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THE CEYLON GOVERNMENT GAZETTE

අංක 13,615 — 1963 අප්‍රේල් 26 වැනි සිකුරාදා — 1963.4.26

No. 13,615 — FRIDAY, APRIL 26, 1963

(Published by Authority)

PART I: SECTION (I)—GENERAL

(Separate paging is given to each language of every Part in order that it may be filed separately)

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Appointments, &c., by the Governor-General

No. 141 of 1963

No. D. 187/Rect/8.

THE ARMY ACT (CAP. 387)

I, William Gopallawa, Governor-General, do hereby determine that with effect from April 26, 1963, the following shall cease to be Units of the Ceylon Regiment of Artillery:—

The 1st Anti-Aircraft/Coast Artillery Regiment, Ceylon Artillery.

The 3rd Field Regiment, Ceylon Artillery.

W. GOPALLAWA,
Governor-General.

Nuwara Eliya, April 18, 1963.

4—780/1

No. 142 of 1963

No. D. 187/Rect/8.

ARMY—REGULAR FORCE

Notification

IT is hereby notified that the 4th Regiment, Ceylon Artillery, shall be a Unit of the Ceylon Regiment of Artillery, with effect from April 26, 1963.

N. Q. DIAS,
Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, April 18, 1963.

4—780/2

No. 143 of 1963

No. D. 187/Rect/8.

ARMY—REGULAR FORCE—APPOINTMENT APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

Appointment

To be Commanding Officer of the 4th Regiment, Ceylon Artillery, with effect from April 26, 1963—

Lieutenant-Colonel LEONARD MERLYN WICKRAMASUBIYA, C.A.

By His Excellency's command,

N. Q. DIAS,
Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, April 18, 1963.

4—780/3

No. 144 of 1963

No. D81/Rect/1.

ARMY—REGULAR FORCE—PROMOTIONS APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

The undermentioned officers are promoted to the rank of Captain with effect from May 2, 1963—

Lieutenant (Temporary Captain) GODFREY ERIC LAWSON KOCH, C.E.M.E.

Lieutenant (Temporary Captain) PRANGIGAE WIMALADASA PERERA, C.E.M.E.

IMPORTANT NOTICE

IT is hereby notified that in view of the Public Holidays on May 7 and 8, 1963, all Notices and Advertisements for publication in the *Ceylon Government Gazette* of May 10, 1963, should reach the Government Press not later than 3.30 p.m. on Friday, May 3, 1963.

Government Press,
Colombo, April 26, 1963.

BERNARD de SILVA,
Government Printer.

Lieutenant (Temporary Captain) MANAGE HARISCHANDRA GUNARATNE, C.A.C.

Lieutenant (Temporary Captain) CHARLES STANLEY FERNANDO, C.A.C.

Lieutenant (Temporary Captain) LANCELOT PETER GERARD FERNANDO, C.E.

Lieutenant (Temporary Captain) HAMILTON WANASINGHE, C.A.

Lieutenant (Temporary Captain) SRI MAHA ASOKA JAYAWARDENA, C. Inf. (R).

By His Excellency's command,

N. Q. DIAS,
Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, April 17, 1963.
4-786

Appointments, &c., by the Public Service Commission

No. 146 of 1963

THE Public Service Commission has been pleased to order the following appointments:—

A. 41/47.

Mr. C. J. SERASINGHE, C.C.S., to act as Secretary, Public Service Commission, with effect from April 13, 1963, until further orders.

A. 26/63.

Mr. N. WIJewardena, C.C.S., to act as Government Agent in authority over the Administrative District of Kandy, with effect from March 1, 1963, until further orders.

A. 49/63.

Mr. M. S. PERERA, C.C.S., to act as Food Commissioner, Director of Food Supplies, Food Controller and Controller of Prices (Food), with effect from February 20, 1963, until further orders.

A. 30/63.

Mr. D. C. L. AMARASINGHE, C.C.S., Director of Development, to act, in addition to his duties, as Salt Commissioner, with effect from February 1, 1963, until further orders.

A. 80/63.

Mr. M. J. PERERA, C.C.S., to act as Senior Assistant Secretary, Ministry of Education, with effect from March 13, 1963, until further orders.

A. 32/63.

Mr. A. B. SAMARAJIWA, C.C.S., to act as Senior Assistant Controller in the Department of the Controller of Imports and Exports, with effect from October 23, 1962, until further orders.

A. 133/62.

Mr. V. T. PANDITA-GUNewardena to be Bribery Commissioner, with effect from December 11, 1962.

C. J. SERASINGHE,
Secretary,
Public Service Commission.

Office of the Public Service Commission,
P. O. Box 500, Galle Face Secretariat,
Colombo 1, April 22, 1963.

4-777

No. 145 of 1963

No. D/VF/10/A.

ARMY—C. V. F.—CONFIRMATION OF RANK APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

To be Major with effect from September 15, 1960—

Captain (Temporary Major) LANCELOT VICTOR REGINALD FERNANDO, C.A.M.C. (V).

By His Excellency's command,

N. Q. DIAS,
Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, April 10, 1963.
4-657

Appointments, &c., by the Judicial Service Commission

No. 147 of 1963

SUMMARY OF APPOINTMENTS MADE BY THE JUDICIAL SERVICE COMMISSION

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. N. EDIRISINGHE	.. Additional District Judge, Negombo	From 17th April, 1963, till judgment is delivered in D. C. Negombo cases 698/M, 274/L and 127/P and to hear till completion D. C. Negombo Case 66/L	In addition to his other duties
Mr. S. THAMBY DURAI	.. Additional District Judge, etc., Batticaloa	From 26th April, 1963, to hear till completion D. C. Batticaloa Case 1996 Miscellaneous	In addition to his other duties
Mr. J. G. L. SWARIS	.. Additional Magistrate, etc., Avissawella	From 11th April, 1963, to deliver order in M. C. Avissawella Case 54144 and to hear till completion M. C. Avissawella Case 57311	In addition to his other duties
Mr. S. J. M. G. S. MUDANNAYAKE	.. Acting Magistrate, etc., Bala-pitiya	10th to 24th April, 1963	During absence of Mr. D. E. DHARMASEKERE
Mr. S. J. M. G. S. MUDANNAYAKE	.. Additional Magistrate, etc., Trincomalee	From 9th May, 1963, to hear till completion M. C. Trincomalee Case 1443	In addition to his other duties
Mr. C. L. T. MOONEMALLE	.. Additional District Judge, Tangalla	From 14th May, 1963, to hear till completion M. C. Hambantota Case L 28	In addition to his other duties
Mr. C. E. MENDIS	.. Additional Magistrate, etc., Galle	19th to 30th April, 1963	During absence of Mr. D. S. NETHSINGHE
Mr. K. MAMPITIYA	.. Acting Magistrate, etc., Negombo	12th to 24th April, 1963	During absence of Mr. M. P. C. RATNAM
Mr. W. DE SILVA	.. Additional Magistrate, etc., Kalutara	10th to 13th April, 1963	During absence of Mr. M. HUSSEIN
Mr. F. W. GOONERATNE	.. Additional Magistrate, etc., Negombo	11th April, 1963	During absence of Mr. M. P. C. RATNAM
Mr. H. A. JAYAWICKREMA	.. Additional District Judge, etc., Anuradhapura	11th to 17th April, 1963	During absence of Mr. C. V. UDALAGAMA
Mr. N. ELIYATAMBY	.. Additional District Judge, etc., Nuwara Eliya	19th and 20th April, 1963	During absence of Mr. L. H. DE ALWIS

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. V. S. DE SILVA	.. Additional Magistrate, etc., Kurunegala, at Kanadulla	18th to 20th April, 1963	.. During absence of Mr. A. M. AMEEN
Mr. S. S. ANJANATHAN	.. Additional District Judge, etc., Batticaloa	12th to 16th April, 1963	.. During absence of Mr. K. C. E. DE ALWIS
Mr. P. G. DE SILVA	.. Additional Magistrate, etc., Avissawella	13th to 16th April, 1963	.. During absence of Mr. C. L. T. MOONEMALLE
Mr. F. W. GOONERATNE	.. Additional Magistrate, etc., Negombo	13th to 15th April, 1963	.. During absence of Mr. K. MAMPITIYA
Mr. A. C. KANAGASINGHAM	.. Additional District Judge, etc., Trincomalee	17th to 20th April, 1963	.. During absence of Mr. S. AMERASINGHE
Mr. S. M. M. CASSIM	.. Additional Magistrate, etc., Chilaw and Pattalam	23rd to 30th April, 1963	.. During absence of Mr. A. S. PONNAMBALAM
Mr. J. N. C. TIRUCHELVAM	.. Additional Municipal Magistrate, etc., Colombo	20th April, 1963	.. During absence of Mr. D. W. K. LADDUWAHERTY
Mr. J. N. C. TIRUCHELVAM	.. Additional Magistrate, etc., Colombo, at Colombo Fort	From 16th April, 1963, till sentence is delivered in J. M. C. Colombo Cases 26574 and 26310	—
Mr. S. ILAYATHAMBY	.. Additional Magistrate, etc., Jaffna, at Mallakam	From 16th April, 1963, till sentence is passed in M. C. Mallakam Case 6133	—
Mr. T. SRI PATHMANATHAN	.. Acting President, Rural Court, Jdukinda, etc.	13th April, 1963	.. During absence of Mr. P. B. HERAT
Mr. N. S. SIVAPRAGASAM	.. Acting President, Rural Court, Karavaku Pattu, etc.	1st to 6th, 8th to 11th, 13th, 15th, 16th, 18th, 19th, 22nd to 27th, 29th and 30th April, 1963	Or until further orders
Mr. M. A. E. B. PERERA	.. Acting President, Rural Court, Weudawili Hatpattu, etc.	27th, 29th and 30th April and 2nd, 3rd, 4th and 6th May, 1963	During absence of Mr. T. L. J. HADGIE
Mr. M. A. L. ABEYSEKERA	.. Acting President, Rural Court, Matale South, etc.	11th April, 1963	.. During absence of Mr. G. M. UDALAGAMA
Mr. A. F. H. DE ALWIS	.. Acting President, Rural Court, Gangaboda Pattu, etc.	11th and 16th April, 1963	.. During absence of Mr. N. V. T. MENDIS
Mr. NEIL DE JACOLYN	.. Acting President, Rural Court, Dehigampal Korale, etc.	11th and 13th April, 1963	.. During absence of Mr. A. B. ALUWIHARE
Mr. L. PANDITARATNE	.. Additional President, Rural Court, Hewagam Korale, etc.	26th April, 1963, to hear R. C. Gangodawila CVL Case 306	—

Office of the Judicial Service Commission,
P. O. Box 573,
Colombo, 18th April, 1963.

N. A. DE S. WIJESSEKERA,
Secretary,
Judicial Service Commission.

4-717

Other Appointments, &c.

No. 148 of 1963

APPOINTMENTS BY THE HONOURABLE MINISTER OF JUSTICE

THE Hon the Minister of Justice has, under Section 120 of the Criminal Procedure Code (Cap. 20) appointed—

No. AI 3/5/58.

Mr. S. M. SENEVIRATNE to act as Inquirer for Gravets and Gangawata Korale, Kandy District, with effect from 11th April, 1963.

No. INQ/L 21/3/63.

Mr. K. NALLAINATHAN to act as Inquirer for Panama Pattu, Amparai District, with effect from 7th February, 1963, until the resumption of duties by Mr. C. VELUPILLAI.

No. INQ/L 9/1/57.

Mr. N. SELVADURAI to act as Inquirer for Analativu, Jaffna District, with effect from 23rd March, 1963, until the resumption of duties by Mr. K. VAITHILINGAM.

No. INQ/L 1/3/57.

Mr. CHRISTY DE CROOS to act as Inquirer for Negombo Town area, Colombo District, with effect from 5th April, 1963, until the resumption of duties by Mr. E. KARUNARATNE.

No. INQ/L 6/3/58.

Mr. A. D. DHARMARATNE, to act as Inquirer for the Vidane Arachchi's Divisions of Waihana, Horangalla, Ambana in Bentara Walallawita Korale, Galle District, with effect from 15th April, 1963, until the resumption of duties by Mr. J. P. GURUSINGHE.

No. INQ/L 21/3/62.

Mr. K. SOMASUNDERAM to act as Inquirer for Wewagampath area, Amparai District, with effect from 10th April, 1963, until the resumption of duties by Mr. K. M. ABEYSINGHE.

No. INQ/L 9/1/63.

Mr. M. MURUGESU to act as Inquirer for Kayts-Velanai area, Jaffna District, with effect from 1st April, 1963, until the resumption of duties by Mr. V. CANDIAH.

No. INQ/L 4/3/62.

Mr. T. WIMALASINGHE to act as Inquirer for Kohonsiya Pattu, Matale District, with effect from 9th April, 1963, until the resumption of duties by Mr. D. K. PANDITARATNE.

D. J. R. GUNAWARDENA,
Permanent Secretary to the Ministry of Justice.

Ministry of Justice,
Colombo, 20th April, 1963.

4-773

Government Notifications

No. PR/AF/111.

IT is hereby notified for general information that during the absence from the Island of Mr. Abdul W. M. Ameer, Honorary Consul-General of the Dominican Republic at Colombo, the Consulate-General of the Dominican Republic at Colombo will be in charge of Mr. Jabir A. Rashid.

N. Q. DIAS,
Permanent Secretary,
Ministry of Defence and External Affairs.

Ministry of Defence and External Affairs,
Senate Building,
Colombo 1, April 15, 1963.

4-664

L. D.—B. 130/46.

No. 905/15/150A (SB/EP).
C. I. R.—ORD 87.

Column I

Column II

INLAND REVENUE ACT**Notice under Section 67 (1)**

BY virtue of the powers vested in me by section 67 (1) of the Inland Revenue Act, No. 4 of 1963, I, Idampitiye Rallage Punchi Banda Gunatilaka Kalugalla, Minister of Finance, do by this notice declare the institution specified in the Schedule hereto to be an approved charity for the purposes of that section.

P. B. G. EALUGALLA,
Minister of Finance.

Colombo, April 18, 1963.

SCHEDULE

Young Men's Buddhist Association, Kegalla.
4—670A

L. D.—B. 175A/29.

PN. 1752.

THE SCHOOL TEACHERS' PENSION ACT

REGULATION made by the Minister of Finance by virtue of the powers vested in him by section 9 of the School Teachers Pension Act (Chapter 432).

P. B. G. KALUGALLA,
Minister of Finance.

Colombo, April 18, 1963.

Regulation

The School Teachers' Pension Regulations, published in *Gazette* No. 7,631 of February 24, 1963 (therein referred to as "rules"), as amended from time to time, are hereby further amended in regulation 9D (inserted by regulation published in *Gazette* No. 13,498 of February 1, 1963), in paragraph (1) thereof, by the substitution, for the figures and words "thirty-first day of March 1963", of the figures and words "thirty-first day of May, 1963".

4—755

THE REGISTRARS PROCEEDINGS VALIDATION ORDINANCE

ORDER made by the Minister of Industries, Home and Cultural Affairs, by virtue of the powers vested in him under section 3 of the Registrars Proceedings Validation Ordinance (Chapter 121).

M. SENANAYAKE,
Minister of Industries, Home and Cultural Affairs.

Colombo, April 4, 1963.

Order

The acceptance of the notice of marriage, the issue of the Registrar's certificate and the registration of the marriages, births and deaths which are specified in column I of the Schedule hereto shall be deemed to be as valid and effectual for all purposes as if the invalidating reasons set out in column II of the Schedule had not existed at the time of registration.

SCHEDULE

Column I

Column II

- | | |
|---|--|
| <p>(1) Notice of Marriage (Kandyan) bearing No. 647 of October 1, 1962, Nos. 648, 649, 650, 651 and 652, all dated October 4, 1962, Nos. 653, 654, 655 and 656, all dated October 8, 1962, and No. 657 dated October 16, 1962, accepted by Mr. A. B. Handagama, as Registrar of Marriages (Kandyan) of Galboda and Kinigoda Korales Division in Kegalle District</p> <p>(2) Registrar's Certificates dated October 8, 1962, and November 20, 1962, issued by Mr. A. B. Handagama as Registrar of Marriages (Kandyan) of Galboda and Kinigoda Korales Division in Kegalle District</p> | <p>The notices were accepted, the certificates were issued and the registration entries were made by Mr. A. B. Handagama who was not on the material dates a duly appointed Registrar of Marriages (General and Kandyan) of Galboda and Kinigoda Korales Division and of Births and Deaths of Medde Mediliya Pattuwa Division in Kegalle District.</p> |
|---|--|

(3) Marriages registered under entries No. 457 dated October 1, 1962, No. 458 dated October 4, 1962, and No. 459 dated October 11, 1962, by Mr. A. B. Handagama as Registrar of Marriages (Kandyan) of Galboda and Kinigoda Korales in Kegalle District

(4) Birth registration No. 1048 dated October 4, 1962, No. 1049 dated October 10, 1962, and No. 1050 dated October 18, 1962, made by Mr. A. B. Handagama as Registrar of Births and Deaths of Medda Mediliya Pattuwa Division in Kegalle District

(5) Death Registration entry No. 401 dated October 4, 1962, No. 402 dated October 16, 1962, and No. 403 and 404, both dated October 17, 1962, made by Mr. A. B. Handagama as Registrar of Births and Deaths of Meddemediliya Pattuwa Division in Kegalle District

4—673A

NOTIFICATION UNDER SECTION 20 (9) OF THE FISHERIES ORDINANCE (CHAPTER 212)

THE report of the Arbitrator appointed to inquire into the dispute that has arisen between madel fishermen of Sinnapadu and Kandathoduwawa in the Puttalam District on the one hand, and teppam fishermen who operate in the waters adjacent to these centres on the other, in regard to their respective fishing rights in these waters, is hereby published for public information:

Any person who is affected by this fishing dispute or any matter relating to or incidental to this dispute and who desires to make representations on any matter dealt with in the Report should do so in writing to the Minister of Agriculture, Land, Irrigation and Power, before the expiration of one month from the publication of this notification in the *Gazette*.

H. E. TENNEKON,
Permanent Secretary to the
Ministry of Agriculture, Land, Irrigation
and Power.

Colombo, April 19, 1963.

4—729/1

Sinnapadu Fishing Dispute

This dispute was referred to me for inquiry by a letter dated 31st August, 1961, from the Hon. Minister of Agriculture, Land, Irrigation and Power, the text of which is as follows:—

In terms of section 20 (1) of the Fisheries Ordinance (Cap. 212), I refer to you a dispute that has arisen between the fishermen who operate Madel nets from the Padus numbered 1 to 23, situated in the fishing centres known as Sinnapadu and Kandathoduwawa in the Puttalam District and the teppam fishermen who are fishing in the waters adjacent to the fishing centres of Sinnapadu and Kandathoduwawa, in regard to their respective fishing rights in these waters.

2. The subject matter of the dispute is as follows:—

The Madel net fishermen claim that the waters adjacent to their padus have been used exclusively for madel fishing from time immemorial. They allege that the taking of fish by teppam in these waters will adversely affect their fishing operations and they request that teppam fishing be totally prohibited in these waters during the madel fishing season.

The Teppam fishermen state that they have been carrying out this mode of fishing for a long time in these waters, and that their fishing operations in these waters are being obstructed by the madel net fishermen. They request that they be permitted to carry out their fishing operations without let or hindrance.

3. I have to request you to hold a public inquiry and report not only on the subject matter of this dispute, but also on all such matters relating to or connected with or arising from this dispute as may be mentioned in any representations that may be made in accordance with the provisions of this section..

I am, Sir,
Your obedient Servant,
(Sgd.) C. P. DE SILVA,
Minister of Agriculture, Land,
Irrigation and Power.

The procedure indicated in section 20 of the Fisheries Ordinance (Cap. 212) in order to give publicity to the public inquiry to be held by me was followed, and a public inquiry was held by me at the Battulu Oya Circuit Bungalow on the 7th, 8th, 9th and 21st November, 1962. All the evidence led on behalf of the parties interested in the dispute and the submissions made on their behalf by their lawyers were concluded and I adjourned the proceedings for 19th December, 1962, for me to prepare my report and read it out to the interested parties who were asked to be present for that purpose.

Four written representations made to the Director of Fisheries—three on behalf of the Madel owners and one on behalf of the Teppam owners—had been sent to me by the Director of Fisheries before the inquiry; the Madel operators requested the total prohibition of teppam fishing both in and out of season. Mr. K. C. de Silva, Advocate, instructed by Mr. S. M. M. Cassim, Proctor, appeared for the Madel fishermen, and Mr. S. M. Aboothahir, Proctor, appeared for the Teppam fishermen.

All material witnesses who had been summoned to give evidence were present, as well as a considerable number of interested persons.

Mr. V. L. C. Pietersz, Assistant Director, and other officers of the Fisheries Department were also present.

DISPUTE

The area in respect of which the dispute has arisen is known generally as Sinnapadu in the Puttalam District, and includes Sinnapadu proper, and Kandathoduwa. It is adjacent, on the south, to Udappu and on the north, to Mukkuthoduwa.

This stretch of beach is divided into "padus" each about 450 yards wide, and it is with the stretch of beach covered by Padus No. 1 (just north of Udappu) to No. 23 that this inquiry is concerned.

Each padu is licensed in the name of a Madel owner who operates from that padu. Padu No. 11, which was not licensed as it was a Crown reservation, was also licensed for one year, but the licence for this padu has not been renewed.

"Madel" are beach-seines and each consists of contract net, like a pocket, to each side of which are attached wing nets—as many as circumstances demand—and to the last wing net on each side is attached a hauling rope, the end of which is on the shore. The entire assembly is of enormous size, and it is in evidence that when fully laid out in the sea it can extend as far as two miles from the shore. The shore parties haul in the rope at both ends and drag the net to shore, when the fish are unloaded. Each madel require four or five "parus"—large flat-bottomed outrigger canoes—to take the nets and ropes out to sea, and total of 40 to 60 persons to operate it. The cost of a complete madel outfit, including the parus, is given as approximately Rs. 35,000.

'Teppams' are small, almost flat, craft made of three or four logs lashed together as in a raft, and carry a crew of one or two persons. They carry nets of various sizes, called drift-nets, which they lay out and later haul in when the fish are tangled in the nets. The cost is inconsiderable, and it is essentially a small operators' craft and crewed by its owner.

The Madel operators are active in the Sinnapadu area during the season only, from October to the following March or April, i.e., during the North-East Monsoon period. The sea during this time is calm, which is necessary for their work. During the off-season from April to September, i.e., during the South-West Monsoon, they migrate to the East Coast when the sea is now calm and operate there, returning to the West Coast again when the Monsoon changes. During the off-season, they leave caretakers at their West Coast padus to look after their gear.

Madel operators begin their operations during the season at about 7 o'clock in the morning, and one complete cycle of taking-out, laying, hauling-in, and unloading may take up to 2½ hours. If shoals of fish are seen off-shore, the operation may be repeated as necessary. They do not operate at night.

Teppam fishermen, on the other hand, do not operate by day. It is in evidence that they put out from shore at about 3 o'clock in the morning, and return to shore at 7 or 8 o'clock in the morning.

There appear to have been no teppams operating in the Sinnapadu and Kandathoduwa areas for many years up to 1937. In that year some teppams began to operate, but these were prohibited. From then till 1953 no teppams operated.

In 1953 two teppams started operating in this area, owned by Uncle and Nephew—Fernando by name. These two fishermen used their teppams during the off-season only. These two teppams continued to be licensed and in operation during the off-season only until 1959.

In 1956 the Kottantivu Rural Development Society were given a licence to carry on Teppam fishing from Padu No. 10 as from June, 1956. The Duwa Fishermen's Co-operative Sale Society Ltd. protested and this licence was withdrawn with effect from 30th September, 1956, by the Government Agent, Puttalam. I note that this date 30.9.56—coincides with the beginning of the Madel season on the West Coast.

In 1958 this question was discussed again, and on 29th August, 1958, the Government Agent, Puttalam, minuted. "There is no question of allowing teppam fishing here."

In 1960 four more teppams were licensed, making 6 in all. One of the new teppams was licensed by W. Anthony Fernando, the Uncle of the "Uncle and Nephew" who had operated teppams from 1953, one by W. Joseph Fernando, one by W. J. Francis Fernando, and the last by N. G. Stephen Livera. These 6 teppams, Mr. Fatha, who was Fisheries Sub-Inspector in Sinnapadu, states operated in 1960 in the off-season only.

In 1961 a further 6 teppams were registered, making 12 in all, and the teppams, for the first time, started operating during the season.

This brought on energetic protests from the Madel operators. There were also some clashes.

In December, 1961, a Co-operative Society called the Lourdu Matha Co-operative Fishing and Sales Society Ltd., was formed with Teppam fishermen as its members. This Society is one of the parties in this dispute and represents the Teppam fishermen.

It is clear from the evidence that the area concerned in this dispute had for many years been used exclusively for Madel fishing. From 1953 to 1959, only two Teppam fishermen operated here, and that only in the off-season. In 1960 only six Teppams operated, and only in the off-season. It was only in 1961 that the Teppam fishermen began to fish during the season.

It was stated for the Madel fishermen that two-thirds of the total production of fish in Ceylon is by madel. This is perhaps an over-statement—Bulletin No. 4 of the Fisheries Research Station gives this figure, based on an average for the three years 1952 to 1954, as 38.6 per cent. and states that the madel is the most important single source of Ceylon's fish supply and commands the attention of all interested in our national welfare and should not be interfered with without the most careful forethought, although it describes the madel as a relatively inefficient fishing device, and suggests that the fishermen would more than double their contribution to Ceylon's food supply if they were to give up beach-seining and go hand-lining or gill-netting from Teppams.

Under the common law, every citizen has an equal right to fish where he likes, when he likes, and how he likes; that is clear.

It is equally clear that under the Fisheries Ordinance (Cap. 212), the Minister in charge of Fisheries has the power to reduce or abrogate such rights.

The point to be decided in this inquiry is whether this is a case where the Minister should use his right to reduce or abrogate the right of Teppam fishermen to operate off the beaches in this area.

It seems convenient to consider this question in two stages—firstly, as regards off-season operation, and secondly, as regards operations during the season viz., October to March.

Off-season operations.—The objection to Teppam fishing is that it disturbs the fish who come in-shore to spawn; the fish like the muddy bottom which gives them good feeding. The sinkers attached to the drift nets used by Teppams drag through the bottoms disturb the fish and scare them, and upset the spawning. This adversely affects the fishing during the season.

I have not been able to find any authoritative statement on the subject of the spawning habits of fish on the West Coast but it appears to me more likely that fish would not choose the turbulent waters off open beaches during the South-West Monsoon for spawning. As for the question of the sinkers of the drift-nets scaring off the fish, the Director of Fisheries, in his letter to the Permanent Secretary, Industries and Fisheries, dated 20th June, 1957, flatly states that this theory is erroneous.

Madel operations in this area are carried out mainly by migrants.

A Madel owner who gave evidence said that 60 to 65 persons are required for work on a madel. All the people who worked for him are from his area—the Negombo District. Only three local people worked on his net. Of these, one was retained as a caretaker during the off-season, and the other two worked as cultivators. He also stated that the people living by the shore in the area of Padus 1-23 are descendants of those who came from Duwa and Pitipane (in the Negombo District) and settled there. It

is therefore clear that the local residents are descendants of a long line of fishermen and have the sea, so to speak, in their blood.

I spent a few hours visiting Padus 1-23 and spoke to some Teppam fishermen. Their spokesman much impressed me when he spoke of their improved economic condition with an obvious sense of satisfaction. Clearly these men deserve help and should be given help. I cannot see that the operation of teppams in the off-season by these men can in any way affect adversely the absent Madel operators.

Operation during the season.—It is in evidence that Madel fishing was carried on at Chilaw 25 years ago, but that Teppam operators ruined the madel fishing and the madel operators had to abandon Chilaw. Sinnapadu is ideal for madel fishing because it has a gently shelving bottom with no rocks on which the nets could be snagged. It must therefore be protected, it was said, from Teppam operators.

Madel and teppam operate side by side at Udappu, south of Sinnapadu, and also in areas north of Sinnapadu.

It was explained that this is possible in those areas because, unlike Sinnapadu, there are outcrops of rocks off these beaches which render certain spots unsuitable for madel, and the teppams can fish there.

A look at the Admiralty chart produced confirms that this physical description of these beaches is correct. But the chart also shows considerable rock formations off the Chilaw beach and it is possible that these may have been at least a contributory cause to the abandoning of Chilaw as a Madel centre.

Mr. S. H. David Silva, an Accounts Clerk employed under Mudaliyar Jeremias Fernando gave evidence of the catches of fish made by certain Madel Padus in the Sinnapadu area for the seasons 1960/61 and 1961/62. He produced a statement marked P19 and P19A. I inspected the books from which these were compiled and am satisfied that they are well kept. This shows a drop from 451,200 lbs. from these padus in 1960/61 to 398,418 lbs. in 1961/62. This is ascribed to the interference by teppams in that year. The drop is one of about 53,000 lbs., approximately 12 per cent. Bulletin No. 4, already quoted earlier, refers to a 20 per cent. change in landings as common in almost any large fishery.

Table II at page L80 in the Administration Report of the Director of Fisheries for 1959 shows the figure of fresh fish production of Sinnapadu (shown in the report as Mundel) as 86,335 cwt. and Table IV on page L82 show the dried weight of cured fish production of the same area as 29,514 cwt. It appears to me that these figures should be altered to 70,988 cwt. and 25,788 cwt. respectively adjust them in respect of landings made in the off-season as shown in Tables III and V but even so, these figures show that Sinnapadu is second only to Jaffna in respect of fresh fish and easily the biggest producer of Cured Fish in Ceylon. The bulk of this comes of course from the madel fishing.

It was suggested that if it was considered undesirable to permit teppam fishing simultaneously with madel fishing, there could at least be no objection to the teppams, who go out while it is still night, operating if they all return to the shore by, say, 7 a.m. i.e., before the madel are in operation. It was stated contra that this would not be a solution to the question. As the teppam nets, when set out by night create phosphorescence in the sea and this scares away the shoals; also, that the shoals on their way in at dawn to feed in the cooler shallow waters should have to pass a line of drift-nets set out by the teppams and that this would at least divert them, if not scare them away.

I am not altogether convinced by this statement, as phosphorescence in the sea is a natural phenomenon, and is sometimes triggered by the shoals themselves. Still for all, it is not certain that it cannot be a factor, and it strikes me that a line of drift nets may well, if it does not divert, at least delay the in-coming of the shoals of fish so as to affect adversely the Madel operations.

While sympathising fully with the aspirations of the Teppam fishermen, and being thoroughly convinced that they should be given all possible help, I cannot but come to the conclusion that the madel fishing at Sinnapadu is so important now to the economy of Ceylon that, for the present—in the absence of any proven alternative to this highly integrated and organised industry—nothing should be permitted which may adversely affect it. And it is not certain that teppam fishing in the season off the same beaches will not so affect it. In any case Teppams operated for the very first time during the season in this area only in 1961.

I therefore recommend that—

- (1) Bona fide residents of the Sinnapadu and Kandathoduwawa areas be permitted to use teppams for fishing in the adjacent waters during the period April to September in such year.
- (2) No teppam fishing be permitted in these waters during the period October in each year to March following.
- (3) Regulations be framed to give effect to (1) and (2) above.
- (4) The entire question be reviewed when the Director of Fisheries has been able to gather sufficient technical data upon which to base a scientific survey of the problem.

I must thank Mr. K. C. de Silva, Advocate, and Mr. S. M. Abuthahir, Proctor, who appeared for the two parties in this dispute, for the help they gave me throughout this inquiry; Mr. V. L. C. Pietersz, Assistant Director of Fisheries, and the officers of his Department who made the excellent arrangements for the inquiry; and the staff of Interpreters and S-enographer who functioned so efficiently and were of the greatest assistance to me.

CYRIL VAN LANGENBURG,
Commissioner.

19.12.62.

10.15 a.m. This is read out by me and by consent of the parties, the gist of this is interpreted into Sinhalese and Tamil.

CYRIL VAN LANGENBURG,
Commissioner.

19th December, 1962.

4—729/2

THE PADDY LANDS ACT, No. 1 OF 1958

IT is hereby notified for public information that the under-mentioned person has been appointed by the Honourable Minister of Agriculture, Land, Irrigation and Power, to serve as Chairman and Member on the Board of Review established under the provisions of section 59 (1) of the Paddy Lands Act, No. 1 of 1958, and the regulations framed thereunder, for a period of one year with effect from 1.5.63, for the purpose of hearing and determining appeals that may be made to such Board under the Act.

V. S. Gunawardene, Esq.

M. SRIKANTA,
for Permanent Secretary.

Ministry of Agriculture, Land, Irrigation and Power,
Colombo 1, 19th April, 1963.

4—695

W. 105/711.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131 OF THE LEGISLATIVE ENACTMENTS, CEYLON (REVISED EDITION, 1956)

Order under Section 4 (1)

To: J. E. Ivon Perera, Esq.,
No. 11, Police Park Avenue,
Havelock Town,
Colombo 5.

WHEREAS an industrial dispute in respect of the matter specified in the statement of the Commissioner of Labour which accompanies this Order exists between the Lanka Estate Workers' Union and the Superintendent of Nakiyadeniya Group, Nakiyadeniya.

Now, therefore, I, Michael Paul de Zoysa Siriwardena, Minister of Labour and Nationalised Services, do, by virtue of the powers vested in me by section 4 (1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (Revised Edition, 1956), as amended by the Industrial Disputes (Amendment) Acts, Nos. 14 and 62 of 1957, and 4 of 1962, hereby refer the aforesaid dispute to you for settlement by arbitration.

M. P. DE Z. SIRIWARDENA,
Minister of Labour and Nationalised Services.

11th April, 1963.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131 LEGISLATIVE ENACTMENTS, CEYLON (REVISED EDITION, 1956)

In the matter of an industrial dispute
between

The Lanka Estate Workers' Union, 47,
Driberg's Avenue, Colombo 10,

and

The Superintendent of Nakiyadeniya Group, Nakiyadeniya.

STATEMENT OF MATTER IN DISPUTE

The matter in dispute between the Lanka Estate Workers' Union and the Superintendent of Nakiyadeniya Group, Nakiyadeniya, is whether the termination of employment of W. G. Elaris Kangany, is justified and to what relief he is entitled.

Dated at Colombo this 5th day of April, 1963.

N. L. ABEYWIRA,
Commissioner of Labour.

4—672

THE WAGES BOARDS ORDINANCE

Notification

IT is hereby notified under regulation 26 of the Wages Boards Regulations, 1943, that under section 9 of the Wages Boards Ordinance (Chapter 136), the Honourable Minister of Labour and Nationalised Services has been pleased to make the following appointments:—

- (1) Mr. S. A. Wijayatilake to be a nominated member on the Wages Boards for the Rubber Growing and Manufacturing, the Coconut Growing and the Coconut Manufacturing Trades vice Mr. R. L. Brohier who has resigned;
- (2) Mr. G. W. Ediriwira to be a nominated member on the Wages Board for the Motor Transport Trade vice Mr. R. L. Brohier who has resigned.

V. S. M. DE MEL,
Permanent Secretary,
Ministry of Labour and Nationalised Services.

Colombo, April 13, 1963.

4-671

THE WAGES BOARDS ORDINANCE

Notification

IT is hereby notified under regulation 26 of the Wages Boards Regulations, 1943, that under section 9 of the Wages Boards Ordinance (Chapter 136), the Honourable Minister of Labour and Nationalised Services has been pleased to appoint the following persons to be members of the Wages Board for the Baking Trade for a period of three years commencing on March 11, 1963.

V. S. M. DE MEL,
Permanent Secretary,
Ministry of Labour and Nationalised Services.

Colombo, April 13, 1963.

Nominated Members—

1. Mrs. N. S. C. Perera
2. Mr. S. A. Wijayatilake
3. Mr. J. L. C. Rodrigo

Representatives of Employers—

1. Mr. D. S. Elayaperuma
2. Mr. K. G. N. Seneviratne
3. Mr. W. S. H. Soysa
4. Mr. M. A. Piyatissa
5. Mr. N. W. J. Mudalige
6. Mr. N. Mahadeva
7. Mr. Richard Perera
8. Mr. J. E. T. Christopher

Representatives of Workers—

1. Mr. Tilaka Kulasekera
2. Mr. S. S. Dissanayake
3. Mr. K. Kulaweerasingham
4. Mr. R. G. Nathan
5. Mr. G. P. Perera
6. Mr. R. L. Tilakaratne
7. Mr. M. K. P. Rajapakse
8. Mr. M. A. S. Gunaratne.

4-670

THE WAGES BOARDS ORDINANCE

Notification

IT is hereby notified under regulation 26 of the Wages Boards Regulations, 1943, that under section 9 of the Wages Boards Ordinance (Chapter 136), the Honourable Minister of Labour and Nationalised Services has been pleased to appoint Mr. V. K. Vellayan to be a member of the Wages Board for the Coconut Growing Trade, to represent the workers in that trade, in place of Mr. K. Rajasingam, deceased.

V. S. M. DE MEL,
Permanent Secretary,
Ministry of Labour and Nationalised Services.

Colombo, April 13, 1963.

4-669

HEALTH SERVICES ACT (CAP. 219)—HOSPITAL COMMITTEE, GOVERNMENT GENERAL HOSPITAL, RATNAPURA

THE Hon'ble Minister of Health has been pleased to appoint in terms of section 11 of the Health Services Act (Cap. 219), Mr. P. W. Sumithrarachchi to be a member of the Hospital Committee for the Government General Hospital, Ratnapura, from April 5, 1963 to December 31, 1963.

L. S. B. FERREIRA,
Permanent Secretary.

Ministry of Health,
Colombo, April 5, 1963.

4-658

Miscellaneous Departmental Notices

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on the 19th February, 1963, the Board of Directors of the Ceylon State Mortgage Bank resolved specially and unanimously—

- (a) that a sum of Rs. 10,307.53 is due from Mrs. Kannambal Arudpiragasam (*nee* Ponnampalam) and Sanmugam Arudpiragasam both of 55/1, Perth Road, Colombo 9, on account of principal and interest up to 29.1.63 and further interest at 6 per centum per annum on the sum of Rs. 9,538.74 from 30.1.63 till date of payment on Bond No. 457 dated 31.5.1960 attested by M. T. Gunawardena, Notary Public.
- (b) in terms of section 62 (1) of the Ceylon State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments of 1956), that Mr. W. L. Maurice Fernando, Auctioneer of Kurunegala, be authorised and empowered to sell by public auction—All those contiguous allotments of land marked lots A2/3, A2/4 and A2A/2 depicted in Survey Plan No. 703 dated 7th October, 1946, made by P. U. Fernando, Licensed Surveyor, of the land called Modera Estate together with the buildings, trees and plantations thereon situated at Modera and Hengawa in the Mahagalboda Megoda Korale of Weuda Willi Hat Pattu in the District of Kurunegala, North-Western Province, containing in extent fifteen acres two roods and thirty-seven perches (15A. 2R. 37P.) according to the said Survey Plan No. 703, mortgaged to this Bank as security by Mrs. Kannambal Arudpiragasam (*nee* Ponnampalam) and Sanmugam Arudpiragasam, both of 55/1, Perth Road, Colombo 9, by Bond No. 457 dated 31.5.1960, attested by M. T. Gunawardena, N. P., for the recovery of the sum of Rs. 10,307.53 due under the said bond together with interest at 6 per cent. per annum on the sum of Rs. 9,538.74 from the 30.1.63 to date of sale and costs and monies recoverable under section 63 of the State Mortgage Bank Ordinance.

T. VICTOR FERNANDO,
Manager,
Ceylon State Mortgage Bank.

Colombo, 10th April, 1963.

4-510/1

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on 19th February, 1963, the Board of Directors of the Ceylon State Mortgage Bank resolved specially and unanimously—

- (a) that a sum of Rs. 48,966.50 is due from Mr. Don Martin Hewawasam of 4, Katubedde Road, Moratuwa, on account of principal and interest up to 31.1.1963, and further interest at 5 per centum per annum on the sum of Rs. 44,928.10 from the 1.2.1963 till date of payment on bond No. 342 dated 9.12.1953, attested by M. T. Gunawardena, Notary Public.
- (b) in terms of section 62 (1) of the Ceylon State Mortgage Bank Ordinance, that Mr. Douglas C. Kurera, Auctioneer of Colombo, be authorised and empowered to sell by public auction—

1. All that divided and defined allotment of land marked lot A in survey plan No. 2953 dated 20th June, 1940, made by H. D. David, Licensed Surveyor and Leveller, of the land called Ambagahawatta together with the buildings standing thereon bearing assessment Nos. 189 and 189/A, Hill Street, situated at Hill Street, Karagampitiya in Dehiwala, in the Palle Pattu of Salpiti Korale, now within the Municipal Council limits of Dehiwala-Mt. Lavinia, in the District of Colombo, Western Province; containing in extent fifteen perches (0A. 0R. 15P.) according to the said plan No. 2953.

2. All that divided and defined allotment of land marked lot D in the said plan No. 2953 of the land called Ambagahawatta, together with the building standing thereon bearing assessment No. 181/4, Hill Street, situated at Hill Street aforesaid; containing in extent

one rood and twelve and twenty upon one hundredths perches (OA. IR. 12, 20/100P.) according to the said plan No. 2953.

Together with the full and free right liberty leave and license of way and passage for both foot and vehicular traffic in along and over the roadway marked lot C of the land called Ambagahawatta, depicted in the said plan No. 2953 in extent seven decimal four perches (OA. OR. 7.4P.), mortgaged to this Bank as security by Mr. Don Martin Hewawasam of 4, Katubedde Road, Moratuwa, by bond No. 342 dated 9.11.1959, attested by M. T. Gunawardena, N. P., for the recovery of the sum of Rs. 48,966.50 due under the said bond together with interest at 5½ per cent per annum on the sum of Rs. 44,928.10 from the 1.2.1963, to date of sale and costs and monies recoverable under section 63 of the State Mortgage Bank Ordinance.

T. VICTOR FERNANDO,
Manager,
Ceylon State Mortgage Bank.

10th April, 1963.

4-510/2

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on 19th February, 1963, the Board of Directors of The Ceylon State Mortgage Bank resolved specially and unanimously—

- (a) that a sum of Rs. 10,197.58 is due from Mrs. Lilian Harriet Jayawardena also known as Lilian Harriet Gunawardena of "Gunasevna", Welisara, Ragama, on account of principal and interest up to 29.1.1963 and further interest at 6 per centum per annum on the sum of Rs. 9,720.19 from the 30.1.1963, till date of payment on Bond No. 1043 dated 19.5.1950, attested by Alexander B. Tillekeratne, Notary Public;
- (b) in terms of section 62 (1) of the Ceylon State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments 1956) that Mr. Douglas C. Kurera, Auctioneer of Colombo, be authorised and empowered to sell by public auction—All those divided and defined lots marked A and A1 in Partition Plan No. 2139 dated 14th June, 1943, made by N. P. Ranasinghe, Licensed Surveyor,

together with the buildings, trees, plantations and everything standing thereon from and out of the allotment of land called Kongahawatta, Millagahawatte-kotasa, Madatiyagaha Kumbura and Midellagaha Kumbura-owita forming one property, situated at Welisara in the Ragam Pattu of Alutkuru Korale in the District of Colombo (presently Gampaha) Western Province; containing in extent two acres and twenty-one decimal three four perches (2A. OR. 21.34P.) according to the said plan No. 2139, mortgaged to this Bank as security by Mrs. Lilian Harriet Jayawardena also known as Lilian Harriet Gunawardena of "Gunasevna", Welisara, Ragama, by Bond No. 1043 dated 19.5.1950, attested by Alexander B. Tillekeratne, Notary Public, for the recovery of the sum of Rs. 10,197.58 due under the said bond together with interest at 6 per cent. per annum on the sum of Rs. 9,720.19 from the 30.1.1963, to date of sale and costs and monies recoverable under section 63 of the State Mortgage Bank Ordinance.

T. VICTOR FERNANDO,
Manager,
Ceylon State Mortgage Bank.

Colombo 7, 10th April, 1963.

4-510/3

Notice to Mariners

CEYLON NOTICE TO MARINERS No. 1 OF 1963

Ceylon North Coast

SHIPPING proceeding along the North Coast of Ceylon is warned that Searchlights may be in operation during the hours of darkness.

Charts affected: 68A 2197.

CAPTAIN A. NORMANDALE,
Acting Master Attendant.

Office of the Master Attendant,
Colombo 1, 20th April, 1963.

4-787

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