due to him. I am sure I am reflecting not only my personal view but also the views of the Ceylon Headmasters' Conference, and also those of the All-Ceylon Union of the Teachers and of the assisted schools in general, that we should be grateful to the present Minister of Education in that, at last, we have some regulations that are statutorily valid which will prevent some heads of assisted schools from being inconvenienced by Education Officers who have, in the past, been interpreting circulars in different ways in different centres. For these reasons, I wholeheartedly support these regulations.

## THE RESEARCH (AMENDMENT) BILL COMMITTEE

*13<sup>th</sup> January 1959*

**SENATOR KANNANGARA:** I think all the three Ordinances in regard to the Tea, Rubber, and Coconut Research Institutes have been amended to provide for this power. Perhaps Senator Cooray is referring the Ordinance relating to the C.W.E. Corporation or some other corporation that has been recently constituted where provision has been inserted to the effect that the Treasury shall be consulted before any remuneration is fixed by the board. In the case of the Ordinances relating to the Tea, Rubber and Coconut Research Institutes, which were passed many years ago, there is no such provision. I believe the Government felt that the members of the board could be depended on to do the right thing.

**SENATOR A.M.A. AZEEZ:** The last observation made by Senator Kanangara makes the position somewhat confusing to me, because if this board was constituted under an old Ordinance, this is the time and the opportunity to make the necessary amendment. All I have heard stated here is that the members of the board are very honourable men. I do not think that was precisely the point raised by Senator Cooray. If there was a Cabinet decision, as the Hon. Minister of Nationalized Services and Road Transport stated just now, that as a rule all these allowances should be subject to the concurrence of the Treasury, the simplest thing would be to implement that Government decision on this occasion and on all future occasions. So that, the Government will not need to satisfy us that the members they have appointed are a group of careful men and good financiers. That is no guarantee that this procedure will be followed on this occasion and on all future occasions.

## CEYLON CONSTITUTION (AMENDMENT) BILL COMMITTEE

*3<sup>rd</sup> February 1959*

**SENATOR A.M.A. AZEEZ:** Mr. President, I have been listening very carefully to the observations made by Senator Cooray with regard to certain provisions in the present Constitution which, he pointed out, would lead to grave difficulties under certain circumstances. But I am not quite sure whether it is on this occasion, when we are amending particular sections of the Constitution essentially for the purpose of appointing a Delimitation Commission, that these amendments indicated by Senator Cooray should be taken up or whether it would not be more proper and more opportune for these amendments to come up in the form of an entirely new amending Bill for that particular purpose.

I also understood - I speak subject to correction - that this particular point of view did not receive the specific consideration of the Joint Select Committee that has been appointed and I gained the impression that, because the Joint Select Committee did not specifically address itself to this question, it is suggested that this honourable House should not shirk its responsibility. I personally do not share that view because, after all, the Joint Select Committee was appointed with the task of revising the Constitution not only in regard to these aspects, which have just come up before us in the form of this Bill, but also in regard to all aspects. I do not have the exact text of the terms of the reference of Joint Select Committee but I do remember that the last portion of it gave very wide powers to the Committee. Therefore, I hope I shall be enlightened by fellow Senators who will follow me as to whether the points that have been urged by Senator Cooray should not receive careful consideration with proper legal advice - when I say "proper legal advice" I do not mean that any improper advice has been tendered out of kindness to the lay Members of this House but that there should be due consultation with proper authorities, because already from the interruptions I heard I gained the impression-I may be wrong or right that-there is a difference of opinion among legal experts in regard to this matter.

## PUBLIC SECURITY (AMENDMENT) BILL COMMITTEE

10<sup>th</sup> March 1959

**SENATOR A.M.A. AZEEZ:** I believe we are on Item 6?

**THE PRESIDENT:** Yes.

**SENATOR A.M.A. AZEEZ:** I wish to make a few observations on this motion.

In terms of the memorandum issued to us along with the draft regulations, it is clear that in the calculation of special posts the number is limited to one for an average attendance of every 150 eligible pupils or part thereof and not less than 75 pupils in the post primary classes. According to foot note (b) to Appendix "A" of the Code of Regulations referred to, the total number of such posts shall not exceed four. So that, the present position is that whether a school has an average attendance of 525, or 1,000 or 1,500 the maximum number of posts is four, which, I submit, is not quite satisfactory. Therefore, I would suggest that when the revision of the Code is taken up - and from certain newspaper paragraphs I gather the impression that revision is being taken up - the whole position be reviewed, so that the number of posts will be in accordance with the average attendance in each school. In conclusion, I should like to say that with the Free Education Scheme of the Government the number of pupils in the junior section is on the increase.

**SENATOR A.M.A. AZEEZ:** In my approach to the Bill and the analysis of it, I cannot escape the events of May and June last year. I know it has been said by some that there is no necessity for the continuation of this present emergency. In fact, only the other day, on March 3rd, the proclamation continuing the emergency was read out here for the ninth or tenth time. The events of May and June are still

fresh in our memory and deeply and sincerely feel that communal tension has not eased. I know that some persons are very sincerely arguing that communal tension has eased and that this Government is trying to continue this emergency for the very good reason of perpetuating their own powers. I sincerely hold a different view that communal tension has not eased. In this connection I would like to read a short passage from a Tamil paper published in Jaffna, a Paper which as far as I am aware is not affiliated with any particular political party. I think it is a new paper that has been started It is called "ஈழநாடு".

**THE PRESIDENT:** What is that paper called?

**SENATOR A.M.A. AZEEZ:** *Eeela nadu* I think, if it is translated correctly, it means Ceylon.

**THE PRESIDENT:** I wish hon. Senators would hand over to the Clerk extracts or books that they quote or read from, so that they may be given to the Reporters.

**SENATOR A.M.A. AZEEZ:** I shall do that after I finishing reading it.

தமிழ் பேசும் மக்களின் கவலை

நமது அரசியல் நிபுணர்

வருகிற மார்ச் மாதம் 3ந் திகதி செவ்வாய்க்கிழமையன்று ஒரு நாள் அடையாள வேலை நிறுத்தம் அமைதியாக முடியுமா? அல்லது அன்றும் அதைத் தொடர்ந்தும் கலவரங்களும் காடைத்தனங்களும் ஏற்படுமா? இந்த அச்சம் சிறப்பாக இங்கு தமிழ் பேசும் மக்களிடையும் இந்திய வம்சாவழியினரிடையும் நிலவுகின்றது.

நாட்டில் அரசியற் கிளர்ச்சிகளோ அல்லது தொழிற்சங்கக் கிளர்ச்சிகளோ எவை நடந்தாலும் அந்தச் சந்தர்ப்பத்தைச் சில காதையர்கள் பயன்படுத்திக் கொண்டு சில பகுதிகளில் தமிழ் பேசும் மக்களை தாக்குவது என்பது "அப்பே ஆண்டுவா" கோஷம் கிளப்பியதிலிருந்து சகஜமாகிவிட்டது. வடக்கு, கிழக்கு மாகாணங்களைத் தவிர மற்ற இடங்களில் வசிக்கும் தமிழ் பேசும் மக்கள், எந்தச் சமயம் யார் தாக்குவார்களோ என்ற பயத்துடனே நிம்மதியற்ற வாழ்வு வாழ்ந்து, நாளை ஒவ்வொன்றாக ஓட்டி வருகிறார்கள்.

சென்ற மே மாதத்திலிருந்து அவசர நெருக்கடி உத்தரவை அரசாங்கம் நீடித்து வருவதால்தான் தாங்கள் உயிருக்கு ஆபத்தின்று இப்பகுதிகளிலிருந்து வெளியில் நடமாட முடிகிறது என்றும், நெருக்கடி உத்தரவை அகற்றிவிட்டால், வகுப்பு வெறியர்களுக்குத் தாங்கள் பலியாக நேரிடுமென்றும் அவர்களிடையே பீதி சரியாகவோ, தவறாகவோ இருப்பது பகிரங்க ரகசியம்.”-

To be brief, the passages could be summarised thus. “The Tamil speaking peoples in many parts of Ceylon are living in dread of being attacked at any time by rowdies and such persons, and if they are able to live without fear of losing their lives it is on account of the proclamation of emergency being continued.” However differently some hon. Senators may argue, I do not think any one should ignore those sentiments. They say that if the emergency were to be lifted they would become victims of rowdyism. That is a fear entertained by them, rightly or wrongly. That paper was published on 28th February, 1959, almost on the eve of the token strike. I do not want to read another letter written by Mr. V. Veerasingam which appeared in the *Times of Ceylon* of 27th February, 1959. I believe he was the former M.P. for Vaddukodai. He says that there is communal tension and no worthwhile effort is being made by anybody to see that this tension is removed. In the last paragraph he says that religious heads should start a campaign for the re-education of our people and bring peace and unity to the land on the basis of morals common to all religions. It is a pity that all our leaders, irrespective of their political parties, are paying insufficient attention to this important aspect.

Therefore the operation of the Public Security Ordinance is necessary in the present context of this communal tension. I would even go further and say that although Muslims had fortunately not figured in any communal clashes on the last occasion - I do not want to go into details here - I have a fear that tension is growing in certain areas and I would not be surprised if there is some conflict between the Muslims and others in certain parts of the Island. So that, whatever the causes may be, I cannot escape from this position as a Muslim citizen of Ceylon. Therefore I have to satisfy myself, as a member of our community, whether we can live with freedom from fear, which is as important as the freedom from want and other freedoms.

I have already stated why at present the Public Security Ordinance is very necessary. I have always been taking up the position in this honourable House that this emergency should not be lifted 24 hours too early, just as it came 24 hours too late. The position of the Government was that it cannot lift this emergency because if something were to happen in some part of the Island it will have to go back to the cumbersome procedure of proclamations operating throughout the Island and other procedure connected with it. So that, my first inclination is that I feel that there should be some kind of Public Security Act before the emergency can be lifted. I have been travelling abroad recently. People abroad seem to be under the impression that we, in Ceylon, are at present almost living in, a sort, of concentration camp because they have heard that Ceylon has been continuing under a state of emergency for the last nine or ten months. Some of them are even under the impression that we are still having a curfew.

Those who spoke on behalf of the Government said that Government would lift the emergency when it was satisfied that it could have some other provisions instead. At that time we did not know what kind of amendment was being proposed. But we have now before us the amendments in the form of a Bill. Therefore, in analysing this Bill, one has to take into consideration the communal tension that prevails, about which I am not happy. I am most unhappy that no serious effort is being made to ease this tension by any of our political leaders. I say that not a single one of them is taking any serious step to do so, and in the present position it would be dangerous to expose our country to another fateful event such as that which occurred recently, because already the progress of Ceylon has been set back several years; and if there is another occasion for such riots, then anything might happen. I sometimes used to wonder whether we should not suddenly find ourselves under a dictatorship in a situation of that type, with mass killing and rioting all over Ceylon, with the civil Government breaking down, with martial law of soldiers rule coming into operation, and thereby making the Constitution disappear. That is as much a possibility as some Prime Minister or Governor-General abusing the powers he may be vested with to create conditions favourable to his dictatorship. That is the sort of situation we are faced with.

I was listening very carefully to the exposition of the Bill by the hon. Leader and the answer given him by the hon. Leader of the Opposition. The hon. Leader said that this Bill gives the Government no more powers than the original Ordinance, that it merely makes administration less cumbersome. That was, more or less, the tenor of his speech. The hon. Leader of the Opposition - I took down some notes - said that this Bill is unnecessary because all the necessary powers are there, that it is not an amending Bill but a new Bill and that the person who issues orders should be a person outside politics, such as the Governor-General. Well, if it is unnecessary, it is a superfluous Bill, and there is no need for such a lot of controversy over it. Evidently, there must be some new features in it; otherwise, there would not be such controversy over it in the country. But I do not subscribe to the view that the provisions of the Criminal Procedure Code or the Penal Code are sufficient to cope with the kind of situation that has arisen. We have seen that these provisions were not satisfactory during May and June.

I am not prepared to tell the Government that it has the necessary provisions and that it must use them when it says that it is not satisfied with the present provisions and asks for additional powers. If it is not injuring democracy, or if it is not going to be the first step towards a dictatorship, I, as a citizen of this country belonging to a minority community, am not prepared to take a risk and tell the Government that it already has sufficient powers and that I refuse to give it the additional powers that are sought for the purpose of protecting the people, the minorities, and preventing the creation of a dictatorship or an atmosphere by which a dictatorship will be created, wittingly or unwittingly. When the Government feels that the police are unable to cope with a particular situation, the Prime Minister may probably think he should have the power to summon the military to assist the police. Therefore, it is too much of a risk for me to tell the Prime Minister that the present provisions are quite satisfactory and ask the Government to look after us, protect us and allow us the enjoyment of freedom from fear. That is not a position one could reasonably take when the situation in this country at the present moment is such.

I also know that there is a Joint Select Committee of both Houses of Parliament sitting to revise the Constitution. Instead of revising the Constitution,

we are getting *ad hoc* Bills one after another. I think it is the task of that Committee to find out what sort of public security provisions should be embodied in the Constitution, which I presume, will provide for a President whose powers must be different from those of the Governor-General. I believe inherent powers will be granted to the President by the Constitution, quite different from the kind of position the present Governor-General occupies as Her Majesty's Representative.

So that, in one sense, I regard the present Bill as a kind of interim measure to cope with the very unfortunate situation that has arisen in the country, a measure to lift the emergency and to consider later some kind of permanent provisions to be written into the Constitution. In that context, I should like to analyse these provisions. In fact, Senator Jayawardena, who preceded me, had a few misgivings with regard to the position of the Prime Minister in Part III of the Bill and asked why the name of the Governor-General should not have been inserted there. I was thinking of the same problem myself. I believe the hon. Leader of the Opposition said that on one occasion - I speak subject to correction - Sir Alan Rose wanted to satisfy himself that there was a state of emergency before he accepted the Prime Minister's recommendation.

**THE PRESIDENT:** I am not sure whether he said that.

**SENATOR AZEEZ:** A curious situation may arise. We will take a hypothetical case. If the Governor-General is going to have a discretion apart from the Prime Minister, in the first place - I am not sure, I am not a lawyer - there is provision in the Constitution that "all powers, authorities and functions vested in Her Majesty or the Governor General shall, subject to the provisions 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 Her Majesty." The tragedy is that the provisions and functions are there, but the situation here is entirely different from that in the United Kingdom. However, if the Governor-General were to exercise a discretion and disagree with the Prime Minister, what control would Parliament have? The Prime Minister would say, "I

recommended this course of action but it was not accepted.”

**SENATOR U.B. WANNINAYAKE:** Then, it must change the First Part also.

**SENATOR AZEEZ:** Personally, I would like it changed. We have copied a series of conventions from the British Parliament. The monarchy has certain roots in that country. In our context, I would much prefer that it should be the Prime Minister. After all, if he is a democratic Prime Minister, he can be called to order, and as “crossings” take place he will find himself without a majority if he abuses his powers.

I am not very much worried about this provision. Certainly, I would not mind it mentioning the Prime Minister. Already the U.N.P. journal has a long editorial with regard to the manner in which the Governor-General is exercising his functions. All that would not arise if the words “Prime Minister” are inserted. According to Senator Wanninayake’s line of argument, the Governor-General can become a dictator if he were to have discretion and all these powers; it is also so with regard to the Prime Minister. Fortunately or unfortunately, no powers are vested in this House, but I think in the other place they have very satisfactory powers to curb the Prime Minister, to ask him to explain why a particular order was made, and if there is any abuse. In regard to every piece of legislation there is possibility of abuse. One has only to read the HANSARD of this House and the other place to see the number of abuses regarding which there is agitation in this country. Merely having legislation does not mean that there is either abuse or no abuse. I do not think in the present context one should judge a piece of legislation on the theory that there will be abuse. In fact, one journal made the hypothetical statement that the Royal-Thomian Match could be prevented by the Prime Minister because there would be anti-Government slogans used in connection with that event. But whether the Prime Minister who cares to go for re-election or, more than the Prime Minister, the members of his party who are hoping to seek re-election, will agree to such a thing is really in doubt.

After all, democracy can only be preserved by the will of the people. If the

people are not keen in having democracy, well democracy will disappear gradually or overnight. I sincerely believe in democracy and my fear is that in the event of Island wide rioting, the whole civil Government would crash and a military Government would step in. That is the fear I have. I have expressed that fear in personal conversations, and I still do not rule out such a possibility. Therefore, any legislation that will preserve law and order in this country, that will help this country to avoid the situation that it was faced with in May and June last year, provided there are sufficient safeguards to ensure that the Prime Minister would not become a dictator, or the Governor-General would not become a dictator, ought to be welcomed as long as communal tension exists.

I started my remarks by saying that I cannot escape the May and June events and I still feel certain in my mind that this Bill cannot be dissociated from what has happened and is happening. It may be that one party is accusing the other of having brought about dissension and promoted tension. Looking at it as a spectator, I think that both parties have contributed their share to the present position. So that, the situation is that something has to be done not to have the emergency in the present form, the extension of which comes up month after month, but to allow some measure by which rioting, if it ever takes place again, would be localised.

One other point before I conclude. I am not a lawyer, but reading through the amending Bill I notice that in the case of a proclamation of emergency in connection with the Prime Minister’s orders, there should be circumstances endangering public security. How exactly subtle legal distinctions are, I do not know. To me, as a layman, it would appear that “a state of emergency” would be something much more serious than “endangering the public security.” Supposing there were to be a threat of rioting in a place, whether it can be called an emergency, I do not know; I personally doubt it.

So that, in the present context of things it is very necessary that there should be no recrudescence of rioting; no opportunity should be given to criminals and such like elements to have their way. We saw during the riots of May and June that the conflict was not so much between Sinhalese and Tamils, as between

peaceful citizens and criminals of I.R.Cs who wanted to loot; whether it was a Sinhalese boutique or Tamil or Muslim, it did not matter to them.

In view of the present circumstances obtaining in the country, I am in favour, in principle, of this amending Bill, and support it.

**THE PRESIDENT:** The sitting is suspended till 5 p.m.

## **PUBLIC SECURITY (AMENDMENT) BILL SECOND READING**

*11<sup>th</sup> March 1959*

**SENATOR A.M.A. AZEEZ:** The hon. Senator is definitely misinterpreting me. On a point of explanation. What I said was, "So long as communal tension was there." I did not say that it will exist for ever. It depends on the leaders of parties, as I mentioned yesterday - whether they pay sufficient attention to this aspect of the problem. And I accused all leaders of political parties for not taking sufficient care.

**SENATOR DE SOUZA:** Certainly, I would accept that correction; but he did not correct the main point I was making. Where I thought I had misunderstood him, I find I have not. In other words, under such circumstances as he outlined, where he fears that the state of tension is continuing, he is ready to accept any legislation being placed on the statute-book.

## **PUBLIC SECURITY (AMENDMENT) BILL COMMITTEE**

*12<sup>th</sup> March 1959*

**SENATOR A.M.A. AZEEZ:** Arising from the text that was quoted by Senator Kannangara, the entire context of which I am not aware, and, more than that, arising from the expression of views given by two lawyer Senators, namely, that our Constitution provides for a certain degree of discretion being vested in the Governor-General, various possibilities open themselves before me. For example, as Senator Kannangara said, the present Prime Minister would not abuse power. I would follow in his footsteps and say that the present Governor-General, too, may not abuse power. But just as there is the possibility of a dictatorial Prime Minister, I can envisage the possibility of a Governor-General who likes to act independently of the Prime Minister, in which case the constitutional development will take an entirely different shape. So, that possibility cannot be ruled out.

It has also been mentioned by me in this House that it is not possible, or desirable or reasonable for us to apply to Ceylon, without any modification, the practices and conventions under the British Constitution, for the simple reason that the two countries and their development are different. But more than that - I will finish my submission in a minute, Mr. Chairman - let us envisage the position if this amendment to new Section 12 (1) were to be passed, namely.

“Where circumstances endangering the public security in any area have arisen or are imminent and the Governor-General is of the opinion that the police are inadequate...”

The Prime Minister tenders his advice that in his opinion, at such-and-such a place the police are inadequate and that the assistance of the military should be obtained. If the Governor-General were to exercise his discretion, I should imagine that, from an administrative point of view, he has a source of information

independent of that of the Prime Minister, or that he has no faith in the Prime Minister's conclusions. So that, it leads to a good deal of complications.

More than that, the very fact that various expressions of opinion have been given with regard to the powers of the Governor-General, who I always thought was supposed to be a constitutional Governor-General, makes me think that it is very desirable to have the clause as it is.

**SENATOR THE HON. WIJESINGHE:** In that case, I think there will be no alternative but to frame a second *Magna Charta* on the banks of the Kelani Ganga!

## CEYLON PARLIAMENTARY ELECTIONS (Amendment) BILL SECOND READING

28<sup>th</sup> April 1959

**SENATOR A.M.A. AZEEZ:** I do not want to cast a silent vote on this Bill, particularly after the last two speeches I have been listening to. Of course, I cannot claim that degree of experience which the hon. Senator who just preceded me claimed. He felt that the civics taught in various schools amount to almost nothing.

**SENATOR KANNANGARA:** Zahira College excepted.

**SENATOR AZEEZ:** I might say civics taught at Zahira College and elsewhere, combined with the Scout Movement.

This particular question has been canvassed in the country and I must say it has been exercising my own mind, especially as it has relevance to my sphere of work. I personally feel that some kind of politics has to enter into our schools, and things will remain so whether boys and girls of 18 years of age have the right to vote or not.

When we investigate family disputes we might argue that the wife should not be granted the vote but that only the husband should enjoy it, because it is possible that the wife will vote for one party and the husband for another party, thus creating disharmony between husband and wife. In fact, I believe in Switzerland till quite recently they thought it fit that females should not have the right to vote. Therefore, as I have often said on the floor of this House, let us not be guided too much by precedents and parallels.

As far as Muslim law is concerned, there is absolutely no sanctity attached to the age of 21 years. In fact, I have just been reading a judgment of Justice

Gratiaen in the New Law Reports (Vol. L-1948, pages 102 *et seq*) in which he has analysed this position. As far as Muslim law and Muslims are concerned, there is no sanctity attached to the age of 21. Therefore, we have to consider this position from an entirely different angle, and as was pointed out by the hon. Leader, generally a person of 18 years of age who has the opportunity of having his name registered in the electoral registers gets the chance, in normal circumstances, of voting when he is about 20 years; so that, if he is going to be registered at 21 he will, for all intents and purposes, vote at the age of 23, I am not prepared to subscribe to the view that this group of voters is going to make a great difference in the total number of votes cast.

In this connection I would crave your indulgence to read a brief extract from the *Hindu Organ* of 27th March, 1959; it appears as part of the prize day report of the Jaffna Hindu College:

“The decision of the Government to give the franchise to those over 18 has been frowned upon in many quarters. The reason generally given against the move is that the granting of the right to vote of this age-group will introduce politics into the school. What is overlooked in this is that politics has already entered our schools. With the teaching of Civics, Government, Social Studies and Current Affairs, it would be surprising if politics could be kept out of the school. If politics may be defined as an intelligent interest in the affairs, it is a welcome change, but if politics is some form of wrangling for place and power, the teenage vote must be condemned. I am glad to say, however, that the politics that we find in our schools is of the better kind and there need be no misgivings that the 18-year olds are going to upset our apple cart. If I may express a personal opinion, I would say that, by the enfranchisement of many of our higher class students, elections and politics stand to benefit greatly. The extension of the franchise to a fairly educated and youthful section of our population basically unselfish and as yet untainted by corrupt practices, will, to some extent, purify and cleanse our politics of much that is now mean, narrow and unwholesome.”

With the little experience I have of this age-group, I am in entire agreement with the concluding paragraph of the report I have read out that these youths are much more sensible and that they are less partisan. They are not led by caste and communal cries or by religious slogans. This is my humble view and I do not want to cast a silent vote on this contentious portion of the Bill. I thought the hon. Leader of the House said that this was a unanimous recommendation of the

Select Committee; I do not know. However I feel that the addition of this age-group will in no way bring a bad influence because this is the age-group from which we draw our prefects and our student council members, and those who hold office in various associations are generally from this age-group. It is also not correct to assume that in every school in the Island there are large numbers of boys and girls between the ages of 18 and 21. In schools there is only a small proportion of this age-group because normally the S.S.C. examination is taken at the age of 16 and 17. In the normal course of events, it is the H.S.C. students who are in that age-group. I have read a certain suggestion in the Press, that the vote should be given to this age-group but that those in schools should be excluded. I do not think it practicable to give effect to that suggestion.

With regard to the appointment of a Commissioner of Elections by the Governor-General, I believe there is some discretion vested with regard to the age. I hope to ask for clarification during the Committee stage as to the exact meaning of that phrase. What is the position of a Commissioner of Elections who reaches the age of 55? Is his term to be extended at the discretion of the Governor-General or of some other body? That aspect is worth examination because the Commissioner of Elections should not only be free but should also appear to be free from prejudice and partiality. We have seen, and we have heard it said, that when an officer's term of service can be extended or is liable to extension, he is not believed to be as independent as when the age is set down once and for all. I have not had time to refer to the corresponding provision with regard to members of the Public Service Commission or of the Judicial Service Commission. I hope to seek clarification on that aspect in the Committee stage.

Another welcome feature in this Bill is the provision for identity cards. I am sure this is definitely going to diminish impersonation. I hope that this is the first step towards the introduction of compulsory voting, which too is not practised all over the world. Some countries have tried it successfully and I hope that the introduction of identity cards will remove the argument that compulsory voting cannot be easily administered or practised. I therefore fully hope that this is the first step towards compulsory voting which will enable and enforce all citizens to participate in the election of their masters.

As there may be others who wish to follow me I shall conclude my remarks.  
I thank you, Mr. President, for this indulgence.

## **INCOME TAX (Amendment) BILL SECOND READING**

*13<sup>th</sup> May 1959*

**SENATOR A.M.A. AZEEZ:** I shall not take many minutes, Mr. President. I did not intend to speak but in view of the remarks made by Senator Kannangara, I wish to offer a few comments.

Senator Kannangara said that this country was moving towards democratic socialism. I am reminded of Sir William Harcourt, who, on one occasion said in the House of Commons: "We are all socialists now".

**SENATOR WICKRAMANAYAKE:** We are also social democrats.

**SENATOR AZEEZ:** We are, all of us, democratic socialists in the sense that Harcourt was a socialist; and that is the point I am coming to.

**THE PRESIDENT:** Is there any insinuation behind that? If there is any insinuation, I will not allow it.

**SENATOR AZEEZ:** There is no insinuation. It is an explanation. I am merely trying to define what I mean by "democratic socialism". It is not my definition; it is the definition of a well-known socialist, namely, Douglas Jay. If by democratic socialism we mean running social services of the State in the way that a good estate is administered, then that is not democratic socialism as Douglas Jay conceives it; and I agree with him. In the principle of democratic socialism is enshrined social equality. Douglas Jay states at page 194 of his book *The Socialist Case*:

"The abolition of unearned incomes and the consequent social ownership of property must be the centre and heart of socialism. The traditional socialist belief that unearned incomes

are the main removable cause of poverty and inequality is supremely important and supremely true."

So that, if you want to raise the standard of living of the people, if you are thinking in terms of social equality, unearned income is something to be abolished. The hon. Leader of the Opposition - he will correct me if I am wrong - gave me the impression that it is most unjustifiable on the part of the State to take away money which belongs to a person. That, as I conceive it-

**THE PRESIDENT:** How did the hon. Senator get that impression? I did not get that impression from Senator Wikramanayake's remarks.

**SENATOR WICKRAMANAYAKE:** I do not think any such impression was given.

**SENATOR AZEEZ:** I am sorry if I am wrong; that is why I said I spoke subject to correction.

Socialist equality is an essential ingredient of democratic socialism, without which it cannot develop. We must have an entirely different approach to what has prevailed under the previous taxation structure of this country. Therefore, I am very happy that during the course of the debate or towards the conclusion of today's proceedings, the very principle has been canvassed and debated.

I will complete the quotation:

"If we are to have the substance and not the shadow, it is not the ownership of the means of production as such but ownership of large inherited incomes which ought to be eliminated. If we are to have the substance and not the shadow, therefore we must define socialism as the abolition of private unearned or inherited incomes rather than of the private ownership of the means of production."

This is a portion of my own speech in the debate on the Address of Thanks: I did not want to repeat it but you will pardon me for having repeated it. It is apposite to the remarks that have been made.

If we are to go in the direction of democratic socialism, we should get these Bills passed. Perhaps we have just turned our face towards democratic socialism and we must advance quickly. I do not agree that we must first have a national plan and then collect the money and proceed to implement it. I would rather say that we must first have a goal in view, that is, the abolition of social inequalities by democratic means. That is the only difference, I suppose, between communities and socialists. Till that position is clarified, till we have a clear grasp of that, a discussion of principles would look somewhat inappropriate and even misleading.

## NO CONFIDENCE IN GOVERNMENT

*2<sup>nd</sup> December 1959*

**SENATOR COORAY:** moved “That this House is of opinion that in as much as this Government does not command the confidence of the majority of the elected representatives of the people, it has no right to continue in office and should resign forthwith.”

**SENATOR DE SOUZA:** Seconded .

**SENATOR A.M.A.AZEEZ:** I would have been rather diffident to intervene in this debate, especially at this stage when so many legal arguments have been advanced by one of our constitutional pundits, namely the hon. Leader of the Opposition. But his own remarks on the Floor of this House some years back-on 11th September, 1956 to be precise-emboldens me to address myself specifically to the question he has canvassed. This is what he said:

“ I do not claim legal infallibility or any other kind of infallibility, I merely expressed an opinion. As you know there would be no future for the legal profession unless members of that profession differed on these matters.”- [OFFICIAL REPORT, 11TH SEPTEMBER, 1956; Vol. 10, c 981]

It is this particular remark that has helped me to summon a certain measure of courage.

**SENATOR COORAY:** I said that with reference to members of the legal profession, not laymen.

**SENATOR AZEEZ:** On that occasion, it was clearly proved that the legal opinion submitted by the hon. Senator was found to be, if I may say so, wrong.

**SENATOR COORAY:** That is a matter of opinion.

**SENATOR AZEEZ:** No doubt, it is a matter of opinion but that opinion has never been canvassed. It was said to be *ultra vires*, but we found it was not *ultra vires*. If necessary I can quote the categorical statements that were made. So, let us lay-members not be overawed by these expressions of legal opinion in the House, because it is said that legal opinions expressed in the House are of a different hue. I am only trying-let it not be misunderstood-to justify myself in making some remarks which have something to do with legal interpretation.

In the first place, the hon. Leader of the Opposition prefaced his remarks by saying that he raised a specific and straightforward issue, and I have decided to intervene in this debate because of that. In other words, we are asked to address ourselves specifically to this issue: There are six Appointed Members in the other place. Have they the right to vote? Are they there on sufferance, or are they there to express an opinion only in relation to certain matters and not others? I am not so much concerned here with the defeat or victory of the Government as such, I feel there is something more important in this motion, namely, the status of that entire group of Appointed Members.

Then, the hon. Leader of the Opposition raised both the legal and moral issues, but he confined his attention to the legal aspect rather than to the moral aspect. I do not propose to deal with the moral aspect, because it was Bernard Shaw who said, "No two consciences are the same." The hon. Leader of the Opposition did not address himself specifically to the moral aspect, nor do I propose to do so because I would like to submit that, as far as the legal issue is concerned, there are certain, if I may use the term, fallacies I noticed; and I have intervened at this stage hoping that some hon. Senators who will speak after me will be able to elucidate those aspects.

Firstly, the hon. Leader of the Opposition said that the executive is directly responsible to the legislature. That is admitted. But the issue now is: What is the Legislature? Is the legislature contemplated there inclusive of the six Appointed Members? Or are we envisaging a legislature where these six Appointed Members

are excluded? I do not think the issue is so plain as this. The executive is directly responsible to the legislature therefore, the legislature is composed of only those 95 Members and not the other six. I would submit that instead the Legislature would mean the entire Legislature, unless there is something specific stated to the contrary.

Then, the point was also made that we, the Members of the Senate, cannot pass an effective vote of censure, in the sense that the Government would not be required to tender its resignation because we are not elected representatives. But would it not be more accurate to say that we follow the conventions of the British Parliament, where the House of Lords has certain traditions? And because the Senate in certain respects follows the conventions of the House of Lords, a vote of censure here may have no such effective force as a vote of censure passed in the other place.

The other point raised was that, according to the Constitution, not exceeding six Members shall be appointed by the Governor-General immediately after the general election. That is correct, because the Prime Minister, who has the largest number of elected members in his party, has the right to tender advice to the Governor-General. But now the position is different. The six Appointed Members are already there. Is it your intention to deprive them of their votes, if you so choose? That is the issue. The issue is not whether you are going to appoint a new set of Appointed Members. Those members have been appointed for the full term of the House of Representatives. They are already appointed. Of course, just after the general election they were not there. There was a stage when there were no Appointed Members. But once they are appointed and Parliament has come into being, they have the right to vote.

I would now like to address myself to another aspect. I was trying so far to categorically answer some of the questions specifically raised by the hon. Leader of the Opposition. Let us remember that we cannot apply the British parliamentary conventions strictly to our Parliament, for the simple reason that the British parliament has no Appointed Members at all. Therefore, when we talk of conventions, we have to remember that in this matter we have no direct parallel,

so long as there are no Appointed Members in the British Parliament. Why are we having Appointed Members even though, in many respect, our Constitution follows the British form of the parliamentary government? Because in a plural society like Ceylon it was felt not only by the Soulbury Commissioners but also by the Ministers led by the late Rt. Hon. D.S. Senanayake that in the context of Ceylon, and for the conditions obtaining in Ceylon, the House of Representatives would not be complete without some Appointed Members. I should like to quote a short extract from the Soulbury Commission Report--

**SENATOR COORAY:** Hirelings and darlings of Queen's House!

**SENATOR AZEEZ:** Infact, the extract I am about to quote contains that phrase-

“We should like to have been able to dispense with nomination, but in view of the virtual impossibility of fitting the European or the Burgher communities into the electoral scheme of S.P. XIV, we think, that, as at present, the representation of these two communities should be secured by nomination. It was proposed by the representatives of the Burghers that they should have a special electoral roll and that the Island itself should be constituted a single constituency for a separate Burgher electorate. This was the position between 1923 and 1931. A similar proposal was put forward to us by the Europeans. Apparently this method of election is preferred to nomination, because we were told, the charge was constantly made against. Nominated Members that they were the “hirelings and darlings of Queen's House”, and the mouth- piece of the Governor who nominated them. We appreciate the feelings of the Nominated Members, though we cannot suppose that they take this charge very seriously. But this method of election would be unreservedly communal and, as already pointed out, we desire, so far as possible, to discourage a reversion to communal representation. A similar consideration applies to the representation of the Europeans. Moreover, as regards the Burghers, the considerable, though perhaps not insuperable, administrative difficulty in determining the composition of their electorate serves to reinforce our disinclination to recommend a separate electorate for them.”

Then in the very next paragraph they deal with the Muslims, Moors, and Malays. What I want to emphasize is that these Appointed members were not thrust upon Ceylon by an alien bureaucracy or colonial government. The principle of appointing them was debated and discussed and the Ministers' memorandum supported that principle. In fact their phraseology I think is repeated more or less verbatim in the Constitution. Article 17 of their Draft Constitution refers to this when it says-

“Where after any general election it appears to the Governor-General that any important interest in the Island is inadequately represented he may appoint to the Council such number of members, not exceeding six, as he may think fit.

So that, unlike in the British Parliament where there are no Appointed Members we have a number of Appointed Members because Parliament has to be representative of all sections of the people. And it was felt by the framers of the Constitution as well as the Ministers who were in power at the time that this was necessary. In fact, that was the accepted position. It was felt that the Parliament of Ceylon would not be completely and adequately representative without some form of representation being provided for unrepresented important interests or inadequately represented important interests. It is against this background that we have to view the responsibility of the Appointed Members. Therefore, I submit that the vituperative remarks of the Press about the manner in which the Appointed Members are exercising their votes should not take away from our minds the fact that-whatever their colour or creed and whatever power they may possess at the moment due to a confluence of fortuitous circumstances-their presence in Parliament is by virtue of the special provision in our Constitution which is there for a specific purpose. Of course, just at this time their votes and the way they exercise them has a special significance. If they are part of the legislature, and meant to be part thereof, and if it is felt that the legislature is not complete without them, then, are they to exercise their votes or are we to envisage a position where they are expected either morally or legally not to exercise their votes? Or is it that they should exercise their votes only on certain occasions? That is the Question that is implicit in the no Confidence motion that has been brought by the Leader of the Opposition. The position is simply this. The Appointed Members voted all these days but nobody questioned their right. It is only because their votes have some significant result that we are addressing our minds to this question. Is there a convention in our Parliament that these Appointed Members should not participate in the debate or that they should vote in a particular way in respect of particular legislation? There has never been such a convention that they should vote for or against the Government. On a previous occasion an Appointed Member, Mr. S.Vytilingam, made a statement about the position regarding Appointed Members. I have not got the reference to HANSARD but recently this was quoted

by the *Ceylon Daily News* in an editorial.

**THE PRESIDENT:** The hon. Senator is referring to a statement made by Mr. Vytilingam?

**SENATOR AZEEZ:** I have not got the reference to HANSARD but this appears in the *Ceylon Daily News* of 19th November in an editorial comment. The point that was made clear was that Appointed Members are not required to be with the Government Party and could exercise their discretion in the manner in which they vote. I remember reading recently in the papers a statement by the Prime Minister, the Hon. Dahanayake, where he stated that the Appointed Members are not bound to vote with the Government-[*Interruption*]-

**THE PRESIDENT:** Is the hon. Senator coming to a new point?

**SENATOR AZEEZ:** Yes, what I was saying was that Appointed Members could participate in the debates and vote irrespective of whether a particular Bill dealt with a particular interest which they represented. That practice has continued up to the present day. I am coming to a new point.

Sittings suspended and resumed.

**SENATOR AZEEZ:** Mr. President, in view of the limited time available. I shall be very brief. I was saying that when we try to introduce British Parliamentary conventions into Ceylon we should have due regard to the fact that those conventions cannot be dissociated from the history of this country and the character of its people. In the case of the Appointed Members of the House of Representatives we have really no precedence as far as the British Parliamentary system goes, because in the House of Commons there are no Appointed Members. Therefore, we cannot get help or guidance from the British conventions. And I have been trying to say that to interpret the word "legislature" to mean only the elected representatives in the House of Representatives will not be quite correct. That is my humble opinion. Therefore we come to the position that these six Appointed Members have been appointed by the Governor-General in terms of a particular article of our Constitution; and I have tried to show why that particular

article is there. If they have been appointed, they have been appointed as Members of Parliament. In their letters of appointment we do not find for what particular purpose they have been appointed, whether, it is to look after the interests of certain specified sections of the people or not.

Besides, the convention has been established since 1947 whereby they have been participating in all debates and voting on all matters debated in the other place. Therefore, to say that now their votes should not be counted or should have no effect, or that they should not have exercised their votes would be incorrect either legally or morally. I would emphasize that when they are appointed they are not appointed as European Members or Burgher Members or Muslim Members. The Member for Kalmunai participates in all debates, whether the particular motion debated relates or not to that part of the country. He represents the entire country. It does not mean that only the Members concerned directly with that area should exercise their votes.

As I said at the outset, I shall be brief, I would like in support of my position to say that once a person is appointed a Member he will not go as a European Member or Muslim Member or Burgher Member; he will go as a Member of Parliament. And I shall end my remarks by quoting a passage, a well-known passage from *Burke* in regard to the "Position of a Member of Parliament". It says:

"Parliament is not a congress of ambassadors from different and hostile interests; which interest each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not Member of Bristol, but he is a Member of Parliament."

In Ceylon, under our Constitution when a member is appointed he is not appointed as a Burgher Member, a European Member, or a Muslim Member. I do not see on what basis we can accept the argument that they cannot vote on no confidence motions and that their votes should have no effect on such occasions. Therefore, I am against this motion of censure.

## ADDRESS OF THANKS ON THE THRONE SPEECH

23<sup>rd</sup> August 1960

**SENATOR A.M.A. AZEEZ:** Mr. President, I shall not endeavour to give a comprehensive treatment of the Throne Speech as my predecessor has done. He dealt with practically every sentence and every clause of the Throne Speech. My time is limited and therefore I shall confine myself to a few issues that emerge from the Throne Speech.

I may at this stage mention that although I belong to this side of the House geographically I do not belong to it either spiritually or politically. Senator Dr. Peiris bemoaned the fact that in the Throne Speech and in the policies of the present Government there is very little of democracy and too much socialism. It is very strange that an answer to this accusation has been provided by the late Prime Minister, Mr. S.W.R.D. Bandaranaike.

**SENATOR Dr. PEIRIS:** I did not say that.

**THE PRESIDENT:** The hon. Senator can correct that impression if he thinks it is necessary to do so.

**SENATOR Dr. PEIRIS:** I merely said that the Throne Speech started on a buoyant note about democracy and ended on more or less the same note, but that Members of Parliament came out saying they had the impression that democracy was being ignored.

**SENATOR AZEEZ:** It was said that there should be more of democracy. Although a categorical statement was not made, the tenor of his whole speech was, as I understood it, that there should be more of democracy. But this definition of "democracy" is a very difficult matter. The late Mr. Bandaranaike himself has

given an answer. After all, he was the founder of the party and I feel it safer to quote him rather than make a statement myself. This is what he says. I am quoting from a publication *The Government and the People* which contains a collection of his speeches.

**THE PRESIDENT :** What page?

**SENATOR AZEEZ:** Page 86. This what he says:

"You will now understand why some people call this a dark age. It is certainly a dark age for certain types of capitalists and vested interests. You will also understand why some people to whom democracy only meant plutocracy bemoan the fact that our Government is not democratic in the sense they would like it to be."

As a matter of fact, the U.N.P., I believe, is also wedded to a policy of democratic socialism as is given in their manifesto of 1958 and confirmed later-

**SENATOR COORAY:** We are all socialist now, pale pink and so on!

**SENATOR AZEEZ:** The answer to Senator Cooray's interruption is again given by Mr. Bandaranaike:

"It would seem that Sir. John Kotelawala's Efficient Socialism has now become Mr. Dudley Senanayake's Democratic Socialism. But it still continues to be nothing more than the conservatism and capitalism which, in fact, have been the policy of the U.N.P all along. The only supporters of the U.N.P. have been in the past and will continue to be in the future the reactionary conservative capitalist elements of this country. "

**SENATOR COORAY:** He was also a Minister, a U.N.P. Minister.

**SENATOR AZEEZ:** Probably he tried, without success, to convert them and later - I suppose he anticipated others - left in good time and formed a good party which is today governing the country.

Senator Dr. Peiris spoke of a majority of votes. Well, I have not got any figures and speak subject to correction. I think that he said that 37 per cent polled for the U.N.P. and it may be assumed that 37 per cent were against

Mr. Bandaranaike's policies. As to exactly what percentage of the people of this country were in favour, you cannot precisely say. I can guess what it could be but I will not attempt to say that 63 per cent were for Mr. Bandaranaike's policies. All that we can say is that there were 37 per cent of the people who were definitely against Mr. Bandaranaike's policies. I for one do not see anything wrong in the term "a vast majority". Probably, they have not seen the analyses made in the press of these figures. All these figures have to be analysed rather closely. I shall not get on to that. The Hon. Leader of the Opposition particularly has always been deferential to British conventions and the fact remains that 75 Members of the S.L.F.P. were elected. We need not elaborate in these statistics at this stage.

As to what exactly this party represents, I should like at this stage to make a reference to Lord Soulbury who said on the eve of the General Election that he has great faith in the man in the paddy field. The man in the paddy field - in whom Lord Soulbury said he has great faith - has really given the answer, namely, that Ceylon is in favour of democratic socialism as propounded by the late Mr. Bandaranaike, and that democratic socialism has to be different from the kind of democracy that is prevalent in a capitalist system. As the late Mr. Bandaranaike himself stated:

"Democratic socialism would differ from democratic capitalism by the restriction of certain individual liberties that are really part of the capitalist system rather than of democracy."

So long as this Party is wedded to democratic socialism, there should be as much socialism in it as democracy."

There were comments made by the previous speaker with regard to the national youth service. In the amendment that was moved there is an indication that the national youth service and the policy adumbrated by the Government with regard to broadcasting - I shall quote the exact phrase-

"believe the pious profession of following a policy of democratic socialism, and show instead a definite step towards the setting up of a totalitarian state."

In the latter part of his speech, Senator Dr. Peris said that with regard to the national youth service, no scheme has been given, no details have been provided and that we cannot come to any conclusion. But in the amendment that he moved he has already come to the conclusion that this is a "definite step towards the setting up of a totalitarian state." I think one is somewhat incompatible with the other. Thus does he contradict himself.

There are countries which believe in a national youth service. I believe the Government of the late Mr. Bandaranaike was criticised that there was not much discipline and in fact promoted indiscipline. If it is going to be a national youth service which inculcates a certain measure of discipline in the youth of the country, with the necessary safeguards that are inevitable in a democratic set-up, I think it will be a blessing to the country. But I also agree with Senator Dr. Peiris that till the details are known, till the scheme is drawn up, we cannot come to any conclusion, although he has himself come to the definite conclusion - in his amendment - that it is tending towards totalitarianism.

The same remarks apply to the measures that are proposed to be adopted with regard to broadcasting. The Throne Speech says:

"The fullest use will be made of the broadcasting medium to supplement education as well as to intensify adult education,"

Is it the intention of the previous speaker that the broadcasting medium should be used more for entertainment and less for adult education?

**SENATOR Dr. PEIRIS:** No not at all.

**THE PRESIDENT:** I do not think the hon. Senator said that. I do not think the hon. Senator Azeez is correct there.

**SENATOR AZEEZ:** I am sorry. I would not pursue if the hon. Senator denies it. I withdraw it.

With regard to broadcasting, I think it is a step taken in the right direction if

emphasis is laid by the Government on adult education. Of course, if some of us were to desire that the voters should continue to be illiterate, that they should not be educated sufficiently to know the difference between the democratic socialism of the U.N.P and the democratic socialism of the S.L.F.P., that they should continue to be ignorant, then of a course it is not a wise thing. But if do not believe in that sort of thing, then certainly adult education should be highlighted, and adequate steps should be taken to make the maximum possible use of the broadcasting medium for that purpose.

Senator Dr. Peiris referred to the Throne Speech and said that there is nothing concrete in it, that everything is a case of “considering”, “thinking about”, “appointing a commission”, and so on. But it is rather interesting to read the Throne Speech of April 6, 1960. There, in every paragraph, it is stated that the “Government proposes to take early steps”, “it proposes to introduce legislation”, “it deploras”, “it will give early consideration, will take necessary steps, it will accelerate”, and so on. So that, I do not know whether this government was closely following the earlier Government. Personally, I do not think so. In the present Throne Speech there are more legislative measures proposed, more concrete suggestion made. than in any other Throne Speech I have listened to for the last eight years. I am not saying that it is the longest Speech because length is no criterion. But from the point of view of the number of legislative measures proposed definitely in concrete terms, this Throne Speech is superior to the previous ones. Therefore I do not agree with the previous speaker that there is too much of flabbiness in this Throne Speech.

With regard to the question of stateless Indians, Senator Dr. Peiris asked whether the settlement proposed would be such as to be satisfactory to Mr. Thondaman. He said that the Kandyans must be protected. He was hopeful that a good Kandyan leader would soon emerge in the country-

**SENATOR NADESAN:** Joan of Arc!

**SENATOR COORAY:** Kandyan Joan of Arc!

**SENATOR AZEEZ:** I do not know whether Senator Dr. Peiris' wishes will be fulfilled.

**SENATOR COORAY:** They have been already.

**SENATOR AZEEZ:** Senator Dr. Peiris did not accept that position. He was hopeful that a leader would emerge, whereas the Hon. Leader of the Opposition says the leader is there already.

**SENATOR COORAY:** Hope there will turn out to be a leader.

**SENATOR AZEEZ:** Now that the astrologer has failed, I do not know whether the people who are wishing something to happen are suffering under some bad star. I do not think so.

**SENATOR COORAY:** You certainly do not.

**SENATOR AZEEZ:** But the late Mr. Bandaranaike has said how the question can be settled. It cannot be settled either to the entire satisfaction of Mr. Thondaman or of the Kandyan leader Dr. Peiris envisages, it must be settled in this way - may be that one does not get 100 per cent, of what he wants here and another does not get 100 per cent, of what he wants there. But it is quite possible to solve the issue amicably without 100 per cent, of the expectations of the demands of one side or the other.

That reminds me of the promise made in the April Throne Speech about communal harmony. It was stated that that Throne Speech was superior because in it communal disharmony was deplored. It said:

“My Government deploras the estrangement that prevails between the two major communities in this Island and proposes to have early discussions with a view to improving communal harmony.”

**SENATOR Dr. PEIRIS:** What is wrong with that?

**SENATOR AZEEZ:** We have seen what kind of communal harmony was

envisaged in this speech. I am very happy that Senator Peiris has asked me that question categorically. There are various ways of bringing about communal harmony. One way is to publish maps. Here is a most colourful map which every student would like to have. There is applause from the hon. Leader of the Opposition.

**AN HON SENATOR:** That was the Caretaker Government.

**SENATOR COORAY:** See the number of factories which the U.N.P. put up in the Tamil-speaking areas.

**SENATOR AZEEZ:** It is a serious thing to me as a member of a minority community. It is not just a map or blotches of red. I would like to give you an English rendering of it; unfortunately, I cannot read Sinhalese fluently nor can I pretend to understand it.

**SENATOR COORAY:** You must know the official language!

**SENATOR AZEEZ:** Thank you very much.

**THE PRESIDENT :** I do not think you can state what it says unless you are going to read it.

**SENATOR AZEEZ:** Yes, I am going to read it. For the Tamil child, land-

**SENATOR COORAY:** I question the hon. Senator's ability to translate it.

**THE PRESIDENT :** If you are introducing it, you will have to read what is there; otherwise, you will have to give it to some other Senator.

**SENATOR NADESAN:** I do not think so. Supposing I have to read a Sinhalese script in the House, am I not entitled to get it translated into English and have it read?

**THE PRESIDENT :** I certainly will not allow a translation to be read. That is my Ruling. Please sit down. You can get your translation made, and according

to the translation before you, you can tell the House what you have before you without reading the translation.

**SENATOR AZEEZ:** This is very colourful and mischievous map and it was distributed by the thousand.

**SENATOR LAYARD JAYASUNDERA:** Is it possible for the Hon. Senator to get somebody else to read it?

**THE PRESIDENT :** I will not object to it, not at all, when your turn comes Senator Jayasundera.

**SENATOR AZEEZ:** This map was distributed by the thousand. Our school boys, unfortunately, due to the deficiencies of the school system, have no chance of obtaining such colourful maps. The maps the school boys use are very colourless. This is an official publication of the U.N.P. There is no doubt about it. And this is the kind of adult education that is imparted by certain parties! The section of the map which is coloured in red is supposed to be the Tamil Kingdom, and the section in pink is for the Indian Tamils. So that, there is nothing left to the poor Sinhalese, except the areas which will eventually go off from them. And the question posed before the Sinhalese voter - who, unfortunately for the U.N.P, has proved himself to be more literate, more politically conscious than those politicians themselves - in the appendix to the map was: "Don't you realize, my dear Sinhalese man, what is going to happen to the Sinhalese? All the lands belonging to the Sinhalese are going to be taken away by the Tamils. Therefore, you will have only the dumb sea, and that is what would happen to you." The Sinhalese voter was told that the Sinhalese will lose all these areas; that all the important Buddhist shrines will fall into the hands of the Tamils and that in their own land the Sinhalese will become a minority. This was the adult education imparted during the election campaign. And here is a cartoon showing the "adult education"-

**SENATOR DE SOUZA:** Is the hon. Senator expecting all that to go into HANSARD? He says, "This is this, and that is that".

**THE PRESIDENT:** I have been long in this House, and I cannot see how all that can go in to HANSARD - not that I am objecting to it.

**SENATOR AZEEZ:** The U.N.P. had distributed all these maps--

**SENATOR COORAY:** How does the hon. Senator know that they were distributed by the U.N.P.?

**SENATOR AZEEZ:** This map shows how the Sri Lankas Freedom Party is going to cut Ceylon into two portions; and here Mr. Chelvanayakam is going to accept one portion--

**SENATOR COORAY:** Is there any relevancy in what the hon. Senator says?

**SENATOR NADESAN:** It is very relevant. Why are they ashamed of it now?

**SENATOR AZEEZ:** When I spoke about communal harmony, the question was put to me: "What is wrong about it?" So I said the U.N.P. having promised that some step would be taken towards the promotion of communal harmony, did take some interesting steps and published a cartoon.

**SENATOR COORAY:** The hon. Senator is going on from one cartoon to another. We also can produce a number of cartoons.

**THE PRESIDENT:** Senator Azeez, I have already allowed you to comment on one cartoon, and you are going on to another. If every hon. Senator here start pulling out a cartoon and commenting thereon, I do not think there will be an end to it.

**SENATOR AZEEZ:** This particular cartoon, I may submit, has a relevancy. It is not just a cartoon, because the idea put across is that the S.L.F.P. is trying to cut away a portion of the country for a minority race. This cartoon has some relevance to the question of communal harmony. My submission that if parties or individuals are allowed to use propaganda of this type, unless the Minister for Broadcasting takes step to see that adult education improves, it is going to be a dangerous

thing in the future. I am not concerned with what the U.N.P. has done in the past, because I am now convinced that the Sinhalese voter has not taken all that propaganda seriously -

**THE PRESIDENT:** Let me remind the hon. Senator that all I am interested in is to see that there is order in this House. I allowed the hon. Senator to produce the map because it has been accepted that it is a U.N.P. map, but as regards this cartoon- [*Interruption*]. Yes, Senator Nadesan, can I hear you ? You were trying to say something ?

**SENATOR NADESAN:** No, Sir, I was not saying anything. I merely suggested to the hon. Senator that he should vouch for what he says.

**THE PRESIDENT:** What I am saying is, if I allow every hon. Senator to produce a cartoon, there will be no end to it.

**SENATOR NADESAN:** May I submit that even if hundreds or thousands of cartoons are produced by a Senator, as long as they are relevant, and if he is able to vouch for the fact that the cartoons he produces were published by a particular party, there can be no objection.

**THE PRESIDENT:** Well, if the hon. Senator still wants to go on with it, he may do so. I have no objection. But there will be no end to it.

**SENATOR AZEEZ:** This is a cartoon, published by the U.N.P. Apart from that, I do not want to go any further. Now, Mr. President, this communal harmony has to be re-established. And how can you do that? Not by holding round-table conferences and more round-table conferences but by fulfilling the promises that are embodied in the Throne Speech relating to freedom of religion, administrative fairness and justice to all irrespective of race or religion.

Therefore I would plead with you, Mr. President, and the hon. Senators that the unity of the nation is something that is all-important, and should transcend party affiliations and party propaganda. I hope and pray that we shall live in Ceylon where no party will exploit this type of communalism. If persons pretended

in 1956 to be better lovers of the Sinhalese language than the late Mr. Bandaranaike, if persons can pretend in 1960, that they are greater lovers of the Sinhalese race than the late Mr. Bandaranaike, I will not be surprised if in 1965-

**SENATOR SOUZA:** They will not be there!

**SENATOR AZEEZ:** I hope they will not be there. I will not be surprised if, in 1965, they pretend that they are greater lovers of Buddhism than the late Mr. Bandaranaike.

**THE PRESIDENT:** Is the hon. Senator going on to another point?

**SENATOR AZEEZ:** Yes.

**THE PRESIDENT:** The sitting is suspended for 30 minutes.

## **ADDRESS OF THANKS (Continuation)**

*23<sup>rd</sup> August 1960*

**SENATOR AZEEZ:** Mr. President, I now come to an entirely different subject, namely, the categorical proposals made in the Throne Speech with regard to the taking over of assisted schools. This is not a new problem. It is an old problem, and as far as I am aware, it was first canvassed by the Special Committee Report on Education published in 1943. Later, the Buddhist Commission dealt with the subject exhaustively. That I believe, was in 1956. This matter has been discussed quite thoroughly from that time onwards from all points of view.

I expressed myself somewhere in March, 1957, that the question of the future status of these assisted schools and the conditions under which they should be established or allowed to continue should be taken up; and that unless this problem was discussed dispassionately and in time, there was the danger of decisions being canvassed in the heat of political passion and on the eve of a general election. I also said that those of us who were well acquainted with the great contributions made by the assisted schools must heed the criticisms that were being levelled against them in order that the assisted school system may be preserved shorn of the evils complained of and proved. That was in 1957. Thereafter I was most anxious that an education commission should go into this matter, including the alternatives that were given publicity, namely, status quo versus state management of these schools. But unfortunately - for these assisted schools and for the country in my opinion - this question of the assisted schools was not settled by a commission but became an item in the various party programmes. For instance, the L.P.P. said that it was in favour of the status quo. The U.N.P. was in favour of State denominational schools and assisted denominational schools. The S.L.F.P. had one proposal in March and altered it later in May or June to the taking over of schools. As far as I see, the present position has to be viewed in the light of the

change that has come over as a result of the S.L.F.P coming into power with an overwhelming majority to carry out a categorical programme explicitly stated in its manifesto. We are now compelled to look at this question in the broader national perspective, and I find myself constrained to submit to the views as expressed by the general will of the country--as evidenced by the success of the S.L.F.P. and the promises contained in its manifesto.

So that, if the State is to take over these assisted schools, there are certain conditions which naturally follow. The Throne Speech says:

“My Government proposes, without discrimination on religious grounds, to introduce legislation to take over Assisted Grade III schools, including primary, postprimary and rural schools. Grade I and Grade II Assisted schools will be taken over subject to the privilege which will be allowed to such schools to remain without State-aid as private schools in conformity with the Education Code.”

What exactly is meant by “in conformity with the Education Code”? I am not sure whether it is the Education Code as it is, or the Education Code as it may be changed from time to time.

As far as the present Code goes, the relevant section of the Act lays down that unaided schools should conform effectively to the national interest and general educational policy of the Government, including the medium of instruction. Now, in the manifesto of the S.L.F.P. which I went through carefully, I find it has been stated.

“While the religion of the student will be a compulsory subject under the system we propose, there will be no bar to any of the denominational schools continuing without Government aid so long as they conform to rules laid down by Government.”

Now, there is no distinction in that between Grade I, Grade II and Grade III schools. Thus, it would follow, as far as I am able to see, that Grade III schools also should be given the privilege of running as private schools in conformity with the Education Code. Therefore, the conditions under which they should be allowed to function as such is a question worthy of very careful consideration, in view of the importance of the problem. I have some tentative proposals to make,

and I hope that the Government will consider them.

It has been stated in some quarters that those assisted schools that opt to continue unaided should not be allowed to charge any fees whatsoever. Now I say that that would amount to a Hobson's choice. It was argued at a conference - I happened to be present at it - that assisted schools accepted the free education scheme, and therefore they should be compelled to give free education, though unaided. That is not the correct position. These schools opted to come under the free scheme of the Government on conditions that the Government would pay the entire salary cost of the eligible staff, and as a result of that, they, on their part, would levy only the facilities fees. I am not a lawyer, but is that not the correct commonsense point of view? After all law has been described as nothing but concentrated common sense, and if you are now going to say “We are not going to pay the salary cost of the teachers,” then the schools should have the alternative of being allowed to charge fees. I know there is some danger in this. Some schools might charge very high fees, but if things become so bad, then the Government has the right to control the rates of fees, just as the Government has the right to control the prices of other commodities when necessary.

There is a wrong assumption on the part of some people that only the very, very rich send their children to fee levying schools. It is not so. Not only the rich, but also the lower-middle class and the upper-middle class persons who, when they find that they can give their children a more efficient education in a particular school, think it worthwhile paying for such education by foregoing luxuries or even some necessities, and finding the money to pay the fees. Then there are certain funds and certain endowment which provide talented boys and girls with scholarships, and so on. I do not intend to enlarge on these points at this stage, but I wish to stress that the Government would be acting very unfairly by giving such a Hobson's choice to the assisted schools, saying in effect. “You can opt to remain outside, but you shall not charge any fees.” That is not an option, but expropriation, and more in keeping with some other party's philosophy than with this party which pledges itself to democratic socialism.

I dare say there are difficulties regarding schools where the preponderant number of children are of an unlike denomination. If they opt, what happens to these children? Now those are matters of detail which will have to be considered very carefully. There is also the question whether the freedom to exercise the option should be allowed to all schools or only those schools where the proportion of children of like denomination is above a certain percentage.

Then there is the question of religious instruction. The Special Committee Report of 1943 addressed itself to the specific question of religious instruction and came to the conclusion that a complete education is an education given against a religious background. Therefore, it would follow that it is the obligation of the State to give every child a complete education as interpreted by the Special Committee and subsequently followed by all governments, and also this Government, which says that religious instruction will be compulsory in all its schools. As this Government envisages a very large number of Government schools and very few private schools, the obligation of the state to ensure religious instruction to every child should apply whether that child is in a Government school or in an unaided school. If the State considers that its obligation is to ensure that every child receives a complete education in the sense that it is education with a religious background, even private schools will have to be compelled to teach religion; but there will be some religionists, or denominations, who will say that it is not correct for them to teach other religions. Then they could admit as pupils only their religionists. These are, of course, various matters of detail which will have to be considered. Since time is limited, I shall not elaborate on this subject, except to say that the conditions governing option should be gone into very carefully.

**THE PRESIDENT:** Senator Azeez, time is not limited.

**SENATOR AZEEZ:** I shall take advantage of that. Now, Mr. President, there is a feeling in some quarters that State education is totalitarianism. I do not accept that view. I should like to cite the example of Norway which has a social democratic system, and also the U.S.A. where there is an educational system of the type envisaged in the Government's proposal.

**SENATOR NADESAN:** Do they teach religion?

**SENATOR AZEEZ:** In Norway they teach religion because education and religion are under one Ministry. There is no difficulty there because the population comprises 90 per cent, protestants. In the U.S.A. they do not teach religion. There they have State schools and unaided schools, without the middle type of assisted schools.

I should like now to make some comments with regard to the kind of administration that should obtain in this set-up of national education. We have today a type of totalitarianism in administration with everything centralised. Even the transfer of a schoolmaster from some remote area has to be controlled from the head office. Even the Ministers were preoccupied with transferring teachers rather than addressing their minds to matters of education policy. All over the world, under a national educational set-up local authorities are associated with education. Therefore, it should be the first principle that local authorities, or local organisations, are brought in to be associated with education; otherwise, our situation will be worse than what it is today.

Education has been described as the instrument by which a nation can transform itself from what it is to what it hopes to be. In other words, even economic development is affected by education. If I were to say that education is a good form of investment, that statement may be doubted because I am not a banker or a financier.

**SENATOR COORAY:** The hon. Senator is next to one!

**SENATOR AZEEZ:** But I shall quote from the President of the Royal Bank of Canada. This is what the President of the Royal Bank of Canada says:

“The material progress of Canada is the product of the imagination and spirit of her people. These can be stirred and made effective only through education. Only by education can our young people be made ready to cope with the great tides of change that are sweeping over the world.”

You have to consider education as coming under national development and not as one of the many items of social service. It is significant that in the U.N.P. manifesto education is found under the bigger item of "Social Service"

**SENATOR DE SOUZA:** State charity?

**SENATOR AZEEZ:** I would rather like to have it under the broad heading of "National Development". I hope this Government will view education in that way. There are signs of it in the way the Throne Speech is worded because it goes on to say:

"A national system of education will be established in conformity with the cultural religious and economic aspirations of the people."

The only danger in national education - or when we are trying to spread education among a large number of people which is now over-concentrated in certain groups - is that there will be a levelling down. That danger is there and it has to be faced. But this problem also has been considered in other countries and we can profit by their examples. This aspect of the matter is well put in the Harvard Report which states:

"Certainly the human tendency is so to see one goal as to forget the other. But the belief that one good is purchasable always and only at the expense of another ultimately goes back to a belief in the natural right of the stronger; it runs counter both to religious faith and to the best experience of civilization. The hope of the American school system, indeed of our society, is precisely that it can pursue two goals simultaneously; give scope to ability and raise the average. Nor are these two goals so far apart, if human beings are capable of common sympathies."

The aim is to give scope to ability and to raise the average. Therefore I would submit that the present scholarship system that obtains in this country has to be drastically modified if we are going to get the best of our national education. Today we have a very large number - I do not have the figures with me; 5,000 I think - of scholarship awarded to boys and girls at the end of the fifth standard. These boys and girls go to central schools. Another system of scholarships - what are called "science scholarships" at the end of the eighth standard - was started by the former Minister of Education, Mr. Dahanayake. This has to be modified in

order to ensure that we get the best talent and use them for national development. It would be wrong to favour children on grounds of their parents' income, but it would be fairness and justice if children are favoured on grounds of talent and ability.

**SENATOR DE SOUZA:** How do we discover talent? What is the test - an intelligence test?

**SENATOR AZEEZ:** Senator De Souza is anticipating me but anticipating me wrongly. I am not in favour of the fifth standard scholarship test. I was coming to that. The fifth standard scholarship was started at the time when they switched over the boys and girls to the English medium at the end of the fifth standard. At that time they argued "Our rural boys and girls have no chance of following the sixth standard, and so on, in the English medium and therefore they should be shifted on to the central schools". But when the swabasha policy progressed - we have the H.S.C. in the swabasha media now - the reason for these scholarships ceased to exist. Moreover, the rural areas now well provided with junior schools - I do not have the figures - but junior schools have been established since the inauguration of that scholarship scheme. Besides, the compulsory age limit of attendance is up to 14 years. So that, normally, even in a small school in a small village a boy or girl is expected and is required to attend classes up to the age of 14 years. It is therefore more reasonable now to have this scholarship at the end of the fifth standard lifted up to the eighth standard. Senator de Souza's question also will be answered if you do not have a test at the end of the fifth standard under this scheme I am proposing, but at the end of eighth standard. So that, Ceylon will be able to gather all these talented boys and girls and give them facilities, give them schools larger and well-sited.

While I am on this I would like to refer to a scheme that is operating in America in the City of New York. The City of New York has a population closely approximating the population of Ceylon, nearly nine million, but of course their area is very small compared to ours. The general feature of the American system of education is giving an education to everybody without giving sufficient scope for ability. As far as the City of New York is concerned, they have adequately

solved this problem by the method of specialised High Schools. In addition they have area schools where boys and girls after passing the eighth standard - corresponding to our eighth standard - go to the nearest senior secondary school. Along with their having that system they have superimposed another system of specialized senior high schools. One example is the Bronx High School of Science. There, irrespective of the area, any boy or girl who shows aptitude in science at the eighth standard is taken into the Bronx High School of science. I understand that unless a boy or girl gets an 80 per cent pass it is very difficult to get admission into Bronx High School of Science. It does not mean that they do not teach arts subjects, but they specialize in science subjects; that is to say, in producing future doctors, agriculturalists and so on.

So we could have in our country a system resembling that. In addition to this scheme of giving scholarships at the eighth standard, over and above that scheme, you can pick out about 300 to 400 boys and girls who have come on top in that group of 1,000 to 2,000 or more scholarships-holders, bring them to a central institution, well-sited, and give them a good scientific training so that Ceylon will be assured of producing the necessary qualified doctors, technicians, scientists and so on. This can be easily be done because, unlike in other countries, our Education Department at the moment is highly centralised. So that, all that has to be done is for Government to say, "We will make this scholarship scheme open to a number of boys and girls from all over the country. We will give them a nice building, with boarding accommodation, a well-sized school, easily manageable and manned by specialized staff". Government will then be able to produce very good results. There is nothing intrinsically wrong in this because selection has been made not on the grounds of neighbourhood, and so on, but purely on grounds of merit. I do not know whether Senator De souza will ask whether this test at standard eighth level will also be satisfactory-*[Interruption]*. He is engaged himself in testing people and he feels, perhaps, that it is not going to be so bad after all!

**SENATOR DE SOUZA:** At standard eight they may have left school!

**SENATOR NADESAN:** I am wondering whether all this detailed evidence on the content of education will not be put before the Commission!

**SENATOR AZEEZ:** With due respect to my lawyer Friend (Senator Nadesan) I think this will be outside the very terms of reference. This is only in reference to the content of education and not scholarship schemes. By "content" they mean syllabuses, schemes of work, and so on.

I now come to the subject of External Affairs about which I would like to say a few words. We still do not know what was the proximate cause of the precipitate accreditation of Ceylon's Ambassador in Rome to Israel. However, I must express my personal satisfaction to Government because this Government is aware that by this accreditation of the Caretaker Government of Mr. Dahanayake they changed basic policy. The present Government is taking, in its words "remedial" measures. But what the remedial measures are I do not know, why the accreditation was done by the Caretaker Government. I am only reminded of something I read about Dr. Johnson. When asked by a lady why he defined "pastern" as the knee of a horse in his dictionary, Dr. Johnson replied "ignorance, Madam, pure ignorance," I do not know whether Mr. Dahanayake's explanation would be the same, but if that is so, the question arises of the Civil Services Administrators who should have known about the complications between Israel and the Arab world and who should have advised correctly. Another point is this. When the Constitution is being revised, I hope the Committee that is in charge of that revision will also try and define the powers of caretaker governments so that during the short time of their existence they cannot reverse basic policies. It will be very unfortunate for this country if caretaker governments, which exists for only four months or for about that period, try to make fundamental changes in the policy of the country.

Before I conclude. I would like to deal with just one subject, namely, administration. Promises are made in the Throne Speech that good government, particularly in the interests of the under-privileged, is envisaged, about which we feel happy. But if performance is to match the promise and if false hopes are not to be raised by setting these goal, then the Administration has to respond. And I am glad that specific reference has been made to changes in the Administration. But this has been promised before by so many governments so many times that one is not sure whether it will end in just this sort of pious sentiment. There was

a department established in the Treasury in 1951 with the high-sounding name “O.M”, meaning Organisation and Methods’, but as far as the public is concerned, it is not aware of any radical changes which have been brought about. It may be that this is a matter that has to be decided by the Government at Cabinet level and that the Department itself is helpless.

I have said on the floor of this House on many occasions that there is no justification for such a large number of Assistant Secretaries in various Ministries. In England, a Ministry and a Department are equivalent terms. I remember, in the year 1947, two eminent members of the Ceylon Civil Service were sent to England to study the administrative set-up there and to come back and adopt the administrative methods prevailing there suit the needs of the independence. What they did was, to the number of offices and departments existed, they added some Permanent Secretaries. It was my view then, as it has been ever since - and I have expressed this here on many occasions - that when they started the system of Permanent Secretaries the heads of departments - there are so many of them - should have ceased to exist because in the set-up of England the Permanent Secretary is the head of the Ministry as well as the Department. To cite an example, instead of having one accountant for the Education Department, another for the Department of Examinations, and another for the Department of the Technical College, there should be one accountant under the Ministry of Education, who will be in charge of all the sections of that Ministry. I do not want to elaborate. All I wish to say is that this administrative reform is very urgent. I am glad that on the occasion of this Throne Speech they have taken up the question of the administrative set-up in its entirety including the kachcheri system, the village headmen system, the Administrative Service and the local authorities because you cannot reform administration piecemeal as has been done on many previous occasions where a Local Government Commission addresses itself only to the local authorities set-up, another set address themselves only to the continuation or modification of the village headmen system and a third set address themselves to delegation, and so on. I hope this matter will receive due priority from the Government.

In conclusion I would say that some of the actions that this Government has taken speak louder than words as far as communal harmony is concerned. We are aware that it is not worried about legal subtleties as to whether something can be done for not. If something is necessary in the interests of the country, for the sake of the unity of the country, for communal harmony, the legal authorities and those who are in charge of legal drafting should confirm to those objectives rather than take up the law as it and try to create difficulties. For that I say this Government deserves the thanks of every citizen of this country and particularly of those like me who belong to minorities, racial and religions.

**ASSISTED SCHOOLS AND TRAINING COLLEGES  
(Special Provisions) BILL  
SECOND READING**

*11<sup>th</sup> November 1960*

**SENATOR A.M.A. AZEEZ:** Mr. President, the subject of the Bill that we are discussing is of such great importance, and the time that has been rationed to me is so limited, that I shall come to the subject straightway, remembering, of course, your admonition to me and to my colleagues that I should always address you, the Chair, and should not be diverted by interrupters, and also should not look in their direction.

I belong to a religious group inhabiting this country for a long period, in fact, several centuries before the advent of the Portuguese in 1505. I belong to a minority religious and racial group, a minority which is a minority both in point of numbers and in point of influence. Therefore, when discussing this Bill the questions that are of particular importance to me and of real relevance are, first: Is the promotion of this Bill necessitated by a mandate sought and given to the party in power by the people and can this Government withdraw or whittle down this Bill without a breach of promise? That is the first question I would like to ask myself, namely, whether there is a definite commitment as far as the party in power is concerned with the people of the country or in particular with the people who put them in power. Secondly, as a member of the minority community, and as a citizen of Ceylon it is also my duty to ask myself whether this Bill in any way infringes my fundamental or human rights. Therefore I hope to approach this Bill from these special points of view within the time available to me. I shall, therefore, not deal with the specific misdeeds of either some Government officers or some managers of assisted schools, as such misdeeds are not of great relevance in this context.

At the outset, let me say that I do not like this term “denominational schools”.

It may be very applicable to a country like England where all assisted schools, though of different denominations, belong to one great faith. In Ceylon we are confronted with an entirely different position, where denominations really and truly mean different major religious groups. Although our country is small it is significant that the four great religions of the world are represented. When we say “denominational” schools we more or less mean religious schools. When I say four major religions of the world, I mean Buddhism, Hinduism, Christianity and Islam. Before I proceed I would take leave to quote a small extract from a paper I happened to read in 1959 at a Seminar held in Karachi. The theme was “Islam in the Modern World” and the paper was on the problem of Muslim minorities, so that the extract is of special relevance, This is how it reads:

“It may be assumed that all Muslim minorities would always desire that they do enjoy, in full measure, all human and fundamental rights without discrimination - discrimination whether through legislative or administrative acts of commission or omission - and that these rights, wherever possible, are constitutionally guaranteed with remedies provided for their enforcement through courts of law. In addition, these Muslim minorities in some cases may desire and demand additional protective measures from the State or from the Government for the preservation and protection of their culture owing to the possibility envisaged of the culture of the majority group, or in exceptional circumstances another minority group, becoming so dominant, due to strength of number which in a democracy confers so many legislative and administrative advantages, as to emasculate or even exterminate the culture of the Muslim minority. Protective measures may become essential where the group is so backward and educationally so poor economically that without special measures the cultural individuality of the group will be lost, though not at once, but gradually. With such fears, misgivings, real, exaggerated or imaginary, a plural society cannot succeed as a political organisation unless the major group is prepared to use its powers with a sense of justice and fairness and the minor groups are always reasonable in their demand and both are ever prepared to use its powers with a sense of justice and fairness and the minor groups are always reasonable in their demands and both are ever prepared to understand and appreciate each others point of view - in the words of Sir John Kotelawala, a former Prime Minister of Ceylon “no oppression by the majority and no provocation by a minority.”

This is a paper which was read in an International Seminar and it seems to be very apposite in regard to the present case.

As far as the central theme of this Bill is concerned, namely the control of education, this has always been a contentious subject, not only in this country but I think in every part of the world from the time modern states came into existence conflicting with the agencies which had previously been dealing with education. Therefore, some of the problems we are facing today are in a sense not new to Ceylon and let us not think that all these problems have arisen, all these discussions have just arisen as a result of an election manifesto connected with the July election on a theme suddenly sprung up.

If we go back to history we find that this question has cropped up almost at the beginning of the British period. I do not propose to go into such an early period. There is no time. But the first significant pronouncement is one connected with a memorandum submitted in 1919 by Governor Manning. I do not propose to deal with it in detail. It appears at page 19 of the Special Committee Report. I refer to the Report of the Special Committee on Education published in November 1943, Sessional Paper XXIV, of 1943.

This Special Committee was appointed in 1940 and the question of the control of education occupied a good deal of their time and attention. As a result of the deliberations of that Committee and final action taken by the legislature it was made clear that the Government of Ceylon was no longer going to be concerned only with superintending education but in controlling education. As to whether this control should be exercised only by the State and through the State, both central government and local government, whether it should be a dual control partly by the State and partly by the State through assisted school, has been a problem that has been with us in an acute form, I may say, from 1944.

This Committee consisted of very eminent educationists, of Members of the Executive Committee of Education of the State Council and it was representative of all religious and racial groups in Ceylon. It is not surprising that there are as many riders as there are members. Perhaps there are more riders than in any other report. What I am trying to make out is that some of the questions we are discussing or some of the provisions of the Bill, most curiously have been anticipated and discussed and I beg leave to quote more or less fully the rider of

Dr. C.W.W. Kannangara who is now hailed as the Father of Free Education, as one who contributed so much to the welfare of this country, but who at that time in many quarters was considered as one who was contriving the financial ruination and collapse of this country. It is very strange that today everyone, every writer of a letter to the newspapers, hails him as a saviour but in his time when he was in the plenitude of power, people thought that he was almost the devil incarnate. To read his rider is very refreshing. I do not propose to detail many arguments because Dr. Kannangara in his rider with almost prophetic vision had anticipated the problems that we are discussing today. He has very clearly envisaged to a situation we are now confronted with. It is a long rider. He was the Minister of Education and he was Chairman but he could not possibly persuade the majority of his colleagues entirely to his point of view so he has written this rider.

“As early as 1911 the deficiencies of the system of denomination control were commented on by an impartial observer, namely Mr. J.J.R. Bridge, an Inspector of Schools of the English Board of Education. Some progress had no doubt been made under the denominational system, but a one-sided advance cannot make up for the rivalry and bitterness of feeling between different religious communities which the system has engendered. A most deplorable and disturbing feature of the educational system in vogue since the British connection has been inequality of opportunity which had been aggravated by the denominational system. Religious communities with comparatively less resources and without organizational strength and solidarity have long suffered under a sense of frustration and a sense of injustice...”-

One is now reminded of the recommendations of the Buddhist Committee of 1956 and the Buddha Sasana Commission Report published in November 1959--

“Even today the Kandyan Buddhist and the Muslims make demands for various special concessions, because they feel keenly the serious handicaps under which they labour under the present system which they criticize as one based on an artificial equality without real equality of opportunity for all the communities.

I am of opinion that any system of public education for the future must be entirely free and under public control. i.e., under the control of State and / or the local authority. I do certainly subscribe to the proposition that no education can be complete unless imparted against a religious background. Religious instruction should form part of the curriculum of schools

and colleges. But I do not agree with the school of thought that holds that State education is *per se* godless or soulless, because it is imparted by the State.

On the other hand all the usual activities of the State-maintenance of law and order, of economic and social services - have a meaning and purpose only in relation to the lives of its citizen, namely the provision for them of a fuller and a richer life both materially and spiritually. It must also be remembered that all State institutions are run by "soulful" men and women. Accordingly it is not beyond human ingenuity to devise a system of education subject to public control in which there will be adequate arrangements to ensure a religious background and atmosphere appropriate to the public concerned and without violating the principle of State neutrality in matters pertaining to religion..."

what Dr. Kannangara envisaged by State neutrality was not equal indifference to all religions but I think equal concern for all religions-

"In such a system arrangements could be made by the executive authority in consultation with the parents and the respective religious organisations for providing religious instruction in the school to pupils of the particular denominations.

If the advocates of the denominational system are serious in their contention that a religious background is indispensable to education, such a background should be ensured for every child attending a denominational school. But, in accordance with the denominational system as prevailing at present, religious background and religious instruction are provided only in the religion of the body or organization that controls the school with the result that numbers of children who do not belong to that particular denomination have to forego a valuable part of their education. If the protagonists of denominational control are to be consistent, they must agree to make adequate provision for the religious instruction of any child attending a school in the religion to which the parent of the child belongs. In my view, this should be an indispensable condition of the continuance of the denominational system. I would go further and say that even the existing denominational system. I would go further and say that even the existing denominational schools should be required, on forfeiture of the support they now receive from the public funds, to provide for the instruction of children of unlike denominations in their respective religions. Such a course involves the right of entry to teachers of religious instruction belonging to other faiths which the supporters of the denominational system have hitherto resisted. The alternative is for the State to insist of the ideal denominational system in which children of each denomination only are taught in schools under the control of that denomination. But then from the point of view of national unity the State cannot support a movement to divide its future citizens and segregate them on the basis of creed. . ."-

In fact, he anticipates the objections to the formula of the U.N.P. namely, State denominational schools and assisted denominational schools--

"This *reductio ad absurdum* furnishes a complete argument in support of my view that in a country of diverse religions a State system of public education is all the more essential. A decision to provide free education up to and including the University stage will reinforce my argument for complete state control.

I do not for a moment intend that the denominational system should be "scrapped". If any section of the people desire that their children should be educated in denominational schools they should not be denied that right. But there is no reason why they should expect "exclusive" schools of this kind to be supported from public funds in the same manner and to the same degree as at present. "

Then there is a rider by Mr. A.R.A. Razik, presently Sir Razik Fareed. He also gives reasons for his partiality for a State system of education, and he also does not agree with the continuation of denominational schools. But there is another rider which is very important for the purpose of the argument I am endeavouring to develop, and that is the rider by the late Mr. Shivapadaunderam.

**THE PRESIDENT:** On what page?

**SENATOR AZEEZ:** Page 135 of this Report. Mr. Shivapadasunderam was, if not the greatest Hindu leader of his time, one of the greatest Hindu leaders of his day. He was an authority on the Saiva-Siddhantha form of Hinduism, and, I believe, he wrote a book which was published by no less a firm than Allen and Unwin. He was the principal of Victoria College, Chulipuram. So that, the words that come from him should receive a large measure of recognition. I therefore propose to quote from a rider which deals with the same subject as has been dealt with by Dr. Kannangara in his rider. This is what he says:

*"Control of education-*

The only weapon in the hands of the opponents of a State system of education has been that no importance is attached to the teaching of religion in State schools. They are now disarmed by our recommendation that religious instruction shall form part of the curriculum of studies in State schools. The grant-in-aid system should therefore be abolished"--

He himself was a principal of an assisted school at that time but he was of the firm view that in the context of the events that had happened at that time and were happening, the grant-in-aid system should be abolished--

“and all schools in future should be State schools. Those bodies and individuals who own schools would oppose the abolition as their business might come to a standstill.....”-

how true!--

“but that is not the concern of the country.

The Report says that it is the duty of the State to ‘ensure that the child receives as far as is practicable a complete education.’ and ‘that a religious background is indispensable to a complete education.’ If the country should favour the retention of the grant-in-aid system, it is the duty of the State to see that every pupil attends a school where it can get a religious background. It is therefore, the duty of the State (i) to make a rule that no Hindu child shall be admitted into a Christian school if there is a Hindu school or a State school within two miles of his residence, and (ii) in a Hindu locality not already provided with a State school or a Hindu school to establish a State school at once if the Hindus are not prepared to establish one of their own, and if the Hindus do put up a school, to register the school provisionally. Of these two duties of the State something similar to the latter is recommended.

He goes on to say:

“It was argued in some quarters that a man should have the freedom to send his child to any school of his choice. This is a hollow objection and has been rejected by the Committee, as will be seen from the following recommendation regarding the establishment of a denominational school.”

He says further:

Our people cannot be expected to realize the objectionable nature of the education of their children in Christian schools, as their religious spirit has been sapped by the religious slavery to which they have been subject for three centuries, first under the Portuguese and Dutch Governments and then in Christian schools.

Moreover, the freedom of the child is of infinitely greater value than the freedom of the parents born with religious indifference; and of all kinds of freedom religious freedom is most

precious. The religion of a child in a school of an ‘unlike’ denomination is not free. The alien religious atmosphere chokes his religion. In a certain Christian secondary school attended mostly by Shaivite children, the Christian atmosphere has so insidiously poisoned the hearts of these children and they have, of their own accord given up wearing Sacred Ashes though it is a *sine qua non* to Shaivism.

The Report suggests that ‘the foundations of moral and religious development must, however, be laid in the home’. But this is not practicable so far as Hindus are concerned. Several Hindu parents are illiterate, and perhaps only one and a thousand can teach religion to his children. The remedy cannot therefore be applied to 99.9 per cent, of the Hindu children.

This Report did not end there. There was a long drawn out debate on it in 1944 and certain of its recommendations were accepted by the State Council. This was followed up by the Schools Grants (Revised Conditions) Regulations in 1945. Then both in the course of the debates that took place in 1944 and again in 1945 the question of the control of education was discussed, In fact, my good friend Senator Chandra Goonesekera quoted some extracts; others quoted other extracts.

From all this, it will be clear that this problem was a live problem during the last stages of the State Council; and the Education Ordinance. No. 26 of 1947, was the result of these debates. But, unfortunately the question was not solved once and for all. The inherent incompatibility between free education and the assisted school system persisted. The free education that was ushered in through the Regulations of 1945 did not attract the bigger assisted schools. In Colombo, only two big schools opted for free education under the 1945 rules, namely Nalanda College and Zahira College. Therefore the question was reconsidered in 1951. Actually, the option expired three years after 1945, but there was a White Paper in 1950 followed up by the Education (Amendment) Act. No. 5 of 1951.

I do not want to go at length into these. All I am trying to emphasize is that this question of the control of education which started in 1940 in an acute form has never been solved once and for all, with the result that those who are concerned with education have always been in a difficulty as to what exactly would be the final outcome of these debates and discussions. Some of us thought that there

had been some finality reached by the Education Act, No. 5 of 1951, and those who were actively concerned with the promotion of education settled down to the task, hoping that the matter had been - from a political point of view, from a national point of view - settled, and there was going to be a co-partnership between the State and the assisted schools in the control of education. But that was not to be, because in the year 1956, in the joint programme of the M.E.P. dated 10th March 1956, - I believe the publisher is here in the House; that was the manifesto of the M.E.P. which came into power under the leadership of the late Hon. S.W.R.D. Bandaranaike - there is a clause or sentence which says that the M.E.P. coalition generally approves the recommendations of the report of the Buddhist Committee of inquiry.

I would like to pause here and remind you of the various interpretations that were given to this very phrase, "generally approves the recommendations of the report," and many in the country had pin-pointed that recommendation with regard to the control of education which was contemplated in it, So that this question has come up in a very acute form in 1956. It has not been stated on the floor of the House that it was the late Hon. S.W.R.D. Bandaranaike who, having committed his party to the general approval of the recommendations of the Report of the Buddhist Committee of Inquiry, appointed the Buddhist Sasana Commission on 4th March, 1957. So that it is clear that he did pay attention to the implementation of this Report and was hoping to go into details. Unfortunately, the Buddha Sasana Commission Report which is in Sinhala - except for a few pages in English which are somewhat important - was published only in November 1959. I am mentioning this in order to give the background to the election manifesto of the S.L.F.P. which has been under discussion all the time.

As far as I was concerned, when I read that Report of the Buddhist Committee of Inquiry which is an abridged version - a very short English version of a very long Sinhalese report - called "The Betrayal of Buddhism", I learned many things as one concerned with education. There is a long chapter on the history of education. It gave me an insight into the problems of education. *vis-a-vis* the Buddhists. I was surprised that a community so numerically strong should be so disadvantageously placed with regard to education. I was not so fully aware of

this fact, though I have been a student of history, till I read this. Naturally I thought that here was something that should be taken notice of by every person concerned with education. On my humble part - it was in March, 1957, when I read a paper before the National Educational Society of Ceylon, along with Dr. N.M. Perera and Mr. P. de S. Kularatne - I suggested that there should be an educational committee or commission appointed by the Government to discuss the future of the assisted schools system. In fact, I very distinctly remember the words I used on that occasion. I said "A case has been made for and against. It is very necessary that these matters should be gone into in an impartial manner and evidence should be called for. Otherwise these are the words - there was the danger of a final decision being reached in the heat of political passion or on the eve of a general election." I am not claiming to be a prophet.

That was my reaction to the Report of the Buddhist Committee of Inquiry. On the occasions of the budget debate in 1957 or 1958, and in the Prize-Day Reports of Zahira College in 1958 and 1959, I advocated an education commission, because I was naturally anxious that these matters should be settled outside the heat of the general election. I had seen what happened to the Tamil language by making it part of an election manifesto. The same thing has happened now, and I shall deal with that very shortly.

Unfortunately, neither my Buddhist colleagues nor my Christian colleagues in the Headmasters' Conference accepted this idea of an education commission. They felt it was unnecessary. I always held the view that there was a feeling among a large section of the people of Ceylon that all was not well with the assisted schools system, but the person with whom I discussed were thinking in terms of personalities, of Ministers of Education who occupied the seats of power only for the time-being. However there was no commission appointed, and the general election of March, 1960, took place under rather unfortunate circumstances.

Meanwhile, the Buddhist Sasana Commission had published its Report in November, 1959. But before I proceed to deal with that Report, let me read the main recommendation in the Report of the Buddhist Committee of Inquiry. I am

now actually reading that from a publication of the Catholic Union of Ceylon entitled. "Education in Ceylon according to the Buddhist Commission Report - A Commentary", where the Catholic Union has attempted to reply, paragraph by paragraph, to the comments of the Buddhist Committee of Inquiry. I am reading it for the reason that in this booklet the recommendations are printed more clearly. This is what it says:

"The main recommendation is that from 1st January, 1958, all assisted schools should be taken over by the State". . .-

Now that is a very import recommendation. The Buddhist Committee of Inquiry has the same thing, but its Report does not have it in bold black letters - as it is here - so that it may readily catch the eye of any person. I am afraid, judging by one of the remarks made by the Hon. Leader of the Opposition, it looks as if, while he was speaking of Recommendation 7A, which refers to the establishment of assisted schools, he did not mention, or he overlooked, the main recommendation, namely that all assisted schools should be taken over by the State from 1st January, 1958. Now, at page 98 of the Report of the Buddhist Committee of Inquiry there is Recommendation 7A which states:

"A religious body shall have liberty to establish and conduct schools entirely at its own expense, with no assistance whatsoever from the State. . ."-

whereas on page 97, tucked away in a corner, after a series of other recommendations beginning with "We recommend that . . .", "there is the concluding the sentence, "by 1st January, 1958, all assisted schools should be taken over by the State". I am specifically mentioning this so that Senator Dr. Peiris may note it, and I will be happy to have some clarification if I am wrong. My own impression was that both recommendations are there. I have checked it up and I find that, while in the Report of the Committee this sentence is tucked away in a corner and is not so prominent, in the publication of the Catholic Union it is in bold black letters. So that, one recommendation has to be read along with the other. The interpretation I place on it with what knowledge I possess of the English language, is that all assisted schools shall be taken over. Incidentally, this is the first place where I came across the phrase "take-over" of schools.

Therefore, what is meant by Recommendation 7A would appear to be that a religious body shall have liberty to establish and conduct schools - [*Interruption*] - I said that I would not be diverted by interruptions, but a very helpful suggestion - not by way of an interruption - has been made by Senator Nadesan, namely, that the Sinhala version gives it differently. If so, I will be happy to be corrected after verification. But, as far as I am concerned, the vast majority of people who read it in the English version and even in this publication by the Catholic Union of Ceylon seem to be under the impression that the main recommendation is that from 1st January, 1958, all assisted schools should be taken over by the State. Anyway, what exactly that Committee stated is not so material except to furnish the background for the present debate and the manifesto of the S.L.F.P.

I wish to refer to another paragraph which appears in this booklet published by the Catholic Union of Ceylon. It says:

"In the case of the Catholic, the obligation to send his children to a Catholic school in part of his religious practice, and should not be interfered with by the State. Otherwise, it will be an interference with his freedom to practice his religion".

I am not really concerned with the doctrinal views of the Catholic Church - I am not competent to speak on the subject - but I would like to say one thing with regard to this point of view that has been put forward. I looked up the figures of Muslim pupils and I find that, according to the Administration Report of the Director of Education for 1958, published in April, 1960, there is a very interesting table. There are 9,100 Muslim pupils in Muslim schools - I am now talking about assisted schools - whereas there are 19,368 Muslims in non-Muslim schools. I would like the State to give us the same facilities that the Catholic Church has given to Catholic children, because we have no church as such and very often the State has to help us in getting these things done. I am glad that the Bill we are now discussing does provide for such a requirement, namely, if and after the Bill is passed and implemented, no Muslim child shall go to a non-Muslim unaided school.

When the Buddhist Committee of Inquiry talked about the take-over of assisted schools, they did not distinguish between Grade III and Grade II schools

- to which I shall refer later. In the Report of the Buddha Sasana Commission which was published as Sessional Paper XVIII of 1959, there are two significant recommendations. I have taken these extracts from the “Ceylon News Letter” of 12th November, 1959. One is that a system of State education should be formulated so that the educational rights of Buddhist children could be fully realised; and the other is that the assisted schools system should be abolished and the State should take over the responsibility of educating all children. I was rather wondering why the Buddha Sasana Commission came to make a recommendation about the assisted school system. I looked into the matter and I found that one of the themes they were interested in was to accord Buddhism its rightful place in Ceylon. Both the Buddhist Committee of inquiry and the Buddha Sasana Commission - the Sasana Commission was composed of eminent Buddhists whereas the Buddhist Committee of inquiry was more or less an unofficial committee of Inquiry - have taken the view that in order to accord Buddhism its rightful place in Ceylon the assisted schools system should be discontinued. This is something very significant and they are of the firm view that the assisted schools system, as constituted at present, with all its disparities and biases should be discontinued. There is also the information furnished in this Appendix, Table 13, Administration Report of 1958, that large numbers of pupils of one religion are receiving education in assisted schools belonging to other denominations - which lay claim for their existence, for their continuance, which claim as their right that they do provide a religious atmosphere. I know I am also guilty in the sense that there are nearly six per cent non-Muslims in Zahira College, Colombo. But I am not happy personally and I think if assisted schools, or I should say religious groups, established or have schools for the purpose of providing a religious atmosphere it would be illogical and unfair for the schools concerned to have pupils of unlike denominations.

This was the picture. I will hurriedly refer to the events of the March election. Every important political party of the country which sought the mandate of the people in March had specific provision in their manifestos about education. The Lanka Prajathantrawadi Pakshaya, headed by Mr. Dahanayake, was for the status quo as regards the denominational schools. The U.N.P. modified it. They were

not satisfied with the system as it was. They wanted State schools, State denominational schools and assisted denominational schools. The L.S.S.P. had a formula of the State not having anything to do with denominational schools but allowing denominational schools to establish their own schools at their own expense. The C.P. did not want any private schools, and I think the M.E.P. also were of the same view. As for the F.P. I was trying to see what exactly their position was in March. They have only this paragraph about education in their manifesto. I will read it in Tamil and give you a translation:

“கல்வித்துறையில் இலங்கையிலே உயர்தரக் கல்வியைத் தொடர்ந்து பெற வாய்ப்புகள் இல்லாத தமிழ் பேசும் மாணவர்கள் பல்கலைக் கழகக் கல்விக்காகவும், தொழில் நுட்பக் கல்விக்காகவும் இந்தியாவுக்குச் செல்ல வேண்டிய சந்தர்ப்பங்கள் இந்நாட்டின் அரசாங்கத்தால் மறுக்கப்பட்டிருக்கின்றன.”

All that it says is that Tamil speaking pupils are finding it difficult to pursue their higher education in universities and insist therefore that they must be allowed to go to India. There was no mention of any educational policy and, therefore, I persisted in trying to find out what exactly was their position in regard to assisted schools. The amendment proposed by the F.P. to the Throne Speech was therefore very significant. I tried to gather from Senator Nalliah’s speech what exactly was the educational policy of the F.P. but he was dealing with the problem more from the Catholic point of view. So, regarding the policy of the F.P. I speak subject to correction. This was the amendment of the F.P. to the Throne Speech.

“...whilst welcoming the establishment of a national system of education in conformity with the cultural religious and economic aspirations of the people’, we fear that under the present unitary system of Government and the existing centralized control and direction of the schools, the education of the Tamil speaking children will not conform to the cultural, religious and economic aspirations of the Tamil-speaking peoples. We therefore regret that your Excellency’s Government proposes to take over the schools as set out in Your Excellency’s speech before the present constitutional set up is suitably revised.”

In other words, from their point of view they say that the question of assisted schools should not be considered before you have a federal constitution. Therefore, the votes cast for the F.P. cannot be said to have any bearing on the present

educational issue because the F.P. itself did not seem quite clear about what they wanted in regard to the assisted school system.

I have also noticed that in March the S.L.F.P. had one kind of programme in regard to education and that subsequently in the manifesto connected with the July election that was published in Sinhala, with a version in English, they had it changed considerably. Now, various interpretations have been put on that change. I feel that they changed it specifically and categorically especially when the country was discussing the recommendation of the Buddha Sasana Commission because they felt that the recommendations must be taken note of and they therefore did have a change. They were more sensitive to public opinion probably because the country was, as I said, keenly discussing the recommendations of the Buddha Sasana Commission. I am aware that they did not change the other portions of their manifesto between March and July, but this portion about education was specifically changed. Therefore it has greater sanctity, validity because one might even argue legitimately that the fact that they did not succeed so well in March and succeeded so well in July may be attributable to a great extent to this change in their educational policy.

**SENATOR S. NADESAN:** Or to the Prime Minister.

**SENATOR AZEEZ:** The Prime Minister was present.

**SENATOR NADESAN:** The earlier Prime Minister was different.

**SENATOR AZEEZ:** I do not think that the people did not take notice of these policy changes because I am personally aware in the matter of education every community was interested in those recommendations. as you will see from the press reports, platform speeches and the number of pamphlets that were issued by various denominations on the problem. Therefore, the question of what exactly the manifesto promised the people, what was contained in the manifesto, were things that were extremely important to the nation. Various interpretations have been given. Some say that there is no mandate at all about the taking over of schools or assisted schools.

I would like to say that if we look at the manifesto we would see that this particular portion on education is rather a long one. We must know what exactly is the pith and substance of this manifesto. I am personally aware that the policy statement in the Sinhala manifesto, was very widely distributed because I got several copies of them. I do not want to read the entire manifesto. It has been quoted before during the course of this debate. I will read the significant sentences.

“The S.L.F.P. seeks to solve the problem of unemployed and economic development. . .”

Education, unlike in the manifesto, for example, of the U.N.P., is geared to the problem of employment and development. I know that unless you are able to direct education in a certain way in conformity, with the national needs of a country, it is not possible to get the best out of your educational system. Dual control always militates against a policy of this nature. It is my conviction that you cannot adequately use education as an instrument for economic development if there is dual control, namely State system and an assisted schools system. They then say in their manifesto:

“We do not think schools should be classified on the basis of religion. . .”

What exactly is meant by this?

“We do not accept the principle of segregation of children by religion. . .”

Then further down:

“A unified system of education will ensure that children with different religious and racial backgrounds are brought together. . .Education paid for by the state should be given by the state. . .”

Then they cited countries -America - which do not have this middle group of assisted schools. We have got an unusual pattern, Government Schools or State schools, assisted schools and unaided schools, but that does not prevail though out the world. There are countries, chiefly the United States of America, which has nothing called an assisted schools system. It is very significant. I have referred to the specific mention of America here in the manifesto.

Then they say that their objective is to see to the educational needs of the children by means of a system of non-sectarian schools. They say there will be no bar to any of the denominational schools continuing without Government aid so long as they confirm to the rules laid down by the Government. Therefore, to me it is very clear that this question has been given a categorical answer so far as the S.L.F.P. is concerned.

**SENATOR NADESAN:** That is in March or July?

**SENATOR AZEEZ:** This is in respect of July. It is a complete reversal of the March manifesto. That is precisely my point - that they changed it is July. You can place any construction you like.

**SENATOR NADESAN:** But it is a change.

**SENATOR AZEEZ:** A change is there. What was stated in March was that gradually grants to assisted schools would be withdrawn and State schools would take their place. Here it is made clear that that gradual process will be accelerated and the change will be brought about as quickly as possible. I suppose the hon. Senator will enlighten us when his turn comes to speak.

**SENATOR NADESAN:** I agree.

**SENATOR AZEEZ:** Therefore to come to the position that the party in power, the S.L.F.P., having issued this manifesto, having got many more votes than they obtained in the March election is committed to the country to fulfil its pledges.

Having answered that, as a Muslim, as a member of a minority, it is my duty to ask myself whether this manifesto goes against any of my fundamental rights. I shall address myself to that presently. The manifesto talks about the continuation of denominational schools without Government assistance provided they confirm to rules laid down by the Government. Those are the words. Now, this is quite different from the set of schools that are to be established newly because these former are schools that were grant-in-aid and practically all of them, a large

majority of them have been in receipt of grants from the very inception. So that, they are already in partnership and now the Government and people behind the Government, people at large, have decided on the termination of this partnership. Therefore, there is a distinction between them and the to be established schools. But under the present law it is possible to establish unaided schools under Act 26 of 1947, supplemented by section 12 and 13 of the Education Act, No 5 of 1951. So that, you come to the question of what the Government is going to do with the denominational schools that are in existence within the free scheme. Already they have been in receipt of a large amount of money from 1951 and they have been in receipt of a fair amount of money between 1945 and 1951 and prior to 1945 as well. And that is rather a complicated question because it could be asked to whom these schools belong. By this I do not mean belonging in the sense of landlord or proprietor. I shall not go into a lengthy discourse on this but merely quote an extract from a book published by Mr. A.S. Kanagaratnam, who was the Principal of Hindu College, Chavakachcheri, and is now the Assistant Master of Jaffna Hindu College, and a prominent member of the All-Ceylon Union of Teachers. He says:

“TO WHOM DO THE SCHOOLS BELONG?”

Private proprietors of schools as well as denominational managing bodies claim the right to control schools and teachers on the ground that the land, building and furniture are their private property. In law they belong to them.

To examine the validity of this claim it is relevant to go into the origins of our schools. Corporate religious bodies and private persons originally built our non-state schools...”

Then he says:

“... built up largely from public donations, state subsidies, levies from the teachers' salaries and the devoted service of the teacher, can these assisted schools be justly considered as private property acquired with his private and personal resources?”

Therefore, this difficulty is there. As I said I am not agreeing with him in every word. The ownership or proprietorship of a school is not on all fours with the proprietorship of a piece of land or house. Even that is qualified and qualifiable

in the present context of law and opinion in the world. However there is a certain obligation due from the State to the pupils because they did come under the free education scheme from 1951 having refused - many of them, not all of them - to enter the free education scheme in 1945. So that, in dissolving this partnership special consideration has to be given and this Bill seeks to resolve that problem in Clauses 5 and 7.

The hon. Leader of the opposition referred to my phrase "Hobson's choice". That is correct. I did say the Government was giving us, I mean the schools, a "Hobson's choice". I was tempted to get up and offer an explanation when this observation was being made by the Hon. Leader of the Opposition but I did not wish to interrupt him in the course of his speech. When I made that statement in reference to the Throne Speech of the 12th August; my Senate speech was on the 23rd August; we-when I say we, I mean the Committee of the Headmasters' Conference-had met the Minister of Education and the Permanent Secretary on the 16th of August and were told that there was going to be one alternative, that is, in no circumstances could schools be allowed to charge fees. So that, when I said Hobson's choice there was at that time the impression created in our minds by the Permanent Secretary to the Ministry of Education that these schools which were under the free scheme would under no circumstances be allowed to levy fees. But this position was changed when the Minister had his press conference reported on the 6th September in the "Observer". So that, when I said "Hobson's choice" it was prior to the press conference of the Minister of the 6th September. So, It is correct I said it and it is also not true that there is now a Hobson's choice because of certain conditions - I shall come to these conditions - under Clause 7. These schools were not going to be allowed to charge fees at that time, yet they are going to be under this Bill given the option to levy fees under certain conditions.

The question also was raised by the Hon. Leader of the Opposition that I said there should be no distinction between Grades I and II schools and Grade III schools. I said that and used this phrase - "the question was worthy of very careful consideration." What I meant was, prima facie there was no reason why Grade I and II schools should be treated in one way and Grade III in another. Therefore, I made inquiries because I am not personally familiar with Grade III schools as I

am with Grade I. I find that these Grade III schools are not fully developed. Proprietors have not developed them over a period of years. Had they been looked after with a little more diligence these would have come up to the standard of Grade II schools. I do not know whether it is due to indifference, lack of resources, financial difficulties, and so on, that these Grade III schools have been allowed to remain undeveloped. And the curious thing about it is that these Grade III schools are the very schools which serve the under privileged people of this country. Of course, there have been accusations of proselytising but I am not at this stage particularly concerned with that. Therefore the obligation of the State in regard to under-privileged pupils attending these schools is of a different kind from the obligation the State has for Grade I and Grade II schools.

I think I have got 15 minutes more. Within the time available I would like to answer one question which was posed to me namely, "What is the position of the Muslim community?" I am glad it has been specifically put that way and I would like to deal with it.

Dealing with history, especially for a person in my capacity it is rather difficult to speak without feeling because it touches the history of my own community and the hardships connected with it. Therefore, I have sought, instead of making a speech of my own to read a very short quotation from an article or a paper by Mr. M.D. Raghavan, M.A., M.A., Dip. Anth. (Oxon) Government Ethnologist, National Museum of Ceylon. This is what he says under "Moors and Missionaries":

"How the Moors of Ceylon reacted to the effort to the Christian Missionaries will be evident from the following extract from a Journal by the Rev. James Selkirk, on the Church Missionary Societies Operations in the Island.

#### MOHAMEDANS OF KANDY SEPTEMBER 18, 1844

"Early this morning I went out with one of the Catechists to visit some of the families of the town (Kandy). We visited some Mohammedan families. As long as we spoke of this wisdom, goodness or favour of God, we were listened to, but as soon as the name of Christ was mentioned all was uproar and confusion. May they be forgiven. The only persons who directly oppose us

and refuse to listen to our statements of Christian truth, and to accept our facts, are the Mohammedans.

This bears out the remarks of Pridham in his 'Ceylon and its Dependencies': 'They are a people very difficult of access and every attempt to address them in religious topics has been defeated; no missionary has succeeded in establishing schools among them.'

If the Moors had not displayed such steadfastness of their own faith, we would have had the sorry spectacle today, of a society on the borderland of both Moors and Christians. Their reaction to the efforts of the missionaries, was only actuated by motives of self-preservation, and of the conviction that their own doctrines, are sufficient to serve their spiritual needs.'

I do not want to go into these religious controversies; history is full of them, but the relevancy is here. The State was not prepared to take full responsibility for education. It was only superintending education till 1945, and after that it wanted be in partnership with the denominational system, with the result that we Muslims never had equality of opportunity as between communities. Therefore we have suffered. It is only a historical fact, and therefore when this Bill seeks to remedy that deficiency, we certainly welcome it. It is not necessary for me to convince you that in regard to modern or English education we have been very backward. All that can be said in one sentence by one fact. The first Ceylonese who got into the Civil Service through the open door of competition was in 1875. The Muslims had to wait till 1935. A sixty years lag is a fair assessment of the backwards of our education due primarily- I am not saying 100 per cent - to the system by which the unlike denominations or non-Muslim groups had a monopoly of educational institutions. The State did not undertake that responsibility. That is why the Muslims welcomed the free education scheme of Dr. Kanangara and they now welcome the State system envisaged in this Bill.

With regard to the Muslim community at large the question was asked, "What is the position?" I can give no better answer than refer to the voting that took place on this Bill in the House of Representatives recently. Of the 13 Muslims members of Parliament, three - all of them U.N.P. members - voted against the Bill, six voted for the Bill and 4 abstained. These abstention were very significant because they were Members tied to parties which were officially against the Bill.

Therefore these abstentions are more significant than even the voting in favour or against.

Therefore I do not think I should labour the point that the Muslim community by and large are in favour of this Bill, are in favour of a State system of education because they have suffered by this assisted schools system. I have only to quote a set of figures to convince you.

There are 100 Grade I schools in the Island. I do not want to give you the proportion under each denomination for want of time.. The Muslims have only 2, that is 1/50th. There are 51 Grade II schools of which the Muslims have only one. There are 186 Grade III schools and the Muslims have only 8. Therefore we have suffered from this assisted school system due to perhaps our tenaciously holding to our faith and thinking that it is not a bad thing to forego material advantages and refuse any kind of education under certain circumstances. Therefore we do like a State system where religious instruction is given.

Why are many communities opposing it? Is that correct? It is not for me to answer that questions for all communities because I can on this occasion only presume to speak for my community. But I would like to bring to your notice a publication entitled the Christian News Bulletin issued by the Study Department of the National Christian Council, Havelock Road. This is what it says:

"There may be concessions here and there in the matter of school buildings which are also used for church purposes; the policy regarding the actual ownership of the property, and of school funds (not to mention school debts) has not yet been defined; nothing so far has been said about school hostels. These and other matters await further clarification and, in some cases negotiations. It is clearly the intention of Government to listen to representations, and to avoid unnecessary embarrassment to the Church's religious work. In these peripheral matters there is reason to think that the government is anxious to be considerate: there has been a pleasing absence of rhetoric and a careful avoidance of statements calculated to exacerbate feeling. On the other hand there has been a swiftness and decisiveness of action which has made it clear that there is going to be no compromise on the central issue, which is a system of education under the control of the state, where every child, whatever his social status or economic resources, will be able to receive free schooling, and instructions in his own religion.

The disadvantages and the dangers of a state system of education are obvious and have been sufficiently canvassed during recent years. There may well be a decline in efficiency in some of our best schools (in our worst schools there is no room for decline—they are already at rock bottom); and educationists and the public in general, will have to be constantly on the watch to see that education is not made the tool of politics—this is of special importance in view of the unfortunate decision to give the vote to the eighteen-plus. Whether there will be less room for educational experiment under state control remains to be seen; it can be said that the assisted schools have shown much initiative in this direction during the half-century of their freedom. What the Churches will feel most acutely will be the loss of support to the local congregation following the dispersal of the staff of the neighbouring Christian school.”

Here are some of the immediate steps we must take - the path further ahead will become clear to us after we have begun to walk on it. . .”

In other words they take it for granted that there will be a State system of education and they are making suggestions for improving religious teaching in those schools. It states further:

“These are things to which the Church must address itself with urgent concern. When God allows a door of service to be closed to His people, we must not waste our energies in bewailing our lot, or in trying to keep a foot in the crack; - let us rather press forward, with energy, through the other doors which are standing wide open.

This paragraph began with the phrase ‘the axe has fallen’; it might be more true to say, the fairy’s wand has touched us to awaken a sleeping Church to new life and activity - and it is a wand which is wielded by the Holy Spirit of God.”

This is the reaction of one community as seen in the *Christian News Bulletin* published by the Study Department of the National Christian Council in October, 1960.

I began by asking myself two questions. First, is there a clear mandate and is the mandate such that the Government cannot withdraw or whittle down this Bill? I have been trying to show you that there is a clear mandate. It would be a breach of promise if the Government were to withdraw or whittle down this Bill because the party in power categorically committed itself to a system of State schools, and thereby they more or less agreed with the findings of the Buddhists

Committee of Inquiry and the Buddha Sasana Commission. I have been studying to the best of my ability the English version of the Report of the Buddhist Committee of Inquiry and certain relevant portions of the Buddha Sasana Commission Report with help of a friend of mine who helped me with their translation. It is quite clear to me as a Muslim that the Buddhists, by and large, feel that a rightful place for Buddhism cannot be accorded under the present type of assisted schools system.

Statistics were quoted by Senator Gunesakera and other hon. Senators. I have some statistics myself, but I do not have time to quote them. However, it is clear that the assisted schools system has been lopsided. My own reaction, as a Muslim and one who is interested in education, is that the vast mass of Buddhists certainly feel that this assisted schools system leads to inequality of opportunity between communities. It is amazing that the majority community should suffer from inequality of opportunity. Evidently, there is historically a good reason for this situation. After many years of study, I feel that the various colonial regimes that were in occupation of our country since 1505 have tilted the assisted schools system in such a way that inequalities have been created. For instance, a very small community like the Muslim community suffered from this inequality of educational opportunity and, curiously enough, the majority community, namely the Buddhist community, also suffers from this inequality. There may be a few good schools - I am personally aware of some of them - [Interruption] - Yes, certainly like mine. But that is quite a different issue. The figures that are given in the Administration Report of the Director of Education show that the system as such does not work to the benefit of all communities alike.

I would conclude by giving the 10 reasons cited by the Hon. Minister of Education for the State take-over of schools. Incidentally, the Hon., Leader of the Opposition quoted an extract from the Hon. Minister’s speech from a certain page of HANSARD. But in the very next page or two there is another passage which is more apposite. The Hon. Minister said that the Government is anxious to have a State system of education for the following reasons:

“(1) To supply the needs of the nation most effectively. . .”-

- with so many proprietors and religious denominations, there cannot be that measure of co-ordination; I once advocated an education commission to bring about that co-ordination, but I found that it was well-nigh impossible to expect unity among these varying groups-

- “(2) to eliminate the control of our education by foreign interests;
- (3) to avoid commercialization of our education;
- (4) to ensure equitable distribution of educational opportunities regardless of class, creed or locality;
- (5) to facilitate the teaching of the parents’ religion to their children without force or fraud or illicit means;
- (6) to ensure the co-ordination of education with commerce, industry, art health, and other services of the State.
- (7) to ensure the co-ordination of education with the nation’s policy as laid down by the nation’s representatives in Parliament;
- (8) to secure the nation’s cultural regeneration;
- (9) to harness education to the economic needs of the country; and
- (10) to prevent religious segregation amongst pupils when they are most impressionable and thus creating in their minds lasting prejudices which prevent common understanding and which militate against national unity.”-

[OFFICIAL REPORT, REPRESENTATIVES, 26th August, 1960; Vol. 39 c. 800.]

Now it is not possible to achieve the ends envisaged with dual control. It is my conviction that dual control has failed, because assisted schools are not prepared for such a measure and degree of control as is necessary. For example, if we were to tell the assisted denominational schools in this particular city, “You have too many H.S.C. classes to teach 30 to 50 students, please congregate in one place,” it will never be done. This has been the bane of the assisted schools system.

I am in favour of this Bill, I submit that, as far as our own fundamental rights are concerned, we Muslims have suffered from inequality as a result of the assisted schools system. Therefore, our rights will be better protected under the proposed system than under the present system. I thank you, Mr. President.

**ASSISTED SCHOOLS AND TRAINING COLLEGES  
(Special Provisions) BILL  
COMMITTEE**

*16th November 1960*

**SENATOR A.M.A. AZEEZ:** It is not so simple as Senator Perera makes out, because teachers will be finding themselves in a difficult position, after this Bill is enacted. A manager may have opted to stay out, under Clause 5, but the teacher has had no say in the matter. Therefore you cannot leave the teacher standing in the air and say that he has to bear responsibility of the manager.

I would like to mention one fact. Teacher's pensions are governed by a special Ordinance. It has so many peculiar features. Strangely enough, that Ordinance covers Government teachers also. I remember, when I was in Government service, there was a lot of agitation by Government teachers that they should be treated like other Government servants. But the view of the Treasury was that all teachers should be treated alike. So, the problem is there and it cannot be solved in such a simple manner. There are teachers who have been contributing for so many years - some perhaps for 20 years. What is their position? That is the question posed. You cannot take a parallel from the Government service.

I personally do not accept the view of Senator Perera who says it is the duty of the manager to look after the interests of the teachers. It is not the duty of the manager, for the reason that teachers of assisted schools have to be considered as a special category for whom the Government should certainly be responsible. Since the year 1924 - during Dr. Kannangara's time - due to agitation, teachers who did not want to leave the teaching profession were at the mercy of individual managers. It was for that specific reason that in the year 1924 the Government undertook certain responsibilities and therefore controlled the teaching service, and the position today is that these teachers receive their cheques direct from the Government, although they are not Government servants. That is a peculiar feature. Probably it is there for very good reasons. Therefore, this problem has to be viewed in that context. It is not a simple issue.

**APPROPRIATION BILL, 1960-61  
SECOND READING**

*9<sup>th</sup> December 1960*

**SENATOR A.M.A. AZEEZ:** This is an occasion, perhaps the only occasion through a whole year, when a Member of this honourable House could roam the entire field of governmental administration, without being irrelevant or without violating any of the parliamentary proprieties, and talk of many things, of cabbages and kings, not only metaphorically but even literally. But within the time available to me, I would like to concentrate on just one or two items of governmental administration which I feel have not received the emphasis they should have received, from my point of view.

I should like to deal with the proposed education commission, and I go by a report of the "Ceylon Daily News" which give the terms of reference of this commission. It states that there are 20 items listed for consideration, and one of the objectives of this commission would be to recommend a scheme of education which will ensure equality of educational opportunity to all children, regardless of race, religion, economic conditions or social status. I feel it appropriate on this occasion that I should emphasize that the pursuit of equality should not in any way militate against the desirable goal of quality in our education. Senator de Souza who preceded me, stressed the value in an under-developed country of human resources for economic development and the good of the country in all spheres. I would like to supplement it by saying that education is an instrument through which you can get the maximum use and benefit of the human resources, if it is wisely planned. Therefore, quality is something which is important. While pursuing the objective of equality, quality should also be preserved without violating the egalitarian principle which this education commission is committed to.

In this connection, I would like, although I have referred to this before, to quote the exact words from the Harvard Report on General Education which says. "The hope of the American school system, is precisely that it can pursue two goals simultaneously; give scope to ability and raise the average." Certainly, the question of raising the average has received adequate consideration, And the question of ability is to be considered, because one of the terms of reference mentions scholarships an so on.

But in view of the specific reference in the manifesto of the S.L.F.P. to the American system of education, I would like to refer to a news paragraph in a recent publications of the "Times Educational Supplement." I mention this for a specific purpose, because we are apt sometimes to take an educational system or a political system of another country as it is, as something static, without taking into consideration the criticisms that are being made of the system within that country for the purpose of improving and strengthening certain parts of it. We sometimes forget it and only take the system as it was propounded some years age, without having regard to the development that has taken place subsequently. It is for that reason that I would like to read a small paragraph from this "Times Educational Supplement" of Friday, 4th November, 1960 - a very recent issue - which shows that the Americans are not quite satisfied with the system they have, because they have learnt that some of the objects they pursue need revision. To use a popular phrase, there seems to be a process of agonizing reappraisal on their part, as far as their education goes.

**THE PRESIDENT:** Senator Azeez, kindly excuse my interrupting you, but will you go on till 7.30 p.m. today.

**SENATOR AZEEZ:** Yes.

**THE PRESIDENT:** I was told that there was this new arrangement, but we do not go into Committee.

**SENATOR AZEEZ:** I was about to quote an extract from the "Times Educational Supplement" It states:

"The finishing touches are now being put by San Francisco's curriculum survey committee to a report for submission to the next session of the Legislature calling for a drastic overhaul of the Californian educational system.

The concern that the country as a whole may not be keeping up with the Russians in the use of brain power is widespread. It may even prove a deciding factor in the forthcoming presidential election. The Committee's preliminary report got correspondingly widespread attention.

The committee, which consists of eight professors, four each from the University of California and Stanford University, finds much wrong with education in the San Francisco area, the special and by no means under-average region studied, The Committee's criticism strikes at the whole concept of education now favoured in this country.

Affirming in the very first paragraph of its recommendations that the purpose of education is to inform the mind and develop the intelligence, the report claims that recent pedagogical theory has tended to make education for life in a democracy' the primary purpose of the public schools, interpreting and applying that phrase in a way profoundly hostile to excellence in education. The result has been 'to skimp academic subjects, to lower standards, and to confine and retard the whole educational process.'

Education in America has reached this state because so-called 'educators' in this generation have laid emphasis on 'progressive education' and considered discipline psychologically harmful to a child. They have issued reports assessing merit in such terms as 'integrates well' instead of the traditional A.B.C. or D markings. They have sponsored campus beauty queen contests; they have built up a system that adulates the football and the baseball player, to the neglect of the scholar.

In such an environment the studious boy or girl who gets good marks is likely to be relegated to the 'square' minority, With all this the Committee takes issue. It wants to restore the traditional emphasis on developing the mind. Its report presents a long list of proposals designed to accomplish this end.

One proposal is that pupils should be divided into ability groups, covering the same subjects but at different levels."

Commenting on this, the "Times Educational Supplement" says:

"The report calling for a complete over-haul of education in California, summarized on

page 609, is a striking example of the way America has reacted to the scientific triumphs of Russia. In no country has the Soviet system been studied with greater care and enthusiasm. Many investigators have produced irrefutable proofs in detail that Russian children finish their schooling with far higher attainments than the American. That this was long known to be true of British, French and German children caused no worry. There was thought to be something decidedly undemocratic about the selective systems of those countries. But when it was discovered that the Russian child also was well ahead, the response was immediate. One can only admire the American capacity for rapid change once the need for it has been demonstrated. The Californian report throws overboard all the shiboleths of social education, all the theories that the chief business was prepare all children to be good Americans. The result of such teachings, it says has been 'to skimp academic subjects, to lower standards, and to confine and retard the whole educational process.' The purpose of education is instead to inform the mind and develop the intelligence. The return of streaming children by ability is recommended, with emphasis on thorough instruction in at least two foreign languages."

I have read this with a view to emphasising the need that exists in the present context of Ceylon to ensure that talent is encouraged through the well accepted system of scholarships. On another occasion on the floor of this House I mentioned that the stage has been reached that the whole scholarship scheme obtaining in respect of central schools of this country should be reviewed for the reason that it was instituted at a time when the medium of instruction was changed from the swabasha to English at St. VI level.

While on this subject, it is necessary that the proposed commission should also concentrate its attention on the aspect of local administration in education. I think it was Senator de Souza who mentioned that in order to get a system to work satisfactorily, it is necessary that people should not be helpless spectators but should have a sense of responsibility. This applies with greater emphasis in the sphere of education because, with the kind of over-centralised administration we have been used to from colonial days, we find that there has been insufficient and inadequate participation by the people concerned. It is very surprising that Act No. 31 of 1939 envisages a system quite different from what is obtaining today. There is in that Act a whole chapter devoted to local authorities in the sphere of education. That is Part III. This was passed during the days of the State Council, and it looks as if, after we attained independence, we were not very

anxious to develop and encourage local administration. The tendency has been over-centralisation of authority, or rather concentration of power at the Cabinet level, that is, at the level of each individual Minister. The result is that the whole scheme envisaged in Part III of this Act has remained a dead letter. This particular Chapter is a fairly long one. It speaks of the constitutional powers and duties of urban and rural education authorities. It envisages a system under which the local authorities were unable to levy special tax for purposes of education or to get subsidies from the Government to organise educational schemes for local areas with the help of the central government. That remains a dead letter. It has to be resuscitated. As a matter of fact, it has to be implemented, or improved and implemented.

I would submit for the consideration of the Government when it is finalising the terms of reference of this education commission to see that the terms of reference are not confined only to the content of education but to all aspects of primary and secondary education as well. I should also mention that this special problem of bringing local authorities into the system of national education should be one of the main topics of the education commission.

This Act, No, 31 of 1939, also envisaged local advisory committees, but they have ceased to function or they have not been functioning vigorously or efficiently. We have not yet reached a stage in Ceylon when all local authorities could be entrusted with the responsibility for educational matters, but I wonder whether it is not worth while considering the question of our municipal councils attending to matters of primary education and being responsible for it.

I would also submit that this Chapter did envisage a scheme by which a few local authorities could be entrusted with this responsibility and that in course of time the area could be extended, so that at some time or other, entirety of Ceylon would be covered by this system.

At this stage, it may be stated that both in the United States of America and in the United Kingdom local authorities play a very important part in public education, and that has to be so, because education has other aspects. We cannot,

really and sincerely, be democratic if we are not going to provide the training for the people to exercise governmental functions. If people are called upon only to cast their votes once in five years, I think, we will be practising democracy in a very limited sense - almost to a point of dishonesty - because if democracy is rightly practised they must have the exercise of power.

With regard to the proposed education commission, much would depend on the kind of personnel who are going to constitute this commission. I think, at the moment, there is opinion canvassed as to whether we should have associated as members of this commission experts from other countries. It is very appropriate at this stage for me to mention that the Indian commission, called the Secondary Education Commission, functioned from October 1952 to June 1953. It had about nine members. It is interesting for us to know that of these nine members, seven were Indians; two, it would appear, were foreigners - one of whom was Mr. J. Christie, Principal, Jesus College, Oxford, and the other, Dr. Kenneth R. Williams, Associate Director, Southern Regional Educational Board, Atlanta, U.S.A.

We should take a note of the fact that even in a country like India - which has such resources as far as educational experts go, which has so many universities - the Indian Government thought it fit to get the advice and assistance of two foreigners, one from the United States of America to advise on the Indian system. Now that we are going to have a public school system very similar to that of the United States of America, it is worth our trying to find out how that system has worked, what are the criticisms levelled against it, and so on. I have been quoting a relevant extract for that purpose so that we may derive the benefit of the experience that have accrued to other countries.

There are several other problems. I do not think it is necessary for me to mention all the problems that the education commission that is going to be appointed should go into, except to say that much would depend on the kind of recommendations which this commission is going to make, because on those recommendations would depend how best we are going to produce the technical experts that we are in dire need of, and without whom the country cannot economically progress.

As stated before, very often there has been a tendency to regard education as just one of the social services instead of regarding it as an instrument for national development. Therefore, I am glad that this commission is going to be appointed soon. Its terms of reference are going to be finalized soon. Let us hope that the personnel will be adequate and that we will gain the experiences of as many countries as we can, particularly of those countries whose educational systems are closely akin to ours.

The next item I would like to deal with is the revision of the Constitution. The Throne Speech has a very small paragraph about it:

“Steps will be taken to revise the Constitution and to establish a republican form of Government.” [OFFICIAL REPORT 12th August, 1960; Vol. 15 c. 25.]

I do not know whether the Joint Select Committee of both Houses of Parliament which was functioning would be resuscitated. I am not quite certain about it. Here again we should try to draw the lessons from other countries. As a matter of fact, we have borrowed our Constitution largely from the United Kingdom, but we are not sufficiently alive to the trends in that country.

I happened to come across a rather large volume with the title, “Parliamentary Reform 1933 to 1958: A survey of Suggested Reforms”, published by the Hansard Society, I believe this book was published in 1959 or 1960. I am mentioning that specifically to emphasize and stress a certain point. We are apt to think - and I have experienced it in this House when Members discuss constitutional conventions - that what is now in force in England is the last word on any matter; whereas in England itself there is a good deal of criticism on the various aspects of parliamentary machinery. There is dissatisfaction expressed with regard to several items, for example, the Cabinet. We are all enamoured of the Cabinet system, but there has been continuous criticism there as regards the Cabinet system. There has been continuous criticism with regard to the powers and responsibilities of the individual Member of Parliament, that he is powerless, that the Cabinet is almost omnipotent, and so on. Therefore, it is my hope that this Joint Select Committee, which will start functioning - I hope it is the intention of the

Government to resuscitate it - will ensure that we will not only draw the lessons of the British Constitution as it is, but will also take note of the criticisms made of the tests and trials this system has undergone, so that we may not regard the British Constitution as something static and final but something which is always in the process of growth.

I was interested in this book because there is along chapter on devolution. That is a very current problem in Ceylon. It talks of functional devolution and regional devolution. There, again, going back to Senator de Souza's point about people's participation in governmental activities, that can only come through a certain measure of devolution, not in the kind of constitution that we have where power is over-concentrated in the Cabinet, where the back-bencher has very little say except to vote, and so on. These are criticisms that have been made against the parliamentary system.

In fact, the late Prime Minister himself has written a memorandum which was published in a book for the benefit of all. I believe it was originally in the nature of a confidential memorandum to the Joint Select Committee where he expressed certain doubts and misgivings with regard to the functioning of the Cabinet system in its unadulterated British form in the conditions obtaining in Ceylon.

There are other questions similar to these, such as procedure. A whole chapter is devoted to it in this book that I refer to, and the system of committees figures very prominently in that chapter. That again is the same old problem with which we are familiar. We had experience, under the Donoughmore Constitution of the system of committees as provided there, but there are various suggestions made about some kind of committees being formed either in an executive way or advisory way through which each minister will be associated with Parliament, so that Parliament can truly and really exercise the functions it is supposed to exercise.

**SENATOR DUNUWILLE:** State Council Committee System?

**SENATOR AZEEZ:** The State Council Committee System is one of the various

types of committee systems that could be envisaged. I am not trying to prejudge the Committee or to propound my own views on the matter except to say, once again, that we should not take the Cabinet system as the last word on the subject because we have seen for the last 12 or more years the deficiencies of that system. I do not want to quote long extracts, but the late Prime Minister himself has in a very long memorandum published in the "The Government and the People" referred to this aspect of the matter. It was not the first occasion he had referred to the matter. He had referred to it in his lecture before the Indian Council of World Affairs, and again before the Commonwealth Parliamentary Conference that was held, I believe, in 1957. What I am trying to stress is that this Committee should go into these matters, because the Constitution we have today was more or less improvised in a quick fashion. It has been very often said that there had been no Constituent Assembly and that our Constitution was almost a complete imitation of the British system, without taking into account the conditions or the procedure that obtained in England. Therefore, I hope that these problems will receive the attention of the Committee, I believe that the terms of reference, as drafted at the time the Committee was first inaugurated, are wide enough to admit of these questions being discussed.

I am not sure whether the committee system is specifically referred to in the questionnaire that was prepared and published along with the Report of the Joint Select Committee of the Senate and the House of Representatives which was appointed to consider the revision of the Constitution. But I would like to see the terms of reference widened if necessary, so that not only the mere republican form of government will be considered but also other allied matters, some of which I have already mentioned. I refer to questions of devolution, functional and regional; the kind of committee system that may be inaugurated in order to ensure closer participation of Members of Parliament - I mean the back benchers - in the process of Government; the delegation of legislative and Ministerial powers and Parliamentary control over nationalised industries.

In the course of the last debate, I had occasion to say that we have followed certain trends with regard to Ministerial powers in our legislative enactments. I submit that it is a matter for comprehensive review. At the same time, it is my

submission that the appropriate authority to consider this aspect in an overall and comprehensive manner would be the Joint Select Committee.

Then, there is the question of the Senate, which my good Friend Senator de Souza once referred to as “a museum of antiquities” Whether it still continues to be so is debateable. In regard to the question of the Senate, I have here an interesting Report produced by a Committee of the Parliament of New Zealand which went into the reform of the Constitution, published in 1952. As you are aware, what corresponded to the Senate in New Zealand was the Legislative Council which was abolished in 1950. The same year they appointed a Constitution Committee to go into the question whether some other similar body should be established as an alternative to the Legislative Council. The Report of the Committee has this recommendation, which is very interesting:

“Under existing conditions, the justification for the setting up of such a second Chamber must rest not upon its power to override, restrict, or delay the activities of the elected House of Representatives, but rather upon its ability to render efficient, wise and practical assistance to that House in the discharge of duties which tend to increase in number, in scope, and in complexity.”

I am specifically mentioning this because we generally associate the Senate as a body which is intended to restrict or delay the activities of the elected House of Representatives. That is the traditional view. Here we find a Committee, appointed in New Zealand in 1952, defining the functions of the Senate in a somewhat different form, and this would be of relevance and interest to any body in Ceylon which is engaged in the task of revising the Constitution. I just mentioned this matter in order to bring it to the notice of the House,

Then there is the question of the Public Service Commission. The questionnaire issued by the Joint Select Committee indicated that there is a good deal of criticism against the P.S.C. as it functions today. I believe there is a long judgement in connection with a case involving the P.S.C. Therefore, it is very necessary that the question whether the P.S.C. should be continued in the present form or in a modified form should receive the attention of the Committee. I would tender a suggestion that the number of members of the Commission should

be increased from three to five, and that its powers should be modified, for the reason that our P.S.C., as far as its powers and function go, seems to be rather unique. I do not know of any other country which has a public service commission of our type. As far as I am aware, a similar body in England only deals with appointments and not with promotions. I speak subject to correction. There is another procedure in New Zealand and Australia where the P.S.C. combines the functions of the Establishments branch of the Treasury. The P.S.C. in England confines its functions to the selection of candidates.

We have seen, during the last 12 years, that conflicts may arise as a result of the Minister of Finance being head of the public service and, as such, dealing with schemes of recruitment, and the P.S.C also having functions that cannot be dissociated from these training schemes, and so on.

Ceylon seems to be ill-provided, as far as administration goes, with regard to the training of personnel. I remember in the good old days that a cadet in the Ceylon Civil Service had to go and learn his work from the chief clerk or the kachcheri mudaliyar. He had to grope through his way in the dark and familiarize himself with the work as best as he could. I must say that the chief clerk and the kachcheri mudaliyar had talent but no system in their training. Everything depended on the idiosyncracies of the person concerned. The system of training district revenue officers seems to be much better than the complicated system of training civil servants. The same thing applies to the foreign service where we have some kind of training scheme. But the days have gone when it can be safely assumed that administration is a very simple thing and that, provided given large salaries and all the emoluments connected therewith, one could, with a general education, administer anywhere and anything. I do not think that is correct.

I believe that the Wilmot Perera Salaries Commission is now going into these matters. I am not sure, but I think that one of the civil servants reported on the work of the administrative system or the administrative service, in India and that report has not yet been published. I tried to make some inquiries to find out whether that is now being considered by the Wilmot Perera Salaries Commission. What findings that civil servant has made I do not know, but I hope that they will

be made available to this Commission so that it may derive the necessary benefit.

These are all matters which have to be solved, because we have tried a certain system for the last 12 years and the tragedy is that we have neither a colonial system nor a system that befits a democratic socialist government or a democratic socialist state. It has got quite a number of features of the colonial system as well as the kachcheri system, and so on. Therefore, I hope that the terms of reference of the Joint Select Committee will be wide enough to take all these matters into consideration, and if the Government feels inclined to have a republican form of Government it need not be delayed.

Surely, the widening of the terms of reference need not delay the inauguration of such a system of Government because precedence has been established by the last Select Committee which was dissolved. That Select Committee has created a precedent in going ahead with urgent matters piecemeal and submitting a report. The same procedure could be followed.

**SENATOR DE SOUZA:** Legislation has been passed.

**SENATOR AZEEZ:** So that, modification could be introduced from time to time. At least in one sense we were able to see what two Caretaker Governments did; we now know what they could do and what they ought not to do. I remember an *ad hoc* conference of the leaders of all political parties - except the L.P.P. - was called in order to safeguard the rights of Parliament and in order to ensure that Ceylon will not find itself a Police State, and at that time it was found that our constitution was defective in that there was no way of summoning Parliament once it was dissolved; but it was beneficial in the sense that we now know there are certain contingencies that had to be provided for-[*Interruption*]

**SENATOR DE SOUZA:** The Governor can summon Parliament.

**SENATOR AZEEZ:** I am told that the Governor can summon. Anyway, it will have to be on the advice of the Prime Minister and, if the protest has to be against the actions of the Prime Minister, we will be misjudging human nature if we expect a Prime Minister to recommend to the Governor-General that Parliament

be summoned to go into his own shortcomings.

That reminds me to another problem. We find from the newspapers that the powers of the President as far as they apply to India are being canvassed at the moment. This again, is fortunate because we could address our minds to the problem in so far as it would affect our own future President. We would have to determine whether the President functions as a constitutional Governor-General or has certain inherent powers. What I am trying to stress is that we are fortunate that we have the experience not only the United Kingdom but also of India, Burma and Pakistan.

Burma has sent a mission abroad to study how democratic systems function in various parts of Europe. We have also the experience of caretaker governments and how sometimes a caretaker government is inclined to ridicule and reverse the policies followed before without any prior sanction. All these are points worthy of consideration.

I would submit that this Committee be expeditiously appointed, that it should undertake a comprehensive revision of the Constitutions and that the terms of reference should be such as to include all these and similar items.

I have a few minutes more left and would like to say a few words about concurrent accreditation of our foreign representatives. There is one place which I would submit should have concurrent accreditation and that is Saudi Arabia because it has in addition a certain communal interest in that it is compulsory for every Muslim to undertake a pilgrimage to Mecca once in his life time, and I believe there are 100 to 200 pilgrims who visit that place during the season. I would submit for the consideration of that Government that it would be very useful both from the point of view of Muslim citizens and from the point of view of Government to have some kind of concurrent accreditation in respect of Saudi Arabia because it has an economic advantage as well as a political advantage and also there will be somebody who will represent Ceylon at a time when so many nationals of Ceylon go there during the season. I find in this publication "Ceylon and World Affairs" that there are many other places where there is

concurrent accreditation. While on this subject of foreign relations I should like to quote a small portion of the preface by the Hon. Prime Minister who is also the Minister of defence and External Affairs:

“I would naturally like more to be known about my Ministry but, apart from this, there is a need for greater appreciation of our endeavours internationally as a well-informed public opinion is vital to the success of a country’s foreign policy and in the case of Ceylon her external relations are essential to her livelihood.”

I know that Senator de Souza was keenly interested in the promotion of non-Governmental organisation for this purpose which would educate the public on matters of foreign policy and the Ceylon Institute of World Affairs was inaugurated by the late Prime Minister. I have not got the relevant extract with me but I believe he promised State assistance. I think the inauguration was on the 31st of March, 1959. He was present and stressed the value of an institute of that type. But in Ceylon unfortunately we cannot have any voluntary organisation of the type functioning without financial help. I would appeal to the Government to honour the promise made by the late Prime minister and see that some assistance is rendered in this direction. I am not referring to financial assistance only but also to assistance by way of other facilities; otherwise, we are not going to have well-informed public opinion on world affairs.

I once had the experience of not being able to get some information from our local Ministry and it so happened that this information had to be obtained from one of the embassies here. I do not know what the present position is. With our strict policy of neutralism that kind of help will not be of much use or advantage. Therefore, we should take a little more interest in world affairs and see that the public is helped to form the correct opinion on these matters.

In this connection this magazine “Ceylon and World Affairs” will be of great interest and value as it could be a source of authoritative and useful information for the people.

## NO CONFIDENCE IN GOVERNMENT

*1<sup>st</sup> March 1961*

**SENATOR A.M.A. AZEEZ:**

If I have made up mind to intervene in this debate, it is because of my convictions that one important aspect of the matter has been either not stressed or has been understressed, namely, the right which any citizen of any country has to life and liberty and whether he can be deprived of liberty in the Draconian fashion that has been suggested. In fact Senator Perera wanted Draconian actions. Draconian action may sometimes be necessary, but it is also the duty of a sovereign Parliament to consider very carefully in taking such Draconian action that it is in the interests of the people at large, and not Draconian action to punish A, B or C on some whim or fancy. If such Draconian action is necessary - and definitely necessary - in the public interest, then, in the process an honest attempt must be made by the sovereign Parliament to see that the right to life and liberty is preserved to the maximum possible extent. This controversy has got mixed up with two general elections that were fought on party labels. I am in the happy position of not having taken part in the last general election and canvassing for any party.

**SENATOR COORAY:** Not July. What about March?

**SENATOR AZEEZ:** Neither March nor July. Therefore I sincerely feel that while in our mood of self-righteousness we are anxious to hang them. The public have already hanged them. That, again, is a phraseology I am borrowing from Senator Perera. Some of these men have long before been found guilty at the bar of public opinion. If that is to be final, we can merely take a public vote. Today there is the assassination case going on in our courts. If public opinion is the relevant factor, there should not be a prolonged trial. But our whole procedure is

different. We do not find an accused person guilty, because a large number of people say that he is guilty.

Therefore, the first proposition is what action should Parliament take in reference to the Report of this Parliamentary Bribery Commission? Incidentally, all along Senator Perera used the word "tribunal". But as far as I can see, this document is published as the "Report of the Parliamentary Bribery Commission" I am not competent to deal with the subtle difference between "commission" and "tribunal". But that is the phrase which appears on the title page of this Report. Be that as it may, I would like to analyse to your satisfaction the kind of measure that is now contemplated by Government. This is not a secret document; this is a Bill ordered by the House of Representatives to be printed, and is dated 9th February. It is entitled "Findings of the Parliamentary Bribery Commission (Consequential Provisions) Bill" and it came to me in the normal course of events. Therefore, we have to take notice of it. The present motion, as it is worded, gives one the impression that the Government has taken absolutely no steps to deprive the Members concerned of their civic rights. I shall come to that later. But Senator Perera said that anyone's surmise as to the intention of the late Mr. Bandaranaike is as good as another. I heartily agree. Therefore I venture to give my own surmise and say that it is as good as anybody else's surmise. I would however, like to mention that I had an opportunity of working as his Assistant Secretary for a period of seven months and I am not entirely a stranger to his way of thinking.

Why did the late Mr. Bandaranaike appoint this Commission? Was he not aware of the fact that Section 13 (3) (k) of the Constitution of Ceylon disqualifies a person if he has during the preceding seven years, been adjudged by a competent court or by a commission appointed with the approval of the Senate or the House of Representatives? Was he not aware of the Bribery Act? In the first place, he was a person who was deeply concerned with the inauguration of this Constitution. Everybody is expected to know the law of the land; but that is not so in fact. But, in this instance, no one will question the position I take up that the late Mr. Bandaranaike was fully aware of this section and its implications. With regard to the Bribery Act, if I remember right - I speak subject to verification - I believe it was passed during the time he was Prime Minister and he made speeches

concerning it. He was, therefore, aware of these two provisions of the law.

In the context of our present discussion, I think it is our duty to ask ourselves - when the late Mr. Bandaranaike's name is so often quoted - why is it that he deliberately did not take advantages of these two provisions. We could only surmise, and my surmise should be as good as any other's. I feel that when he wanted this Commission to investigate allegations of bribery during the period commencing 1st January, 1943, there was some purpose. What was the purpose? Was it to catch all those people who were his political enemies, put them on trial and find them guilty? I do not think so, because that was not his general conduct, as judged by the other happenings and events and by his speeches.

Therefore, I feel that he was interested in the extent of bribery, and not five or six individuals, because all along the accusation had been made that after our attainment of independence bribery had become rampant, that everybody was being bribed and no one was safe. Of course, if rumours were to be believed, probably nearly all members of Parliament, members of the Public Service, so many contact men and so on, were bribe-takers. It may have been - and I think it was his intention to find out the extent of bribery and review the position of the law in regard to the incidence of bribery in the country, with a view to revising the Constitution. He was concerned with the revision of the Constitution pertaining to matters of far-reaching importance. If I knew his mind correctly, I feel that he was interested in finding out the extent of Bribery-whether the allegations and rumours were exaggerated, whether there was any foundation in them, and so on. I think he was also interested in finding out a more fundamental or drastic remedy to stop bribery-not by getting five or six people arraigned before a commission or tribunal and found guilty, but by discovering whether the Government machinery had certain inherent defects and so on. I do not want to elaborate on that aspect.

Therefore, it is difficult to say that if Mr. Bandaranaike had lived he would have straightway taken a particular course of action. Even if he had such an intention, could he have anticipated two general elections and his own assassination and the confusion that followed? We would have known what he

intended if he had put it down in writing and said, "This is the way I propose to deal with the Bribery Report." Even so, can we say today, after so many unprecedented and unexpected events, that he would have taken the same action had he lived?

I have not the relevant quotation to cite here, but on another occasion I said that people change and justify a certain change in their own attitudes by saying that when circumstances change, any sensible man has to take note of those circumstances. Therefore, in a matter like this, I for one do not attach that kind of exaggerated values of what the late Mr. Bandaranaike would have thought of doing, because no one can be certain as to what he would have done if he had lived. When there is no written evidence of what he did think, all I can say is that, knowing very well that there were the Bribery Act as well as Section 13(3) (k) of the Constitution, he did not take advantage of them.

It has been said that this was an accident. Are we to believe that a man of the stature of the late Mr. Bandaranaike was doing this by accident? He had some deliberate intention in not making use of these provisions. It is untenable to say that it was just an accident. The fact remains that there was no specific approval of this Commission by the House of Representatives or the Senate, though certainly in spirit we had given our approval.

Those are glaring facts which are relevant to a discussion of the findings of the Bribery Commission and the action to be taken thereon. I would like to add, within the one minute left to me, that a distinguished Tamil friend of ours, whose name I do not wish to disclose, stated, when he heard of the assassination of the late Prime Minister that the last liberal in Ceylon was dead. Therefore, I say that if he had lived, he would certainly have been swayed not by such irrelevant things but by the one relevant consideration, "Am I giving the allegedly guilty man every opportunity to defend himself?" After all that factor is also as important as the question of trying to stop bribery. How can we stop bribery if we are not going to take into consideration the normal deficiencies in human nature?

Much has been made about the personnel of the Commission and about itself. I do not take up that attitude. The findings are there. Having appointed a Commission and accepted its findings, it is useless to talk about how the Commissioners proceeded and how they did not proceed. But it is relevant to know whether the same degree of proof has been accepted and adopted by the three Commissioners. All are agreed as to what measure of proof is necessary. Yet, human nature being what it is, these three gentlemen have differed. These are eminent men of judicial experience. Unlike ordinary mortals as myself who have no judicial experience worth speaking of, these are men of stature who have the necessary technical knowledge of the law. In this Report, human nature being what it is, they have also differed.

## NO CONFIDENCE IN GOVERNMENT (Continuation)

*2<sup>nd</sup> March 1961*

**SENATOR A.M.A. AZEEZ:** Mr. President, in the course of my remarks yesterday, I have been endeavouring to the best of my ability - I wish I had greater ability than what I am possessed of, because a good cause should not be lost on account of the deficiencies of the advocate - to point out how necessary it is that we do not trample the right to life and liberty in the Draconian action we propose to take and we should take - and I agree with Senator Perera that we should take Draconian action - in respect of the six or seven individuals against whom the Thalgodapitiya Commission of 1960 has reported after careful, competent and impartial inquiries and investigations made, no doubt, in some cases unanimously and in others with one of the three members dissenting.

In taking that Draconian action which is eminently called for we should be careful - scrupulously careful - as members of a sovereign Parliament that we do not trample the right to life and liberty which inhere in every person inhabiting any country, a right that is unequivocally recognised in democratic countries, a right which is inseparably associated with every human being irrespective of his caste or creed, irrespective of whether he belongs to a majority or minority, irrespective of his political affiliations and irrespective of the degree of esteem he may enjoy among his colleagues and comrades and, may I add, irrespective of whether he has been found guilty or is alleged to have been found guilty by the public or, to quote the words of Senator Perera, "at the bar of public opinion". This right to life and liberty is more important than any other right, for example, the right to property-even more important, may I say, than the right to a loud-speaker.

It is my conviction, in the context of the current controversy as it has

developed so far in respect of the Report of the Thalgodapitiya Commission, that we are confronted with the positive danger-in our present somewhat abnormal mood of self-righteousness, in the unfortunate circumstances of the two general elections that followed each other so closely and the bye-elections to be held shortly - of failing "to catch a glimpse of the ultimate in the immediate, of the universal in the particular".

This danger is not theoretical, as I shall shortly proceed to show. Already some of us have fallen a victim to this mood and developed a sneaking admiration for the kind of trials and punishments that were once practised and approved of by the ancient kings of Lanka, and some of us have gone to the extent of suggesting that an appeal by these six or seven individuals to the House of Representatives is preferable, positively more preferable, to appeals to the Supreme Court, forgetting thereby an important dictum quoted at page 64 of the Thalgodapitiya Commission Report, namely, that justice should not merely be done but should plainly and manifestly be seen to be done. The fault is not in us but in the British parliamentary party system and the bye-elections that are to be held shortly.

Therefore, in our anxiety to punish severely these 6 or 7 individuals, let us not forget that a person cannot be deprived of his liberty without legal justification, whatever his past might have been and however much we may dislike him.

It is from this point of view that I approach the censure motion that has been so eloquently commended to this House by Senator Perera.

In this connection I should like to quote - and I am sure you will agree with me that the quotation is very relevant - a passage from the speech of the late Prime Minister, the Hon. S. W. R. D. Bandaranaike. This was not a statement which he made as an immediate reply to some question put to him or a statement that indicates his immediate reaction to a situation; it was a well-considered statement. The occasion was a Vote of Expulsion in 1943. These were his words:

"I would like to draw attention to the fact that the systems of law and jurisprudence under which we have been trained, the system of British law, definitely recognises, on the one hand, the equality of man in the eyes of the law;"

“Secondly, it lays stress upon the rights of the individual even as against the State. Those are the broad outlines of British justice that have been developed through the ages.”

In the context of equality of all men in the eyes of the law, we have no right to condemn people straightway without being sure that the condemnation is legally justified.

It is interesting that on this particular occasion when this debate took place, the then Legal Secretary set out the position with regard to the Vote of Expulsion. This is statement made by the Hon. Mr. Nihill - I am quoting from the State Council of Ceylon HANSARD of May 25, 1943, column 780 :

“Now in this case it is perfectly clear what the practice of the House is with regard to those Members who on occasions are shown to be guilty of some crime or misdemeanour or some other action which makes them morally unsuitable to continue to be Members of a dignified assembly. The practice is for the House, after giving notice to the Member affected, to move a resolution expelling that Member from its body, and the effect is that his seat becomes vacant. It must be noticed that the House does not go further than that. It is not within the power of the House of Commons in England on its own motion to disqualify an expelled Member from subsequent re-election. The reason for that, of course, is that the disqualification for election is a matter for ordinary law and the House of Commons is only one part of the legislative machine.

**SENATOR HON. S.P.C. FERNANDO:** What are you reading from?

**SENATOR AZEEZ:** The HANSARD of the State Council of May 25, 1943, column 780.

As far as we are concerned, we have no an Order-in-Council which deals with the question of the deprivation of civic rights consequent upon the finding of guilt. I would like to read Section 13 (3) (k) which states:

“if during the preceding seven years he has been adjudged by a competent court or by a Commission appointed with the approval of the Senate or the House of Representatives or by a Committee thereof to have accepted a bribe or gratification offered with a view to influencing his judgment as a Senator or as a Member of Parliament.

Yesterday, the hon. mover of the motion suggested that this was a competent

court. I would like to quote a small sentence from the Thalagodapitiya Bribery Commission Report, page 141 :

“Mr. Thiruchelvam then went on to draw our attention to the well-known dictum of Denning L.J. outside the regular courts of this country, ‘no set of men can sit in judgement over our fellows except so far as Parliament authorizes it or the parties agree to it’.”

I know it was quoted in some other connection but it is somewhat relevant. Is this a competent court? Senator Perera tried to prove to us, citing sections from certain Acts, that this was a competent court. I know that that is not the view held by some prominent Members of the Opposition in the House of Representatives because the distinction has been drawn between a competent court and a competent body. If, as Senator Perera tries to show, it was a competent court, I do not know whether this motion could be brought blaming the Government - to quote the words of the motion - “for not taking steps to deprive of their civic rights those who were found guilty of bribery.” If it was a competent court they have already been deprived of their civic rights. Therefore there is nothing that Government could be expected to do in the matter. So, how can there be a vote of censure against it? But, as I said before, this seems to be a view not shared by all who have voted for the vote for censure because it has been stated in the House of Representatives by some eminent Members that this is not a competent court but a competent body.

Then there is the question whether this was a commission appointed with the approval of the Senate or the House of Representatives. Reading the HANSARD of the House of Representatives, I find that the Government has specifically consulted the Attorney-General on this point and he had ruled otherwise. Therefore, as far as I am able to see, neither is this a competent court nor has it been approved. I do not want to enter into the question whether it has been approved in spirit. In dealing with the rights of liberty and rights of the individual, we cannot pay undue attention to approval in spirit because technicalities do matter with regard to rights of individuals. After all, we should not forget that one of the main functions of Parliament as known, according to the British system, is the preservation of the rights that are possessed by, that inhere in, individuals.

What is a competent court? Leaving aside all these legal dictums and statements, I think an ordinary man understands a court as some place where punishment can be inflicted. Whenever we think of the court we always think of either fine and imprisonment or warning and discharge or not guilty. Now, as far as I am able to see, neither in Act No. 17 of 1948 nor in the terms of reference that are published in the *Gazette* is any punishment contemplated by the Commission. Therefore, it makes a world of difference that as far as legal justification is concerned, it does not fall within the Bribery Act.

For some reason or other, this Commission was appointed with out action under the Bribery Act. I do not know whether it was not possible to be so appointed. It was not appointed in any other way except as a Commission to investigate, inquire and report. I therefore say that if we are going to take up the position that the persons are already condemned, already punished, and that the section of the Order-in-Council operates, then there is no necessity for us to debate that the Government is failing to deprive these people of their civic rights because they should have been automatically deprived of their civic rights. We are now confronted with the position that whatever action we contemplate by way of punishment would be a retrospective act. If there is going to be any manner of legislation to punish these people, it will have to be retrospective legislation. That cannot be avoided. I am not a legally trained person but I am mentioning this because if that position is not quite correct, I am quite prepared to be convinced by listening to others who are going to follow me. We are going to deprive these six or seven individuals of their civic rights in a retrospective manner. It is very interesting to read what the late Prime Minister, the Hon. S.W.R.D. Bandaranaike, has been saying about retrospective legislation. I would like to quote his words:

“The point I am trying to make is this, that in contradistinction to certain other civilized and progressive countries, the British system has always laid stress on and recognized the rights of the individual. What is it proposed to do here? It is proposed to create an offence, by whatever machinery you want, by resolution or otherwise; to create a legally punishable offence before, and having created that offence make it apply retrospectively to make the findings of the Commissioner on a matter which was not legally punishable, punishable now, after the event.”

If that is the position, and if that Draconian action is necessary, that kind of punishment is needed - and I feel it is necessary in the interests of public morality - such Draconian action should be taken without trampling upon the individual's right to liberty. This is a very difficult position because, on one side, you have to safeguard the interests of the State and society, safeguard the interests to the extent that there should be a high standard of public morality, and, on the other, you are confronted with the right that inheres in any individual, which is also equally the duty of Parliament to protect. I cannot personally think of any way of solving this until those whose civic rights are to be deprived are given the opportunity, if they think they are not guilty, to prove and vindicate their innocence.

Therefore, it is very necessary that whatever action is taken - justice should not only be done but also appear to be done ! - the right of the individual should not be trampled upon, should not be denied. I feel it becomes necessary that, before they are deprived of their civic rights, they should have an opportunity to appeal. Whether the appeal should be to the Supreme Court or some other body, or in any other manner, is a matter of detail. But so long as there is no legal justification for punishment, so long as the punishment contemplated is by way of a retrospective nature, certainly it is the duty of Parliament to see-and I strongly submit-that some protection is given to those six or seven individuals who still maintain that they are not guilty. There can be no other opportunity to vindicate themselves, except by some kind of appeal.

In fact, one hon. Member of the House of Representatives suggested - I do not have the exact reference - that if he had to choose between an appeal to the Supreme Court and an appeal to the House of Representatives, he would prefer an appeal to the House of Representatives. But I feel, in the present context, it is not satisfactory that the appeal should be heard by those who cannot-human nature being what it is; not that it is anything intrinsically wrong or morally depraved-dissociate themselves from certain prejudices born of their affiliation with certain parties. It is difficult, to say the least. Therefore, it is certainly a much more satisfactory method whereby an appeal can lie to the Supreme Court rather than to a set of politicians, because judges-their training is such-are always qualified - [*Interruption*].

I hear an hon. Senator saying, "He is also a judge". I do not know to whom the reference is made. Perhaps it is to a Bribery Commissioner. I have not, in my speech, questioned the impartiality, carefulness or competence of any of the Commissioners. All I say is that we have here a dilemma. On the one side, we must have some kind of punishment. On the other, for some reason or other, the punishment is not automatic. The point is that it must be a competent court. True, there might have been acquiescence. But that is a different matter. Therefore, if punishment has to be meted out, the normal opportunity should be given - as is given to any criminal, to any murderer, to any bribe-taker; if I may say so, - to vindicate his innocence. Of course, we are very anxious, in our mood of self-righteousness, to catch hold of six or seven persons and make a wonderful example of them for the benefit of the country. So far so good! But surely, if you are going to interfere with their rights in this manner, we will set a very bad precedent.

Let us assume that all these people appeal and they all get acquitted. If they are going to be acquitted - it is not a probability, but I am taking this extreme instance - what would be the effect on our bribery law? Supposing, as a result of these appeals, it is found that the rules of evidence have not been satisfied, or that the guilt of the accused has not been proved? We should be able to derive a good deal of experience and also be in a position to purify our public life in a better way. That would be much more useful than merely being satisfied in catching hold of some people, because it had been said that they had taken bribes and punishing them. To my mind, that is not so important as appreciating the extent of bribery that is going on, as evidenced by this Report, and taking measures that will radically cure the situation.

I do not want to make much of the time of this honourable House because, if I do, we may not be able to conclude the debate today. I only want to deal with just one more point. It was stated that when you allow an appeal you are placing the Commissioners on trial, and that some people may think that there has been something wrong about the proceedings. I do not accept that argument. The judgments of eminent judges are canvassed, are questioned in a Court of Criminal Appeal. If there is nothing wrong in that, if there is no reflection on those judges, then I do not think that there is any reflection here.

I sincerely feel that we are very unkind to the Commissioners themselves if we think that they would resent it. Very curiously, I came across this quotation last evening where the qualities of judges are described by Laski in reference to Mr. Justice Holmes. He says:

"He has to put aside the ambition which drives the politician to search for power and the thinker to the construction of abstract system. No one must be more aware of the limitations of his material, none more hesitant about his personal conviction."

Therefore, I do not think that if these gentlemen are given the right to appeal there will be any reflection on the Commissioners. The prime consideration of politics is power, but the prime consideration of law is justice. I am sure that any commissioner, any judge, anyone with judicial experience, is not only done but also manifestly done. If any person has any reasonable chance of asserting or establishing his innocence, he should be given that chance.

Hence I feel that the Bill or the action that is contemplated very satisfactorily reconciles the conflicting interests of the State and society, on the one side, and the individual, on the other; otherwise, we will have, on the one hand, the alternative of retrospective legislation without a chance of appeal afforded to the parties concerned and, on the other, of not taking any action on this Report. Therefore, I personally do not see how best these conflicting interests can be reconciled, except by the kind of measure that is contemplated by the Government. To ask the Government that it should deprive these six or seven individuals of their civic rights, without legal justification and without giving them an opportunity to establish their innocence, would be wrong and would be neglecting one of the essential duties of Parliament, namely, to be always concerned with the rights of individuals even at the expense of the State. I thank you, Mr. President.

## LICENCING OF TRADERS BILL SECOND READING

28<sup>th</sup> June 1961

### SENATOR A.M.A. AZEEZ:

I was closely following Senator de Souza's argument. He asked, so long as you have the Emergency and the powers under the Emergency, why have this? Now I am very anxious personally that the Emergency should end. Senator de Souza's approach to the problem was, you have the Emergency, why not use the power under that? Because I do not want the Emergency I would like the Minister to be clothed with these powers - [*Interruption.*] After all the executive is being given some discretion. Senator de Souza says very drastic powers are to be given a good testing time and perhaps the discretion they are going to possess now may turn out to be a good experiment and a good lesson, so far as the shape of things he is in favour of is concerned!

## ADDRESS OF THANKS TO GOVERNOR GENERAL'S SPEECH IN OPENING THE PARLIAMENT

13<sup>th</sup> July 1961

*The Speech of the Governor-General included the following proposals.*

1. *Setting up a University Grants Commission for all the three Universities.*
2. *Establishment of two Cultural Universities, one for the promotion of the Tamil Language and Hindu Culture, the other for the promotion of the Arabic Language and Muslim Culture.*

### SENATOR A.M.A. AZEEZ:

Mr. President, it is now my privilege to move the Address of Thanks. This Throne Speech naturally contains a list of all the important laws that will be enacted and nearly all the items of policy, continuation items as well as new items, that will be implemented during the course of this year. I would submit that this somewhat long list should not in any way encourage us to miss the wood for the tress. We should therefore be able to discern distinctly the political creed that shapes all the various measures adumbrated in the Throne Speech that has been just read out. A clue to this creed is provided in the opening sentences of last year's Throne Speech:

“The free votes of the people democratically cast at the last general election are a clear indication that the policies enunciated by the late Mr. Bandaranaike have been endorsed by a vast majority of the people of this country. These policies will generally be pursued by my Government.”

When the cruel hand of an assassin removed from the arena of Ceylon's politics the late Mr. Bandaranaike, he had just begun the task so undauntedly undertaken by him, for and on behalf of the common man, of ushering in a new era of democratic socialism, combined with a revival of our cultures whereby spiritual values could be stimulated and religion made a vital force in the lives of

the people. That was his plan and that was his programme-where economic development without cultural revival would be as lopsided and incomplete as cultural revival without economic development. It is precisely in this that the late Prime Minister differed from other leaders and other political parties.

On his death there was the danger of the abandonment of the ideals he strove for throughout his life. There was also the danger of the complete destruction of all he had achieved for the masses. In this crisis they looked up to the present Prime Minister, and she responded with courageous resolve to continue the work of her husband, inspired by his life and encouraged by the affection shown by the people. Thus did the present Prime Minister, with a sense of dedication, abandon a cloistered life and embark upon the perilous journey of politics which was completed with phenomenal success. It is therefore to the political creed of the late Mr. Bandaranaike that the present Government owes its allegiance, and it is by that creed and by that standard that the Throne Speech could be rightly and truly assessed.

It is not my purpose to expound that creed at this stage but some of its salient features must be mentioned because of their relevance. They are, in the realm of external affairs, a policy of dynamic neutralism; in internal matters, a successful application of the concept of "harmonious conflict" in the economic and political spheres, democratic socialism, and firm faith in the common man and woman of Ceylon, awareness of the dangers of neo-colonialism and of the exploitation of the bogey of communism, particularly by the mercantile vested interests, recognition of and respect for the rights of minorities, restoration of Buddhism to its rightful place and the equal encouragement, in a qualitative sense, of all other cultures that had been suppressed or had suffered during the dark and dismal days of foreign rule, lasting over four centuries, when the educational system in vogue failed to produce integrated personalities, when traditional virtues and values were undermined and habits previously undermined and habits previously considered manners befitting the low-born became acceptable fashions attaching culture and civilization.

There are several items in the Throne Speech which further promote the ends of the Bandaranaike creed. But for want of time I would concentrate upon just one item, namely, the establishment of two cultural universities, one for the promotion of the Arabic language and Muslim culture. As a Muslim, I should like to make it clear that as far as the Muslims are concerned, culture is religion and religion is culture; language and race occupy very subordinate places in Muslim society compared with religion. By the promise of this University, I would say that the present Government especially the Hon. the Prime Minister, has earned the gratitude of the entire Muslim community as well as of the unborn generations of Muslims of this Island, for in this country Islam has been preserved at considerable sacrifices during the four centuries of foreign rule beginning with Portuguese atrocities.

On a historic occasion the late Mr. Bandaranaike uttered these sentiments; "My country is a small one, a weak one and a poor one, but I venture to think that today, particularly in an organization such as the U.N.O., the service that a country can render is not to be measured alone by the size of that country, its population, its power or its strength." Likewise I would say, as a Muslim, that the Muslims of Ceylon, though a minority both in the point of influence, can yet render a signal service to our motherland on account of our having been the first to repudiate zealously the Macaulayan conception of education in which the aim was "to make us though not English in blood and colour, English in taste, in opinions, in morals and in intellect." We can make a distinctive contribution to the political life of the country on account of the Islamic socialism our faith enjoins upon us and we can play a worthy part in the controversies that are raging round us on account of our being scattered throughout the different parts of Ceylon and our having always lived at peace with our sister communities and therefore attaching the highest value to the ideal of a United Lanka as against a United States of Ceylon.

As far as the present Government is concerned, prophecies have been recently uttered and propagated predicting its fall within the year; prophecies of doom, born of dismay and despair. On closer analysis, these prophecies are found to emanate generally from the easily recognisable centres of neo-colonialism and

the citadels of reaction, quarters which never could adhere to the Bandaranaike creed and from which no support can ever be expected by the present Government. These prophets have been proved false on previous occasions and they will be proved false again, despite the adventitious aid of their astrologers who know their own stars less than others. These quarters never do, and never can, feel the pulse of the nation, nor can they ever appreciate or understand the surging aspirations of the people of the country. To the people, Mr. Bandaranaike is the lasting symbol of their hopes and triumphs, their aspirations and achievements. His political creed, they will therefore defend with zeal and spirit, with devotion and dedication, and they will, I am sure, say to these prophets, "Let the dogs bark, the caravan will pass." As far as the Muslims are concerned, and to my fellow citizens, I would say in all earnestness, "Beware of false prophets which come to you in sheep's clothing but inwardly they are ravening wolves." I am confident that the present Government itself will sponsor another Throne Speech next year with added courage greater hopes and still better achievement. I move,

"That this House do present the following Address to His Excellency the Governor-General in reply to his Speech:

*"May it please Your Excellency,*

*We, the Members of the Senate of Ceylon, thank Your Excellency for the Speech with which you have been pleased to open Parliament.*

*We assure Your Excellency that we shall give our best attention to all matters placed before us."*

## **APPROPRIATION BILL 1961-62**

*20<sup>th</sup> September 1961*

**SENATOR A.M.A. AZEEZ:**

I would like firstly to refer to two items in the budget, particularly to two items in the sphere of the revenue proposals which are novel and are also significant in that, implicit in those two items - although the amount involved is not appreciable - there are important principles introduced. As a matter of fact, Senator Jayawardena as well as Senator Dunuwille have both referred to the ceiling on incomes, and both were very critical of this aspect of the budget proposals. Senator Jayawardena even wondered - if my impression while listening to his speech is correct - whether, if the late Prime Minister had lived, he would have approved of such a measure.

I happen to have with me, very fortunately, the text of the resolution which the late Mr. Bandaranaike moved at the S.L.F.P. Conference in 1958 in which he tried to define democratic socialism as he envisaged it. That gives a clue to what he meant by democratic socialism-with which I personally am in entire agreement. This is the text of the resolution which he moved.

"... the Sri Lanka Freedom Party reaffirms its basic policy of democratic socialism which connotes:

(a) By Democracy, the concept of those individual and collective freedoms which are an essential ingredient of democracy e.g. freedom of thought and expression, of assembly, of worship, freedom of the vote etc. and collectively such freedoms as freedom from want..."

that is important; freedom from want is one of the freedoms envisaged-

"... ignorance, disease and fear etc. Democracy involves also such concepts as sovereignty of Parliament, chosen by the free vote of the people, the impartiality and efficiency of the

administration, and the independence of the Judiciary.

(b) By Socialism, the concept of a classless society..."-

that is a significant phrase: "classless society"!-

"... which not only guarantees equality of opportunity but also ensures that the resources of the state are utilised in the best interest of the people. Democratic socialism, therefore would on the one hand differ from what might be called totalitarian forms of socialism by the fact that socialism would take place under the forms of democracy and therefore would be more gradual, more sensitive to the wishes of people than the forcible imposition of such measures by authoritarian methods. On the other hand, Democratic Socialism would differ from Democratic Capitalism by the restriction of certain individual liberties that are really part of the Capitalist system rather than of Democracy.

(c) With the Democratic Socialist idea is combined a third factor and that is the revival and fostering of culture and religion."

I have quoted this rather long text in order to answer both Senator Jayawardena as well as Senator de Souza. Of course, one Senator argued from the viewpoint that Mr. Bandaranaike's conception, in his opinion, was wrong. I am not going to argue that point here. But the resolution really answers Senator Jayawardane who felt that, as a result of personal discussions he had with the late Prime Minister, he would not be very enamoured with this particular proposal of a ceiling on incomes by which the excess, a certain category of income which is specified in the budget speech, is taken, but half is given back or is converted into development bonds.

As far as the objectives of this particular ceiling are concerned, they have been very clearly enunciated in the speech of the Hon. Minister of Justice and I can do no better than quote a small extract:

"The limitation of incomes and the appropriation of the surplus is another socialist measure for bridging the yawning gulf between wealth and poverty, the prevention of anti-social accumulation of capital, and for channelling surplus capital for productive use in a planned economy."- [OFFICIAL REPORT, 12th September, 1961; Vol. 17 c. 456.]

The objectives are very clearly stated. Therefore, I welcome this particular feature although, as I said, in terms of money or revenue the amount is not appreciable. I believe it is Rs. 2 million, half in the form of surplus super tax and the other half in the form of development bonds. I welcome it for the reason that it establishes the principle - which, I think, is the correct principle - that no person has an unfettered absolute right to his income, and that no person has a right to super-abundance in the midst of semi-starvation. The kind or class of society that is envisaged in the resolution can be only built up by bridging the yawning gulf - to use the words of the Hon. Minister of Justice - between wealth and poverty.

As I was listening to the speech of Senator Jayawardena, I was wondering whether his definition, or the definition that was implicit in his remarks on democratic socialism, was not approximating more to a social welfare state than to a democratic socialist state. I feel that as a result of the introduction of this item there has been a definite breakaway from the idea of the social welfare state and the confusion that generally exists in regard to a social welfare state and a socialist state. This would be the first step, I believe, by which a society which has large numbers of drones and drudges can be transformed into a society of all workers-either by hand or brain, manual or mental, or both.

The other item which I refer to as novel and significant is the one concerning the rice subsidy in regard to which a very satisfactory method has been devised, resulting in the subsidy being confined only to the non-income taxpayer. Senator Jayasekera was referring to the various rumours that were current about the time the budget was to be introduced. Some persons anticipated the rice subsidy would be entirely abolished. Others felt that the Guaranteed Price Scheme would be affected. Yet others felt that there would be a tax imposed on ration books. I believe it was calculated at that time-I do not know; I speak subject to verification-that every cent's increase in the price of rice would give an additional Rs. 8 million and every rupee reduced in the price of a bushel of paddy under the Guaranteed Price Scheme would bring down the expenditure by Rs. 18 million. These were the surmises that we were familiar with about the time the budget was under preparation. But the scheme that has been devised, I think, is satisfactory. I have specifically mentioned this, because in this scheme is implicit

the important principle by which-whenver the Government gives a subsidy-the Government can differentiate between those who are fully deserving of the subsidy and those who do not necessarily require that subsidy, depending on the financial position of the country and the person.

In this connection, I would like to draw parallel between the system that obtains in regard to rice ration books and the facilities fees that are being collected in schools. As you know, today the amenities and facilities in schools are dependent on the amount of facilities fees collected from pupils. This principle applies both to Government schools and Director - managed or assisted schools. Although theoretically this principle does apply to both categories, in practice - except in a school like the Royal College or a few other government schools - it does not. In government schools there is no collection of facilities fees because generally the children are poor.

I remember you, Mr. President, on the floor of the House - I believe in 1952 or 1953 - raising the question, "Why should richer parents be not asked to pay"? And I replied on that occasion, if I remember right, that it would bring about a distinction within a class, that is, between those who are able to pay and those who are not able to pay.

Unfortunately, that distinction does exist under the facilities fees system because the principals or headmasters of schools are allowed to exempt pupils of needy parents either partially or fully from the payment of facilities fees. So that, indirectly that distinction is created. Therefore, I am wondering whether this principle which is applied to the rice ration books by which there is no distinction shown-that is, when a ration book is taken to the co-operative store - could not be applied also in the case of the schools.

What I really mean is that the facilities fees be collected on the income tax form as is sought to be done in respect of the rice ration books so that many of the disabilities that are caused in their collection may be done away with. In the first place, by this partial and full exemption, they have a sort of class distinction within a class, and, secondly, the amount of time spent by the headmasters of

schools in trying to collect the facilities fees by having to go into individual cases of exemption - sometimes of having almost a means test to assess the capacity of a parent to pay these facilities fees - will be done away with. The amount of administrative work involved to the detriment of more legitimate work could also be cut out by having a system by which a certain fund could be collected through the income tax returns and this sum could be set apart by Government for the purpose of providing amenities and facilities to schools. This has an added advantage.

Today a school in a poor area, as a result of the poor collection of facilities fees-

**SENATOR DR. PEIRIS:** It will be another tax.

**SENATOR AZEEZ:** Yes it will be another tax, but it will be a tax which you levy from persons who can pay; that is, only those who have children. It has this social advantage, in that a richer parent will feel that he is contributing to the poor children in schools, and the schools in poorer areas will thus not suffer.

The Government is now responsible for the entire scheme of education, but what happens is that the schools in poorer areas suffer because the parents are too poor to pay the facilities fees.

**PRESIDENT:** Would you not bring the middle-class in ?

**SENATOR AZEEZ:** I have not gone into the details of how it should be done, whether all should be taxed alike or whether there should be a graded tax. I am only dealing at the moment with the principle because there are various categories of income taxpayers and one can, therefore, envisage different classes and different groups. I am not going into details at the moment.

All that I am saying is that this new feature that is found in the present budget in respect of ration books could be modified and applied as in the case of the collection of facilities fees. I am more interested in convincing you of the social and administrative advantages. After all, a certain sum of money is being

collected today and, therefore, more than the financial aspect, if you have some such system of collection you will be able to cut away all routine work and, perhaps, abuses.

**SENATOR DR. PEIRIS:** You are transferring the responsibility to the Income Tax Department?

**SENATOR AZEEZ:** That is so, because in the case of a principal of a school who is asked to exempt fully or partially, he is expected to know the financial circumstances of the parent. He really does not know that, so he has to depend on what the parent says or he has to depend on information which is collected from other sources. But in the case of collecting these fees through the income tax form, the check is already there. We are not adding any further responsibility on to the department; it is only a question of adding some figures. So, I think, it is an easier method than the present one. And, think of the amount of clerical and other administrative work involved in the collection of these fees by so many schools! I do not want to dilate on this aspect any further.

It is very gratifying to find in the speech of the Hon. Minister of Finance that he is alive to the fact that for any good results to be produced by all these taxation proposals there should be a structural reform in the administrative set-up of the country. I am mentioning this because it has been my pleasant, or unpleasant task to have mentioned this on many occasions on the floor of this House.

In reality, the reform in our Constitution should have been speedily followed by a reform in our administration. Although about 13 years have elapsed - that is, from 1947 to 1960 or 1961 - there has not been that degree of structural alteration in the set-up of the Public Service as is required by the new Constitution that we had in 1947 and 1948. And the tragedy of it is that the Huxham Report of March 1948, which was a commission set up to report on the organization, staffing and operative methods of Government departments at page 3 made the categorical statement that "the main fault to be found with government departments as a whole is that there is a lack of adequate planning at the top and a lack of adequate supervision from the top."

I am not dealing with the question of salaries but in regard to the structural set-up. The tragedy is that the Wilmot Perera Commission, whose report was published very recently as Sessional Paper III of 1961, pointedly refers to this. It has gone exhaustively into this subject but one fears - judging by the several reports that have been produced by the many investigation officers who have reported on the structural alteration of the Public Service-whether something would be done speedily to ensure all the reforms envisaged in the budget and whether the promises that have been made in the speech of the Hon. Minister of Finance would be fulfilled because he himself has stated - I do not want to quote any lengthy extract - that without organization or reorganization of the Public Service there cannot be progress in the sphere of national development.

This report is very interesting because it has got a whole chapter on organization, the role of the Public Service and, more important than that, the administrative set-up. They refer to the creation of the office of Permanent Secretary as a result of the introduction of the reforms of 1947-48 and they also pointedly refer to the fact that although the office of Permanent Secretary was set up we are neither following the old colonial system, with the result that we are having the worst of both.

This is an aspect to which attention has been drawn by various parties since the very inception of our Constitution. As a matter of fact, when this very system was introduced, criticism was levelled against those originators to the extent that they were getting a Permanent Secretary instead of giving him the real function that he should perform as in the United Kingdom. So that, I would urge the Government to give special attention to this because if policy is not done at the highest administrative level efficiently, one cannot succeed in achieving all the results promised or predicted.

It is very interesting to find at page 23 of Sessional Paper No. III of 1961 a suggested assignment of functions. They have divided the whole Government into 11 Ministries. Whether that could be done away with, or whether it should be elastic enough to enable a Prime Minister on the assumption of his or her duties to have as few or as many Ministers to suit the political and other

circumstances, is a matter of doubt. But what is interesting here is that they have attempted to classify departments into some logical order and they suggest that there shall be 11 Departments and 11 Ministries.

I would rather think that that is not so easy because if a particular Prime Minister decides to alter 11 into 13 then confusion will again arise. Therefore, it would be a better method to group them, say, into 15 or 20, so that you can amalgamate into groups. Of course, you will not take half of one group and add it on to another half to make an incongruous Ministry. Even in this list one notices that the Department of Broadcasting is under the Ministry of Transport. I am just citing an example to show how difficult it is to start classifying departments into some satisfactory grouping.

The Department of Broadcasting, if you look at it from the point of view of adult education and instruction, should come under the Ministry of Education. On the other hand, if you think of it as asking to the Department of Motor Traffic, with emphasis on the technical aspect of it and the equipment, and so on, then certainly this is a better classification. There are several examples like that.

Therefore one begins to wonder whether this Report will not go the same way as the Huxham Report because many of the suggestions here are not new, as far as I am aware. Therefore I hope, and I would urge, that the Government pay immediate attention to the creation of a new administrative structure to conform to the objectives of its policy, to the demands of the change in Government which took place in 1947, and we are 13 years behind.

Mr. President, although you have permitted me unlimited time I must stop here. I commend these suggestions to the earnest consideration of the Government, Thank you.

## **MUSLIM MOSQUES AND CHARITABLE TRUSTS OR WAKFS (Amendment) BILL**

*13<sup>th</sup> June 1962*

**SENATOR THE HON. FERNANDO:** I move, "That the Bill be now read a Second time".

Before I proceed to deal with the amendments, may I be permitted to state for the information for this House that so far back as 1931 the then Government of this country placed on the statute book the Muslim Wakfs and Interstate Succession Ordinance, No. 10 of 1931. This Ordinance really erred in being over-liberal in the result that even the smallest dispute was the subject of continuous litigation in the courts, and the regulations contemplated therein were never framed.

Thereafter, a Committee was appointed to go into the working of this Ordinance. This Committee took nearly 25 years to come to a conclusion. For various reasons the matter was delayed from time to time. But, in 1956, immediately after the Bandaranaike Government came into power, priority was given to the matter and the present Wakfs Act, No. 51 of 1956, was passed after considerable discussion in Parliament.

The Wakfs Department was established in July 1957 with a Board representative of all parts of the island. The Department has been in existence now for about 5 years and in the light of the experience gained over 4 years, the Board appointed in 1957 and 1960 found it necessary to amend Act No. 51 of 1956 to give the Wakfs Department effective supervision of the mosques, shrines, places of religious resort and trusts.

Nearly every single amendment proposed is intended to resolve the practical difficulties which the Board encountered in the administration of the Act.

The amendments now proposed fall into three categories, firstly, amendments pertaining to the organisation of mosques, shrines and places of religious resort—all in one single category: secondly, amendments relating to trusts, and, thirdly, amendments of a general and procedural nature in regard to the organisation and functioning of a department.

The amendments seek to allow the Wakfs Board to delegate by resolution its powers, duties or functions to the Commissioner. In deference to certain fears that were expressed, and amendment has been so framed now as to enable any delegation to a Commissioner to be brought immediately to the notice of the Board so that the Board may know exactly what the delegation is and to whom it has been made.

The present procedure in regard to registration of mosques has been found to be equally defective in that there is no way of registering a mosque where the application for such registration has not been received or has been received late or has been improperly registered. There is no way of accepting a registration at present where an error of fact or law has been discovered. There have been instances like that which have caused some degree of difficulty. All these defects are being remedied in the present amending Bill.

In regard to the appointment of trustees, the amendments ensure that only Muslims can be appointed trustees of mosques, and so on, and that the instrument of appointment is issued to the trustees by the Board; and where an appointment of a trustee is erroneous by mistake of fact or law, the amendment enables the appointment to be revoked by the Board and the Act of Appointment to be recalled.

The present procedure for the recovery of mosque property is as involved as in the 1931 Ordinance where redress had to be sought in courts. Clause 7 of the present Bill seeks to substitute less expensive or cumbersome procedure in consonance with the objectives of the 1956 Act. Where any person in charge of mosque property, or property belonging to a place of religious resort, and so on, fails to hand over such property to the trustee or trustees appointed by the Board, the Board can make application to courts that such property be compulsorily

handed over to the trustee through fiscal. Where money is involved such money can be recovered as if it were a fine. The right of the individual is safeguarded by the proviso that an aggrieved individual can apply to courts within a six month period after the handing over of the relevant property. The courts decision will be final and binding. In view of this new procedure, sections 23 and 24 of the principal Act will become superfluous and are therefore repealed.

There has been some confusion in regard to appointment, disciplinary control and dismissal of the functionaries of the mosque such as lebbes. Clause 7 clarifies the position in this regard. Clause 8 has been inserted for the better protection of money belonging to the mosque.

Section 29 of the present Act which provides for the removal of a trustee has been a source of litigation. Grounds are restricted to misdemeanour and failure to comply with the provisions of the Act. The Board can under Section 29 inquire or cause inquiry to be made and suspend a trustee. The Board has to canvass its own decision in courts. Courts can either ratify or annul such decision. The amendment in Clause 10 extends the range of such inquiry to include incompetence or inability on the part of the trustee to discharge his functions. The Board can direct the Commissioner or any other person to hold the inquiry. The Board alone can remove a trustee; the Commissioner can merely suspend a trustee temporarily. A trustee so removed by the Board will be deemed to have vacated office. Clause 6 deals with that.

Certain mosques claim exemption from the operation of the Wakfs Act on the ground that there is provision for such exemption by the Minister under section 57 of the Act, others on the ground that they have special Ordinance, and so on, and still others on the ground that the premises are private property. The Wakfs Board has strongly recommended that no mosque, shrine, or place of religious resort, should be exempted from the Wakfs Act, Clauses 14, 15 and 16 of the Bill give effect to this recommendation.

Similarly, all trusts are brought within the operation of this Act by the repeal of section 32 (2) by Clause 11 (2). Definition of trusts as set out in Part V of the

principal Act is extended to include all charitable trusts created for purposes recognised by Muslim law as religious, pious or charitable.

The last category of amendments, provide - Clause 12 - for the levy of contributions to the Muslim Charities Fund on a hypothetical bases in default of submission of accounts. Action has also been taken by Clause 15A to safeguard the Board, Commissioner or any other officer for liability in respect of action done in good faith.

It will thus be seen that these amendments are urgent to ensure that the Department of Wakfs efficiently and expeditiously carries out its supervisory duties in respect of Mosques and Trusts.

These amendments, as I said earlier, have been framed in the light of the experience gained by the Wakfs Board. I commend the Bill to the House.

Question proposed.

**SENATOR K. ADAMLY:** Mr. Deputy President, at the commencement, I must ask to be excused as I have not had the opportunity to study this Bill very carefully. But there is one point I wish to mention to the Hon. Minister for his consideration. I refer to the section that he just mentioned - Section 57 - wherein every mosque, irrespective of any sect, is to be brought under this Bill. We made representations to the then Minister, when the Muslim Mosques and Charitable Trusts Bill was being framed, and explained to him and the other members of the Board - Mr. Azeez and, if I am not mistaken, Mr. Haniffa who is now dead - that where a particular mosque whose congregation consists only of a particular sect and no other members go for worship there - I am referring to the sect to which I belong, the Borah sect where there are no shrines; we have only one mosque in the whole of Ceylon - there should be an exemption given to us, and the Board then readily agreed that it should be left to the Hon. Minister who very generously agreed to give us this exemption. I only wish to say that I entirely agree with the other provisions of this Bill, and to remind the Hon. Minister that due consideration should be given to this particular clause and an exemption made by the Hon. Minister where he thinks an exemption should be allowed.

**SENATOR AZEEZ:** Mr. Deputy President, having regard to the large volume of business we have to transact today and tomorrow -

**AN HON. SENATOR:** Not tomorrow!

**SENATOR AZEEZ:** I do not want to make a long speech except to say that I welcome this Bill because, as was very briefly explained by the Hon. Minister just now, this Bill has been introduced to obviate the difficulties that have already been encountered by the Wakfs Board and is drafted on the recommendations of the Wakfs Board who desire its expenditures enactment for the purpose of efficiently and expeditiously administering the Ordinance.

Having stated that I am in entire support of this Bill, I believe it is not necessary for me to elaborate and indulge in superfluties in respect of the important clauses of the Bill except to make a few observations on the remarks that have been just made by Senator Adamaly. It is not correct to say that Mr. M. I. M. Haniffa supported section 57. I happened to be very closely associated with the act and I know its history.

That Act is the outcome of a series of recommendations by a committee of Muslim parliamentarians, namely, Muslim Members of Parliament and Senators, including, I think, my hon. Friend Senator Adamaly. That committee was appointed by the then Minister of Home Affairs. We made recommendations but this section 57 was not there. It was introduced by the U.N.P. Cabinet and later it was accepted by the M.E.P. Cabinet. Thereafter, when it was placed before a Select Committee, the members of the Select Committee accepted it.

The Board of Wakfs have now, pointed out that it leads to a lot of difficulties because many mosques want exemption or seek protection under section 57, on the ground that those mosques are well administered. Exemption was claimed on the basis that they were *Shia* mosques. The majority of Muslims in Ceylon belong to the Shaffi sect. Some Muslim could claim that they do not belong to any of these sects.

I am not making any insinuations against any sect but trying to show the

kind of abuse it can, lead to human nature being what it is. Neither am I accusing this Government or any past government. I must, however, say that to leave the matter of exemptions to the arbitrary will of any particular Minister is not a satisfactory measure. Further it does not create that degree of public confidence in the administration of Wakfs. An exemption is after all a very serious and important matter. More than that, I can envisage a set of people who want to preserve their property, say, from the supervision of this Ordinance resolving that they do not belong to any sect, and that they have formed a new sect under Islam. We have no authority to challenge such a thing. After all the Wakfs Board does not interfere in doctrinal matters. Trustees are appointed to look after the property. If they administer the property, well, there would be no difficulty. I therefore hope that my colleague, Senator Adamaly, will appreciate the difficulties the Wakfs Board and the Minister will encounter if the Minister is given such powers. I plead with him and other hon. Senators to accept the repeal of section 57 as is already provided in this Bill.

On Question, Bill read a Second time ; and committed to a Committee of the whole Senate, and considered in Committee.

**MR. DEPUTY-PRESIDENT** sat Chairman.

Clauses 1 to 18 agreed to.

Enacting Clause and Title agreed to.

Bill reported without amendment; read the Third time, and passed.

## **ADDRESS OF THANKS ON THE THRONE SPEECH**

*31<sup>st</sup> July 1962*

**SENATOR A.M.A. AZEEZ:**

Mr. President, we are now called upon in the course of this debate to approve or not the Address of Thanks on the Throne Speech, and in the process I believe it is our duty to concentrate on the policy and programme of the Government that is responsible for this Throne Speech. The policy of the Government cannot be dissociated from the ideology of the party, and there has been no doubt as regards the ideology which this Government follows. It has been stated in the first Throne Speech and the Throne Speeches thereafter. Then there is the complaint about the programme that the programme is not speeded up in conformity with the policy that has been accepted by the party and promised to the people in the party manifesto. The previous speaker, Senator Karannagoda, pointed out that this policy and programme cannot be assessed without having regard to the legacies that were inherited by this Government.

This, let us remember, is the midyears manifesto or Throne Speech. Two Throne Speeches preceded it and there are two to follow, and therefore any analysis of the Throne Speech that we are discussing now should be taken in that context. We cannot criticise it without remembering that this is the third year and there are two more years to follow.

I do not agree with one of the previous speakers who looked at the Throne Speech as if it were an exercise in composition. He thought that in this manifesto some definite error had crept in, as it has in the penultimate sentence a reference to foreign aid, financial and technical, rather than having it in the first part. He indicated that he expected a full and complete list of the work undertaken by this Government and, as it is not there, the inference is that whatever is not set out in

the Throne Speech is not going to be done. For example, there was no reference to the Bill connected with the disclosure of assets by Members of Parliament. Though there was no reference to it in the Throne Speech there was a Bill presented before the House of Representatives, but due to want of time and the intervening prorogation, that Bill had lapsed.

I do not think it is necessary to mention item by item every piece of legislation that is to be brought in the ensuing months. Therefore I submit that because there is an omission it does not mean that there is going to be no action by the Government. In the Throne Speech the Government cannot set out item by item what it is going to do in the ensuing year. Re-iteration must be avoided. I can point out many other instances but it is not necessary to do so now.

**SENATOR DE SOUZA:** But what about re-iteration without implementation?

**AN HON. SENATOR :** What about the Republic?

**SENATOR AZEEZ:** Surely you cannot inaugurate a republic overnight. That may be the Marxist way of doing things but it cannot be done here. There are difficulties. What about the satyagraha? It cannot be done when the satyagraha is going on and the coup is being foiled. The question whether there should be a republic will be meaningless unless there is peace and order in the country.

**SENATOR DE SOUZA:** What about the newspapers? What is the point of re-iteration without implementation ?

**SENATOR AZEEZ:** The Hon. Leader of the Opposition will have many minutes for him to re-iterate what he is now saying. All that I am trying to say is that in the analysis of the Throne Speech it is not correct to say that from the omission of a reference to a particular item in the Throne Speech it is possible to conclude that there is going to be inaction in the ensuing year. That is why in a democratic set-up there is the opposition which is always goading the government and reminding it of the promises that are not fulfilled. Unfortunately, our opposition parties concentrate on other-sometimes unconstitutional-methods of opposition, to which I shall come a little later.

To be very brief, all that I plead is that in our analysis of this Throne Speech we should not miss the wood for the trees. I shall, therefore, try to concentrate on some aspects of policy rather than on items of administration, which I may not be so competent to deal with as hon. Senators on the opposite side-not those in the Opposition but those on the opposite side.

Senator Gunasekera was disappointed that there was no gleeful reception of this Throne Speech, nor vociferous applause of it. I am very happy that there was neither vociferous applause nor gleeful reception, because what is now found in the Throne Speech is proof of a grim determination to get down to the task ahead.

**SENATOR DE SOUZA:** There was no cheering for the budget speech either.

**SENATOR AZEEZ:** Let us wait for that.

If there was no vociferous applause nor gleeful reception, that is only indicative of the determination that this year is going to be made the development year in the five-year term of this Government. Therefore, if there has been seriousness of purpose and no rejoicing, it is meet and proper that it should be so ; and I am sure every patriotic citizen of this country will approve of the Government's attitude towards the whole programme. When you rout an enemy you rejoice, but you cannot rejoice for ever because there are new enemies to rout.

National development, which is so prominent in this Throne Speech, is not easy in a democratic context, and I can do no better than to read a small paragraph from Shri Nehru's speech, his inaugural address at the Commonwealth Press Union Conference held in November 1961. This is what he says;

“You must remember one fact about India's development, which may help you to understand what we have to face. The countries of Western Europe and America really laid the foundations of their economic growth and economic welfare before they were fully advanced on the road to democracy. I may compare them in another way. Before they had, let us say, adult suffrage (they had Parliaments and the like but very limited franchise) for 100 years or 150 years they built up their economy in various ways and built up their resources and gradually

advanced on the democratic plane. Therefore, by the time they had, what might be called, full democracy, they had already built up those resources. Economic progress had taken place.

In India, this process was reversed. When we got independence, and a democratic system started functioning fully, we had not built up those economic resources. But the very coming of the democratic system makes people expectant. They have their urges-and very legitimate urges, too-to better themselves. But they have not the resources which can help in meeting those urges and demands. So we get these social conflicts, and there is no way to meet them except to go as fast ahead as possible on the economic plane, build up resources, build up the welfare of the country and see to it that it permeates to the peoples. That involves our solving terrific problems, These are big problems and the number of people we have to deal with makes them much bigger.

So the normal democratic process, as it had occurred in Western European countries and America is reversed here, and we have somehow to catch up quickly, because democracy itself is a dynamic thing, and unless you keep pace with it on the economic plane, social problems and conflicts and difficulties arise”.

That is the position in which we are ourselves placed. It is possible to achieve rapid national development in another context, with another ideology. I suppose under a dictatorship it is possible to achieve national development more efficiently, but it cannot be done under the democratic way. You can have economic development speedily under a full-fledged, 100-per cent socialist system, but the people have rejected such methods of achieving national development as far as this country is concerned. That was made crystal clear at the last elections, and this Government is pledged to achieve economic development under a democratic-not under a dictatorial-set-up. This Government is prepared to achieve economic development with democracy but not under a dictatorial set-up. So, what this Government has always sought to do was to resolve the conflict between capitalist democracy and Marxian socialism. Therefore, to criticise the Throne Speech in that it is not capitalist or not full-fledged socialist is beside the point. The Government never undertook to achieve economic development under those conditions.

I submit that any criticism that may be levelled against this Throne Speech must necessarily be approached from the point of view of the ideology to which

this Government is pledged, namely, democratic socialism. In fact, Senator Jayasekera put the difference in a very succinct way. Addressing the Hon. Leader of the Opposition-whose interruptions I do not have the benefit of at the present moment as he is not in his seat, more of his colleague Senator Gunasekera either-he said, “We agree with the L.S.S.P. with regard to the goal but in our case it is the people who set the pace”. We know the pace may be slow. The direction has been given by the people in 1960.

In the ideological sphere, the other party who claims to approach the same position as the S.L.F.P. is the U.N.P., and references have been made with regard to the ideology of the U.N.P. being democratic socialism. Senator Karannagoda has been making references to it and, being the professional scholar he is in Sinhala, he gives a very appropriate story.

We were told in the House of Representatives that the silent revolution of 1956 has at long last been acknowledged by the U.N.P. and hereafter they are going to progress on the basis that that revolution has been accepted. This socialism was a very very attractive label indeed, and I was wondering whether what the parcel contained was true with reference to the label and the wrapper.

We must be grateful to Senator Jayasundera for giving us an insight to the socialism that the U.N.P. intends. In fact, he devoted some amount of time to tell us what is connoted by this democratic socialism of the U.N.P. He said that the U.N.P. is for democratic socialism, and that, of course, the U.N.P. has not formulated exactly the path to achieve a socialist society. It has not been formulated by them. I do not know how they propose to condemn this Throne Speech or to disapprove of it without having made up their minds in regard to the path by which to achieve democratic socialism. Although he said that the path by which to achieve a socialist society has not been formulated, he gave glimpses of what may be formulated in the future. One is to give encouragement to the capitalists to see that the development of the country is first achieved before socialism is built. All that we can make out is that you want to give free scope, plenty of room to the capitalists to set themselves up and plant themselves firmly on the ground and then you come to the next stage of socialism.

**SENATOR JAYASUNDERA:** That is correct because that is the scope of the Ten Year Plan. That is the basis of the last Bandaranaike Government.

**SENATOR AZEEZ:** I am not dealing with the last Bandaranaike Government's Ten Year Plan or with interpretations thereof. I am only trying to find out for myself whether I can accept this new theory of democratic socialism - [Interruption]. It is of course a matter for argument. I prefaced my statement by saying that we should be grateful to Senator Jayasundera for giving us some idea of this democratic socialism because, reading the HANSARD of the House of Representatives, I was unable to get a clear picture of it. All we are told there is that they are taking for granted now the silent social revolution of 1956 - "hereafter we shall be good boys, and we shall be democratic socialists." As to how they would do it, how they would approach the task, and where they differ actually from the S.L.F.P., is not stated.

**SENATOR JAYASUNDERA:** It is for the party to be more precise.

**SENATOR AZEEZ:** But it is for the people to decide whether what the party would decide is a thing to be approved, and that is where Senator Jayasundera has been most helpful to me and the House. His conception of what he thinks his party thinks is that it will be a combination of capitalism and socialism. It is a case of common partnership of both capitalism and socialism. There is no question of resolving the conflicts between capitalist democracy and Marxian socialism; it is a very happy partnership between capitalism and socialism. You can just imagine what kind of partnership it will be and who will get all the benefits of it.

**SENATOR JAYASUNDERA:** Otherwise it is revolution.

**SENATOR AZEEZ:** He is afraid of the revolution. Therefore his advice is, "Give full scope to the capitalists and you will be quite safe." As far as I am concerned I do not want any revolution, nor do I want capitalist democracy, nor yet Marxian socialism. That is why I support the ideology to which this Government is pledged.

My hon. Friend gave us further indication of what his party stands for. He spoke of this wretched, "restrictive import control", of the "havoc" it causes in the country and of "terrible unemployment." Therefore he drew the inference - it was stated precisely in so many words - that the policy of import restrictions must be given up. That would make this island a wonderful paradise for the capitalists, and that too for the parasitic variety who can dump here the unwanted goods of other countries and make handsome profits out of them.

**SENATOR JAYASUNDERA:** I do not think we should give up import control. I never meant that.

**SENATOR AZEEZ:** I do not know what he meant. I can only read what is here. I do not want to make further references to Senator Jayasundera's speech because you can read it at leisure, and although it came into our hands a little belatedly, we have the copy with us.

What is interesting is not so much Senator Jayasundera's remarks but what the late Mr. Bandaranaike said some time back about the U.N.P. I do not know whether even hon. Senators on the opposite side remember a very prophetic statement made by the late Premier. The leader of the U.N.P. said, "Why are you worried about our democratic socialism? It is nothing new. That was the policy we decided upon in 1958." The people at large thought that this was a new formulation, but the reply was, "No. we formulated it so early as 1958." The late Mr. Bandaranaike had something to say about this formulation. It is reported in the "Tribune" of 23rd of March 1958. When the U.N.P. proclaimed that they had adopted democratic socialism and made it part of their manifesto, the late Mr. Bandaranaike had something very apposite to say at that time. It might have looked not so prophetic then, but now, after four years, especially after the illuminating explanations and interpretation of Senator Jayasundera, I was struck by the prophetic note of Mr. Bandaranaike in the quotation I am going to read. It contains a warning too :

"It would seem that Sir John Kotelawala's 'efficient socialism' has now become Mr. Dudley Senanayake's 'democratic socialism'. But it still continues to be nothing more than the conservatism and capitalism which in fact has been the policy of the U.N.P. all along. The

only supporters of the U.N.P. have been in the past, and will continue to be in the future the reactionary conservative capitalist elements of this country. Far be it from me to presume to give them any advice, but I should like to make the suggestion that it would have been far better for them, frankly and sincerely, to take up the position that they are, in fact, a conservative capitalist Party and try to get what support they can for such a doctrine rather than indulge in this pitiful camouflage that is not likely to deceive anyone.”

I quoted from the “Tribune” of the 23rd March 1958. I believe this is an address to the S.L.F.P. in 1958 - an extract of the presidential address to the S.L.F.P. by the late Mr. Bandaranaike - which appeared in the “Tribune” of 23rd March 1958.

I would personally be very happy if the U.N.P. becomes a democratic socialist party because then we can have a really democratic opposition. Now we are in a dilemma. We have got a Leader of the Opposition in the House of Representatives who believes in democracy but not in socialism and we have got a Leader here who does not believe in democracy - he is not here; otherwise, he probably will have some answer - but who believes in Marxian socialism. Of course, I speak subject to correction. He will probably elucidate me if he cares to read my speech.

All these troubles have arisen because the party system of England has no relevancy here. In Ceylon we have an L.S.S.P. Leader of the Opposition in one place and a U.N.P. Leader of the Opposition in the other place. The policies of both are diametrically opposite but both are determined to achieve a similar end. This kind of paradox you will not find in England. Even if the U.N.P. establishment changes, will the hard core of supporters - those who supply the men, materials and money for the party - be prepared to accept democratic socialism ? That is the great problem. Democratic socialism means looking forward to a classless society, looking forward to or engaging in the re-distribution of property - it may not be to a classless state perhaps, but certainly to the redistribution of property. Will this be agreeable to the supporters of the U.N.P.? All this is very doubtful. That is why I say that the remarks of the late Mr. Bandaranaike seem very prophetic, because although four years have passed we have the same thing repeated and the same situation arising.

If they were very keen on democratic socialism they had a glorious opportunity in their Throne Speech of March 1960 to state their new position. I do not want to spend time quoting from that Speech. There is no reference whatsoever to democratic socialism in it. They were not even prepared in that Throne Speech to say that they were pledged to democratic socialism from 1958. They were completely silent about that matter. Therefore, their change to democratic socialism has to be accepted with circumspection, and perhaps one is very very doubtful whether there is actually any change.

Therefore, when we are analysing the Throne Speech, it should be remembered that there is only one party today that is pledged to democratic socialism. Under democratic socialism, economic development cannot be as fast as under pure capitalism or pure communism. Therefore, the pace will be limited by the ideology to which the people are pledged or to which the Government is pledged to the people. It is from that point of view and in that perspective that we have to consider every item of economic development. When we are criticizing the Throne Speech we are really very impatient with the pace, not knowing that the pace is conditioned by the ideology. What progress can be achieved in the sphere of economic development under a dictatorial form of government cannot in the nature of things be achieved under democratic socialism or under any other democratic form of government.

I also would like to remind the House that when we are pronouncing judgement on the Throne Speech we also have to take into consideration the disabilities from which this Government - or perhaps any Government that could have come into power during this period - suffers. You cannot say, “You did not do this” or “You did not do that” without remembering the conditions under which these things have to be done. And, I would like to highlight a few points that would indicate to you that it is easier to do things in a drastic dictatorial way than under the conditions we find in Ceylon.

In the first place, there is the administrative machinery. Senator Jayasundera referred to the Civil Service-about their integrity, efficiency and so on. I accept that statement. I also have been a member of that service, a colleague of Senator

Jayasundera. I do not say that civil servants are a set of bad men. But the conditions under which they worked, the kind of training they received and the kind of objectives they had are entirely different. As civil servants we were expected to be very careful about the spending of money at the expense of development - even when, as a result, there was no development! Senator T.P. de Zoysa, who will follow me, knows the mentality of the Irrigation Department, namely, if you take more risks, therefore do not take new work ! That was a good formula during the colonial period, because every cent saved went to the credit of the Revenue Officer.

Today, the conditions are different. It is not a question of one set of people being superior and another set inferior. Unfortunately the Civil Service has been associated with British colonialism, and they have certain prejudices. This Government and all governments from 1947 had inherited a machinery which was efficient and satisfactory for a different objective, for a different purpose. Of course, under a dictatorial form of government these civil servants might be sentenced to a concentration camp or sent away on pension-I do not know whether you could dispose of them in some other way. A democratic form of government has to make use of them. It is difficult to train people overnight to suit a new form of government. But that is the kind of administrative machinery with which this Government has been called upon to undertake its new tasks, not due to its fault or the fault of any other government. Therefore, the Government cannot be expected to accomplish these tasks with much speed.

What is the Government doing? Earlier there was talk of revising the Financial Regulations. I was not happy about it because normally revising means scissor-and-paste work. Generally the volume of Financial Regulations is encumbered with correction slips. The Financial Regulations are revised by incorporating correction slips in the body of this volume. It was, however, refreshing to note that the words "New Financial Regulations" had been used. New Financial Regulations cannot be created overnight; they take time. This task should not be postponed till Doomsday. If a new set of financial regulations is to be formulated, then it has to be done by people who have something to do with Financial

Regulations ; otherwise, the whole machinery will break down.

There is another factor to be considered, namely, the official language policy of the Government. The Government has accepted Sinhala as the official language. Certainly during this period of change there will be a certain amount of inevitable delay which no one could avoid.

You have got the old machinery and this old machinery is called upon to do something which was never expected of it at one time. Those are the difficulties, and any economic development that is envisaged is conditioned by those limiting factors. There are many other limiting factors but I do not propose to deal with all of them now. Vestiges of colonialism still remain. Colonial rulers might have departed but their spirit remains in certain spheres. I do not need to dilate on that because it is well-known.

Then there are the strikes and the satyagraha. Satyagraha may be very good in the Gandhian concept, but, in the context of Ceylon, it only aggravates communalism. That is my view. Similarly, political strikes may be very good weapons if you want a dictatorship, if you want another or different form of government. But in a democratic socialist government which is pledged to honour democracy, these strikes and coups d'etat-attempted, threatened or potential ones-are all limiting the pace of economic development. I am sure that no one in this House would say that these were not very important factors that retarded the programme of the Government during the last two years. In January this year, every patriotic citizen of the country was afraid. I am not trying to attack anyone.

**SENATOR GUNASEKERA:** You are excluding hartals ?

**SENATOR AZEEZ:** The hon. Senator knows more about them-he is almost an expert on the subject ; so, I do not think I could enlighten him on hartals. Anyway, now that he has mentioned hartals I would add that the satyagrahis wanted to establish their own post office. All these things limit the pace of economic development. On top of that, our primary products have to depend on the world market. If the Government can command the world market, then, of

course, all our economic problems would be solved. Therefore, the pace of the programme of economic development that the Government has undertaken has to be related to the conditions under which the programme is to be carried out.

I now come to the emergency. I believe that one of the amendments refers to the state of emergency having created a dictatorship. I would humbly submit that this state of emergency is a prophylactic against a dictatorship, because dictatorships thrive best when there is no law and order. The best way to inaugurate a dictatorship is to break down law and order. We have seen attempts at it.

There was a time when everybody thought that there will never be a dictatorship in Ceylon, because the people were all peace-loving; that all our soldiers were peace-loving people and they would never stage a coup. But I am sure that no one in his senses would subscribe to that view today.

I remember, when the late Prime Minister spoke of coup in December, 1958, everybody said, "Oh, he is trying to explain away his omissions and commissions by invoking this imaginary coup". Many thought so and said so. But today we see that, in the light of the event that ensued even at that time a coup was not a thing that could have been ruled out. Probably the late Prime Minister was quite correct in thinking that there was the threat of a coup at that time. Therefore, this emergency has to be regarded as a prophylactic against a dictatorship.

There was an accusation made against the Bandaranike Government that having promised the electors in 1956, they would repeal the Public Security Act, they went and supplemented it somewhere in 1958. Perhaps as a legal point or constitutional issue there might have been some relevance in it; of course there was an explanation given. But the electors, at the general elections of March and July, 1960, did approve of the Public Security Act as well as the Public Security (Supplementary Provisions) Act. Hence we can feel confident that, as far as the legislation covering this state of emergency is concerned, it has had, not the tacit, but the full approval of the people at large.

Talking of dictatorship, let me point out that month after month Members of

Parliament openly speak in both Houses about the justification or otherwise of extending the state of emergency. Is there any dictatorship worth the name when this subject is debated in open Parliament? That is the antithesis of dictatorship. Therefore, the very fact that once a month the emergency regulations have to come before Parliament for scrutiny is crystal clear evidence that there is no dictatorship. The question whether conditions justify the emergency or not is a different matter.

The Government is condemned for not indicating when the emergency would end. Only astrologers can predict it. The service of professional astrologers has always been obtained by others. Why not get the time at which the emergency would end from these professional astrologers instead of worrying the Government? These astrologers have even gone to the extent of saying when the Government would crash. So, I think it would be more appropriate for them to get the answer from the astrologers than from anybody else, because the state of emergency would depend on certain conditions.

I am coming to a new point.

**THE PRESIDENT:** The sitting is suspended for 30 minutes.

**SENATOR AZEEZ:** Mr. Deputy-President, I was referring to the sort of emergency that has prevailed for some time and I said that it is very difficult, except for good astrologers-and as far as good astrologers go this party is very deficient as they have not given prophecies on behalf of it-to say when it will end, because it would depend on conditions arising from day to day.

I also said that in the conditions prevailing in Ceylon, a state of emergency is not a dictatorship. In fact, an emergency is a prophylactic against dictatorship. I would like to recall the remarks of Dr. N.M. Perera, leader of the L.S.S.P., when the first emergency proclamation was made 24 hours too late. So that I would say, as far as the present state of emergency is concerned, let it not be lifted 24 hours too early because any democratic government to function should have, as a prerequisite, law and order ; otherwise, we run into a dictatorship. So long as

Parliament has the power to scrutinize the emergency whenever it requires, and so long as there is no limitation on the Opposition parties to debate the issue at any time, and the Opposition is allowed to function unhampered, I think it would be wrong to say that there is no democracy and that a dictatorship has come.

To me the test of democracy is the freedom given to the Opposition to raise the issues, to question the validity of the actions of Government on the floor of the Houses of Parliament. I do not want to take long because the intention has been expressed that the debate, if possible, should be concluded tomorrow. Therefore, I would say that although the British have bequeathed to us the luxury of a two-party system of government which might be quite appropriate to the conditions prevailing in England, its not suitable to this country. In spite of that luxury which we are enjoying, every citizen of this country has a right to demand that the opposition should be constitutional and that criticisms should be constructive, because this is the only party sincerely pledged to democratic socialism. And it is my conviction that the destiny of Ceylon lies in the direction of democratic socialism because the people of Ceylon have great faith in spiritual values. Their historical traditions are such. Therefore, if the destiny of this country lies in the direction of democratic socialism, I am sure any party sincerely professing that ideology has a right to expect full support within the limitations of the requirements of the opposition to see that Ceylon advances economically and that economic development takes place as speedily as possible. I have great pleasure in supporting the Address of Thanks on the Throne Speech.

## **APPROPRIATION BILL 1962-63**

*25<sup>th</sup> September 1962*

**SENATOR A.M.A. AZEEZ:**

I would wish to follow the good example of Senator Jayawickrama in trying to give some constructive suggestions based on personal experience as far as possible. He had been giving us lessons as a result of his travels recently in Japan and England. As far as I am concerned, I have not been fortunate enough to travel recently, but I would like to draw from my experience as having been the Assistant Government Agent (Emergency) of Kalmunai in the years 1942 and 1943. Senator Somaratne thought that I was a Government Agent but that was not my privilege.

It is very strange that the kind of problems that we were dealing with then, namely, food production, are the very problems we are now confronted with although for a slightly different reason. At that time we were concerned with food production due to shortage of ships, and special kachcheries were therefore set up and special officers appointed for the purpose. Today, as I said, the same problem has cropped up, but for a different reason. The reason is not on account of shortage of ships or difficulty of transport and so on, or of war conditions, but due to the position of our foreign currency and the necessity for its conservation. In one sense it is unfortunate that the previous problem has recurred. But it is no use trying to apportion blame to anyone, because it is my humble submission that the blame should be attached to the entire people of this country, including yourself and myself.

It may be very good party strategy or tactics to accuse each other, but the fact remains - and every thinking person in this country will agree - that what is most essential is to conserve foreign currency. We need not waste much time in

trying to find out whether it is an economic imbalance or an economic crisis because, I think, the Hon. Leader of the House has explained very clearly in his opening speech the seriousness of the problem when he said that the Government is placed in a rather difficult financial position, that food production has become an urgent need, and that it is by means of increasing production that Ceylon will be able to tide over this situation.

We have had the experience of producing food and we can now judge the position by the results achieved and the blunders committed. We realize, for instance, that the state farms that were run those days were not satisfactory activities in the context of democracy, because it is my feeling that if their work is to succeed we must have regimentation, control, and a kind of government which is very close to or almost a dictatorship. When we are pledged to a democratic form of government we cannot have such state farms that will produce results.

Secondly, during the war years we tried to increase production by giving a money subsidy on the basis of acreage. We gave a cash grant for seed paddy, or free seed paddy, free manure, and so on. But as result of experience and experience, I believe it has not been found that guaranteed price scheme is the most successful of the various types of inducements that have been given. During those years we had not only the kind of inducements that I mentioned to you just now, but also certain prohibitions and compulsions. You would remember there was, besides the compulsory requisitioning of paddy from producers, the compulsory surrender of coupons as well. Then there was prohibition of transport of paddy from one area to another. All these methods were abandoned when war conditions ceased and we resorted to the guaranteed price scheme.

Now this scheme has to be worked. There is unanimous agreement that there have been many abuses. Having worked the food production scheme twenty years back, particularly in the Eastern Province, I feel it has not produced the kind of results that were expected of it. I discussed this question with a young man who, though not very well educated, yet has had some education, a young man who belongs to a peasant family. I posed him this question and he gave me a certain

answer. I asked whether he would be so good as to give it to me in writing so that I may read his memorandum carefully. I feel any paraphrase on my part would do injustice to the memorandum, which, though not elegant in its phraseology, is certainly very eloquent as far as its sincerity and its analysis of the defects and deficiencies of the present system are concerned. I will just read two or three paragraphs from this memorandum given to me by this young man who belongs to the peasant stock but not a peasant himself, who is working in the area and is well acquainted with the system in operation, not with the system as it appears on paper or as it appears in Colombo or in administration reports. There is a lot to say for the kind of analysis this young man had made, and I have deliberately decided to quote this memorandum on the floor of the House so that his views may be available not only to the Hon. Minister of Agriculture but to the whole public. This is what he says:

“One of the foremost drawbacks of the system is that the quality of the rice that is issued for the rations is not at all consumable by the people of the area. These are the par-boiled rice produced by the local millers. These millers adopt a short cut in producing rice. They, instead of milling paddy received from the G.P.S. store, collect rice from the people or from the local rice businessmen who are in possession of hundreds and thousands of ration books (taken into their possession after paying a certain sum of money to the owners of rations books). These businessmen get rice from co-operative stores in bags by surrendering rations and sell the bags in loads of lorries to millers who in turn surrender them to the Government store.”

**SENATOR MANICKAM:** Exactly what I said yesterday!

**SENATOR AZEEZ:** I was not present at that time but I had the benefit of reading a short synopsis of Senator Manickam's speech in the morning papers. Of course, Senator Manickam is also an expert on co-operative stores, and I believe he has mentioned the kind of racketeering that goes on among them. Therefore, I shall not quote those portions of this memorandum which deal with that aspect of the matter.

Then this young man goes on to offer certain solutions :

“(1) Issue of paddy instead of parboiled rice :

If the rice issued on ration is consumable, the people will not sell it to either millers or businessmen. The people of this Province are very much used to country rice than par-boiled rice. So I suggest the issue of paddy for rations. If this is done, the above referred to circulation of paddy will not occur, and the people will definitely consume the rice milled by them out of the paddy received for rations.

Issue of paddy for rations will solve the following:

- (i) People will be 100 per cent satisfied with the subsidy rendered by the Government.
- (ii) G.P.S. Store will be weekly rendered empty as paddy has to be removed to the co-operative stores to be issued for rations.
- (iii) The rice businessmen will die down and the mills have to function some way or other to produce rice.
- (iv) Mills need not be closed down, as they have to mill the paddy that has to be transported to other provinces—definitely there will be extra paddy other than the paddy to be issued to the people of this province.
- (v) The present system of issuing rice could be continued in other parts of the country which are not rice producing areas.
- (vi) Issuing of paddy will save the Government 72½ cents per bushel that is to be paid by the Government to the millers as milling cost.

(2) Paddy in G.P.S. Store:

Colouring of paddy issued to the millers should be strictly adhered to. If this is done, G.P.S. Store would very often get emptied, thereby making room for the M.P.C.SS to supply paddy.

(3) Official receipts: All M.P.C. SS should issue official receipts for the paddy purchased thereby making the poor farmer to lead a happy life till he gets cash. According to the present system without cash and official receipt, people have to be in the dark.

(4) Special arrangements during harvesting season:

The Government should adopt all methods to purchase paddy as much as possible during

the harvesting season, instead of leaving the poor farmers to sell paddy to the businessmen at such low rates.

(5) Prompt payment: The Government should try to pay for the paddy purchased with less delay. This indeed will be a great asset to the poor farmers.

In conclusion let me say that the Government wants people to grow more paddy—but producing paddy by the farmers is not so difficult as paddy is always in plenty, but selling at Societies and getting cash in return is one of the difficult jobs for them.”

Why cannot official receipts be issued quickly? I have deliberately quoted this long memorandum in order to stress that aspect of it. I will come to some of the comments made by Senator Somaratne shortly.

Along with this, there is the question of land tenure. Any kind of guaranteed price scheme will not work if finally the producer, the farmer, the peasant is not benefited by it. An attempt has been made to solve that by the introduction of the Paddy Lands Act. There are loopholes, there are improvements needed and I would submit to the Government that priority should be given to those pieces of legislation that are involved in the financial problem that we are trying to solve. In other words, any amendment to bring more acreage under cultivation should receive priority because it is tied up with food production, which is in turn tied up with the conservation of foreign exchange and other economic problems.

Senator Somaratne concentrated his attention upon certain public officers who probably had not treated him well. I have no reason to disbelieve his vivid description of the kind of treatment that was meted out to him. Senator T.P. de Zoysa gave another series of experiences quite contrary to that, and it is good that he is no longer in public service. If he were, I believe he would have - to translate the Sinhala - “hammered a couple of Senators”. That he is in the Senate is good for some Senators who have thereby escaped the fate of getting hammered!

If the public service is inefficient and non-co-operative, the cause is not in the particular individual, but in the overlapping and diffusion of responsibilities that has been going on. I have been repeating it practically every year for the last 10 years and I would like to say it again as the problems we are discussing have

become more financial problems than mere administrative problems. I have maintained that there is confusion between the head of department and the Permanent Secretary. The Ministry and the department in Ceylon are very novel features in Ceylon, whereas in England it is quite the opposite ; the Ministry and the department are more or less the same thing.

We have 11 or 12 Ministries, but we have 180 departments. Naturally it results in overlapping and inefficiency is caused thereby. If we want an efficient administration, it is necessary that there should not be so many departments ; such a large number is not necessary. I am not suggesting that there should be as many departments as there are Ministries, but for the 11 or 12 Ministries there may be 25 departments. There is absolutely no necessity to have 180 departments, with 180 accountants, and so on!

Then, in regard to the office of assistant secretaries, having been myself an assistant secretary, I know that they do not serve a useful purpose. I have repeated that for about 10 years. Talents are wasted and duplication and overlapping is made worse as a result of this type of office.

With regard to departments, I would like to give one example. There is, I am sure, quite a lot of overlapping as a result of there being four departments more or less performing the same functions under the same Ministry. I have taken one at random from the Estimates. The departments are the Land Development, Irrigation, Agriculture and the Agrarian Services. I am sure there must be wastage of tractors, man-power and so on, by this kind of arrangement.

Similarly, we have got schools established under the various Ministries. Yesterday I received an invitation card-the Hon. Minister of Labour and Nationalized Services was good enough to invite me and my wife-in connection with the opening of the Central Vocational Training and Trade-Testing Centre. I speak subject to correction-I am not possessed of the details-but on the face of it, it looks as if there is some lack of co-ordination somewhere, because only a few months back I happened to go to Katubedde where there is an Institute of Technical Education which comes, I believe, under the Technical College Department.

Yet again we have got a set of trainees in the School of Fine Arts organized and under the supervision, I think, of the Ministry of Industries, Home and Cultural Affairs. There is another school-which sometimes goes on strike-at Horton Place which also trains a series of teachers. I understand that persons who are qualified in one institute under one Ministry are not recognized for employment by another Ministry.

These are some of the causes that have led to the creation of this problem. I do not want to spread my remarks over the tea interval ; so, I shall conclude in a moment. The way to solve the problem, in my opinion, is not to generalize on the behaviour of public officers. I suppose, just as among us Senators there are good and bad ones-

**SENATOR DR. PEIRIS:** Question!

**SENATOR AZEEZ:** I am sorry. Let me say that I am the only bad one. So, all are not good Senators.

**SENATOR DE SOUZA:** Among Civil Servants, are there good and bad ones?

**SENATOR AZEEZ:** Former ones or present ones?

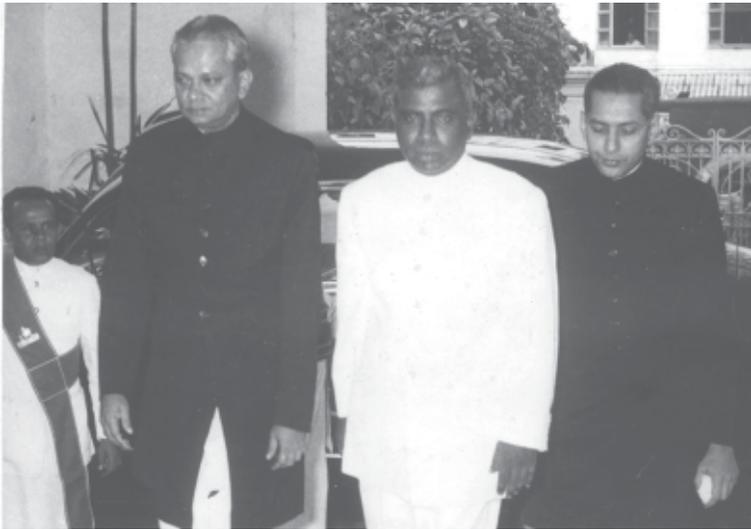
**SENATOR DE SOUZA:** Former ones who are in the Senate.

**SENATOR AZEEZ:** The former ones are all good. I cannot say anything about the present ones. Even among lecturers, we have good and bad ones. There are some who are profound scholars in English; there are others who are not.

But those matters are unimportant to a consideration of the main questions of how we are going to solve the financial problem. Therefore, if we want to get the maximum best-purely from the financial point of view-from the administration and the public officers, there must be a co-ordination of activities. There must be some system by which the maximum effort will produce the maximum results. Now, there may be the maximum effort, but I am doubtful that this maximum effort does produce the maximum results.



## *Photo Gallery*



*Sir Cyril de Zoysa entering Queen's House to be sworn in as President of the Senate with Hon. E.B. Wikramanayake (Proposer) and A.M.A. Azeez (Secunder) in 1955*



*Senate – Mace ceremony*



*Senate – newly elected President Hon. Sir Cyril de Zoysa assumes duties in 1955*



*Senate – UNP and LSSP Senators walking out when the Tamil Language (Special Provisions) Bill was taken up for discussion*



*Muslim Parliamentarians M.M. Ebrahim, A.M. Merza, M.E.H. Mohamed Ali, Azeez, Sir Razik Fareed, H.S. Ismail and Dr. M.C.M. Kaleel after meeting Hon. C.W.W. Kannangara on the meat stall question and ahimsa agitation*



*A.M.A. Azeez on a visit home at Mohideen Mosque Lane in Jaffna*



*A.M.A. Azeez and wife Ummu Kuluthum*



*Azeez addressing YMMA meeting at Kahatowita in 1973, few months before his demise*



*Azeez receiving the Sahitya Award for his Tamil Book “Islam in Ceylon” from Hon. D.S. Goonesekera, Minister of Cultural Affairs in 1963*



*Azeez as Chief Guest at the Golden Jubilee celebrations of Vaidyeshwara Vidyalayam, Jaffna in 1963*



*Reception to Kalaipulavar Navaratnam by Azeez as Vice-President of Tamil Cultural Society at his residence “Meadow Sweet”*



*Azeez speaking at Jaffna Central College (OBA Colombo Branch) Dinner*



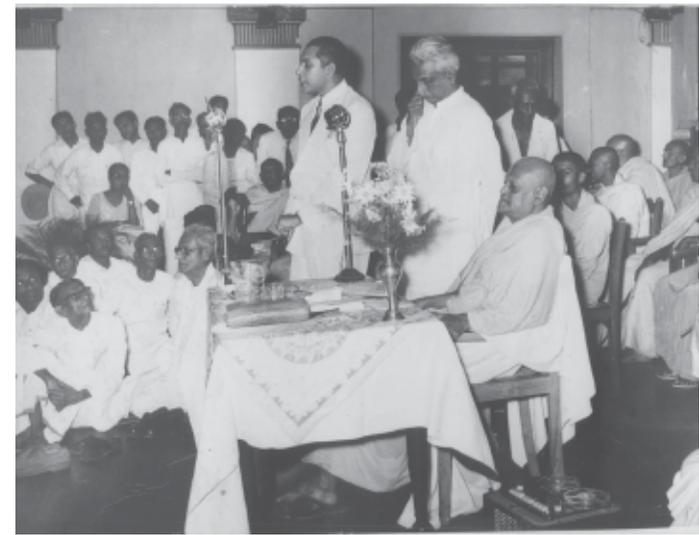
*Azeez as Chief Guest at Mahajana College, Jaffna Golden Jubilee Dinner*



*Azeez ( standing last row seventh from left)  
at Hindu Students' Movement at Matale in 1931*



*At the reception given to Azeez (seated in centre)  
by the Jaffna Muslim Brotherhood  
on his departure to Cambridge University in 1934*



*Azeez speaking at prohibition meeting at Colombo Town Hall  
organized by Hon. I.M.R.A. Iriyagolle*



*Azeez as Additional Landing Surveyor of Customs in 1942*



*Azeez at Kalmunai kachcheri premises in 1943*



*Azeez at office in Kalmunai kachcheri with staff Razak, Ponnuthurai and Yoonus in 1942*



*Azeez with Digavapi Priest at the Kalmunai Harvest Festival in 1943*



*Azeez as A.G.A. at the Kandy kachcheri*



*Governor-General H.E. Sir Oliver Goonetilleke, Azeez and Sam P.C. Fernando*



*Governor-General H.E. Sir Henry Monck-Mason Moore unveiling the portrait of N.D.H. Abdul Ghaffoor at Zahira College in 1949*



*Prime Minister Hon. D.S. Senanayake as Chief Guest at Prize Day at Zahira College in 1949*



*Hon. D.S. Senanayake, Azeez and Dr. T.B. Jayah at the unveiling of the portrait of Jayah at Zahira College in 1948*



*Welcoming Prime Minister Hon. Dudley Senanayake at Zahira College in 1953*



*Azeez and Prime Minister Hon. D.S. Senanayake in 1951*



*Prime Minister Hon. Dudley Senanayake at Prize Day at Zahira College in 1953*



*Hon. Sir John Kotelawela at Athletics Meet at Zahira College in 1951*



*Hon. J.R. Jayawardena at Athletics Meet at Zahira College*



*Prime Minister Hon. S.W.R.D. Bandaranaike at the YMMA Headquarters*



*Hon. H.S. Ismail, Speaker opening the Crescent Lights Carnival and Exhibition at Zahira College*



*Hon. E.A. Nugawela at Prize Day at Zahira College in 1950*



*Hon. W. Dahanayake at Prize Day at Zahira College*



*Hon. M.D. Banda at Prize Day at Zahira College*



*Hon. Badiudin Mahmud at a Special Assembly at Zahira College*



*Hon. Sir Nicholas Attygalle, President of the Senate opening the Iqbal Building at Zahira College in 1954*



*Hon. H.W. Amarasuriya at Science Exhibition at Zahira College*



*Chief Justice Hon. C. Nagalingam at Zahira College*



*Hon. H.H. Basnayake, Attorney-General (later Chief Justice) at Prize Day at Zahira College in 1955*



*Rev. Fr. T.M.F. Long, Rector of St. Patrick's College, Jaffna and Sir Richard Aluwihare at the Athletics Meet at Zahira College in 1950*



*Sir Richard Aluwihare, IGP at Athletics Meet at Zahira College in 1950*



*N.Q. Dias at Zahira College*



*Leading educationists S.A. Wijayatilake, T.B. Jayah, Azeez and Rev. Fr. Peter Pillai*



*Azeez opens Exhibition of Children's Books at the USIS Library with the US Ambassador Philip Crowe*



*Hon. Dr. Ali Sastroamidjojo, Prime Minister of Indonesia at a special assembly at Zahira College in 1954*



*H.E. Dr. Mohammad Fawzy, Foreign Minister of Egypt unveiling the portrait of Arabi Pasha at Zahira College*



*Hon. Ghulam Mohamed, Finance Minister of Pakistan at Zahira College in 1950*



*Hon. Dr. Humayun Kabir, Minister of Scientific Research and Cultural Affairs of India at Zahira College*



*Dr. K.G. Saiyadain, Advisor on Education to the Govt. of India at a special assembly at Zahira College in 1952*



*Dr. Quraishi, Minister of Education of Pakistan at Zahira College*



*Inamullah Khan, President of World Muslim Congress at Zahira College*



*His Holiness Dr. Seyed Taher Saifuddin Saheb, spiritual head of the Borah Community and Chancellor of Aligarh University, India at a special assembly in his honour held at Zahira College in 1954*



*H.E. Bernard Gufler, US Ambassador at Prize Day at Zahira College in 1960*



*Welcoming the Head of the International Tabligh Movement at the airport*



*Moroccan delegation at Zahira College library*



*Washington State Departmental Officials at Zahira College*



*H.E. Ahmad Foad Naguib, Ambassador for Egypt inspecting model of the Ceylon Muslim Cultural Centre at Zahira College in 1959*



*H.E. Ahmad Foad Naguib, Ambassador for Egypt at the Prize Day at Zahira College in 1959*



*H.E. Hamid Hussain, High Commissioner for Pakistan at Zahira College*



*Dr. A.W. Halepotha of Sind University, Pakistan at Zahira College*



*Greeting H.E. Rajendra Prasad, President of India*



*Abdus Samad of "Mani Vilakku" at Zahira College*



*Azeez greeting H.E. Khwaja Nazimuddin, Governor-General of Pakistan*



*Azeez greeting H.E. Gamal Abdel Nasser, President of Egypt*



*Azeez greeting Hon. Pandit Jawaharlal Nehru, Prime Minister of India*



*Azeez greeting H.E. Joseph Broz Tito, President of Yugoslavia*



*Azeez greeting Hon. Nobulsko Kishi, Prime Minister of Japan*



*Azeez with Rector of Al-Azhar University, Sheikh Mustapha Abdel Razak in Cairo, Egypt*



*Azeez, V. Kumaraswamy, Bernard Aluwihare and D.B. Welagedera leaving for the Commonwealth Parliamentary Association conference in Nairobi, Kenya seen off by Hon. M.D. Banda in 1954*



*Azeez leaving on a Smith-Mundt scholarship to USA in 1952 seen off by Hon. Victor Ratnayake, M.D. Banda and A. Ratnayake and Peter Mallawarachi (also on scholarship)*



*Azeez with Canadian delegates at Commonwealth Parliamentary Association Conference at Nairobi, Kenya in 1954*



*Azeez on a farm in Kenya with British delegates during CPA Conference in 1954*



*Azeez visiting a Muslim school in Mombasa, Kenya in 1954*



*Azeez visiting Aga Khan School in Nairobi, Kenya in 1954*



*Sagara Palansuriya, Azeez and T.B. Subasinghe at Inter-Parliamentary Conference held in Warsaw, Poland in 1959*



*V.A. Kandiah, M.P. for Kayts and Azeez at Inter-Parliamentary Conference held in Warsaw, Poland in 1959*



*Azeez presiding at South India Muslim Education Conference in 1973*

# *Cartoons and Snippets*



(The Ceylon Observer of 5/12/1949)



HAUNTING MEMORY  
(The Ceylon Observer of 13/4/1950)



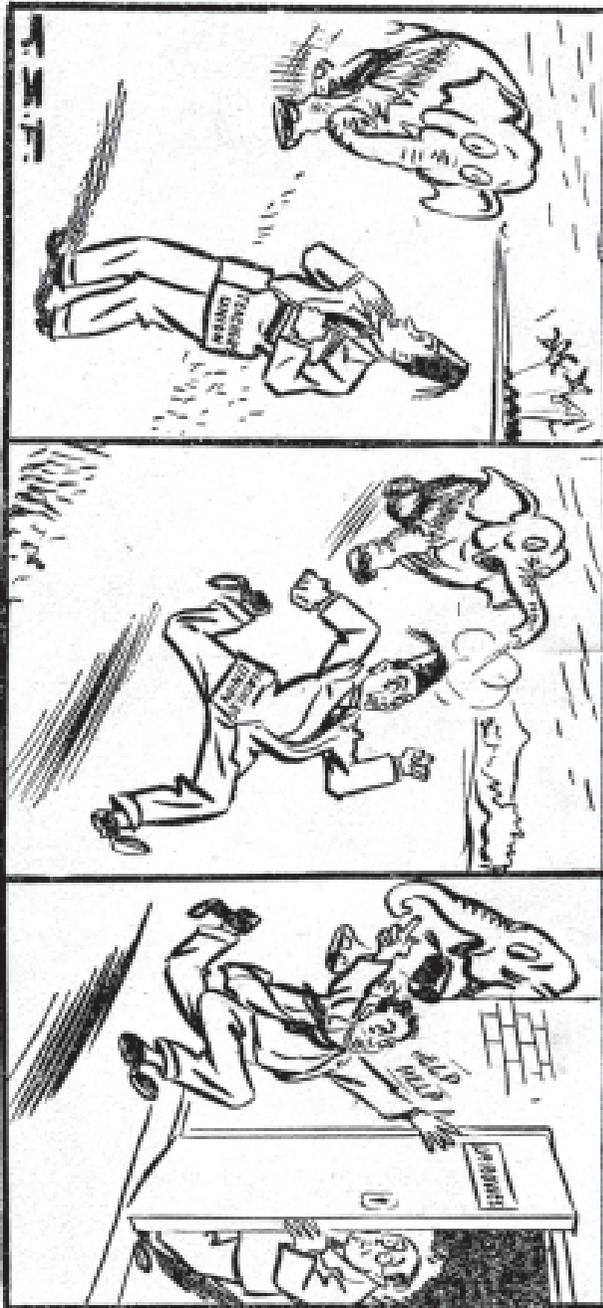
(The Ceylon Observer of 4/4/1950)



(The Dinamina of 13/4/1950)

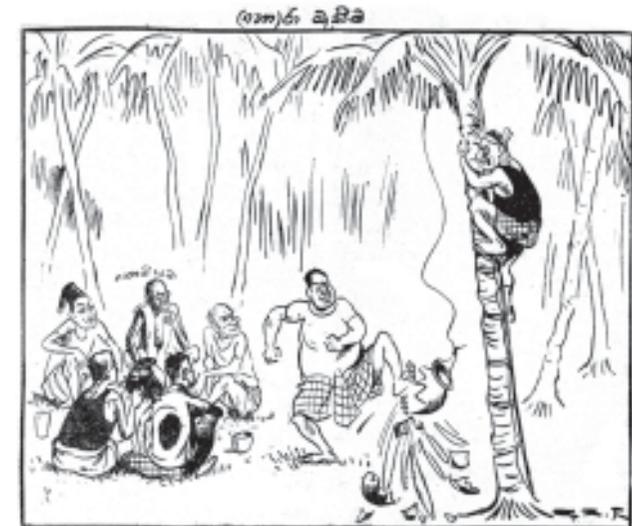
*(The Times of Ceylon of 7/2/1953)*

**"ELEPHANT WALK"**



THE END OF ITS TETHER

*(The Times of Ceylon of 19/4/1950)*



(022)6 222

*(The Lankadeepa of 13/5/1955)*

### AMUSING SNIPPETS – A Family Member Reminisces

- Senators S.R. Kanaganayagam (appointed), P. Nagalingam (elected), S. Nadesan Q.C. (elected) and A.M.A. Azeez (appointed) were members of the Youth Congress in Jaffna during their young days having radical views on British imperialism. There were amusing, rather affectionate, cross-talks among them in the Senate. Though they belonged to different political parties, they continued to be great friends. To attend Senate meetings Senators Kanaganayagam (puffing a Jaffna cigar) and Nagalingam arrived from Jaffna by the night train, and quite often spent their time on discussions at “Meadow Sweet” in Barnes Place before leaving to the Senate. They enjoyed the hospitality of Mrs. Azeez, and Senator Nagalingam obtained canna and other plants to be taken to Jaffna from her beautiful garden. Whenever the Azeez family visited Jaffna, Senator Kanaganayagam was always there to welcome them and keep company.
- Senator Nadesan was a frequent visitor to “Meadow Sweet” in his Mercedes-Benz. He, with another confidante C. Renganathan Q.C., were friendly legal advisors when Senator Azeez was facing enormous problems from a section of the Muslim community, who could not comprehend nor understand his far-sighted vision for Zahira College and the community. They realized only later very many years after his demise.
- In 1954 when the President of the Senate, Sir Nicholas Attygalle, contested and won the post of Vice-Chancellor of the University of Ceylon, Senator Azeez supported him fully being a Member of the Court, Council and Senate of the University. When Senator Sir Cyril de Zoysa contested for the post of President, Senator Azeez seconded the proposal made by Senator E.B. Wikramanayake.
- During his tenure as Principal of Zahira College, Senator Azeez owned the cars Chevrolet ‘Fleetmaster’ CY-4009, Morris ‘Oxford’ EY-4148, Peugeot ‘403’ EN-5777 and Peugeot ‘403’ 2 Sri 7678. He was a strict disciplinarian, and whenever his car was seen parked in the porch at Zahira, the teachers, students and others were in their best of behaviour. On days when the Senate met, his faithful driver Ibrahim (also his personal peon and ‘bodyguard’) dropped him at the Senate and brought the car back and parked it in the porch. This gave the impression that the Principal was in his office and all were in their best of behaviour.
- Senators E.W. Kannangara and Layard Jayasundera were colleagues of Senator Azeez in the Ceylon Civil Service. Senator Kannangara was his boss at one time and Senator Jayasundera entered the C.C.S. with Senator Azeez.
- Senator Azeez visited the U.S.A. in 1952 on a Smith-Mundt scholarship to visit schools and study the educational systems. He used to relate of the high respect he received all over like the Senators in that country.
- Senator N.U. Jayawardena was in the Senate at the same time as Senator Azeez. Senator M. Tiruchelvam, a close friend, was in the Senate in the late 1960s as a Minister. Both Senators, who lived in Rosmead Place, were frequent visitors to “Meadow Sweet” on their regular walks.
- In June 1956 Senator Azeez went to Car Mart Ltd. with the whole family to take delivery of the Peugeot ‘403’ EN-5777. There he met Hon. Maithripala Senanayake, the newly appointed Minister of Transport, who had come to take delivery of his car Peugeot ‘203’ EN-5767. Senator Azeez jokingly, though serious, told him that he was buying a new car as he expected duties to go up soon. Though the Minister just smiled, the duties and taxes did go up and the import of cars was banned in the early 1960s. Both were in the working committee of the U.N.P. until the Minister resigned in 1953 disagreeing with the rice subsidy crisis, but were close friends even thereafter.

## **Dr. A.M.A. Azeez Foundation**

### **Members of the Executive Committee**

Mr. S.H.M. Jameel B.A. (Hons), DipEd, M.A. - President

Khalid M. Farouk, J.P. - Hony. Secretary

M. Ali Azeez B.Sc., FCA - Hony. Treasurer

Desamanya Prof. M.T.A. Furkhan FCMA, J.DIPMA, FCIS, FCPA (Aust)

Mr. P. Balasingham B.A. (Cey)

Mr. M.S. Raheem J.P.

Mr. Maruthoor A. Majeed B.A. (Hons), DipEd, SLEAS

Mr. Iflal Abdullah, National President, All Ceylon Y.M.M.A. Conference

Publication - 2007

### **A.M.A. AZEEZ - A PROFILE**