



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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No. 8,381 — WEDNESDAY, JULY 13, 1938.

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*Published by Authority.*

PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

**An Ordinance to make provision for the Public and  
Railway Services and the Electrical Undertakings  
for the financial year 1938-39.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Appropriation Ordinance, No. of 1938. Short title.

2 Without prejudice to any other law authorising any expenditure, sums not exceeding one hundred and five million four hundred and sixty-one thousand three hundred rupees, twenty million one hundred and eighty thousand four hundred and ten rupees, and three million one hundred and forty-seven thousand eight hundred and fifty-one rupees, are hereby declared to be payable out of the revenue and other funds of the Island, the Ceylon Government Railway, and the Electrical Undertakings, respectively, for the service of the financial year beginning on October 1, 1938, and ending on September 30, 1939; and the said sums may be expended as specified in the First, Second and Third Schedules, respectively. Appropriation for financial year 1938-39.  
  
Schedules I., II., and III.

## SCHEDULE I.

Sums payable out of the Revenue of the Island.

	Rs.
1. His Excellency the Governor .. .. .	180,473
2. Supreme Court .. .. .	487,767
3. State Council .. .. .	481,800
4. Audit Office .. .. .	566,323
5. Chief Secretary .. .. .	236,964
6. Civil Service .. .. .	372,838
7. Clerical Service .. .. .	52,500
8. Defence .. .. .	1,198,830
9. Ceylon Naval Volunteer Force .. .. .	75,659
10. Coast Lights .. .. .	29,753
11. Legal Secretary .. .. .	105,938
12. Attorney-General .. .. .	273,000
13. Legal Draftsman .. .. .	108,883
14. Public Trustee .. .. .	133,431
15. District Courts .. .. .	885,205
16. Courts of Requests and Police Courts .. .. .	507,680
17. Village Tribunals .. .. .	325,130
18. Fiscals .. .. .	975,792
19. Financial Secretary .. .. .	24,645
20. Treasury .. .. .	424,381
21. Public Debt .. .. .	28,000
22. Pensions .. .. .	810,343
23. Widows' and Orphans' Pension Office .. .. .	30,220
24. Exchange .. .. .	250,000
25. Currency .. .. .	321,659
26. Loan Board .. .. .	11,728
27. Government Stores .. .. .	264,196
28. Government Press .. .. .	718,459
29. Department of Income Tax, Estate Duty and Stamps .. .. .	445,256
30. Customs .. .. .	880,190
31. Miscellaneous Services .. .. .	880,500
32. Minister for Home Affairs .. .. .	50,329
33. Provincial Administration .. .. .	3,938,413
34. Excise Department .. .. .	1,632,216
35. Police .. .. .	3,838,595
36. Prisons .. .. .	960,186
37. Government Analyst .. .. .	85,969
38. Zoological Gardens .. .. .	51,120
39. Minister for Agriculture and Lands .. .. .	62,209
40. Commissioner for Development of Agricultural Marketing .. .. .	139,736
41. Appeal Board (Land Settlement Ordinance) .. .. .	600
42. Land Commissioner .. .. .	286,470
43. Land Settlement Department .. .. .	522,302
44. Survey Department .. .. .	3,357,293
45. Department of Agriculture .. .. .	1,831,681
46. Forest Department .. .. .	786,478
47. Registrar of Co-operative Societies .. .. .	236,680
48. Irrigation Department .. .. .	1,425,834
49. Irrigation Annually Recurrent .. .. .	397,500
50. Irrigation Extraordinary .. .. .	801,030
51. Minister for Local Administration .. .. .	26,789
52. Commissioner of Local Government .. .. .	2,920,934
53. Registrar of Motor Cars .. .. .	148,770
54. Salt and Mineralogy .. .. .	708,278
55. Department of Fisheries .. .. .	44,617
56. Schemes assisted by the Colonial Development Fund .. .. .	67,533
57. Minister for Health .. .. .	31,215
58. Quarantine .. .. .	374,992
59. Medical and Sanitary Services .. .. .	13,134,484
60. Medical College .. .. .	268,385
61. Ayurvedic Medicine .. .. .	57,500
62. Minister for Labour, Industry and Commerce .. .. .	45,399
63. Registrar-General .. .. .	801,464
64. Director, Tourist Bureau .. .. .	90,808
65. Director of Commerce and Industries .. .. .	670,199
66. Controller of Labour .. .. .	759,124
67. Minister for Education .. .. .	40,754
68. Education .. .. .	19,731,439
69. University College .. .. .	642,899
70. Archaeological Department .. .. .	164,160
71. Colombo Museum .. .. .	131,466
72. Minister for Communications and Works .. .. .	49,682
73. Colombo Port Commission .. .. .	3,153,533
74. Ports other than Colombo .. .. .	43,352
75. Post Office and Telegraphs .. .. .	8,209,165
76. Public Works Department .. .. .	2,139,668
77. Public Works Annually Recurrent .. .. .	5,283,900
78. Public Works Extraordinary .. .. .	3,988,008
79. Civil Aviation .. .. .	40,083
80. Railway Department .. .. .	3,180,410
81. Electrical Installations in Government Buildings .. .. .	548,946
82. Loan Fund Expenditure .. .. .	5,471,160
	105,461,300

## SCHEDULE II.

Sums payable out of the Revenue of the Ceylon  
Government Railway.

	Rs.
1. Ordinary working expenditure of the Railway	20,180,410
2. Interest payable to the Revenue of the Island on Advances	—
3. Annuities payable to the Revenue of the Island on Loans	—
	20,180,410

## SCHEDULE III.

Sums payable out of the Revenue of the Electrical  
Undertakings.

	Rs.
1. Ordinary working expenditure of the Electrical Undertakings	2,016,329
2. Interest payable to the Revenue of the Island on Advances	30,000
3. Annuities payable to the Revenue of the Island on Loans	645,394
4. Transfer to Reserve, Extensions and Renewals Fund	456,128
	3,147,851

*Objects and Reasons.*

This Bill makes provision for expenditure, not covered by other law, on the Public and the Railway Services and the Electrical Undertakings of the Island for the financial year 1938-39.

In accordance with Article 59 (1) of the Ceylon (State Council) Order in Council, 1931, provision is not made in this Bill for sums which are already authorised by law, amounting to Rs. 23,491,600 in the aggregate, as detailed under the appropriate Heads in the Estimates.

D. B. JAYATILAKA,  
Minister for Home Affairs, and  
Leader of the State Council.

Colombo, July 12, 1938.

## MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

L.D.C.F. 7/38

**An Ordinance to provide for the allocation and distribution of the rights to plant new areas in rubber.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

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| 1 This Ordinance may be cited as the Rubber (New-planting) Ordinance, No.      of 1938.  | Short title.   |
| 2 Subject to—<br>(a) the general or special directions of the Executive Committee,<br>(b) the new-planting regulations, and<br>(c) the provisions of any Ordinance hereafter to be enacted for the regulation of the production and export of rubber on and after the first day of January, 1939,<br>the Controller may, in his discretion, issue permits for the exercise of new-planting rights. | Controller authorised to issue permits for new-planting. |
| 3 Applications for permits to exercise new-planting rights shall be made to the Controller on the prescribed form before the prescribed date.  | Applications for permits.                                |
| 4. (1) A permit shall authorise the person named therein (hereinafter referred to as the "permit-holder") to exercise new-planting rights in a specified area of land described in that permit.<br>(a) A permit shall not be negotiable or transferable.   | Rights of permit-holder.                                 |
| 5 The total area of land in which new-planting rights may be exercised shall not exceed thirty thousand two hundred and sixty acres.   | Total area for new-planting.                             |
| 6 No person shall exercise new-planting rights at any time before January 1, 1939, and no person shall, on or after that date, exercise such rights except under a permit issued to that person and in accordance with the terms and conditions of that permit:  | New-planting not to commence till January 1, 1939.       |

Provided that nothing herein contained shall be deemed or construed in any way to affect or restrict the right of any

person to clear, prepare or open any land at any time before January 1, 1939, for the purpose of the exercise of new-planting rights.

Right of  
Controller to  
enter and  
inspect lands.

7 The Controller or any person authorised by him in writing may at any time during the day enter and inspect any land for the purposes of this Ordinance or the new-planting regulations.

Offences.

8 (1) Any person who—

- (a) acts in contravention of any provision of this Ordinance or of any new-planting regulation ;
- (b) exercises new-planting rights in an area of land in excess of that specified in his permit or in a land other than that described in his permit ;
- (c) obstructs the Controller or any other person authorised by the Controller in the exercise of the powers or the discharge of the duties of the Controller or such other person under section 6,

shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding three hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

(2) Where a permit-holder is convicted of an offence under this Ordinance, the Court may order the cancellation of his permit in addition to any other penalty to which he may be liable.

New-planting  
regulations.

9 (1) The Executive Committee may make new-planting regulations for the purposes of this Ordinance, and such regulations may contain such incidental, consequential and supplementary provisions as may appear to the Executive Committee to be necessary or proper for giving full effect to this Ordinance.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), new-planting regulations may provide for any or all of the following matters :—

- (a) all matters stated or required by this Ordinance to be prescribed ;
- (b) the forms to be used for the purposes of this Ordinance and the particulars to be inserted therein ;
- (c) the conditions to be attached to a permit ;
- (d) the time within which and the manner in which new-planting rights shall be exercised ;
- (e) the issue of new permits on the death of a permit-holder or in the event of the legal incapacity of the permit-holder by reason of insolvency, lunacy or otherwise ;
- (f) the issue of permits to trustees or minors.

(3) No regulation shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(4) A regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall, upon the notification of such approval and ratification in the Gazette, be as valid and effectual as if it were herein enacted.

Interpretation.

10 In this Ordinance, unless the context otherwise requires—

“ exercise ”, when used with reference to new-planting rights, means any planting of rubber seeds or rubber plants which constitutes “ new-planting ” under this Ordinance ;

“ new-planting ” means the planting of rubber seeds or rubber plants on any area of land which has not carried rubber plants since the seventh day of May, 1934, and includes, in a case where any area of land carries or has carried rubber plants planted together with any other cultivation, the planting of rubber seeds or rubber plants in substitution or part substitution for such other cultivation ;

“ new-planting regulations ” means regulations made by the Executive Committee under this Ordinance ;

“ new-planting rights ” means rights of new planting exercisable under this Ordinance in respect of any specified area in Ceylon ;

“ permit ” means a permit granted by the Controller under this Ordinance ;

“ permit-holder ” means the person named in the permit as a person to whom that permit is granted ;

“ prescribed ” means prescribed by new-planting regulations.

(2) This Ordinance shall, so far as is consistent with the tenor thereof, be read and construed as one with the Rubber Control Ordinance, No. 6 of 1934, and the provisions of section 18 of that Ordinance shall apply accordingly in the interpretation of this Ordinance.

*Objects and Reasons.*

Section 1 of the Rubber Control Ordinance, No. 6 of 1934, provides that the Ordinance shall continue in operation until December 31, 1938. As the period of control will be extended by another International Agreement, it will be necessary to enact before the close of the current year another Ordinance which will give effect to the provisions of the new Agreement.

2. It is anticipated that in the next period of control Ceylon will be granted the right to open in rubber an area not greater than 30,260 acres. Such rights cannot be exercised until January 1, 1939, but it is essential that lands should be cleared and opened and that all necessary steps should be taken to enable planting to commence at the earliest possible date.

3. The object of this Bill is to provide for the issue of new-planting permits so that preparations can be made in time to commence planting early in the coming year.

B. H. ALUWIHARE,

Acting Minister for Agriculture and Lands.

Colombo, July 12, 1938.

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