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1960-අංක 1 සිට 6 දක්වා

1961-අංක 1 සිට 72 දක්වා

இலங்கையின் சட்டங்கள் 1960-61

இல. 1-6 வரை 1960

இல. 1-72 வரை 1961

THE ACTS OF CEYLON 1960-61

Nos. 1- 6 of 1960

Nos. 1-72 of 1961

1963

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මිල රු. ලබා ගත හැක.

அரசினர் ஆணைப்படி இலங்கை, வானொலிச்சேனை ஈண்டிரண்டு பேப்பர் மில்லில் கோப்பரேஷனல் உற்பத்தி
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PARLIAMENT OF CEYLON

1st Session 1960-61



Registers Parliamentary Electors (Special Provisions) Act, No. 1 of 1960

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PARLIAMENT OF INDIA
Session 1960-61



Registers Parliamentary Electors
(Special Provisions)
Act No. 1 of 1960

Date of Assent: October 14, 1960

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Registers of Parliamentary Electors (Special Provisions) Act, No. 1 of 1960

L. D.—CF. 6/52.

AN ACT TO MAKE SPECIAL PROVISIONS REGARDING THE CERTIFICATION AND THE COMMENCEMENT OF REVISION OF CERTAIN REGISTERS OF PARLIAMENTARY ELECTORS.

[Date of Assent: October 14, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Registers of Parliamentary Electors (Special Provisions) Act, No. 1 of 1960.

Short title.

2. For the resolution of doubts it is hereby declared that, upon the completion of the 1959 revision of the registers of electors for the electoral districts specified in the Schedule to this Act, those registers may be certified under Section 20 of the Order in Council of 1946, after the enactment of this Act, and that such certification shall be valid notwithstanding that the date of such certification is subsequent to the last date allowed by Section 16 of that Order for the commencement of the 1960 revision.

Certification of certain registers of electors after 1959 revision.

3. Notwithstanding that the 1960 revision of the registers of electors for the electoral districts specified in the Schedule to this Act should, as required by Section 16 of the Order in Council of 1946, have been commenced on or before June 1, 1960, the Commissioner shall cause the 1960 revision of those registers to be commenced, and notification in the *Gazette* as to such commencement to be published, forthwith after those registers are certified upon the completion of the 1959 revision; and the revision commenced as provided in this section shall, for all purposes, be deemed to be the 1960 revision of those registers.

Commencement of 1960 revision of certain registers of electors.

4. In this Act, unless the context otherwise requires—

Interpretation

“ Commissioner ” has the same meaning as in the Order in Council of 1946 ;

“ Order in Council of 1946 ” means the Ceylon (Parliamentary Elections) Order in Council, 1946.

2 *Registers of Parliamentary Electors (Special Provisions) Act, No. 1 of 1960*

“ registers of electors ” has the same meaning as in the Order in Council of 1946 ;

“ 1959 revision ” means the revision of the registers of electors which, in accordance with Section 16 of the Order in Council of 1946, was commenced in 1959 ; and

“ 1960 revision ” means the revision of the registers of electors required by Section 16 of the Order in Council of 1946, to be commenced in 1960.

Schedule.

Electoral District of Mannar,
Electoral District of Vavuniya,
Electoral District of Trincomalee,
Electoral District of Mutur.

PARLIAMENT OF CEYLON

1st Session 1960-61



Ceylon Parliamentary Elections (Amendment) Act, No. 2 of 1960

Date of Assent : October 14, 1960

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PARLIAMENT OF CEYLON

1960-61 Session



Ceylon Parliamentary Elections
(Amendment) Act No. 2 of 1960

Date of Assent: October 14, 1960

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Ceylon Parliamentary Elections (Amendment)
Act, No. 2 of 1960

L. D.—CF. 3/57.

AN ACT TO AMEND THE CEYLON (PARLIAMENTARY
ELECTIONS) ORDER IN COUNCIL, 1946.

[Date of Assent: October 14, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon Parliamentary Elections (Amendment) Act, No. 2 of 1960.

Short title.

2. Section 15 of the Ceylon (Parliamentary Elections) Order in Council, 1946, as last amended by Act No. 26 of 1959, is hereby amended as follows:—

Amendment of section 15 of the Ceylon (Parliamentary Elections) Order in Council, 1946.

(1) in sub-section (1A) of that section,—

(a) by the substitution, for the words “ in the *Government Gazette* and shall cease to be in operation on the conclusion of the aforesaid general election.”, of the words “ in the *Government Gazette*.”; and

(b) by the substitution, for all the words from “ other than the provisions of this sub-section,” to the end of that sub-section, of the words “ other than the provisions of this sub-section.”;

(2) by the insertion, immediately after sub-section (1A) of that section, of the following new sub-section:—

“(1AA) The register of electors prepared under sub-section (1A) of this Section for any altered or new electoral district shall continue to be in operation until superseded by the coming into operation of the register of electors required by sub-section (1) of this Section to be prepared for such electoral district, and shall, notwithstanding that it was prepared for the purposes of a general election, be used for the purposes of any election required to be held in such electoral district for the purpose of filling any vacancy in the seat of a Member for that district which occurs before it is so superseded.”;

2 *Ceylon Parliamentary Elections (Amendment)*
Act, No. 2 of 1960

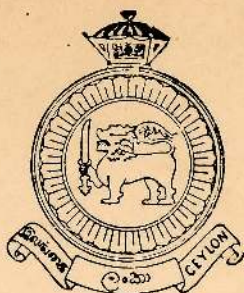
- (3) in sub-section (1C) of that Section, by the substitution, for the expression "of this Section," of the expression "of this Section or any election to fill a vacancy in the seat of a Member referred to in sub-section (1AA) of this Section,"; and
- (4) in sub-section (2) of that section, by the substitution, for the expression "not earlier," of the expression "not earlier unless at least one dissolution of Parliament has occurred after such register is required to be prepared under sub-section (1) of this Section but before it is certified in which case such register shall come into operation as provided by sub-section (2) of Section 22 of this Order."

3. Notwithstanding anything in the provisions of sub-section (1A) of Section 15 of the Ceylon (Parliamentary Elections) Order in Council, 1946, prior to its amendment by section 2 of this Act, the register of electors for any altered or new electoral district prepared and certified under that sub-section for the purposes of the general election immediately preceding the date of the commencement of this Act shall be deemed, for all purposes, to have been in operation during the period commencing after the conclusion of such election and ending on the date of the commencement of this Act.

Registers of electors prepared under sub-section (1A) of Section 15 of the Ceylon (Parliamentary Elections), Order in Council, 1946, to be deemed to have continued in operation.

PARLIAMENT OF CEYLON

1st Session 1960-61



Civil Procedure Code (Amendment) Act, No. 3 of 1960

Date of Assent : October 14, 1960

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PARLIAMENT OF CEYLON

1st Session 1960-61



Civil Procedure Code (Amendment)
Act, No. 3 of 1960

Date of Assent: October 14, 1960

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Civil Procedure Code (Amendment)
Act, No. 3 of 1960

L. D.—O. 12/60.

AN ACT TO AMEND THE CIVIL PROCEDURE CODE.

[Date of Assent: October 14, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Civil Procedure Code (Amendment) Act, No. 3 of 1960.

Short title.

2. The following section is hereby inserted immediately after section 186 of the Civil Procedure Code, and shall have effect as section 186A of that Code:—

Insertion of new section 186A in the Civil Procedure Code.

“ Validation in certain circumstances of judgments pronounced by successors in office of Judges.

186A. Where a Judge pronounces a judgment written by his predecessor but not pronounced as provided in section 185, such judgment shall, if such predecessor was a judicial officer within the meaning of sub-section (5) of section 55 of the Ceylon (Constitution) Order in Council, 1946, at the time such judgment was written, not be deemed to be invalid by reason only of the fact that such predecessor had no jurisdiction to write such judgment.”

PARLIAMENT OF CEYLON

1st Session 1960-61



Supreme Court Appeals (Special Provisions) Act, No. 4 of 1960

Date of Assent : October 14, 1960

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Supreme Court Appeals
(Special Provisions)
Act No. 4 of 1960

Date of Assent: October 14, 1960

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*Supreme Court Appeals (Special Provisions)
Act, No. 4 of 1960*

L. D.—O. 13/60.

AN ACT TO MAKE SPECIAL PROVISION IN REGARD TO CIVIL APPEALS PRESENTED TO THE SUPREME COURT, AND IN RESPECT OF WHICH THERE IS ANY ERROR, OMISSION OR DEFAULT IN COMPLYING WITH THE PROVISIONS OF ANY WRITTEN LAW RELATING TO SUCH APPEALS.

[Date of Assent: October 14, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Supreme Court Appeals (Special Provisions) Act, No. 4 of 1960.

Short title.

2. Where, in respect of any appeal to the Supreme Court under the Civil Procedure Code, there is any error, omission or default in complying with the provisions of that Code or any other written law relating to such appeal, the Court of first instance shall, notwithstanding anything to the contrary in that Code or such other written law, transmit to the Supreme Court the petition of appeal together with all the papers and proceedings of the case relevant to the decree or order appealed against.

Special provision in respect of appeals to the Supreme Court under the Civil Procedure Code.

3. (1) Where, in respect of any appeal to the Supreme Court to which this section applies, whether by way of petition or otherwise, which is presented to the appropriate authority, there is any error, omission or default in complying with the provisions of any written law relating to such appeal, such authority shall, notwithstanding anything to the contrary in such law, transmit to the Supreme Court such appeal together with all the papers and proceedings relating to the case or matter which is the subject of such appeal.

Special provision in respect of appeals to the Supreme Court to which this section applies.

(2) In this section—

(a) " appeal to the Supreme Court to which this section applies " means any appeal, other than any appeal referred to in section 2 or any appeal against any judgment or order pronounced or made by a court in the exercise of its criminal jurisdiction; and

2 *Supreme Court Appeals (Special Provisions)*
Act, No. 4 of 1960

(b) "appropriate authority", in relation to any appeal to which this section applies, means any Court, person or body of persons to which, or to whom, such appeal is required to be presented for transmission to the Supreme Court under any written law relating to such appeal.

Special provision as to the rejection or dismissal of appeals by the Supreme Court.

4. (1) Subject to the provisions of sub-section (2), where an appeal referred to in section 2 or section 3 has been presented to the Court of first instance or the appropriate authority, as the case may be, within the time prescribed by any written law relating to such appeal, the Supreme Court shall not exercise the powers vested in such Court by any written law to reject or dismiss that appeal on the ground only of any error, omission or default on the part of the appellant in complying with the provisions of any written law relating to such appeal, unless material prejudice has been caused thereby to the respondent to such appeal.

(2) The Supreme Court shall, in the case of any appeal referred to in sub-section (1), which is not rejected or dismissed by such Court direct the appellant to comply with such directions as the Court may deem necessary for the purpose of rectifying, supplying or making good any error, omission or default so referred to within such time and upon such conditions as may be specified in such directions, and shall reject or dismiss that appeal if the appellant fails to comply with such directions.

(3) In this section, the expression "appellant", in relation to any appeal under any written law, includes any agent of the appellant who is authorised by that law to make such appeal or to represent the appellant at the appeal.

5. The preceding provisions of this Act shall apply, in addition to appeals to the Supreme Court on or after the date of commencement of this Act, to appeals presented before the date of commencement of this Act but not finally disposed of by the Supreme Court.

6. In this Act, the expression "appeal" includes any case stated for the opinion of the Supreme Court.

Application of the Act.

Interpretation.

PARLIAMENT OF CEYLON

1st Session 1960-61



Assisted Schools and Training Colleges (Special Provisions) Act, No. 5 of 1960

Date of Assent : November 17, 1960

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PARLIAMENT OF CEYLON

1st Session 1960-61



Assisted Schools and Training Colleges
(Special Provisions)
Act No. 5 of 1960

Date of Assent: November 11, 1960

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*Assisted Schools and Training Colleges (Special Provisions)
Act, No. 5 of 1960*

L. D.—O. 22/60.

AN ACT TO MAKE PROVISION FOR THE APPOINTMENT OF THE DIRECTOR OF EDUCATION AS MANAGER OF EVERY ASSISTED SCHOOL OTHER THAN A SCHOOL WHICH THE PROPRIETOR HAS ELECTED TO ADMINISTER AS AN UNAIDED SCHOOL, TO ENABLE THE DIRECTOR OF EDUCATION TO DIVEST HIMSELF OF THE MANAGEMENT OF CERTAIN ASSISTED SCHOOLS TO GIVE EFFECT TO A DECISION BY THE TEACHERS, AND THE PARENTS OF PUPILS, IN SUCH SCHOOLS ON A POLL TAKEN UNDER THIS ACT, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent : November 17, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Assisted Schools and Training Colleges (Special Provisions) Act, No. 5 of 1960.

Short title.

2. This Act shall apply to every Assisted school, other than any such school as is specified in the Schedule to this Act, and the expression "Assisted school to which this Act applies", wherever it occurs in this Act, shall be construed accordingly.

Schools to which this Act applies.

3. (1) The Minister may, by Order published in the *Gazette*, declare that, with effect from such date as shall be specified in the Order, the Director shall be the manager of every Assisted school to which this Act applies :

Power of Minister to appoint the Director as the manager of certain Assisted schools.

Provided that, where the proprietor of any Assisted school to which this Act applies (not being an Assisted training college) has, at any time before the date specified in such Order, served under section 5 a written notice on the Director under this Act to the effect that he has from the date specified in the notice elected to carry on the administration of such school as an unaided school, such Order shall, with effect from the date so specified in the notice, cease to apply to such school.

(2) The date specified in the Order made and published under sub-section (1) may, before that date, be altered by the Minister, after consultation with the Director, by Order published in the *Gazette*.

4. On the date specified by the Minister in the Order made and published under section 3, the following provisions shall have effect in relation to every Assisted school to which that Order applies on that date :—

- (a) the manager of such school on the day immediately prior to that date shall cease to hold office as such manager ;
- (b) the Director shall be manager of such school.

5. (1) The proprietor of any Assisted school (not being an Assisted training college) which is a Grade I or Grade II school may, at any time before the date specified in the Order made and published under section 3, elect to administer such school as an unaided school and if, before that date, he serves a written notice on the Director to the effect that he has made such an election and specifying the date of such election (such date being a date earlier than the date specified in the Order) the provisions of the Proviso to the said section 3 shall apply in the case of such school with effect from the date of such election.

(2) Where notice of an election under sub-section (1) has been served on the Director as required by that sub-section in respect of any Assisted school, then, with effect from the date of such election, such school shall cease to be an Assisted school and shall be administered as an unaided school.

6. The proprietor of any school which, by virtue of an election made under section 5, is an unaided school—

- (a) shall educate and train the pupils in such school in accordance with the general educational policy of the Government ;
- (b) shall continue to maintain all such facilities and services as were maintained by such school on the day immediately preceding the twenty-first day of July,

Effect of the making and publication of an Order under section 3.

Proprietor of any Assisted Grade I or Grade II school may elect to administer such school as an unaided school.

Special provisions applicable to the proprietor of a school which, by virtue of an election made under section 5, is an unaided school.

- (c) shall not, after the date of such election, admit a pupil whose parent does not profess the religion of such proprietor unless prior permission is obtained from the Director ;
- (d) shall not levy fees other than any fees for facilities and services which are permitted by regulations made in that behalf under the Education Ordinance, No. 31 of 1939 ;
- (e) shall make no reduction in the accommodation provided in such school for pupils ;
- (f) shall not dismiss or discontinue any pupil who was in that school on the day prior to the date of such election, except upon disciplinary grounds and with the approval of the Director ;
- (g) shall comply with the provisions of any written law applicable to such school and matters relating to education.

7. (1) The proprietor of any Assisted school (not being an Assisted training college), which is a Grade I or Grade II school and the manager of which is the Director, may make a written request to the Director to take a poll for the purpose of enabling the teachers, and the parents of pupils, in such school to elect whether or not such school should be administered by the proprietor as an unaided school with the right to levy fees for admission to, and the educational or other facilities provided by, such school.

Right of the proprietor of an Assisted school to request the Director to take a poll for the purpose of determining whether the school should be administered as an unaided school.

(2) Upon the receipt of a request from the proprietor of any school referred to in sub-section (1), the Director shall, as soon as practicable thereafter, take a poll for the purpose of enabling the election referred to in that sub-section to be made.

8. The following provisions shall apply in the case of any poll which is required to be taken by the Director under sub-section (2) of section 7 in respect of any Assisted school of which the Director is the manager under this Act :—

Provisions regarding the taking of a poll for the purposes of any election required by section 7.

- (a) The poll shall be taken on such date and at such time and place, as may be determined by the Government Agent.

- (b) Every person who is a teacher, or a parent of a pupil, in such school shall be entitled to vote at such poll, each such parent having as many votes as he has children as pupils in such school.
- (c) Votes shall be given at such poll by ballot, and each voter shall be entitled to as many ballot papers as he has votes.
- (d) At the conclusion of the poll, the Government Agent shall count the votes given at the poll.
- (e) At the conclusion of the counting of votes given at such poll, the Government Agent shall announce the result of such poll, and shall also issue a certificate under his hand to the proprietor of such school and the Minister as to the result of such poll.
- (f) Such certificate shall specify the total number of votes which persons entitled to vote at the poll had the right to cast at the poll, the total number of votes cast in favour of such school being administered by the proprietor as an unaided school with the right to levy fees for admission to, and the educational or other facilities provided by, such school, and the total number of votes cast against the school being so administered.
- (g) The poll and the counting of the votes given at the poll shall be carried out in accordance with the provisions of regulations made in that behalf under this Act.

9. Regulations may be made under this Act—

- (a) prescribing the procedure to be followed at any poll required to be taken, for the purpose of any election, by sub-section (2) of section 7 ;
- (b) prescribing the form of ballot papers to be used for the purpose of such poll ;

Power to make regulations regarding the holding of polls for the purpose of any election required by sub-section (2) of section 7 and the counting of votes given at such poll.

- (c) prescribing the procedure to be followed in the case of the issue of ballot papers to persons who are entitled to vote at such poll ;
- (d) providing for the production of documents of identity before ballot papers are issued to voters at such poll, and for the preparation and use of lists of the persons entitled to vote at such poll ;
- (e) providing for the manner in which voters shall vote at such poll ;
- (f) prescribing the procedure to be followed at the counting of the votes given at such poll ;
- (g) prescribing the circumstances in which the ballot paper of any voter may be rejected ;
- (h) providing for the maintenance of order and discipline during the poll and the counting of the votes given at such poll ; and
- (i) providing for any other matter connected with or incidental to the conduct of the poll and the counting of the votes given at such poll.

10. Upon the receipt of a certificate issued to him by the Government Agent as to the result of a poll taken as required by sub-section (2) of section 7 for the purpose of any election referred to in that sub-section in respect of any Assisted school the manager of which is the Director, the Minister, if that certificate discloses that at least 75 per centum of the total number of votes, which persons entitled to vote at such poll had the right to cast, have been cast in favour of such school being administered by the proprietor as an unaided school with the right to levy fees for admission to, and the educational or other facilities provided by, such school, shall by Order published in the *Gazette* declare that the Director shall, with effect from such date as may be specified in the Order, cease to hold office as manager of such school, and on the date so specified the Director shall be deemed to have vacated the office of manager and that such a school shall be administered as an unaided school subject to the provisions of section 6 (a), (b), (c), (e), (f) and (g).

Duty of Minister on receipt of certificate as to the result of a poll taken for the purpose of any election required by sub-section (2) of section 7.

Power of the Minister to make an Order appointing the Director as manager of an unaided school.

11. Where the Minister is satisfied—

- (a) after examination of any representations made to him by any person or persons entitled under sub-section (b) of section 8 to vote at any poll held by the Director under sub-section (2) of section 7, that the decision in favour of such school being administered by the proprietor as an unaided school with the right to levy fees was obtained by fraudulent or improper means ; or
- (b) after consultation with the Director, that any school which, by virtue of the provisions of this Act, is being administered as an unaided school, is being so administered in contravention of any of the provisions of this Act or any regulations or Orders made thereunder or of any other written law applicable in the case of such school,

the Minister may, by Order published in the *Gazette*, declare that, with effect from such date as shall be specified in the Order,—

- (i) such school shall cease to be an unaided school,
- (ii) such school shall be deemed for all purposes to be an Assisted school, and
- (iii) the Director shall be the manager of such school.

Person obstructing the Director guilty of an offence under this Act.

12. (1) Every person who obstructs the Director or any officer authorised by him in the exercise, performance or discharge of his powers, functions or duties as manager of any school to which this Act applies shall be guilty of an offence.

(2) Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, restraint, bribery or corruption, or who inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss, upon or against any person entitled to vote at a poll taken by the Director under sub-section (2) of section 7, in order to induce or compel such person to vote in any particular way at such poll or who by duress or any other

fraudulent device or contrivance impedes or prevents the free exercise of the vote of any person entitled to vote under sub-section (b) of section 8, shall be guilty of an offence.

13. Where the Director is the manager of any Assisted school under this Act his powers, duties and functions as such manager may be exercised, performed or discharged by any Deputy Director of Education or Assistant Director of Education or any other officer authorised in that behalf by the Director.

Powers, duties and functions of Director in his capacity as manager of an Assisted school may be exercised, performed or discharged by certain other officers.

14. (1) The Minister may make regulations—

Regulations.

(a) in respect of any matter for which regulations are authorised or required to be made by this Act, and

(b) for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

15. (1) Any person who contravenes or fails to comply with any provisions of this Act or of any Order or regulation made thereunder shall be guilty of an offence.

Offences and penalties.

(2) Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term of three months with or without a fine not exceeding five hundred rupees.

16. The provisions of this Act shall have effect notwithstanding anything contained in any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

Act to prevail in case of conflict with other written law.

17. In this Act, unless the context otherwise requires,—

Interpretation.

“Assisted school” means any school or training college to which aid is contributed from State funds or was contributed from such funds on July 21, 1960;

“ Director ” means the Director of Education ;

“ Government Agent ”, in relation to a poll taken in respect of any Assisted school, means the Government Agent of the Administrative District in which such school is situated and includes any Assistant or Additional Government Agent of such District ;

“ parent ”, in relation to any pupil in any school, means his father or, if his father is dead or is resident outside Ceylon, his mother or, if both his father and mother are dead or are resident outside Ceylon, his legal guardian ;

“ proprietor ” has the same meaning as in the Education Ordinance, No. 31 of 1939.

SCHEDULE

Any school maintained exclusively for the education of children suffering from any mental or physical disability.

Any school maintained exclusively for the teaching of dancing.

Any night school, that is to say, any school providing education for pupils over fourteen years of age whose circumstances prevent them from receiving instruction in a day school.

Any estate school.

Pirivenas.

PARLIAMENT OF CEYLON

1st Session 1960-61



Appropriation Act, No. 6 of 1960

Date of Assent : December 20, 1960

Printed on the Orders of Government

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PARLIAMENT OF CANADA

Session 1960-61



Appropriation Act, No. 6 of 1960

Date of Assent: December 20, 1960

Printed on the Order of Government

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L. D.—O. 153/34.

AN ACT TO PROVIDE FOR THE SERVICE OF THE FINANCIAL YEAR 1960-61, TO AUTHORISE THE RAISING OF LOANS IN OR OUTSIDE CEYLON FOR THE PURPOSE OF SUCH SERVICE, TO MAKE FINANCIAL PROVISION IN RESPECT OF CERTAIN ACTIVITIES OF THE GOVERNMENT DURING THAT FINANCIAL YEAR, TO ENABLE THE PAYMENT BY WAY OF ADVANCES OUT OF THE CONSOLIDATED FUND OF CEYLON OF MONEYS REQUIRED DURING THAT FINANCIAL YEAR FOR EXPENDITURE ON SUCH ACTIVITIES, TO PROVIDE FOR THE REFUND OF SUCH MONEYS TO THAT CONSOLIDATED FUND, AND TO MAKE PROVISION FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE AFORESAID MATTERS.

[Date of Assent: December 20, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Appropriation Act, No. 6 of 1960.

Short title.

2. (1) Without prejudice to any other law authorising any expenditure, the expenditure of the Government, which it is estimated will be rupees one thousand eight hundred and forty-three million five hundred and fifty-nine thousand eight hundred and fifty-four, for the service of the financial year which began on October 1, 1960, and ends on September 30, 1961, shall be met—

Appropriation for financial year, 1960-61.

(a) from payments which are hereby authorised to be made out of the Consolidated Fund of Ceylon, or any other fund or moneys of, or at the disposal of, the Government; and

(b) from the proceeds of loans which are hereby authorised to be raised, whether in or outside Ceylon, for and on behalf of the Government, so however, that the aggregate of such proceeds do not exceed rupees four hundred and seventy million.

The sum of rupees one thousand eight hundred and forty-three million five hundred and fifty-nine thousand eight hundred and fifty-four hereinbefore referred to may be expended as specified in the First Schedule to this Act.

(2) The provisions of sub-section (1) of this section shall be without prejudice to the provisions of any other written law authorising the raising of loans for and on behalf of the Government.

Financial provision in respect of certain activities of the Government for the financial year, 1960-61.

3. (1) The receipts of the Government, during the financial year referred to in section 2, from each activity specified in column I of the Second Schedule to this Act shall be credited to the account of such activity, but the aggregate of the receipts so credited shall not exceed the maximum limit specified in the corresponding entry in column III of that Schedule. Any receipts from such activity in excess of such maximum limit shall be credited to the Consolidated Fund of Ceylon.

(2) The expenditure incurred by the Government, during the financial year referred to in section 2, on each activity specified in column I of the Second Schedule to this Act shall be paid out of the receipts of the Government from such activity during that financial year, but such expenditure shall not exceed the maximum limit specified in the corresponding entry in column II of that Schedule.

(3) The debit balance, outstanding at the end of the financial year referred to in section 2, of any activity specified in Column I of the Second Schedule to this Act shall not exceed the maximum limit specified in the corresponding entry in column IV of that Schedule, and the total liabilities of that activity at the end of that financial year shall not exceed the maximum limit specified in the corresponding entry in column V of that Schedule.

Payment from, and refund to, the Consolidated Fund, of advances for expenditure on the activities referred to in section 3 during the financial year, 1960-61.

4. Whenever, at any time during the financial year referred to in section 2, the receipts of the Government from any activity specified in column I of the Second Schedule to this Act are insufficient to meet the expenditure incurred by the Government on such activity, the Minister of Finance may, from time to time, by Order direct that such sums as he may deem necessary to meet such expenditure shall be payable, by way of advances, out of the

Consolidated Fund of Ceylon, so however, that the aggregate of the sums so advanced do not exceed the maximum limit of expenditure specified in the corresponding entry in column II of that Schedule. Any sums so advanced in respect of such activity shall be refunded to that Consolidated Fund in such manner as the Minister of Finance may by Order direct.

5. Any moneys which, by virtue of the provisions of the First Schedule to this Act, have been allocated to any vote other than votes Nos. 3, 5 and 7 appearing under any head specified in that Schedule but have not been expended and are not likely to be expended may be transferred to any other vote under that head by order of the Secretary to the Treasury or other officer authorised by him.

Power to transfer unexpended moneys from one vote to another vote under the same head of expenditure.

6. The Minister of Finance, with the approval of the Government, may by Order vary or alter any of the maximum limits specified in column II, column III, column IV or column V of the Second Schedule to this Act.

Power of Minister of Finance to vary the maximum limits specified in the Second Schedule to this Act.

7. Notwithstanding anything in the resolution making financial provision for the service of the period which commenced on October 1, 1960, and ended on the day immediately prior to the date of the commencement of this Act passed by the House of Representatives on the twenty-eighth day of September, 1960,—

Certain expenditure and advances to be deemed to have been incurred and made, respectively, under the authority of this Act and certain moneys to be deemed to be included in the First Schedule to this Act.

(a) any sums which have been expended during that period from moneys allocated by that resolution to any vote appearing under any head specified in the First Schedule to that resolution shall be deemed, for all purposes, not to have been expended under the authority of that resolution but to have been expended under the authority of this Act ;

(b) any moneys so allocated which have not been expended on the day immediately prior to the date of the commencement of this Act shall be deemed, for all purposes, to be included in the moneys allocated to such corresponding vote appearing under such corresponding head ; and

(c) any sums paid, by way of advances, out of the Consolidated Fund of Ceylon, during that period, in respect of the services specified in the Second Schedule to that resolution shall be deemed, for all purposes, not to have been so advanced under the authority of that resolution but to have been so advanced under the authority of this Act.

FIRST SCHEDULE

Sums payable for general services

Head		<i>Rs.</i>
1,	His Excellency the Governor-General	
	Vote No. 1, Personal Emoluments and other allowances of staff	252,419
	Vote No. 2, Administration Charges—Recurrent Expenditure	156,527
2,	Supreme Court	
	Vote No. 1, Personal Emoluments and other allowances of staff	1,378,577
	Vote No. 2, Administration Charges—Recurrent Expenditure	467,300
3,	Cabinet Office	
	Vote No. 1, Personal Emoluments and other allowances of staff	119,569
	Vote No. 2, Administration Charges—Recurrent Expenditure	10,010
4,	Senate	
	Vote No. 1, Personal Emoluments and other allowances of staff	291,942
	Vote No. 2, Administration Charges—Recurrent Expenditure	292,000
5,	House of Representatives	
	Vote No. 1, Personal Emoluments and other allowances of staff	649,518
	Vote No. 2, Administration Charges—Recurrent Expenditure	1,490,600
6,	Judicial Service Commission	
	Vote No. 1, Personal Emoluments and other allowances of staff	89,891
	Vote No. 2, Administration Charges—Recurrent Expenditure	12,560
7,	Public Service Commission	
	Vote No. 1, Personal Emoluments and other allowances of staff	206,858
	Vote No. 2, Administration Charges—Recurrent Expenditure	10,980

Head		Rs.
8, Audit Office		
	Vote No. 1, Personal Emoluments and other allowances of staff	2,841,135
	Vote No. 2, Administration Charges—Recurrent Expenditure	329,551
9, Office of the Leader of the House of Representatives		
	Vote No. 1, Personal Emoluments and other allowances of staff	60,602
	Vote No. 2, Administration Charges—Recurrent Expenditure	3,200
10, Office of the Leader of the Opposition in the House of Representatives		
	Vote No. 1, Personal Emoluments and other allowances of staff	43,509
	Vote No. 2, Administration Charges—Recurrent Expenditure	2,170
16, Prime Minister and Minister of Defence and External Affairs		
	Vote No. 1, Personal Emoluments and other allowances of staff	218,378
	Vote No. 2, Administration Charges—Recurrent Expenditure	173,277
17, Prime Minister and Minister of Defence and External Affairs (Defence and External Affairs Division)		
	Vote No. 1, Personal Emoluments and other allowances of staff	954,163
	Vote No. 2, Administration Charges—Recurrent Expenditure	3,396,504
	Vote No. 3, Administration Charges—Capital Expenditure	15,808,341
18, Army		
	Vote No. 1, Personal Emoluments and other allowances of staff	13,476,109
	Vote No. 2, Administration Charges—Recurrent Expenditure	17,481,381
19, Royal Ceylon Navy		
	Vote No. 1, Personal Emoluments and other allowances of staff	8,225,607
	Vote No. 2, Administration Charges—Recurrent Expenditure	11,318,010
20, Royal Ceylon Air Force		
	Vote No. 1, Personal Emoluments and other allowances of staff	10,871,546
	Vote No. 2, Administration Charges—Recurrent Expenditure	9,067,195

Head		<i>Rs.</i>
21, Police		
	Vote No. 1, Personal Emoluments and other allowances of staff	32,594,093
	Vote No. 2, Administration Charges—Recurrent Expenditure	9,596,419
	Vote No. 3, Administration Charges—Capital Expenditure	2,787,939
22, Department of External Affairs Abroad		
	Vote No. 1, Personal Emoluments and other allowances of staff	6,493,098
	Vote No. 2, Administration Charges—Recurrent Expenditure	3,200,052
	Vote No. 3, Administration Charges—Capital Expenditure	168,750
	Vote No. 4, Services provided by the Department—Recurrent Expenditure	96,027
23, Department of Immigration, Emigration and Registration of Indian and Pakistani Residents		
	Vote No. 1, Personal Emoluments and other allowances of staff	673,997
	Vote No. 2, Administration Charges—Recurrent Expenditure	192,050
24, Department of Information		
	Vote No. 1, Personal Emoluments and other allowances of staff	912,391
	Vote No. 2, Administration Charges—Recurrent Expenditure	346,844
	Vote No. 3, Administration Charges—Capital Expenditure	203,250
31, Minister of Finance		
	Vote No. 1, Personal Emoluments and other allowances of staff	498,847
	Vote No. 2, Administration Charges—Recurrent Expenditure	163,480
32, Treasury		
	Vote No. 1, Personal Emoluments and other allowances of staff	2,238,997
	Vote No. 2, Administration Charges—Recurrent Expenditure	180,250
	Vote No. 3, Administration Charges—Capital Expenditure	1,837,875
33, Pensions		
	Vote No. 2, Administration Charges—Recurrent Expenditure	42,820,450
34, Public Debt		
	Vote No. 2, Administration Charges—Recurrent Expenditure	44,260

Rs.

Head 35, Loan Board

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	46,964
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	1,125

Head 36, Government Stores

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,597,274
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	246,393
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	45,000

Head 37, Department of Inland Revenue

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	4,793,809
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	498,460

Head 38, Customs

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	4,209,494
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	882,770
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	33,000

Head 39, Department of Census and Statistics

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,344,491
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	345,887
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	28,529

Head 40, National Savings Movement

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	223,670
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	98,520

Head 41, Government Press

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	4,983,939
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	4,116,172
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	852,750

Head 42, Widows' and Orphans' Pension Office .

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	300,893
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	179,115

Head 43, Combined Services

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	592,433
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	118,500

Head 44, Miscellaneous Services

Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	12,433,924
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	10
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	750,000
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	..	10
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	10,000
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	21,375,000

Head 53, Minister of Justice

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	308,911
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	29,035
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	200
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	50,000

Head 54, Revision of Legislative Enactments and Subsidiary Legislation

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	14,869
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	700

Rs.

Head 55, District Courts

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,487,033
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	175,430
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	195,000

Head 56, Courts of Requests and Magistrates' Courts

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,185,924
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	286,870

Head 57, Ceylon Judicial Service

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	116,433
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	84,000

Head 58, Fiscals

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,568,668
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	1,118,649

Head 59, Conciliation Boards

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	73,255
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	21,000

Head 60, Attorney-General

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	954,857
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	347,426

Head 61, Legal Draftsman

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	323,004
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	6,225

Rs.

Head 62, Rural Courts			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	1,289,334
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	190,056
Vote No. 3, Administration Charges—Capital Expenditure	..	..	87,375
Head 63, Debt Conciliation Board			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	63,417
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	4,650
Head 64, Department of the Bribery Commissioner			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	381,377
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	91,800
Head 70, Minister of Industries, Home and Cultural Affairs			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	583,325
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	161,058
Head 71, Provincial Administration			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	21,087,609
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	1,665,551
Vote No. 3, Administration Charges—Capital Expenditure	..	..	139,174
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	275,155
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	12,345
Head 72, Government Analyst			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	459,372
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	64,900

Rs.

Head 73, Department of Elections (Parliamentary and Local Bodies)			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	736,691
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	1,686,735
Head 74, Department of Prisons			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	5,943,892
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	3,342,650
Vote No. 3, Administration Charges—Capital Expenditure	..	..	385,500
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	71,750
Head 75, Registrar-General			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	3,509,982
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	250,876
Head 76, Department of Rural Development and Cottage Industries			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	6,607,654
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	667,282
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	760,050
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	1,059,225
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	2,203,250
Vote No. 7, Economic Development—Capital Expenditure	..	..	4,235,042
Head 77, Department of Mosques and Muslim Charitable Trusts			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	42,199
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	24,796

Head 78, Department of Social Services

Vote No. 1, Personal Emoluments and other allowances of staff	1,035,850
Vote No. 2, Administration Charges—Recurrent Expenditure	5,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	29,823,492
Vote No. 5, Services provided by the Department—Capital Expenditure	487,500

Head 79, Department of Probation and Child Care Services

Vote No. 1, Personal Emoluments and other allowances of staff	241,148
Vote No. 4, Services provided by the Department—Recurrent Expenditure	3,793,565
Vote No. 5, Services provided by the Department—Capital Expenditure	262,500

Head 80, Public Trustee

Vote No. 1, Personal Emoluments and other allowances of staff	250,430
Vote No. 2, Administration Charges—Recurrent Expenditure	30,120

Head 81, Department of Industries

Vote No. 1, Personal Emoluments and other allowances of staff	629,384
Vote No. 2, Administration Charges—Recurrent Expenditure	73,615
Vote No. 3, Administration Charges—Capital Expenditure	131,250
Vote No. 6, Economic Development—Recurrent Expenditure	457,949
Vote No. 7, Economic Development—Capital Expenditure	45,309,750

Head 82, Government Mineralogist

Vote No. 2, Administration Charges—Recurrent Expenditure	60,811
Vote No. 3, Administration Charges—Capital Expenditure	1,763
Vote No. 6, Economic Development—Recurrent Expenditure	948,648

Rs.

Head 83, Salt Department		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	623,614
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	7,658
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	31,000
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	881,250
Head 84, Excise Department		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,555,179
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	535,456
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	1,213,656
Head 85, Department of Cultural Affairs		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	155,923
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	22,800
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	1,850,000
Head 86, Department of Government Archivist		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	227,437
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	47,325
Head 87, Department of National Museums		
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	473,588
Vote No. 5, Services provided by the Department—Capital Expenditure	.. .. .	150,000
Head 88, Archæological Department		
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	18,760
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	1,573,170
Vote No. 5, Services provided by the Department—Capital Expenditure	.. .. .	151,875

Rs.

Head 89, Government College of Fine Arts		
Vote No. 4, Services provided by the Department— Recurrent Expenditure		425,558
Head 95, Minister of Agriculture, Land, Irrigation and Power		
Vote No. 1, Personal Emoluments and other allowances of staff		558,570
Vote No. 2, Administration Charges—Recurrent Ex- penditure		40,587
Vote No. 6, Economic Development—Recurrent Ex- penditure		924,150
Vote No. 7, Economic Development—Capital Ex- penditure		52,983,300
Head 96, Land Commissioner		
Vote No. 1, Personal Emoluments and other allowances of staff		4,303,193
Vote No. 2, Administration Charges—Recurrent Ex- penditure		675,968
Vote No. 6, Economic Development—Recurrent Ex- penditure		3,445,940
Vote No. 7, Economic Development—Capital Expen- diture		18,770,000
Head 97, Land Settlement Department		
Vote No. 1, Personal Emoluments and other allowances of staff		467,494
Vote No. 2, Administration Charges—Recurrent Ex- penditure		83,850
Head 98, Survey Department		
Vote No. 1, Personal Emoluments and other allowances of staff		8,334,210
Vote No. 2, Administration Charges—Recurrent Ex- penditure		11,218,463
Vote No. 3, Administration Charges—Capital Expendi- ture		1,154,021
Vote No. 6, Economic Development—Recurrent Ex- penditure		177,300

Rs.

Head 99, Forest Department

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	2,417,869
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	446,621
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	230,664
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	2,422,225

Head 100, Irrigation Department

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	2,353,939
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	1,869,600
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	14,810,567
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	31,511,235

Head 101, Valuation Department

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	1,035,717
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	228,880

Head 102, Land Development Department

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	947,376
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	213,760
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	5,046,144
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	23,697,490

	<i>Rs.</i>
Head 103, Department of Agriculture	
Vote No. 1, Personal Emoluments and other allowances of staff	1,506,858
Vote No. 2, Administration Charges—Recurrent Expenditure	1,051,000
Vote No. 3, Administration Charges—Capital Expenditure	37,500
Vote No. 6, Economic Development—Recurrent Expenditure	31,001,931
Vote No. 7, Economic Development—Capital Expenditure	6,940,023
Head 104, Department of Agrarian Services	
Vote No. 1, Personal Emoluments and other allowances of staff	1,140,977
Vote No. 2, Administration Charges—Recurrent Expenditure	722,334
Vote No. 3, Administration Charges—Capital Expenditure	1,297,500
Vote No. 6, Economic Development—Recurrent Expenditure	8,437,923
Vote No. 7, Economic Development—Capital Expenditure	4,557,900
Head 105, Coconut Rehabilitation Scheme	
Vote No. 7, Economic Development—Capital Expenditure	8,600,000
Head 106, Department of Wild Life	
Vote No. 1, Personal Emoluments and other allowances of staff	519,623
Vote No. 2, Administration Charges—Recurrent Expenditure	177,250
Head 107, Department of Fisheries	
Vote No. 1, Personal Emoluments and other allowances of staff	1,087,559
Vote No. 2, Administration Charges—Recurrent Expenditure	220,562
Vote No. 3, Administration Charges—Capital Expenditure	30,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	100,000

Rs.

Head 107, Department of Fisheries

Vote No. 5, Services provided by the Department— Capital Expenditure	750,000
Vote No. 6, Economic Development—Recurrent Ex- penditure	1,453,649
Vote No. 7, Economic Development—Capital Expen- diture	255,340

Head 108, Electrical Department (Commercialised Activities)

Vote No. 1, Personal Emoluments and other allowances of staff	4,717,934
Vote No. 2, Administration Charges—Recurrent Ex- penditure	21,674,678
Vote No. 6, Economic Development—Recurrent Ex- penditure	903,200
Vote No. 7, Economic Development—Capital Expen- diture	43,460,857

Head 109, Electrical Department (Non-Commercialised Activities)

Vote No. 1, Personal Emoluments and other allowances of staff	68,891
Vote No. 2, Administration Charges—Recurrent Ex- penditure	2,726,343
Vote No. 3, Administration Charges—Capital Expen- diture	1,299,752

Head 114, Minister of Labour and Nationalised Services

Vote No. 1, Personal Emoluments and other allowances of staff	226,061
Vote No. 2, Administration Charges—Recurrent Ex- penditure	131,523

Head 115, Department of Labour

Vote No. 1, Personal Emoluments and other allowances of staff	2,911,868
Vote No. 2, Administration Charges—Recurrent Ex- penditure	663,870
Vote No. 4, Services provided by the Department— Recurrent Expenditure	6,687,747

Rs.

Head 116, Colombo Port Commission

Vote No. 1, Personal Emoluments and other allowances of staff	10,191,984
Vote No. 2, Administration Charges—Recurrent Expenditure	8,277,127
Vote No. 3, Administration Charges—Capital Expenditure	547,890
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,172,000
Vote No. 5, Services provided by the Department—Capital Expenditure	532,500
Vote No. 6, Economic Development—Recurrent Expenditure	2,013,440
Vote No. 7, Economic Development—Capital Expenditure	8,494,890

Head 117, Coast Lights

Vote No. 1, Personal Emoluments and other allowances of staff	109,208
Vote No. 2, Administration Charges—Recurrent Expenditure	40,250
Vote No. 3, Administration Charges—Capital Expenditure	28,750

Head 118, Commissioner of Motor Traffic

Vote No. 1, Personal Emoluments and other allowances of staff	1,125,344
Vote No. 2, Administration Charges—Recurrent Expenditure	187,830

Head 126, Minister of Health

Vote No. 1, Personal Emoluments and other allowances of staff	257,339
Vote No. 2, Administration Charges—Recurrent Expenditure	12,280

Head 127, Department of Health

Vote No. 1, Personal Emoluments and other allowances of staff	1,772,505
Vote No. 2, Administration Charges—Recurrent Expenditure	177,819
Vote No. 4, Services provided by the Department—Recurrent Expenditure	140,262,719
Vote No. 5, Services provided by the Department—Capital Expenditure	14,976,393

Rs.

Head 128, Indigenous Medicine

Vote No. 1, Personal Emoluments and other allowances of staff	47,363
Vote No. 4, Services provided by the Department— Recurrent Expenditure	1,692,174
Vote No. 5, Services provided by the Department— Capital Expenditure	1,218,753

Head 134, Minister of Education and Broadcasting

Vote No. 1, Personal Emoluments and other allowances of staff	365,447
Vote No. 2, Administration Charges—Recurrent Expenditure	29,294
Vote No. 4, Services provided by the Department— Recurrent Expenditure	69,550
Vote No. 5, Services provided by the Department— Capital Expenditure	10,955,310

Head 135, Education Department

Vote No. 1, Personal Emoluments and other allowances of staff	7,433,169
Vote No. 2, Administration Charges—Recurrent Expenditure	891,060
Vote No. 3, Administration Charges—Capital Expenditure	44,040
Vote No. 4, Services provided by the Department— Recurrent Expenditure	257,024,121
Vote No. 5, Services provided by the Department— Capital Expenditure	13,101,409

Head 136, Grants to Universities

Vote No. 4, Services provided by the Department— Recurrent Expenditure	11,730,094
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Head 137, Ceylon Technical College Department

Vote No. 1, Personal Emoluments and other allowances of staff	158,995
Vote No. 2, Administration Charges—Recurrent Expenditure	37,000
Vote No. 6, Economic Development—Recurrent Expenditure	1,520,895
Vote No. 7, Economic Development—Capital Expenditure	825,000

Rs.

Head 138, Department of Examinations

Vote No. 1, Personal Emoluments and other allowances of staff	928,173
Vote No. 2, Administration Charges—Recurrent Expenditure	1,804,249
Vote No. 3, Administration Charges—Capital Expenditure	16,000

Head 139, Educational Publications Advisory Board

Vote No. 1, Personal Emoluments and other allowances of staff	39,558
Vote No. 2, Administration Charges—Recurrent Expenditure	21,325

Head 140, Official Language Department

Vote No. 1, Personal Emoluments and other allowances of staff	1,191,116
Vote No. 2, Administration Charges—Recurrent Expenditure	249,225

Head 141, Department of Broadcasting

Vote No. 1, Personal Emoluments and other allowances of staff	2,497,845
Vote No. 2, Administration Charges—Recurrent Expenditure	2,350,423
Vote No. 3, Administration Charges—Capital Expenditure	123,733

Head 142, Department of Meteorology

Vote No. 1, Personal Emoluments and other allowances of staff	1,027,929
Vote No. 2, Administration Charges—Recurrent Expenditure	144,500
Vote No. 3, Administration Charges—Capital Expenditure	10

Head 148, Minister of Commerce, Trade, Food and Shipping

Vote No. 1, Personal Emoluments and other allowances of staff	355,940
Vote No. 2, Administration Charges—Recurrent Expenditure	52,496
Vote No. 3, Administration Charges—Capital Expenditure	1,000,000

Rs.

Head 149, Food Commissioner

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	8,006,005
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	975,000
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	814,125
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	200,091,030
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	180
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	201,000

Head 150, Department of Co-operative Development

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	7,762,866
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	1,907,100
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	157,125
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	16,000
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	237,000

Head 151, Marketing Department

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	1,022,521
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	348,650
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	10
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	1,500,000
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	127,690
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	421,733

Head 152, Department of Commerce

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	648,018
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	396,270

	<i>Rs.</i>
Head 153, Department of Registrar of Companies	
Vote No. 1, Personal Emoluments and other allowances of staff	385,630
Vote No. 2, Administration Charges—Recurrent Expenditure	57,340
Head 154, Department of Controller of Imports and Exports	
Vote No. 1, Personal Emoluments and other allowances of staff	323,957
Vote No. 2, Administration Charges—Recurrent Expenditure	21,700
Head 155, Department of Tea Exports	
Vote No. 1, Personal Emoluments and other allowances of staff	177,347
Vote No. 2, Administration Charges—Recurrent Expenditure	106,765
Head 156, Department of Merchant Shipping	
Vote No. 1, Personal Emoluments and other allowances of staff	110,864
Vote No. 2, Administration Charges—Recurrent Expenditure	7,845
Head 163, Minister of Transport and Works	
Vote No. 1, Personal Emoluments and other allowances of staff	486,067
Vote No. 2, Administration Charges—Recurrent Expenditure	43,290
Head 164, Railway	
Vote No. 1, Personal Emoluments and other allowances of staff	35,865,750
Vote No. 2, Administration Charges—Recurrent Expenditure	44,635,345
Vote No. 4, Services provided by the Department—Recurrent Expenditure	89,000
Vote No. 6, Economic Development—Recurrent Expenditure	25,949,525
Vote No. 7, Economic Development—Capital Expenditure	33,957,701

Rs.

Head 165, Civil Aviation

Vote No. 1, Personal Emoluments and other allowances of staff	1,536,943
Vote No. 2, Administration Charges—Recurrent Expenditure	422,950
Vote No. 3, Administration Charges—Capital Expenditure	331,987
Vote No. 7, Economic Development—Capital Expenditure	460,800

Head 166, Basic Technical Training Institute

Vote No. 2, Administration Charges—Recurrent Expenditure	1,850
Vote No. 6, Economic Development—Recurrent Expenditure	315,382

Head 167, Government Tourist Bureau

Vote No. 1, Personal Emoluments and other allowances of staff	223,805
Vote No. 2, Administration Charges—Recurrent Expenditure	576,360
Vote No. 3, Administration Charges—Capital Expenditure	394,950

Head 168, Zoological Gardens

Vote No. 1, Personal Emoluments and other allowances of staff	336,002
Vote No. 2, Administration Charges—Recurrent Expenditure	316,900
Vote No. 3, Administration Charges—Capital Expenditure	55,000

Head 169, Public Works Department

Vote No. 1, Personal Emoluments and other allowances of staff	8,185,010
Vote No. 2, Administration Charges—Recurrent Expenditure	4,129,859
Vote No. 3, Administration Charges—Capital Expenditure	4,585,605
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,037,500
Vote No. 5, Services provided by the Department—Capital Expenditure	191,454

Head 169, Public Works Department

Vote No. 6, Economic Development—Recurrent Expenditure	25,620,080
Vote No. 7, Economic Development—Capital Expenditure	16,940,500

Head 170, Postal and Telecommunication Services

Vote No. 1, Personal Emoluments and other allowances of staff	51,553,200
Vote No. 2, Administration Charges—Recurrent Expenditure	10,248,851
Vote No. 3, Administration Charges—Capital Expenditure	1,055,625
Vote No. 7, Economic Development—Capital Expenditure	3,629,331

Head 176, Minister of Local Government and Housing

Vote No. 1, Personal Emoluments and other allowances of staff	183,239
Vote No. 2, Administration Charges—Recurrent Expenditure	9,850

Head 177, Commissioner of Local Government

Vote No. 1, Personal Emoluments and other allowances of staff	1,655,490
Vote No. 2, Administration Charges—Recurrent Expenditure	35,724,610
Vote No. 3, Administration Charges—Capital Expenditure	11,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,400,018
Vote No. 5, Services provided by the Department—Capital Expenditure	17,526,869
Vote No. 7, Economic Development—Capital Expenditure	375,000

Head 178, Local Government Service Commission

Vote No. 1, Personal Emoluments and other allowances of staff	332,741
Vote No. 2, Administration Charges—Recurrent Expenditure	168,540

Rs.

Head 179, Department of Town and Country Planning

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	401,401
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	31,785
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	..	1,530,000
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	52,200

Head 180, Department of National Housing

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	1,085,998
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	130,855
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	8,000
			Total	..1,843,559,854

SECOND SCHEDULE

I

Activities of the Government

Item No.

Department

		II Maximum limits of expenditure on the activities of Government	III Maximum limits of receipts to be credited to the accounts of the Government	IV Maximum limits of debit balances of the activities of Govern- ment	V Maximum limits of liabilities of the activities of Govern- ment
		Rs.	Rs.	Rs.	Rs.
Audit	1 .. Advances to Public Officers	175,000 ..	132,000 ..	158,000 ..	—
	2 .. Audit of Corporations	39,000 ..	28,044 ..	39,000 ..	—
Office of the Prime Minister and Minister of Defence and External Affairs (De- fence and External Affairs Division)	3 .. Advances to Public Officers	330,500 ..	282,000 ..	496,500 ..	—
Army	4 .. Purchase of Stores required for Works Services by the Ceylon Army Engineers, 3 Works Services	800,000 ..	800,000 ..	350,000 ..	50,000
Navy	5 .. Advances to Public Officers	1,000,000 ..	900,000 ..	850,000 ..	—
	6 .. Advances to Public Officers	700,000 ..	650,000 ..	500,000 ..	—
Air Force	7 .. Prepayment to Air Ministry, U. K. on account of training of R. Cy. A. F. Personnel	2,500,000 ..	2,500,000 ..	600,000 ..	—
Police	8 .. Advances to Public Officers	386,000 ..	380,000 ..	255,800 ..	—
External Affairs Abroad	9 .. Advances to Public Officers	1,410,000 ..	1,270,000 ..	1,340,000 ..	—
	10 .. Running expenses of Hostel and Centre for Ceylon students in London	200,000 ..	105,000 ..	1,500 ..	—
Treasury	11 .. Purchase of new Official Cars	52,000 ..	27,000 ..	—	—
	12 .. Advance to the Imperial Lighthouse Service	300,000 ..	330,000 ..	70,000 ..	—
	13 .. Advance for maintenance of graves of Boer Prisoners of War	1,000 ..	1,000 ..	1,000 ..	—

14 ..	Advance for payments on behalf of other Governments	800,000 ..	800,000 ..	300,000 ..	—
15 ..	Advances to Public Officers	2,000,000 ..	920,000 ..	3,500,000 ..	—
16 ..	Miscellaneous Advances	1,500,000 ..	1,500,000 ..	1,250,000 ..	—
17 ..	Advances to Government sponsored Corporations	9,000,000 ..	260,000 ..	29,242,000 ..	—
18 ..	Advances to Public Officers	100,000 ..	100,000 ..	80,000 ..	—
19 ..	Advance account for the purchase, transport and maintenance of equipment, stores, &c.	100,000,000 ..	100,000,000 ..	14,620,000 ..	35,000,000
20 ..	Advances to Public Officers	300,000 ..	240,000 ..	200,000 ..	—
21 ..	Under-valued goods	500,000 ..	500,000 ..	250,000 ..	—
22 ..	Expenses in connection with seized and forfeited goods	15,000 ..	13,300 ..	15,000 ..	—
23 ..	Advances to Public Officers	250,000 ..	220,000 ..	238,000 ..	—
24 ..	Advances to Public Officers	161,000 ..	161,000 ..	12,400 ..	—
25 ..	Advances to Public Officers	270,000 ..	221,000 ..	250,000 ..	—
26 ..	Charges for official advertisements by Government Departments in Newspapers	250,000 ..	265,000 ..	10,000 ..	—
27 ..	Government Insurance Fund	150,000 ..	800,000 ..	—	—
28 ..	Advance to the Rubber Replanting Subsidy Fund	20,000,000 ..	20,000,000 ..	60,000,000 ..	—
29 ..	Advances to Public Officers	1,380,000 ..	1,380,000 ..	1,802,800 ..	—
30 ..	Advances to Public Officers	2,250,000 ..	1,950,000 ..	4,300,000 ..	—
31 ..	Advances to Public Officers	300,000 ..	300,000 ..	275,000 ..	—
32 ..	Prisons Industrial and Agricultural Undertakings	1,600,000 ..	2,000,000 ..	900,000 ..	—
33 ..	Advances to Public Officers	150,000 ..	186,000 ..	149,000 ..	—
34 ..	Establishment and management of coir, textile, carpentry and pottery workshops	1,500,000 ..	1,568,306 ..	350,000 ..	—
35 ..	Establishment and management of powerloom workshops	7,000,000 ..	6,500,000 ..	1,800,000 ..	—
36 ..	Purchase and sale of Cottage Industrial Products	32,800,000 ..	34,896,134 ..	25,000,000 ..	—
37 ..	Purchase and sale of materials such as yarn, dyes, brass and copper sheets for manufacture of Cottage Industrial products*	5,190,000 ..	5,136,102 ..	2,300,000 ..	—

SECOND SCHEDULE

Department	Item No.	I Activities of the Government	II Maximum limits of expenditure on the activities of Government					III Maximum limits of receipts to be credited to the accounts of activities of Government					IV Maximum limits of debit balances of the activities of Government					V Maximum limits of liabilities of the activities of Government				
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.			
Rural Development and Cottage Industries	38	..	Financing of the Production and Marketing of Cottage Industrial Products and Granting of loans to individual Cottage Workers and Co-operative Societies	2,000,000	..	1,256,457	..	4,600,000	..	—	..	—	..	—	..	—	..	—				
	39	..	Advances to Public Officers	155,000	..	114,000	..	237,000	..	—	..	—	..	—	..	—	..	—				
	40	..	Running expenses of Carpentry Schools	2,360,000	..	2,200,000	..	560,000	..	—	..	—	..	—	..	—	..	—				
Social Services	..	..	Advance to Home for Vagrants	60,000	..	60,000	..	15,000	..	—	..	—	..	—	..	—	..	—		
	42	..	Advances to Public Officers	250,000	..	150,000	..	429,089	..	—	..	—	..	—	..	—	..	—				
Probation and Child Care Services	43	..	Building Stores Advance Account	225,000	..	200,000	..	23,000	..	—	..	—	..	—	..	—	..	—				
	44	..	Advances to Public Officers	195,000	..	86,000	..	300,000	..	—	..	—	..	—	..	—	..	—				
Public Trustee	..	..	Advances for the Administration of Estates and Trusts	5,000	..	5,000	..	2,000	..	—	..	—	..	—	..	—	..	—		
Industries	..	..	Advances to Public Officers	100,000	..	51,114	..	137,000	..	—	..	—	..	—	..	—	..	—		
	47	..	Granting of loans for the development of industries and for production and marketing of industrial products including loans to Industrial Co-operatives and Incorporated Bodies	100,000	..	69,700	..	4,325,000	..	—	..	—	..	—	..	—	..	—				
Mineralogy	..	..	Working of the Monazite Separating Plant	163,000	..	—	..	570,000	..	—	..	—	..	—	..	—	..	—		
Salt	..	..	Advances to Public Officers	100,000	..	79,700	..	85,000	..	—	..	—	..	—	..	—	..	—		

50 ..	Purchase, manufacture, collection, transport, storage and distribution of salt and by-products and expenses incidental thereto—	6,000,000 ..	5,400,000 ..	500,000 ..
	(a) General Expenses			
	(b) Recoverable expenses such as advances to salt producers and cost of work done for other Departments incidental to salt production			
	(c) Purchase of salt from private manufacturers			
Excise	51 .. Advances to Public Officers	350,000 ..	350,000 ..	500,000 ..
	52 .. Working of Arrack Stock Account including purchase of bottles	81,000,000 ..	81,000,000 ..	— ..
Land Commissioner	53 .. Working of a State-owned Distillery	2,500,000 ..	2,500,000 ..	— ..
	54 .. Loans to owners of holdings under the L. D. O. ..	750,000 ..	250,000 ..	3,350,000 ..
	55 .. Administration of Estates acquired for village expansion ..	1,935,245 ..	1,952,000 ..	— ..
	56 .. Loans to Co-operative Colonization Schemes and purchase of agricultural and other equipment for use by the Co-operative societies in Colonization Schemes	500,000 ..	500,000 ..	2,000,000 ..
Survey	57 .. Advances to Public Officers	250,000 ..	70,000 ..	500,000 ..
	58 .. Purchase and Resale of Empire Survey Review	660 ..	660 ..	— ..
	59 .. Advances to Public Officers	1,000,000 ..	810,000 ..	900,900 ..
Forest	60 .. Extraction and supply of timber and firewood to Government Departments and Public	16,500,000 ..	15,000,000 ..	4,356,842 ..
	61 .. Operation of the Government run saw mills for the conversion of timber	625,000 ..	810,000 ..	— ..
Irrigation	62 .. Advances to Public Officers	275,000 ..	200,000 ..	290,000 ..
	63 .. Purchase of Stores, Mechanical Branch, Ratmalana	5,000,000 ..	8,000,000 ..	6,000,000 ..
	64 .. Work Done Advance Account, Mechanical Branch, Ratmalana ..	12,000,000 ..	12,000,000 ..	1,000,000 ..
	65 .. Advances to Public Officers	1,450,000 ..	1,450,000 ..	1,500,000 ..

SECOND SCHEDULE

I

Activities of the Government

Item No.

Department

	II		III		IV		V	
	Maximum limits of expenditure on the activities of Government	Rs.	Maximum limits of receipts to be credited to the accounts of the activities of Government	Rs.	Maximum limits of debit balances of the activities of Government	Rs.	Maximum limits of liabilities of the activities of Government	Rs.
Valuation	66 .. Advances to Public Officers	72,000 ..	48,000 ..	128,000 ..				
Land Development	67 .. Working of provision stores in Land Development Schemes	—	10,698 ..	88,709 ..				
	68 .. Land Development Stores Advance Account	10,000,000 ..	10,000,000 ..	3,000,000 ..				
	69 .. Advances to Public Officers	1,200,000 ..	800,000 ..	1,900,000 ..				
Agriculture	70 .. Medium-term loans for the construction of tobacco flue curing barns	1,080,000 ..	442,747 ..	3,240,500 ..				
	71 .. Short-term loans to Tobacco Societies	780,000 ..	390,000 ..	390,000 ..				
	72 .. Working of Kangaroo Tractor Station and Sub-units	3,292,000 ..	3,042,000 ..	949,222 ..				
	73 .. Central Workshop to turn out implements ..	875,300 ..	800,000 ..	105,300 ..				
	74 .. Advances to Public Officers	1,430,000 ..	1,255,000 ..	1,315,000 ..				
Agrarian Services	75 .. Granting of loans to Co-operative Societies for the production and marketing of agricultural crops	25,000,000 ..	21,200,000 ..	40,000,000 ..				
	76 .. Issue on loan or sale of seed paddy, seed onions, planting materials, implements and other requisites in deficit areas	750,000 ..	450,000 ..	3,474,475 ..				
	77 .. Working of the Guaranteed Price Scheme and Rice Milling and 250,000,000 .. repairs and maintenance of buildings	250,000,000 ..	250,000,000 ..	30,000,000 ..				
	78 .. Scheme for the supply of fertilizers and other agricultural requisites	2,000,000 ..	3,500,000 ..	500,000 ..				
	79 .. Advances to Public Officers	500,000 ..	314,400 ..	400,000 ..				
	80 .. Advance Account for granting of loans to Cultivation Committees	840,000 ..	840,000 ..	1,500,000 ..				

Fisheries	81 .. Acquisition of Paddy Lands under the Paddy Lands Act ..	10,000 ..	—	2,000 ..
	82 .. Advances to Public Officers ..	150,000 ..	85,000 ..	195,000 ..
	83 .. Purchase of stock for and working of fishermen's equipment depots	400,000 ..	443,250 ..	72,873 ..
Fisheries	84 .. Loans to Fishing Industry through Co-operative Societies and individuals and Advances to Fishery Officers who are appointed as Liquidators of such Societies to meet their preliminary expenses	300,000 ..	275,000 ..	1,146,406 ..
	85 .. Operation of Trawlers ..	1,800,540 ..	1,675,540 ..	1,029,840 ..
Fisheries	86 .. Upkeep and working of Ice and Refrigeration Plants and purchase and sale of ice	288,480 ..	250,000 ..	40,600 ..
	87 .. Stores Advance Account ..	1,000,000 ..	450,000 ..	550,000 ..
Fisheries	88 .. Running expenses of Fishery By-products Factory, Machine Shop and Cold Storage Plant	1,964,290 ..	1,756,965 ..	234,100 ..
	89 .. Loans to Co-operative Societies for the purchase of engines and fishing gear	8,750,000 ..	1,425,000 ..	14,325,000 ..
Fisheries	90 .. Pearl Fishery Surveys ..	375,000 ..	575,000 ..	—
	91 .. Electrical Stores Advance Account ..	7,000,000 ..	8,000,000 ..	11,000,000 ..
Electrical	92 .. Work Done Advance Account ..	75,000 ..	75,000 ..	15,000 ..
	93 .. Travelling Advance Account ..	35,000 ..	35,000 ..	6,000 ..
Electrical	94 .. Advances to Public Officers ..	180,000 ..	148,000 ..	305,000 ..
	95 .. Festival Advances to Public Officers ..	460,000 ..	455,000 ..	175,000 ..
Electrical	96 .. Housing Advances to Public Officers ..	60,000 ..	35,000 ..	180,000 ..
	97 .. Labour Gazette ..	75,000 ..	75,000 ..	—
Labour	98 .. Advances to Public Officers ..	950,000 ..	50,000 ..	900,000 ..
	99 .. Provision of Funds for Co-operative Labour Societies	400,000 ..	150,000 ..	250,000 ..
Colombo Port Commission	100 .. Work Done Account ..	460,000 ..	460,000 ..	350,000 ..
	101 .. Work Done Account, Mahara ..	200,000 ..	169,507 ..	125,000 ..

SECOND SCHEDULE

I

Activities of the Government

Department	Item No.	I Maximum limits of expenditure on the activities of Government	III Maximum limits of receipts to be credited to the accounts of the Government	IV Maximum limits of debit balances of the activities of Govern- ment	V Maximum limits of liabilities of the activities of Govern- ment
		Rs.	Rs.	Rs.	Rs.
Colombo Port Commission	102 .. Harbour Works Stores Account	12,000,000 ..	12,000,000 ..	7,000,000 ..	5,000,000
	103 .. Maintenance of Lighters ..	300,000 ..	300,000 ..	174,209 ..	—
	104 .. Advances to Public Officers	2,000,000 ..	2,000,000 ..	1,500,000 ..	—
	104A.. Advances to Port Labour Reserve Fund	— ..	60,000 ..	— ..	—
Commissioner of Traffic	105 .. Advances to Public Officers	105,000 ..	80,000 ..	160,000 ..	—
Health	106 .. Purchase of Medical, Surgical and Laboratory requisites	20,000,000 ..	18,000,000 ..	7,000,000 ..	5,000,000
	107 .. Occupational Therapy, Mental Hospital, Angoda	42,500 ..	50,000 ..	— ..	—
	108 .. Dairy Farm ..	75,000 ..	66,000 ..	— ..	—
	109 .. Advances to Public Officers	8,500,000 ..	7,500,000 ..	7,200,000 ..	—
Education	110 .. Ceylon Journal of Education	16,000 ..	5,050 ..	1,000 ..	—
	111 .. Advances to Public Officers	6,500,000 ..	5,500,000 ..	4,600,000 ..	—
	112 .. Advances for meeting cost of minor repairs to school buildings	150,000 ..	240,000 ..	15,000 ..	—
	113 .. Loans to Assisted Schools for buildings and equipment for practical education	10,000 ..	4,274 ..	85,000 ..	—
Examinations	114 .. Advances to Public Officers	50,000 ..	39,559 ..	90,000 ..	—
Official Language	115 .. Printing, publicity and sale of books (including purchase of copyright, publications, translation rights and translation fees)	1,340,000 ..	360,000 ..	2,680,000 ..	—

Broadcasting	116 .. Stores Advance Account ..	325,000 ..	295,025 ..	75,000
	117 .. Advances to Public Officers ..	100,000 ..	65,000 ..	—
Food Commissioner	118 .. Advances to Public Officers ..	450,000 ..	700,000 ..	—
	119 .. Food Purchases and Distribution Account ..	792,500,000 ..	167,500,000 ..	—
Co-operative Development	120 .. Advances for Co-operative conferences, propaganda and training ..	42,000 ..	5,000 ..	—
	121 .. Advances to Public Officers ..	750,000 ..	842,997 ..	—
	122 .. Advances for the establishment of collecting depots, the purchase of the necessary vans, weighing machines, spraying equipment, leaf bags and repayment of debts to factory owners ..	500,000 ..	256,931 ..	—
Marketing	123 .. Advances to Public Officers ..	600,000 ..	600,000 ..	—
	124 .. Purchase, collection and sale of local and other products, processing and canning of and provision of cold storage facilities for local and other products ..	19,000,000 ..	4,000,000 ..	—
	125 .. Working of the Agricultural Products (Regulation) Ordinance ..	2,000,000 ..	—	—
	126 .. Working of the Hospital Supply Branch ..	9,500,000 ..	1,000,000 ..	—
	127 .. Working of the Marketing Department transport service and vehicles repair station for repairs and servicing of Government vehicles ..	1,400,000 ..	425,000 ..	—
	128 .. Working of the Bakery, Kitchens and catering ..	2,400,000 ..	317,000 ..	—
	129 .. Working of the Cold Rooms at Lotus Road ..	265,000 ..	—	—
Commerce	130 .. Advances to Public Officers ..	184,000 ..	146,500 ..	—
Commodity Purchase	131 .. Purchase and sale of rubber, formic and acetic acids, tea and administrative expenses ..	120,000,000 ..	30,000,000 ..	—
	132 .. Advances to Public Officers ..	207,500 ..	150,500 ..	—
Tea Exports	133 .. Advances to Public Officers ..	53,000 ..	46,000 ..	—
Railway	134 .. Railway Stores Advance Account ..	65,000,000 ..	35,000,000 ..	20,000,000
	135 .. Work Done Advance Account ..	365,000 ..	75,000 ..	—
	136 .. Stores Manufacturing Advance Account ..	4,115,000 ..	1,060,000 ..	—

SECOND SCHEDULE

I

Department	Item No.	Activities of the Government	II					III					IV					V				
			Maximum limits of expenditure on the activities of Government	Rs.	Maximum limits of receipts to be credited to the accounts of the activities of Government	Rs.	Maximum limits of debit balances of the activities of Government	Rs.	Maximum limits of liabilities of the activities of Government	Rs.	Maximum limits of expenditure on the activities of Government	Rs.	Maximum limits of receipts to be credited to the accounts of the activities of Government	Rs.	Maximum limits of debit balances of the activities of Government	Rs.	Maximum limits of liabilities of the activities of Government	Rs.				
Railway	137	.. Foundry Shop Advance Account	..	1,250,000	..	1,250,000	..	60,000	..	..	..	..	..	..	..	..	..
	138	.. Timber Conversion Advance Account	..	1,400,000	..	1,400,000	..	50,000	..	..	..	..	..	..	..	..	..
	139	.. Galgamuwa Quarry Advance Account	..	400,000	..	400,000	..	40,000	..	..	..	..	..	..	..	..	..
	140	.. Sundry Advances	..	600,000	..	604,000	..	506,000	..	..	..	..	..	..	..	..	..
	141	.. Advances for the purchase of means of Transport	..	400,000	..	300,000	..	650,000	..	..	..	..	..	..	..	..	..
Civil Aviation	142	.. Festival Advances	..	3,500,000	..	3,250,000	..	1,500,000	..	..	..	..	..	..	..	..	..
	143	.. Housing Advances	..	300,000	..	100,000	..	700,000	..	..	..	..	..	..	..	..	..
	144	.. Advances to Public Officers	..	120,000	..	90,000	..	175,000	..	..	..	..	..	..	..	..	..
	145	.. Running expenses of resthouses and restaurants at Travel Centres	..	305,000	..	304,319	..	92,000	..	..	..	..	..	..	..	..	..
	146	.. Printing and sale of Publications	..	6,500	..	8,000	..	10,000	..	..	..	..	..	..	..	..	..
Zoological Gardens	147	.. Advance Account for the purchase and exchange of exhibits for the Zoological Gardens	..	90,000	..	85,000	..	15,000	..	..	..	..	..	..	..	..	..
	148	.. Advances to Public Officers	..	1,000,000	..	910,000	..	1,562,000	..	..	..	..	..	..	..	..	..
Public Works	149	.. P. W. D. Factory Stores Advance Account	..	2,500,000	..	4,000,000	..	3,500,000	..	..	..	..	..	..	..	..	2,000,000
	150	.. P. W. D. Factory Work Done Advance Account	..	3,494,000	..	3,494,000	..	6,000	..	..	..	..	..	..	..	..	..
	151	.. P. W. D. Factory Foundry Materials Advance Account	..	225,000	..	225,000	..	5,000	..	..	..	..	..	..	..	..	..
	152	.. P. W. D. Work Done for Local Bodies Advance Account	..	50,000	..	50,000	..	—	..	..	..	..	..	..	..	..	..
	153	.. P. W. D. Stores Advance Account	..	10,000,000	..	12,000,000	..	2,750,000	..	..	..	..	..	..	..	..	..
	154	.. Government Factory Log Sawing Advance Account	..	750,000	..	750,000	..	100,000	..	..	..	..	..	..	..	..	..

Postal and Telecommunication Services	155 .. Advance for the purchase of Telecommunication Stores ..	9,000,000 ..	10,000,000 ..	5,000,000 ..	5,000,000
	156 .. Advance for the manufacture of articles in the Telecommunication Workshop	75,000 ..	100,000 ..	25,000 ..	—
	157 .. Advance on rent for improvements, repairs, payment of annual rental and maintenance of rented offices and quarters	50,000 ..	50,000 ..	30,000 ..	—
	158 .. Advance for the purchase of Postal Stores	100,000 ..	100,000 ..	25,000 ..	50,000
	159 .. Advance for the maintenance and running expenses of the Overseas Telecommunication Services	3,500,000 ..	3,500,000 ..	—	—
	160 .. Advance for the payments of transport of foreign air mails	500,000 ..	540,000 ..	200,000 ..	—
	161 .. Advances to Public Officers	4,000,000 ..	4,000,000 ..	2,000,000 ..	—
	162 .. Advances to Public Officers	200,000 ..	150,000 ..	382,000 ..	—
Commissioner of Local Government	163 .. Advances to Public Officers	20,000 ..	20,000 ..	44,000 ..	—
Local Government Service Commission	164 .. Advances to Public Officers	113,000 ..	40,000 ..	125,000 ..	—
National Housing	Total	1,768,752,515	1,505,664,895	594,122,118	75,425,000

PARLIAMENT OF CEYLON

1st Session 1960-61



Urban Councils (Amendment) Act, No. 1 of 1961

Date of Assent : January 10, 1961

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1st Session 1960-61



Urban Councils (Amendment)
Act No. 1 of 1961

Date of Assent: January 19, 1961

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Urban Councils (Amendment) Act, No. 1 of 1961

L. D.—O. 67/58.

AN ACT TO AMEND THE URBAN COUNCILS
ORDINANCE, No. 61 OF 1939.

(Date of Assent: January 10, 1961)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Urban Councils (Amendment) Act, No. 1 of 1961.

Short title.

2. Section 196 of the Urban Councils Ordinance, No. 61 of 1939, is hereby amended by the insertion, immediately after sub-section (5) of that section, of the following new sub-section:—

Amendment of
section 196
of Ordinance
No. 61 of 1939.

‘(5A) For the purposes of sub-section (5) (a), “the town for which the Urban Council was constituted” shall be deemed to include any area added to the town by an Order made under section 30 after the appointment of the special commissioner or commissioners.’

PARLIAMENT OF CEYLON

1st Session 1960-61



Insurance Corporation Act, No. 2 of 1961

Date of Assent : January 10, 1961

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1st Session 1960-61



Insurance Corporation
Act No. 2 of 1961

Date of Assent: January 10, 1961

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Insurance Corporation Act, No. 2 of 1961

L. D.—O. 29/60.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN INSURANCE CORPORATION FOR CARRYING ON EXCLUSIVELY THE BUSINESS OF LIFE INSURANCE AND CARRYING ON IN ADDITION INSURANCE BUSINESS OF EVERY OTHER DESCRIPTION ; TO TERMINATE THE TRANSACTION OF NEW BUSINESS BY OTHER INSURERS CARRYING ON LIFE INSURANCE BUSINESS ; TO PROVIDE THAT SUCH INSURERS SHALL MAINTAIN IN CEYLON SUFFICIENT ASSETS TO DISCHARGE THEIR OBLIGATIONS UNDER POLICIES OF INSURANCE NOT PAID OR MATURED ; TO PROVIDE FOR CERTAIN MATTERS IN RELATION TO INSURERS CARRYING ON THE BUSINESS OF INSURANCE OTHER THAN LIFE INSURANCE ; TO PROVIDE FOR THE TRANSFER TO THE CORPORATION OF THE INSURANCE BUSINESS CARRIED ON BY THE CO-OPERATIVE WHOLESALE ESTABLISHMENT ; TO AMEND THE CO-OPERATIVE WHOLESALE ESTABLISHMENT ACT, NO. 47 OF 1949 ; AND TO MAKE PROVISIONS FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

(Date of Assent : January 10, 1961)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the Insurance Corporation Act, No. 2 of 1961.

Short title and operation of the Act.

(2) The provisions of sections 2, 7, 8, 17, 18, 30, 31 and 34 shall come into operation on the date of commencement of this Act, and the other provisions of this Act shall come into operation on such date (hereinafter referred to as " the appointed date ") as may be appointed by the Minister by Order published in the *Gazette*.

PART I

Establishment of the Insurance Corporation of Ceylon

2. (1) There shall be established a Corporation which shall be called the Insurance Corporation of Ceylon (hereinafter referred to as the " Corporation "). The Corporation shall consist of five members appointed by the Minister, one of whom shall be designated Chairman of the Corporation.

Establishment of the Insurance Corporation of Ceylon.

(2) A person shall be disqualified for being appointed or being a member of the Corporation if he is a Senator or a Member of Parliament.

(3) A member of the Corporation who is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation shall disclose the nature of his interests at a meeting of the Corporation and such disclosure shall be recorded in the minutes of the Corporation and the member shall not take part in any deliberation or decision of the Corporation with respect to that contract.

(4) Every member of the Corporation shall, subject to the provisions of sub-sections (5) and (6), hold office for a period of five years from the date of his appointment.

(5) A member of the Corporation may resign from the Corporation by letter addressed to the Minister.

(6) Any member of the Corporation may be removed from office by the Minister if such member is absent from the meetings of the Corporation for a period exceeding three months for any cause which does not appear to the Minister to be reasonable, or if the Minister considers that it is expedient to remove such person from office.

(7) Where any member of the Corporation resigns or is removed from office or dies, the Minister may appoint another person to be a member in place of the member who resigns or is removed from office or dies, and the person so appointed shall hold office during the unexpired period of the term of office of the member last-mentioned.

(8) Where any member of the Corporation becomes, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint another person to act in the place of such member.

(9) All or any of the members of the Corporation may be paid such remuneration from the Fund of the Corporation as may be determined by the Minister with the concurrence of the Minister of Finance.

(10) No act or proceeding of the Corporation shall be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof.

(11) The quorum for any meeting of the Corporation shall be three members of the Corporation, and, subject as aforesaid, the Corporation may regulate its own procedure.

3. The Corporation shall, by the name given to it by section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Corporation to be a body corporate.

4. (1) The seal of the Corporation shall be in the custody of such person as the Corporation may from time to time determine.

Seal of the Corporation.

(2) The seal of the Corporation may be altered in such manner as may be determined by the Corporation.

(3) The seal of the Corporation shall not be affixed to any document except by the authority of the Corporation and in the presence of two members of the Corporation who shall sign the document in token of their presence.

5. The Corporation shall carry on insurance business of every description in Ceylon or outside Ceylon, including—

Functions of the Corporation.

(1) the business of insuring—

(a) any property of the Crown or of any corporation the entirety of whose capital is provided by the Government, or any property held in trust by any public officer in his official capacity, against the loss of, or any damage to, such property caused by fire, accident, theft, flood or any malicious act or any other cause ; or

(b) the Head of any Government Department, or any such corporation as aforesaid,—

(i) against any loss caused to such Head in his official capacity or to

such corporation by the default or fraud of any employee of the Crown in such Department or any employee of such corporation or any person transacting any business or performing any work for such Head in his official capacity or for such corporation ; or

(ii) in respect of any liability which may be incurred by the Crown or such corporation in consequence of the death of, or any bodily injury to, any employee of the Crown in such Department or any employee of the corporation, or any other person, or in consequence of the loss of, or any damage to, any property in the custody of any employee of the Crown in such Department in his official capacity or in the custody of such corporation ; or

(c) the Secretary to the Treasury, or the Head of any Government Department, on behalf of the Government against any loss which may be incurred by the Government as a result of the failure of any public servant employed in that Department to repay the whole or any part of any sum of money lent to him by the Government ; or

(d) the Secretary to the Treasury, or the Director of Education, on behalf of the Government against any loss which may be incurred by the Government as a result of the failure of any teacher in any

Assisted School to repay the whole or any part of any sum of money lent to him by the Government ; or

(e) any employee of any such corporation as aforesaid in respect of third party risks in conformity with the requirements of Part VI of the Motor Traffic Act, No. 14 of 1951 ; or

(f) the Head of any Department in respect of any risks arising out of any work undertaken by a contractor in pursuance of a contract entered into between the Head of the Department and such contractor ; and

(2) such other business of insurance as may be authorised by a resolution of the House of Representatives.

6. The Corporation may exercise all or any of the following powers :—

Powers of the Corporation.

(a) to acquire, hold and dispose of any movable or immovable property ;

(b) to reinsure with any insurer any liability arising out of any policy of insurance issued by the Corporation ;

(c) to accept reinsurance of any liability arising out of any policy of insurance issued by any other insurer carrying on insurance business of any kind that is carried on by the Corporation ;

(d) to transact such other business as may seem to the Corporation to be capable of being conveniently carried on in connection with the insurance business carried on by the Corporation and to be conducive, directly or indirectly, to render profitable the latter business ;

(e) to invest the moneys of the Corporation in such manner as may be determined by the Corporation with the approval of the Minister given with the concurrence of the Minister of Finance and to take

- all such steps as may be necessary or expedient for the protection or realisation of any investment including the management of any property offered as security for an investment ;
- (f) to advance or lend money to holders of policies of insurance on the security of such policies ;
 - (g) to transfer the whole or any part of the business of life insurance carried on outside Ceylon to any other person if in the interests of the Corporation it is expedient so to do ;
 - (h) to borrow money for the purposes of the Corporation in such manner and upon such security as the Corporation may, with the approval of the Minister given with the concurrence of the Minister of Finance, determine ;
 - (i) to delegate, subject to the general or special direction of the Corporation, to any member or officer of the Corporation any such function of the Corporation as the Corporation may consider necessary so to delegate for the efficient transaction of business ;
 - (j) to establish and maintain a provident fund for persons employed by the Corporation and to make contributions to such fund ;
 - (k) to enter into and perform all such contracts as may be necessary for the exercise of the general functions and powers of the Corporation ; and
 - (l) to do all other things, which in the opinion of the Corporation are necessary, to facilitate the proper carrying on of its business.

7. (1) The Corporation shall, subject to the provisions of sub-section (3), have the power to appoint such officers and servants as may be necessary for the purposes of the Corporation and to exercise disciplinary control over and dismiss any officer or servant of the Corporation :

Provided that the Corporation shall not, without the approval of the Minister, dismiss any such

Appointment
of officers,
servants and
agents of the
Corporation.

officer or servant of the Corporation as is appointed to the staff of the Corporation in accordance with the provisions of sub-section (5).

(2) The officers and servants of the Corporation shall be remunerated at such rates as the Corporation may determine.

(3) In the appointment of officers and servants, preference shall be given by the Corporation to persons who have been employed under insurers and who have lost their employment by reason of retrenchment effected by the insurers in consequence of their not being able to transact any new business of life insurance.

(4) The Corporation may appoint any person, who has been employed in the capacity of agent or canvasser under any insurer carrying on the business of life insurance, as an agent of the Corporation for the purpose of procuring new life insurance business and for servicing such business. Every person so appointed by the Corporation shall be entitled only to commission at such rates as the Corporation may determine.

(5) At the request of the Corporation any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Corporation for such period as may be determined by the Corporation with like consent, or be permanently employed in such staff.

(6) Where any officer in the public service is temporarily appointed to the staff of the Corporation, sub-section (2) of section 26 of the Government-Sponsored Corporations Act, No. 19 of 1955, shall *mutatis mutandis* apply to and in relation to him.

(7) Where any officer in the public service is permanently appointed to the staff of the Corporation, sub-section (3) of section 26 of the Government-Sponsored Corporations Act, No. 19 of 1955, shall *mutatis mutandis* apply to and in relation to him.

8. In the exercise of its powers and the performance of its duties under this Act, the Corporation shall be subject to and act in accordance with such general or special directions as the Minister may issue from time to time.

Minister's
directions
to the
Corporation.

Transfer to the Corporation of the assets, liabilities and contracts of the Co-operative Insurance Department.

9. With effect from the appointed date, all the assets, liabilities and contracts of the Co-operative Insurance Department shall be transferred to the Corporation and upon such transfer—

- (a) such assets shall vest in and be deemed to be the assets of the Corporation ;
- (b) such liabilities shall be deemed to be the liabilities of the Corporation ; and
- (c) such contracts shall be deemed to be the contracts of the Corporation and all subsisting rights and obligations of the Co-operative Insurance Department under such contracts shall be deemed to be the rights and obligations of the Corporation.

PART II

Provision relating to Insurance Business carried on by Insurers other than the Corporation

10. (1) On and after the appointed date, notwithstanding anything in any other law,—

- (a) the Corporation shall be the sole insurer authorised to transact new business of life insurance, and to issue policies of life insurance, in Ceylon, and
- (b) no other insurer shall transact any new business of life insurance, or issue any new policy of life insurance, in Ceylon.

(2) Every policy of life insurance issued on and after the appointed date by any insurer other than the Corporation shall be deemed to be invalid and accordingly shall be of no force or effect in law.

(3) No insurer shall be entitled to compensation for any loss incurred by him, whether directly or indirectly, by reason of the fact that he is unable to transact any new business of life insurance or to issue any new policy of life insurance by virtue of paragraph (b) of sub-section (1).

Corporation to be the sole insurer authorised to transact life insurance business in Ceylon on and after the appointed date.

11. (1) Subject to the provisions of sub-section (3), it shall be the duty of every insurer who is carrying on the business of life insurance and who has issued any policies of life insurance under which liabilities have not been discharged by him on the appointed date to have in Ceylon assets of such value as will be sufficient to discharge the liabilities under such policies valued in the prescribed manner.

(2) At least half of the assets which an insurer is required to have in Ceylon for the purposes of sub-section (1) shall consist of investments in securities of the Government of Ceylon and the remainder of such assets shall be of such kind as are notified to, and approved in writing by, the Corporation.

(3) An insurer shall comply with the provisions of sub-section (1) before the expiry of a period of five years after the appointed date :

Provided that he shall at the end of one year after the appointed date have in Ceylon not less than one-fifth of the assets required for the purposes of sub-section (1), and shall thereafter before the end of each subsequent year increase such assets by at least one-fifth until the total value of such assets is reached at the end of five years after the appointed date.

12. Every insurer to whom section 11 applies shall, not later than January 31 in each year, furnish to the Chairman of the Corporation a return which shall be in the prescribed form, and which shall be certified in the prescribed manner, of his assets and liabilities in Ceylon on the last day of December in the previous year ; and shall thereafter furnish similar returns to the Chairman of the Corporation in respect of the assets held by him in Ceylon on March 31, June 30, and September 30, such returns being furnished not later than one month after the expiry of each of the said dates :

Provided that the Chairman of the Corporation may, upon an application being made by any such insurer, grant an extension of time not exceeding one month to furnish any such return.

Duty of insurers who are carrying on business of life insurance and who have issued any policies of life insurance under which liabilities have not been discharged on the appointed date to have assets in Ceylon sufficient to discharge such liabilities.

Returns to be furnished by insurers to whom section 11 applies of their assets and liabilities.

Power of Chairman of the Corporation to cause investigations to be made for verifying particulars in returns furnished by insurers under section 12.

13. The Chairman of the Corporation may cause such investigation as he may consider necessary to be made for the purpose of verifying the particulars contained in any return furnished by an insurer under section 12, and such insurer shall, upon being requested so to do by notice in writing by the Chairman, furnish before the date specified in the notice such information or explanations as the Chairman may require for such investigation.

Insurers carrying on life insurance business may transfer to the Corporation such business if the Corporation is satisfied after an investigation of the financial condition of the insurer's business that the assets of the business are more than, or equal to, the liabilities.

14. (1) Where any insurer who is carrying on life insurance business is of the opinion that, by reason of his inability to transact any new business of life insurance on or after the appointed date, it is beneficial to him to transfer such business to the Corporation, he may make an application in writing in that behalf to the Corporation.

(2) Upon an application being made by any insurer under sub-section (1), the Corporation shall cause an investigation into the financial condition of such insurer's life insurance business, including a valuation of the assets and liabilities appertaining to such business, to be made by an actuary. The expenses of such investigation shall be defrayed by such insurer.

The actuary shall, on completion of the investigation, submit his report to the Corporation and such report shall contain a detailed statement of the assets and liabilities appertaining to the life insurance business of the insurer together with a statement whether the assets are more than, equal to, or less than, the liabilities.

(3) If the report of the actuary reveals that the assets appertaining to the life insurance business of the insurer are more than, or equal to, the liabilities, then, the Corporation may direct the insurer by notice in writing to transfer all the assets referred to in the statement of the actuary and the policies of life insurance under which liabilities have not been discharged on the date of such notice to the Corporation. Upon such transfer the Corporation shall notify in writing the holder of each such policy that the rights and obligations of the insurer under such policy have been transferred by the insurer to the Corporation and such rights and obligations shall be exercised and discharged by the Corporation as if such policy had been issued by the Corporation.

15. (1) Every insurer shall, notwithstanding anything to the contrary in any agreement or in any instrument relating to his functions, reinsure with the Corporation a prescribed percentage of the liability under every contract of general insurance entered into or renewed by him on and after the appointed date, and every such insurer shall be entitled to receive from the Corporation a commission calculated at such rates as the Corporation may determine for such reinsurance.

Duty of every insurer to reinsure with the Corporation a prescribed percentage of the liability under every contract of insurance entered into or renewed by him on and after the appointed date.

(2) Every insurer shall from time to time furnish to the Corporation such returns as the Corporation may require in regard to the reinsurance business done by such insurer with the Corporation in conformity with the provisions of sub-section (1).

(3) Every insurer shall settle the accounts in respect of the reinsurance business done with the Corporation during each period of three months ending on March 31, June 30, September 30 and December 31 in each year, not later than six months after the expiry of each of the aforesaid dates.

(4) The Corporation may authorise any officer of the Corporation to enter at all reasonable hours any premises or place at which an insurer is carrying on his business of insurance and examine any books, registers or documents of such insurer relating to such business, other than life insurance business, for the purpose of verifying whether the provisions of sub-section (1) are being complied with by such insurer, and such insurer shall permit such officer to enter such premises or place and make such examination.

16. (1) Every insurer who does not make an application under section 14 to transfer his life insurance business to the Corporation, or whose application under that section has been rejected by the Corporation after an investigation of the financial condition of his life insurance business, shall keep the assets relating to his life insurance business separate from the assets relating to any other business carried on by him.

Duty of insurer whose life insurance business is not transferred to the Corporation to keep the assets relating to his life insurance business separate from the assets relating to other business.

(2) For the purpose of verifying whether an insurer complies with the provisions of sub-section (1), the Corporation may—

(a) call upon such insurer to furnish from time to time a return, in such form as

may be prescribed, within such time as may be specified in such return,

- (b) authorise an officer of the Corporation to enter at all reasonable hours the premises or place at which such insurer is carrying on his business of life insurance and examine any books, registers or documents of such insurer relating to such business,

and such insurer shall furnish such return or permit such officer to enter such premises or place and make such examination.

PART III

Provisions relating to Finances and Accounts of the Corporation

17. (1) The initial capital of the Corporation shall be ten million rupees.

(2) The amount of the initial capital of the Corporation shall be paid to the Corporation out of the Consolidated Fund of Ceylon in such instalments as the Minister of Finance may, in consultation with the Minister, determine.

(3) The capital of the Corporation may be increased from time to time by such amount as may be determined by the Corporation with the approval of the Minister given with the concurrence of the Minister of Finance.

18. (1) The Corporation shall have its own Fund.

(2) There shall be paid into the Fund of the Corporation—

(a) the sum paid to the Corporation under section 17,

(b) all sums of money transferred to the Corporation under section 9 or section 14,

(c) all sums received by the Corporation as premiums in respect of the policies issued by the Corporation or transferred to the Corporation under this Act, and

Capital of the Corporation.

The Fund of the Corporation.

(d) all sums of money received by the Corporation in the exercise of its powers, functions and duties under this Act.

(3) There shall be paid out of the Fund of the Corporation—

(a) all sums of money required for the discharge of the liabilities of the Corporation under the policies of insurance issued by the Corporation or transferred to the Corporation under this Act, and

(b) all sums of money required to defray any expenditure incurred by the Corporation in the carrying on of its business or in the exercise of its powers, functions and duties under this Act.

19. (1) The Corporation shall cause its accounts to be kept in such form and in such manner as may be prescribed.

Accounts of the Corporation.

(2) The books and the accounts of the Corporation shall be kept at the head office of the Corporation.

20. The Corporation shall cause its books to be balanced on the thirty-first day of December in each year and shall, as soon as may be thereafter, cause to be prepared separate accounts in respect of each of the following, namely, life insurance business, fire insurance business, marine insurance business, general accident insurance business and the reinsurance business, and a profit and loss account and a balance sheet containing a summary of the assets and liabilities of the Corporation made up to date aforesaid. The aforesaid accounts and the balance sheet shall be signed by the officer responsible for the preparation of such accounts and balance sheet.

Accounts and balance sheet for each year.

21. The Corporation shall have its accounts audited each year by an auditor appointed by the Permanent Secretary to the Ministry. The auditor shall receive such remuneration from the Fund of the Corporation as the Permanent Secretary to the Ministry may in consultation with the Corporation determine.

Audit of accounts.

The auditor's report.

22. (1) The auditor appointed under section 21 shall examine the accounts of the Corporation and ascertain the correctness of the balance sheet and furnish a report stating—

- (a) whether he has or has not obtained all the information and explanations required by him, and
- (b) whether the accounts referred to in the report are properly drawn up so as to exhibit a true and correct view of the Corporation's affairs.

(2) The report of the auditor shall be transmitted to the Corporation.

Annual accounts with auditor's report and a report of the annual activities of the Corporation to be transmitted to the Minister.

23. The Corporation shall, on receipt of the auditor's report in each year, transmit such report together with the profit and loss account and the balance sheet to which the report relates, and a statement by the Corporation of its activities during the financial year to which such report relates, and of the activities (if any) which are likely to be undertaken by the Corporation in the next financial year, to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives, before the end of the year next following the year to which such report and accounts relate.

Actuarial investigation into the financial condition of the life insurance business of the Corporation to be made once at least in every five years.

24. The Corporation shall, once at least in every five years, cause an investigation to be made by an actuary or actuaries into the financial condition of the life insurance business of the Corporation including a valuation of the liabilities of the Corporation relating to its life insurance business. The Corporation shall transmit the report of the actuary or actuaries to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives.

Allocation or reservation of a certain percentage of the surplus to holders of policies of life insurance.

25. If as a result of any investigation made under section 24 there is a surplus, the Corporation shall allocate to, or reserve for, the holder of life insurance policies issued, or deemed to be issued, by the Corporation a sum not less than ninety-five per centum of such surplus.

Application of the profits.

26. The net annual profits of the Corporation for each financial year in respect of its general insurance business and its reinsurance business, and the balance five per centum of the surplus

referred to in section 25, may be applied to such purposes as may be determined by the Corporation with the approval of the Minister, and any such profits which are not so applied shall be credited to a general reserve fund maintained by the Corporation.

27. The net profits of the Corporation in each year shall be exempt from income tax.

Exemption of profits from income tax.

28. A receipt signed by two members of the Corporation or by an officer expressly authorised by the Corporation to give receipts shall be an effectual discharge of moneys paid to the Corporation.

Receipts on behalf of the Corporation.

PART IV

General

29. (1) Where any immovable property is required to be acquired for the purpose of the business of the Corporation and the Minister, by Order published in the *Gazette* approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired compulsorily under the Land Acquisition Act, No. 9 of 1950, and be transferred to the Corporation.

Acquisition of immovable property under the Land Acquisition Act for the Corporation.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act, No. 9 of 1950, for the Corporation shall be paid by the Corporation.

30. When on or after the twenty-first day of July, 1960, a person carrying on the business of life insurance has wound up, or takes steps to wind up, such business and where the assets relating to such business have not been, or are not, sufficient to meet the liabilities subsisting under any policies of life insurance issued by such person, then, every holder of such a policy shall have the right, by action instituted in a court of competent jurisdiction, to proceed against—

Right of holders of life insurance policies to have recourse in certain circumstances to other assets of persons carrying on the business of life insurance.

(a) if such person is an individual, any other assets held by such individual on or after that date ; or

(b) if such person is a body corporate, any other assets held by each director of such body corporate on or after that date ; or

- (c) if such person is a firm, any other assets held by each partner of that firm on or after that date,

and recover any sum outstanding under such policy of insurance.

Provisions relating to discontinuance of the services of persons employed in insurance business.

31. (1) No person carrying on the business of insurance shall terminate the services of any member on the staff relating to the insurance business of such person without the approval in writing of the Commissioner of Labour.

(2) The services of a member on the staff of the insurance business of any person shall not be terminated after the Commissioner of Labour has given his approval to such termination except in accordance with such terms and conditions, including payment by the employer of gratuity or compensation for loss of service, as may be prescribed.

(3) Where any payment of gratuity or compensation is not made by an employer, the person entitled to such gratuity or compensation shall have the right to proceed by action instituted in a court of competent jurisdiction against—

(a) if such employer is an individual, all assets of such individual, or

(b) if such employer is a body corporate, all assets of each director of that body corporate, or

(c) if such employer is a firm, all assets of each partner of that firm,

for the recovery of such gratuity or compensation.

(4) In this section, "Commissioner of Labour" includes a Deputy Commissioner of Labour or an Assistant Commissioner of Labour.

32. (1) The Minister may by regulation made under this Act provide for the application to the Corporation, with or without any modification, of any provision of the Companies Ordinance, No. 51 of 1938.

(2) The provisions of the Companies Ordinance, No. 51 of 1938, other than the provisions of that Ordinance which are made applicable to the Corporation by regulations made under this Act, shall not apply to the Corporation.

Application of company law to the Corporation.

33. (1) The Minister may, when he considers it necessary to do so, direct any person to hold an inquiry into the work and financial position of the Corporation.

Power of the Minister to direct an inquiry to be held into the working of the Corporation.

(2) Where such an inquiry as is referred to in sub-section (1) is held, any member of the Corporation or of the staff of the Corporation shall, upon being requested to do so by the person holding the inquiry, furnish such information within his knowledge with regard to the affairs of the Corporation and produce such books of accounts or documents in his custody as that person may require.

34. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act, and in respect of any matter required by this Act to be prescribed or in respect of any matter for which regulations are authorised by this Act to be made.

Regulations.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

35. Any person who—

Offences.

(a) contravenes any provision of this Act or of any regulation made thereunder, or

(b) furnishes for the purposes of this Act any information which is, or any document the contents of which are, or any part of the contents of which is, to his knowledge untrue or incorrect, or

(c) wilfully obstructs any officer of the Corporation in the exercise of his duties under sub-section (4) of section 15, or paragraph (b) of sub-section (2) of section 16.

shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable—

- (a) in the case of the first offence, to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment, and
- (b) in the case of the second or any subsequent offence, to imprisonment of either description for a term not exceeding six months,

and shall in addition be liable to a fine not exceeding five hundred rupees for each day on which the offence is committed after conviction, and all sums recovered by way of fine shall be paid into the Fund of the Corporation and such sums may be utilised by the Corporation, with the approval of the Minister, to pay—

- (a) holders of policies of life insurance, the liabilities under which have not been discharged ; and
- (b) employees of insurers who are carrying on the business of life insurance and who have not complied with the terms and conditions prescribed under subsection (2) of section 31 ;

in such manner as may be prescribed.

36. Where an act or omission which constitutes an offence under this Act has in fact been committed or made by the agent, manager or other employee of the person who is liable under this Act for the offence, then the agent, manager or other employee shall be liable to be proceeded against for the offence in the same manner as if he were that person, and either together with that person, or before or after the conviction of that person, and shall be liable to the like punishment as if he were that person.

37. Where an offence under this Act is committed by a body of persons, then—

- (a) if that body of persons is a body corporate, every director and officer of that body corporate, and

Liability of
agent, manager
or other
employee.

Offences by
bodies of
persons.

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence.

38. The Co-operative Wholesale Establishment Act, No. 47 of 1949, is hereby amended in the manner set out in the Schedule to this Act.

Amendment of the Co-operative Wholesale Establishment Act, No. 47 of 1949.

Interpretation.

39. In this Act, unless the context otherwise requires,—

“ Corporation ” means the Insurance Corporation of Ceylon established under this Act ;

“ Co-operative Insurance Department ” means the Insurance Department of the Co-operative Wholesale Establishment ;

“ insurer ” means—

(a) an individual or unincorporated body of individuals or body corporate incorporated under the law of any country other than Ceylon, who or which carries on insurance business and who or which—

(i) carries on that business in Ceylon, or

(ii) has his or its principal place of business or his or its domicile in Ceylon, or

(iii) with the object of obtaining insurance business, employs a representative or maintains a place of business in Ceylon ;

(b) any body corporate carrying on the business of insurance and being incorporated under any law for the time being in force in Ceylon ;

“ general insurance ” means any class of insurance business other than life insurance business ;

“ life insurance business ” means the business of entering into or maintaining contracts of insurance on human lives, such contracts including contracts whereby

the payment of money is assured on death or on the happening of any contingency dependent on human life, and contracts which are subject to payment of premiums for a term dependent on human life and such contracts being deemed to include—

- (a) contracts for the granting of disability and double or triple indemnity accident and sickness benefits if so specified in such contracts,
- (b) contracts for the grant of annuities dependent on human life, and
- (c) contracts relating to capital redemption business ; and

“ prescribed ” means prescribed by regulation.

40. The provisions of this Act shall have effect notwithstanding anything contained in any other written law, and in any case of conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

Act to prevail
in case of
conflict
with other
written law.

SCHEDULE

[Section 38]

1. Section 2 of the Co-operative Wholesale Establishment Act, No. 47 of 1949, as amended by Act No. 36 of 1955 and Act No. 39 of 1957 is hereby amended in sub-section (2) of that section as follows :—

(a) in paragraph (c) of that sub-section—

- (i) by the substitution, for the words “banking, shipping or insurance,”, of the words “banking or shipping,”, and
- (ii) by the substitution, for the words “objects ; and”, of the word “object.” ; and

(b) by the omission of paragraph (d) of that sub-section.

2. Section 31A (and the heading “Provisions relating to insurance business” appearing immediately above that section), section 31B and section 31C of the Co-operative Wholesale Establishment Act, No. 47 of 1949, as amended by Act No. 39 of 1957, are hereby repealed.

3. Section 35 of the Co-operative Wholesale Establishment Act, No. 47 of 1949, as amended by Act No. 39 of 1957, is hereby amended as follows :—

(1) in sub-section (1) of that section—

(a) in paragraph (e) of that sub-section—

- (i) by the substitution, for all the words from “of the Board, other than” to “by the Board”, of the words “of the Board”, and
- (ii) by the substitution, for the words “the Minister ; and”, of the words “the Minister.” ;

(b) by the omission of paragraph (f) of that sub-section, and

(c) by the renumbering of that sub-section as section 35 ; and

(2) by the omission of sub-section (2) of that section.

4. Section 36 of the Co-operative Wholesale Establishment Act, No. 47 of 1949, as amended by Act No. 39 of 1957, is hereby amended in sub-section (1) of that section by the omission of the following words :—

“ other than the moneys received in consequence of the insurance business carried on by the Board,”.

PARLIAMENT OF CEYLON

1st. Session 1960-61



Language of the Courts Act, No. 3 of 1961

Date of Assent : January 10, 1961

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Language of the Courts Act, No. 3 of 1961

L. D.—O. 68/57.

AN ACT TO PROVIDE FOR THE USE OF THE SINHALA LANGUAGE FOR RECORDING THE PROCEEDINGS, AND FOR PLEADINGS FILED OF RECORD, IN COURTS OF JUSTICE, AND TO AMEND CERTAIN PROVISIONS OF WRITTEN LAW RELATING TO THE LANGUAGE OF THE COURTS.

(Date of Assent: January 10, 1961)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Language of the Courts Act, No. 3 of 1961.

Short title.

2. (1) Where the Minister of Justice is satisfied that any court is provided with the necessary staff and equipment for recording in Sinhala the proceedings in that court and that it is practicable so to do, he may, in consultation with the Prime Minister, by Order published in the *Gazette* direct that Sinhala shall be used for pleadings filed of record, and for recording the proceedings, in that court.

Minister of Justice to determine the courts in which Sinhala shall be used for purposes of pleadings and record.

(2) An Order made and published under sub-section (1) shall have the force of law and shall prevail over any other law.

3. (1) Where a Judge of a court to which an Order under section 2 applies is unable to read and understand any pleadings in Sinhala which are filed of record, or the record in Sinhala of any proceedings, in that court, he may cause the interpreter of that court or of any other court or a Government sworn translator to provide him with an English translation of such pleadings or record.

Translation of pleadings or records from Sinhala into English.

(2) In sub-section (1), " Judge " means a Judge of the Supreme Court, a Commissioner of Assize, a District Judge, a Commissioner of Requests, a Magistrate, or a President of a Rural Court.

(3) Where a Judge of the Supreme Court is unable to read and understand any pleadings or record in Sinhala in any case which is before him in appeal, revision or otherwise, he may cause the interpreter of that Court or of any other court or a Government sworn translator to provide him with an English translation of such pleadings or record.

(4) Where the Judge of a District Court is unable to read and understand any pleadings or record in Sinhala in any such case determined by a Rural Court as is before him in appeal, he may cause the interpreter of that District Court or of any other court or a Government sworn translator to provide him with an English translation of such pleadings or record.

4. (1) Where an Order under section 2 applies to the Supreme Court,—

(a) every judgment, decree, order or direction of that court shall be written in Sinhala or English and, if written in English, shall be accompanied by a Sinhala translation thereof and, if a Judge pronounces it in English, he shall read or cause to be read the Sinhala translation thereof; and

(b) section 758 (1) of the Civil Procedure Code shall have effect as if, for the word “English”, there were substituted the word “Sinhala”.

(2) Where an Order under section 2 applies to any District Court or Magistrate’s Court,—

(a) section 298 (1) of the Criminal Procedure Code shall, in its application to that Court, have effect as if, for the word “English”, there were substituted the word “Sinhala”; and

(b) section 299 of the Criminal Procedure Code shall, in its application to that Court, have effect as if, for sub-section (3) of that section, there were substituted the following sub-section:—

“(3) If the evidence of a witness is not given in Sinhala and he does not understand Sinhala, that evidence as recorded in Sinhala shall be interpreted to him in the language in which it was given.”.

(3) Where an Order under section 2 applies to any District Court or Court of Requests,—

(a) section 40 of the Civil Procedure Code shall, in its application to that Court, have effect as if, for the word “English”, there were substituted the word “Sinhala”;

How certain provisions of written law shall have effect in their application to courts to which an Order under section 2 applies.

- (b) section 75 of the Civil Procedure Code shall, in its application to that Court, have effect as if, for the word "English", there were substituted the word "Sinhala";
- (c) section 169 of the Civil Procedure Code, as amended by Ordinance No. 39 of 1945, shall, in its application to that Court, have effect as if, for the word "English", there were substituted the word "Sinhala";
- (d) section 186 of the Civil Procedure Code shall, in its application to that Court, have effect as if,—
- (i) for the words "shall be written in English," there were substituted the words "shall be written in Sinhala or English and, if written in English, shall be accompanied by a Sinhala translation thereof,";
 - (ii) for the words "pronouncing it," there were substituted the words "pronouncing it, and the Judge shall, if the judgment is written in English, pronounce it in English and read or cause to be read a Sinhala translation thereof."; and
 - (iii) for the word "English" occurring in the marginal note to that section, there were substituted the words "Sinhala or English"; and
- (e) section 374 of the Civil Procedure Code shall, in its application to that Court, have effect as if, for the word "English", there were substituted the word "Sinhala".

(4) Where an Order under section 2 applies to any Rural Court, section 20 of the Rural Courts Ordinance, No. 12 of 1945, as amended by Ordinance No. 13 of 1945, shall, in its application to that Court, have effect as if, for all the words from "in such language" to the end of that section, there were substituted the words "in Sinhala and the record thereof shall be kept in Sinhala."

Power of Minister of Justice to make such amendments and modifications of written law as are consequential, and such provisions as are supplementary, to an Order under section 2.

5. (1) The Minister of Justice may, by Order published in the *Gazette*, make such amendments or modifications of any written law as may be consequential, or such provisions as may be necessary to give full force and effect, to an Order under section 2.

(2) An Order made and published under sub-section (1) shall have the force of law and shall prevail over any other law.

Amendment of section 301 of the Criminal Procedure Code.

6. Section 301 of the Criminal Procedure Code is hereby amended by the repeal of sub-section (2) of that section and the substitution therefor of the following sub-section:—

“(2) Where any document is in a language other than Sinhala, there shall be filed with it a Sinhala translation or, if the language of the document is not English, an English translation thereof or of so much thereof as is material, according as the language used for recording the proceedings in the court in which that document is produced is Sinhala or English.”

Amendment of section 57 of the Evidence Ordinance.

7. Section 57 of the Evidence Ordinance is hereby amended, in paragraph (9) of that section, by the substitution, for the word “English”, of the words “Sinhala or English”.

Validation of judgments, decrees, orders and directions of any court, of pleadings filed of record and proceedings recorded in English between 1st January, 1961, and the date of commencement of this Act.

8. No judgment pronounced by any court and no decree, order or direction made or given, no pleadings filed of record and no proceedings recorded in English between the first day of January, 1961, and the date of commencement of this Act shall be or be deemed to be invalid by reason of the fact that the said judgment, decree, order or direction of the court has been pronounced made or given or the pleadings have been filed of record or the proceedings thereof have been recorded in English in contravention of any other law.

PARLIAMENT OF CEYLON

1st Session 1960-61



Bretton Woods Agreements (Amendment) Act, No. 4 of 1961

Date of Assent : February 1, 1961

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(Amendment) Act No. 4 of 1947

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Bretton Woods Agreements (Amendment) Act,
No. 4 of 1961

L. D.—O. 31/60.

AN ACT TO AMEND THE BRETTON WOODS AGREEMENTS
ACT, NO. 20 OF 1950.

(Date of Assent: February 1, 1961)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Bretton Woods Agreements (Amendment) Act, No. 4 of 1961. Short title.
2. Section 5 of the Bretton Woods Agreements Act, No. 20 of 1950, is hereby amended by the insertion, immediately after sub-section (1A) of that section (inserted by Act No. 19 of 1959), of the following new sub-section:— Amendment of section 5 of Act No. 20 of 1950.

“(1B) Where Ceylon decides to subscribe, pursuant to paragraph (b) of Section 3 of Article II of the Bank Agreement, to shares of the authorised capital stock of the International Bank for Reconstruction and Development in addition to its minimum subscription, there shall be paid out of the Consolidated Fund of Ceylon such sums as may be necessary for subscribing to such shares.”.

Section 5 of the Prisoners' (Amendment) Act No. 19 of 1936

Section 5 of the Prisoners' (Amendment) Act No. 19 of 1936

It is enacted by the Queen's Most Excellent Majesty
by and with the advice and consent of the House and
the Lords of Parliament in this present
Parliament assembled and by the authority of the
same as follows:

1. This Act may be cited as the Prisoners' (Amendment) Act No. 19 of 1936.

2. Section 5 of the Prisoners' (Amendment) Act
No. 19 of 1936 is hereby amended by the insertion
of the words "and section 19A" at the end of the
said section 5.

(19) Where a person is liable to be
detained in pursuance of a warrant issued
under section 5 of the Prisoners' (Amendment) Act
No. 19 of 1936, he shall be liable to be
detained in pursuance of a warrant issued
under section 19A of the said Act.

PARLIAMENT OF CEYLON

1st Session 1960-61



Income Tax (Amendment) Act, No. 5 of 1961

Date of Assent : February 20, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Income Tax (Amendment)

Act No. 5 of 1961

Date of Assent: February 28, 1961

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*Income Tax (Amendment) Act,
No. 5 of 1961*

L. D.—O. 25/60.

AN ACT TO AMEND THE INCOME TAX ORDINANCE.

[Date of Assent: February 20, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Income Tax (Amendment) Act, No. 5 of 1961. Short title.

2. Section 75B of the Income Tax Ordinance, as amended by Act No. 13 of 1959, is hereby amended in paragraph (a) of that section, by the substitution, for the words "Personal Tax", of the words "Personal Tax, or the land tax to which he is liable,". Amendment of section 75B of the Income Tax Ordinance.

AN ACT TO AMEND THE INCOME TAX ORDINANCE.

[Date of Assent: February 22, 1931.]

It is enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the Income Tax (Amendment) Act, No. 5 of 1931.

Amendment of
Section 10B
of the Income
Tax Ordinance

2. Section 10B of the Income Tax Ordinance as amended by Act No. 13 of 1929 is hereby amended in paragraph (a) of that section by the substitution for the words "Personal Tax" of the words "Personal Tax, or the land tax to which he is liable."

PARLIAMENT OF CEYLON

1st Session 1960-61



Surcharge on Income Tax Act, No. 6 of 1961

Date of Assent : February 20, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Surcharge on Income Tax

Act No. 6 of 1961

Date of Assent: February 20, 1961

Enacted on the Orders of Government
Printed at the Government Press, Colombo. To be
purchased at the Government Printing House, Colombo.
Amount of Surcharge on Income Tax payable by
individuals and companies liable to income tax
under the Income Tax Ordinance, 1957, shall be
increased by the amount of the surcharge payable
under the Income Tax Ordinance, 1957, as amended
by the Income Tax (Amendment) Ordinance, 1960.

*Surcharge on Income Tax Act,
No. 6 of 1961*

L. D.—O. 25/60.

AN ACT TO PROVIDE FOR THE PAYMENT OF A SURCHARGE BY EVERY PERSON CHARGEABLE WITH INCOME TAX FOR THE YEAR OF ASSESSMENT COMMENCING ON APRIL 1, 1960.

[Date of Assent: February 20, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Surcharge on Income Tax Act, No. 6 of 1961.

Short title.

2. (1) Every person who is chargeable with income tax for the year of assessment commencing on April 1, 1960, shall, notwithstanding anything contained in any other written law or in any convention, grant or agreement, be liable to pay a surcharge equivalent to fifteen per centum of the amount of the income tax payable by him for that year of assessment.

Every person chargeable with income tax for the year of assessment commencing on April 1, 1960, liable to pay a surcharge equivalent to fifteen per centum of the income tax payable by him for that year.

(2) The surcharge referred to in sub-section (1) shall, in the case of a non-resident company, be reckoned on the amount of income tax that would have been payable by such company for the year of assessment commencing on April 1, 1960, if the sum equal to six per centum of the taxable income of such company for that year of assessment, which should have formed part of the amount of income tax in accordance with the provisions of section 53C of the Income Tax Ordinance, had not been included in the amount of income tax.

(3) The surcharge referred to in sub-section (1) shall, in the case of any person who is entitled to a set off under sub-section (3) of section 44, or under sub-section (6) or sub-section (7) of section 53D, of the Income Tax Ordinance, be reckoned on the amount of income tax that would have been payable by such person for the year of assessment commencing on April 1, 1960, if such set off had not been made.

(4) For the purposes of the assessment, payment and recovery of the surcharge referred to in sub-section (1), the provisions of Chapter X, Chapter XI, Chapter XII, and Chapter XIII of the Income Tax

Ordinance shall apply in all respects as though the surcharge were income tax payable for the year of assessment commencing on April 1, 1960.

(5) Where any person is under section 84 of the Income Tax Ordinance entitled to have refunded any amount paid by him as income tax in excess of the amount which he was properly chargeable for the year of assessment commencing on April 1, 1960, such person shall, if he has paid the surcharge referred to in sub-section (1) of section 2 of this Act, be in addition entitled to have refunded an amount representing fifteen per centum of the amount refunded under the said section 84.

(6) In this section—

“income tax” means the tax charged and levied under the Income Tax Ordinance;

“non-resident company” shall have the same meaning as in that Ordinance; and

“year of assessment” shall have the same meaning as in that Ordinance.

PARLIAMENT OF CEYLON

1st Session 1960-61



International Development Association Agreement Act, No. 7 of 1961

Date of Assent : February 20, 1961

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*International Development Association
Agreement Act, No. 7 of 1961*

L. D.—O. 35/60.

AN ACT TO ENABLE CEYLON TO BECOME A MEMBER OF
THE INTERNATIONAL DEVELOPMENT ASSOCIATION.

[Date of Assent: February 20, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the International Development Association Agreement Act, No. 7 of 1961.

Short title.

2. The Minister of Finance is hereby authorised by instrument under his hand to empower such person as may be named in the instrument, on behalf of the Government of Ceylon,—

Authorisation
of signature
of Articles of
Agreement
of the
International
Development
Association.

(a) to sign the Articles of Agreement (hereinafter referred to as "the Articles") of the International Development Association (hereinafter referred to as "the Association") which are set out in the Schedule to this Act, and

(b) to deposit with the International Bank for Reconstruction and Development (hereinafter referred to as "the Bank") an instrument stating that the Government has accepted the Articles without reservation in accordance with the law of Ceylon and has taken all steps to enable the Government to carry out all the obligations of the Government under the Articles,

in order that Ceylon which is entitled to be an original member of the Association under Section 1 (a) of Article II of the Articles and Schedule A to the Articles, may accept membership in the Association.

3. The provisions of Sections 2 to 9 of Article VIII of the Articles shall have the force of law in Ceylon, and accordingly the Association—

Status,
immunities
and privileges
accorded in
Ceylon to the
Association.

(a) shall have in Ceylon the status and capacity specified in Section 2 of the said Article VIII, and

(b) shall have in Ceylon the immunities and privileges specified in Sections 3 to 9 of the said Article VIII.

Issue of
notes or other
obligations to
the Association

4. The Minister of Finance, if he thinks fit so to do, may, on behalf of the Government, create and issue to the Association, in such form as he thinks fit, any such non-interest bearing and non-negotiable notes or similar obligations payable at par value on demand to the account of the Association as the Association may, under sub-section (e) of Section 2 of Article II of the Articles, determine to accept in place of any part of the subscription paid in or payable by Ceylon under sub-section (d) of Section 2 of Article II, and Section 2 of Article IV, of the Articles.

Payments out
of the
Consolidated
Fund.

5. There shall be paid out of the Consolidated Fund of Ceylon—

(a) such sums as may be required to pay to the Association the initial subscription of Ceylon under Section 2 of Article II of the Articles;

(b) such sums as may, from time to time, become payable to the Association by Ceylon under the Articles; and

(c) such sums as may be required for the redemption of any notes or obligations created and issued to the Association under this Act.

Issue of
Government
notes or
obligations
to the
Central Bank.

6. (1) For the purpose of providing any sums required to be paid out of the Consolidated Fund of Ceylon under Section 5, the Minister of Finance is hereby authorised to raise loans, on behalf of the Government, by the creation and issue to the Central Bank of Ceylon, in such form as he thinks fit, of non-interest bearing and non-negotiable notes or obligations.

(2) Notwithstanding anything in the Monetary Law Act, No. 58 of 1949, the Central Bank of Ceylon is hereby authorised to accept and hold any notes or obligations created and issued in accordance with the provisions of sub-section (1) of this section.

(3) There shall be paid out of the Consolidated Fund of Ceylon all sums required for the redemption of any notes or obligations created and issued to the Central Bank of Ceylon under sub-section (1) of this section.

7. All sums received by or on behalf of the Government of Ceylon from the Association under the Articles shall be paid into the Consolidated Fund of Ceylon; and the sums so received, in so far as they represent capital, shall, unless otherwise provided in that behalf by any written law, be applied from time to time as the Minister of Finance may direct in the redemption of notes or other obligations issued to the Central Bank under this Act.

8. The Minister of Finance may, by Order published in the *Gazette*, make such other provision as he may consider reasonably necessary for carrying into effect any of the provisions of the Articles, and every Order made under this section and so published shall be laid before the House of Representatives and shall have the force of law unless disapproved within fourteen days.

Receipts.

Orders for carrying the Articles into effect.

Schedule

ARTICLES OF AGREEMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The Governments on whose behalf this Agreement is signed, Considering:

That mutual co-operation for constructive economic purposes, healthy development of the world economy and balance growth of international trade foster international relationships conducive to the maintenance of peace and world prosperity;

That an acceleration of economic development which will promote higher standards of living and economic and social progress in the less-developed countries is desirable not only in the interests of those countries but also in the interests of the international community as a whole;

That achievement of these objectives would be facilitated by an increase in the international flow of capital, public and private, to assist in the development of the resources of the less-developed countries, do hereby agree as follows:—

INTRODUCTORY ARTICLE

The INTERNATIONAL DEVELOPMENT ASSOCIATION (hereinafter called "the Association") is established and shall operate in accordance with the following provisions:—

ARTICLE I

PURPOSES

The purposes of the Association are to promote economic development, increase productivity and thus raise standards of living in the less-developed areas of the world included within the Association's membership, in particular by providing finance to meet their important developmental requirements on terms which are more flexible and bear less heavily on the balance of payments than those of conventional loans, thereby furthering the developmental objectives of the International Bank for Reconstruction and Development (hereinafter called "the Bank") and supplementing its activities.

The Association shall be guided in all its decisions by the provisions of this Article.

ARTICLE II

MEMBERSHIP; INITIAL SUBSCRIPTIONS

SECTION 1.—Membership

(a) The Original members of the Association shall be those members of the Bank listed in Schedule A hereto which, on or before the date specified in Article XI, Section 2 (c), accept membership in the Association.

(b) Membership shall be open to other members of the Bank at such times and in accordance with such terms as the Association may determine.

SECTION 2.—Initial Subscriptions

(a) Upon accepting membership, each member shall subscribe funds in the amount assigned to it. Such subscriptions are herein referred to as initial subscriptions.

(b) The initial subscription assigned to each original member shall be in the amount set forth opposite its name in Schedule A, expressed in terms of United States dollars of the weight and fineness in effect on January 1, 1960.

(c) Ten per cent of the initial subscription of each original member shall be payable in gold or freely convertible currency as follows: fifty per cent within thirty days after the date on which the Association shall begin operations pursuant to Article XI, Section 4, or on the date on which the original member becomes a member, whichever shall be later; twelve and one-half per cent one year after the beginning of operations of the Association; and twelve and one-half per cent each year thereafter at annual intervals until the ten per cent portion of the initial subscription shall have been paid in full.

(d) The remaining ninety per cent of the initial subscription of each original member shall be payable in gold or freely convertible currency in the case of members listed in Part I of Schedule A, and in the currency of the subscribing member in the case of members listed in Part II of Schedule A. This ninety per cent portion of initial subscriptions of original members shall be payable in five equal annual instalments as follows: the first such instalment within thirty days after the date on which the Association shall begin operations pursuant to Article XI, Section 4, or on the date on which the original member becomes a member, whichever shall be later; the second instalment one year after the beginning of operations of the Association, and succeeding instalments each year thereafter at annual intervals until the ninety per cent portion of the initial subscription shall have been paid in full.

(e) The Association shall accept from any member, in place of any part of the member's currency paid in or payable by the member under the preceding sub-section (d) or under Section 2 of Article IV and not needed by the Association in its operations, notes or similar obligations issued by the government of the member or the depository designated by such member, which shall be non-negotiable, non-interest bearing and payable at their par value on demand to the account of the Association in the designated depository.

(f) For the purposes of this Agreement the Association shall regard as "freely convertible currency":

- (i) currency of a member which the Association determines, after consultation with the International Monetary Fund, is adequately convertible into the currencies of other members for the purposes of the Association's operations; or
- (ii) currency of a member which such member agrees, on terms satisfactory to the Association, to exchange for the currencies of other members for the purposes of the Association's operations.

(g) Except as the Association may otherwise agree, each member listed in Part I of Schedule A shall maintain, in respect of its currency paid in by it as freely convertible currency pursuant to sub-section (d) of this Section, the same convertibility as existed at the time of payment.

(h) The conditions on which the initial subscriptions of members other than original members may be made, and the amounts and the terms of payment thereof, shall be determined by the Association pursuant to Section 1 (b) of this Article.

SECTION 3.—Limitation on Liability

No member shall be liable, by reason of its membership, for obligations of the Association.

ARTICLE III

ADDITIONS TO RESOURCES

SECTION 1.—Additional Subscriptions

(a) The Association shall at such time as it deems appropriate in the light of the schedule for completion of payments on initial subscriptions of original members, and at intervals of approximately five years thereafter, review the adequacy of its resources and, if it deems desirable, shall authorize a general increase in subscriptions. Notwithstanding the foregoing, general or individual increases in subscriptions may be authorized at any time, provided that an individual increase shall be considered only at the request of the member involved. Subscriptions pursuant to this Section are herein referred to as additional subscriptions.

(b) Subject to the provisions of paragraph (c) below, when additional subscriptions are authorized, the amounts authorized for subscription and the terms and conditions relating thereto shall be as determined by the Association.

(c) When any additional subscription is authorized, each member shall be given an opportunity to subscribe, under such conditions as shall be reasonably determined by the Association, an amount which will enable it to maintain its relative voting power, but no member shall be obligated to subscribe.

(d) All decisions under this Section shall be made by a two-thirds majority of the total voting power.

SECTION 2.—Supplementary Resources Provided by a Member
in the Currency of Another Member

(a) The Association may enter into arrangements, on such terms and conditions consistent with the provisions of this Agreement as may be agreed upon, to receive from any member, in addition to the amounts payable by such member on account of its initial or any additional subscription, supplementary resources in the currency of another member, provided that the Association shall not enter into any such arrangement unless the Association is satisfied that the member whose currency is involved agrees to the use of such currency as supplementary resources and to the terms and conditions governing such use. The arrangements under which any such resources are received may include provisions regarding the disposition of earnings on the resources and regarding the disposition of the resources in the event that the member providing them ceases to be a member or the Association permanently suspends its operations.

(b) The Association shall deliver to the contributing member a Special Development Certificate setting forth the amount and currency of the resources so contributed and the terms and conditions of the arrangement relating to such resources. A Special Development Certificate shall not carry any voting rights and shall be transferable only to the Association.

(c) Nothing in this Section shall preclude the Association from accepting resources from a member in its own currency on such terms as may be agreed upon.

ARTICLE IV

CURRENCIES

SECTION 1.—Use of Currencies

(a) Currency of any member listed in Part II of Schedule A, whether or not freely convertible, received by the Association pursuant to Article II, Section 2 (d), in payment of the ninety per cent portion payable thereunder in the currency of such member, and currency of such member derived therefrom as principal, interest or other charges, may be used by the Association for administrative expenses incurred by the Association in the territories of such member and, insofar as consistent with sound monetary policies, in payment for goods and services produced in the territories of such member and required for projects financed by the Association and located in such territories; and in addition when and to the extent justified by the economic and financial situation of the member concerned as determined by agreement between the member and the Association, such currency shall be freely convertible or otherwise usable for projects financed by the Association and located outside the territories of the member.

(b) The usability of currencies received by the Association in payment of subscriptions other than initial subscriptions of original members, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms and conditions on which such subscriptions are authorized.

(c) The usability of currencies received by the Association as supplementary resources other than subscriptions, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms of the arrangements pursuant to which such currencies are received.

(d) All other currencies received by the Association may be freely used and exchanged by the Association and shall not be subject to any restriction by the member whose currency is used or exchanged; provided that the foregoing shall not preclude the Association from entering into any arrangements with the member in whose territories any project financed by the Association is located restricting the use by the Association of such member's currency received as principal, interest or other charges in connection with such financing.

(e) The Association shall take appropriate steps to ensure that, over reasonable intervals of time, the portions of the subscriptions paid under Article II, Section 2 (d) by members listed in Part I of Schedule A shall be used by the Association on an approximately pro rata basis, provided, however, that such portions of such subscriptions as are paid in gold or in a currency other than that of the subscribing member may be used more rapidly.

SECTION 2.—Maintenance of Value of Currency Holdings

(a) Whenever the par value of a member's currency is reduced or the foreign exchange value of a member's currency has, in the opinion of the Association, depreciated to a significant extent within that member's territories, the member shall pay to the Association within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of subscription, of the amount of the currency of such member paid in to the Association by the member under Article II, Section 2 (d), and currency furnished under the provisions of the present paragraph, whether or not such currency is held in the form of notes accepted pursuant to Article II, Section 2 (e), provided, however, that the foregoing shall apply only so long as and to the extent that such currency shall not have been initially disbursed or exchanged for the currency of another member.

(b) Whenever the par value of a member's currency is increased, or the foreign exchange value of a member's currency has, in the opinion of the Association, appreciated to a significant extent within that member's territories, the Association shall return to such member within a reasonable time an amount of that member's currency equal to the increase in the value of the amount of such currency to which the provisions of paragraph (a) of this Section are applicable.

(c) The provisions of the preceding paragraphs may be waived by the Association when a uniform proportionate change in the par value of the currencies of all its members is made by the International Monetary Fund.

(d) Amounts furnished under the provisions of paragraph (a) of this Section to maintain the value of any currency shall be convertible and usable to the same extent as such currency.

ARTICLE V

OPERATIONS

SECTION 1.—Use of Resources and Conditions of Financing

(a) The Association shall provide financing to further development in the less-developed areas of the world included within the Association's membership.

(b) Financing provided by the Association shall be for purposes which in the opinion of the Association are of high developmental priority in the light of the needs of the area or areas concerned and, except in special circumstances, shall be for specific projects.

(c) The Association shall not provide financing if in its opinion such financing is available from private sources on terms which are reasonable for the recipient or could be provided by a loan of the type made by the Bank.

(d) The Association shall not provide financing except upon the recommendation of a competent committee, made after a careful study of the merits of the proposal. Each such committee shall be appointed by the Association and shall include a nominee of the Governor or Governors representing the member or members in whose territories the project under consideration is located and one or more members of the technical staff of the Association. The requirement that the committee include the nominee of a Governor or Governors shall not apply in the case of financing provided to a public international or regional organization.

(e) The Association shall not provide financing for any project if the member in whose territories the project is located objects to such financing, except that it shall not be necessary for the Association to assure itself that individual members do not object in the case of financing provided to a public international or regional organization.

(f) The Association shall impose no conditions that the proceeds of its financing shall be spent in the territories of any particular member or members. The foregoing shall not preclude the Association from complying with any restrictions attached to supplementary resources pursuant to agreement between the Association and the contributor.

(g) The Association shall make arrangements to ensure that the proceeds of any financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy, efficiency and competitive international trade and without regard to political or other non-economic influences or considerations.

(h) Funds to be provided under any financing operation shall be made available to the recipient only to meet expenses in connection with the project as they are actually incurred.

SECTION 2.—Form and Terms of Financing

(a) Financing by the Association shall take the form of loans. The Association may, however, provide other financing, either—

- (i) out of funds subscribed pursuant to Article III, Section 1, and funds derived therefrom as principal, interest or other charges, if the authorization for such subscriptions expressly provides for such financing; or

(ii) in special circumstances, out of supplementary resources furnished to the Association, and funds derived therefrom as principal, interest or other charges, if the arrangements under which such resources are furnished expressly authorize such financing.

(b) Subject to the foregoing paragraph, the Association may provide financing in such forms and on such terms as it may deem appropriate, having regard to the economic position and prospects of the area or areas concerned and to the nature and requirements of the project.

(c) The Association may provide financing to a member, the government of a territory included within the Association's membership, a political sub-division of any of the foregoing, a public or private entity in the territories of a member or members, or to a public international or regional organization.

(d) In the case of a loan to an entity other than a member, the Association may, in its discretion, require a suitable governmental or other guarantee or guarantees.

(e) The Association, in special cases, may make foreign exchange available for local expenditures.

SECTION 3.—Modifications of Terms of Financing

The Association may, when and to the extent it deems appropriate in the light of all relevant circumstances, including the financial and economic situation and prospects of the member concerned, and on such conditions as it may determine, agree to a relaxation or other modification of the terms on which any of its financing shall have been provided.

SECTION 4.—Co-operation with Other International Organizations and Members Providing Development Assistance

The Association shall co-operate with those public international organizations and members which provide financial and technical assistance to the less-developed areas of the world.

SECTION 5.—Miscellaneous Operations

In addition to the operations specified elsewhere in this Agreement, the Association may:

- (i) borrow funds with the approval of the member in whose currency the loan is denominated;
- (ii) guarantee securities in which it has invested in order to facilitate their sale;
- (iii) buy and sell securities it has issued or guaranteed or in which it has invested;
- (iv) in special cases, guarantee loans from other sources for purposes not inconsistent with the provisions of these Articles;
- (v) provide technical assistance and advisory services at the request of a member; and
- (vi) exercise such other powers incidental to its operations as shall be necessary or desirable in furtherance of its purposes.

SECTION 6.—Political Activity Prohibited

The Association and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in this Agreement.

ARTICLE VI

ORGANIZATION AND MANAGEMENT

SECTION 1.—Structure of the Association

The Association shall have a Board of Governors, Executive Directors, a President and such other officers and staff to perform such duties as the Association may determine.

SECTION 2.—Board of Governors

(a) All the powers of the Association shall be vested in the Board of Governors.

(b) Each Governor and Alternate Governor of the Bank appointed by a member of the Bank which is also a member of the Association shall ex officio be a Governor and Alternate Governor, respectively, of the Association. No Alternate Governor may vote except in the absence of his principal. The Chairman of the Board of Governors of the Bank shall ex officio be Chairman of the Board of Governors of the Association except that if the Chairman of the Board of Governors of the Bank shall represent a state which is not a member of the Association, then the Board of Governors shall select one of the Governors as Chairman of the Board of Governors. Any Governor or Alternate Governor shall cease to be a member of the Association.

(c) The Board of Governors may delegate to the Executive Directors authority to exercise any of its powers, except the power to:

- (i) admit new members and determine the conditions of their admission;
- (ii) authorize additional subscriptions and determine the terms and conditions relating thereto;
- (iii) suspend a member;
- (iv) decide appeals from interpretations of this Agreement given by the Executive Directors;
- (v) make arrangements pursuant to Section 7 of this Article to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character);
- (vi) decide to suspend permanently the operations of the Association and to distribute its assets;
- (vii) determine the distribution of the Association's net income pursuant to Section 12 of this Article; and
- (viii) approve proposed amendments to this Agreement.

(d) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board of Governors or called by the Executive Directors.

(e) The annual meeting of the Board of Governors shall be held in conjunction with the annual meeting of the Board of Governors of the Bank.

(f) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.

(g) The Association may by regulation establish a procedure whereby the Executive Directors may obtain a vote of the Governors on a specific question without calling a meeting of the Board of Governors.

(h) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Association.

(i) Governors and Alternate Governors shall serve as such without compensation from the Association.

SECTION 3.—Voting

(a) Each original member shall, in respect of its initial subscription, have 500 votes plus one additional vote for each \$5,000 of its initial subscription. Subscriptions other than initial subscriptions of original members shall carry such voting rights as the Board of Governors shall determine pursuant to the provisions of Article II, Section 1 (b) or Article III, Section 1 (b) and (c), as the case may be. Additions to resources other than subscriptions under Article II, Section 1 (b) and additional subscriptions under Article III, Section 1, shall not carry voting rights.

(b) Except as otherwise specifically provided, all matters before the Association shall be decided by a majority of the votes cast.

SECTION 4.—Executive Directors

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Association, and for this purpose shall exercise all the powers given to them by this Agreement or delegated to them by the Board of Governors.

(b) The Executive Directors of the Association shall be composed ex officio of each Executive Director of the Bank who shall have been (i) appointed by a member of the Bank which is also a member of the Association, or (ii) elected in an election in which the votes of at least one member of the Bank which is also a member of the Association shall have counted toward his election. The Alternate to each such Executive Director of the Bank shall ex officio be an Alternate Director of the Association. Any Director shall cease to hold office if the member by which he was appointed, or if all the members whose votes counted toward his election, shall cease to be members of the Association.

(c) Each Director who is an appointed Executive Director of the Bank shall be entitled to cast the number of votes which the member by which he was appointed is entitled to cast in the Association. Each Director who is an elected Executive Director of the Bank shall be entitled to cast the number of votes which

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Agreement Act, No. 7 of 1961*

the member or members of the Association whose votes counted toward his election in the Bank are entitled to cast in the Association. All the votes which a Director is entitled to cast shall be cast as a unit.

(d) An Alternate Director shall have full power to act in the absence of the Director who shall have appointed him. When a Director is present, his Alternate may participate in meetings but shall not vote.

(e) A quorum for any meeting of the Executive Directors shall be a majority of the Directors exercising not less than one-half of the total voting power.

(f) The Executive Directors shall meet as often as the business of the Association may require.

(g) The Board of Governors shall adopt regulations under which a member of the Association not entitled to appoint an Executive Director of the Bank may send a representative to attend any meeting of the Executive Directors of the Association when a request made by, or a matter particularly affecting, that member is under consideration.

SECTION 5.—President and Staff

(a) The President of the Bank shall be ex officio President of the Association. The President shall be Chairman of the Executive Directors of the Association but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors but shall not vote at such meetings.

(b) The President shall be chief of the operating staff of the Association. Under the direction of the Executive Directors he shall conduct the ordinary business of the Association and under their general control shall be responsible for the organization, appointment and dismissal of the officers and staff. To the extent practicable, officers and staff of the Bank shall be appointed to serve concurrently as officers and staff of the Association.

(c) The President, officers and staff of the Association, in the discharge of their offices, owe their duty entirely to the Association and to no other authority. Each member of the Association shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) In appointing officers and staff the President shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

SECTION 6.—Relationship to the Bank

(a) The Association shall be an entity separate and distinct from the Bank and the funds of the Association shall be kept separate and apart from those of the Bank. The Association shall not borrow from or lend to the Bank, except that this shall not preclude the Association from investing funds not needed in its financing operations in obligations of the Bank.

(b) The Association may make arrangements with the Bank regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid in the first instance by either organization on behalf of the other.

(c) Nothing in this Agreement shall make the Association liable for the acts or obligations of the Bank, or the Bank liable for the acts or obligations of the Association.

SECTION 7.—Relations with Other International Organizations

The Association shall enter into formal arrangements with the United Nations and may enter into such arrangements with other public international organizations having specialized responsibilities in related fields.

SECTION 8.—Location of Offices

The principal office of the Association shall be the principal office of the Bank. The Association may establish other offices in the territories of any member.

SECTION 9.—Depositories

Each member shall designate its central bank as a depository in which the Association may keep holdings of such member's currency or other assets of the Association, or, if it has no central bank, it shall designate for such purpose such other institution as may be acceptable to the Association. In the absence of any different designation, the depository designated for the Bank shall be the depository for the Association.

SECTION 10.—Channel of Communication

Each member shall designate an appropriate authority with which the Association may communicate in connection with any matter arising under this Agreement. In the absence of any different designation, the channel of communication designated for the Bank shall be the channel for the Association.

SECTION 11.—Publication of Reports and Provision of Information

(a) The Association shall publish an annual report containing an audited statement of its accounts and shall circulate to members at appropriate intervals a summary statement of its financial position and of the results of its operations.

(b) The Association may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this Section shall be distributed to members.

SECTION 12.—Disposition of Net Income

The Board of Governors shall determine from time to time the disposition of the Association's net income, having due regard to provision for reserves and contingencies.

ARTICLE VII

WITHDRAWAL; SUSPENSION OF MEMBERSHIP; SUSPENSION OF
OPERATIONS

SECTION 1.—Withdrawal of Members

Any member may withdraw from membership in the Association at any time by transmitting a notice in writing to the Association at its principal office. Withdrawal shall become effective upon the date such notice is received.

SECTION 2.—Suspension of Membership

(a) If a member fails to fulfill any of its obligations to the Association, the Association may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

(b) While under suspension, a member shall not be entitled to exercise any rights under this Agreement except the right of withdrawal, but shall remain subject to all obligations.

SECTION 3.—Suspension or Cessation of Membership in the
Bank

Any member which is suspended from membership in, or ceases to be a member of, the Bank shall automatically be suspended from membership in, or cease to be member of, the Association, as the case may be.

SECTION 4.—Rights and Duties of Government Ceasing to be
Members

(a) When a government ceases to be a member, it shall have no rights under this Agreement except as provided in this Section and in Article X (c), but it shall, except as in this Section otherwise provided, remain liable for all financial obligations undertaken by it to the Association, whether as a member, borrower, guarantor or otherwise.

(b) When a government ceases to be a member, the Association and the government shall proceed to a settlement of accounts. As part of such settlement of accounts, the Association and the government may agree on the amounts to be paid to the government on account of its subscription and on the time and currencies of payment. The term "subscription" when used in relation to any member government shall for the purposes of this Article be deemed to include both the initial subscription and any additional subscription of such member government.

(c) If no such agreement is reached within six months from the date when the government ceased to be a member, or such other time as may be agreed upon by the Association and the government, the following provisions shall apply:

(i) The government shall be relieved of any further liability to the Association on account of its subscription, except that the government shall pay to the Association forthwith amounts due and unpaid on the date

when the government ceased to be a member and which in the opinion of the Association are needed by it to meet its commitments as of that date under its financing operations.

- (ii) The Association shall return to the government funds paid in by the government on account of its subscription or derived therefrom as principal repayments and held by the Association on the date when the government ceased to be a member, except to the extent that in the opinion of the Association such funds will be needed by it to meet its commitments as of that date under its financing operations.
- (iii) The Association shall pay over to the government a pro rata share of all principal repayments received by the Association after the date on which the government ceases to be a member on loans contracted prior thereto, except those made out of supplementary resources provided to the Association under arrangements specifying special liquidation rights. Such share shall be such proportion of the total principal amount of such loans as the total amount paid by the government on account of its subscription and not returned to it pursuant to clause (ii) above shall bear to the total amount paid by all members on account of their subscriptions which shall have been used or in the opinion of the Association will be needed by it to meet its commitments under its financing operations as of the date on which the government ceases to be a member. Such payment by the Association shall be made in instalments when and as such principal repayments are received by the Association, but not more frequently than annually. Such instalments shall be paid in the currencies received by the Association except that the Association may in its discretion make payment in the currency of the government concerned.
- (iv) Any amount due to the government on account of its subscription may be withheld so long as that government, or the government of any territory included within its membership, or any political sub-division or any agency of any of the foregoing remains liable, as borrower or guarantor, to the Association, and such amount may, at the option of the Association, be applied against any such liability as it matures.
- (v) In no event shall the government receive under this paragraph (c) an amount exceeding, in the aggregate, the lesser of the two following: (a) the amount paid by the government on account of its subscription, or (b) such proportion of the net assets of the Association, as shown on the books of the Association as of the date on which the government ceased to be a member, as the amount of its subscription shall bear to the aggregate amount of the subscription of all members.
- (vi) All calculations required hereunder shall be made on such basis as shall be reasonably determined by the Association.

(d) In no event shall any amount due to a government under this Section be paid until six months after the date upon which the government ceases to be a member. If within six months of the date upon which any government ceases to be a member the Association suspends operations under Section 5 of this Article, all rights of such government shall be determined by the provisions of such Section 5 and such government shall be considered a member of the Association for purposes of such Section 5, except that it shall have no voting rights.

SECTION 5.—Suspension of Operations and Settlement of Obligations

(a) The Association may permanently suspend its operations by vote of a majority of the Governors exercising a majority of the total voting power. After such suspension of operations the Association shall forthwith cease all activities, except those incident to the orderly realization, conservation and preservation of its assets and settlement of its obligations. Until final settlement of such obligations and distribution of such assets, the Association shall remain in existence and all mutual rights and obligations of the Association and its members under this Agreement shall continue unimpaired, except that no member shall be suspended or shall withdraw and that no distribution shall be made to members except as in this Section provided.

(b) No distribution shall be made to members on account of their subscriptions until all liabilities to creditors shall have been discharged or provided for and until the Board of Governors, by vote of a majority of the Governors exercising a majority of the total voting power, shall have decided to make such distribution.

(c) Subject to the foregoing, and to any special arrangements for the disposition of supplementary resources agreed upon in connection with the provision of such resources to the Association, the Association shall distribute its assets to members pro rata in proportion to amounts paid in by them on account of their subscriptions. Any distribution pursuant to the foregoing provision of this paragraph (c) shall be subject, in the case of any member, to prior settlement of all outstanding claims by the Association against such member. Such distribution shall be made at such times, in such currencies, and in cash or other assets as the Association shall deem fair and equitable. Distribution to the several members need not be uniform in respect of the type of assets distributed or of the currencies in which they are expressed.

(d) Any member receiving assets distributed by the Association pursuant to this Section or Section 4 shall enjoy the same rights with respect to such assets as the Association enjoyed prior to their distribution.

ARTICLE VIII

STATUS, IMMUNITIES AND PRIVILEGES

SECTION 1.—Purposes of Article

To enable the Association to fulfill the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

SECTION 2.—Status of the Association

The Association shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

SECTION 3.—Position of the Association with Regard to Judicial Process

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, where-soever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

SECTION 4.—Immunity of Assets from Seizure

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

SECTION 5.—Immunity of Archives

The archives of the Association shall be inviolable.

SECTION 6.—Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

SECTION 7.—Privilege for Communications

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

SECTION 8.—Immunities and Privileges of Officers and Employees

All Governors, Executive Directors, Alternates, officers and employees of the Association:

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations

and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

SECTION 9.—Immunities from Taxation

(a) The Association, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is issued by the Association; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

SECTION 10.—Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this article and shall inform the Association of the detailed action which it has taken.

ARTICLE IX

AMENDMENTS

(a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a Governor or the Executive Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board, the Association shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total

voting power, have accepted the proposed amendments, the Association shall certify the fact by formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying—

- (i) the right to withdraw from the Association provided in Article VII, Section 1;
- (ii) the right secured by Article III, Section 1 (c);
- (iii) the limitation on liability provided in Article II, Section 3.

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

ARTICLE X

INTERPRETATION AND ARBITRATION

(a) Any question of interpretation of the provisions of this Agreement arising between any member and the Association or between any members of the Association shall be submitted to the Executive Directors for their decision. If the question particularly affects any member of the Association not entitled to appoint an Executive Director of the Bank, it shall be entitled to representation in accordance with Article VI, Section 4 (g).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board of Governors, the Association may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Association and a country which ceased to be a member, or between the Association and any member during the permanent suspension of the Association, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Association, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the International Court of Justice or such other authority as may have been prescribed by regulation adopted by the Association. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE XI

FINAL PROVISIONS

SECTION 1.—Entry into Force

This Agreement shall enter into force when it has been signed on behalf of governments whose subscriptions comprise not less than sixty-five per cent of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before September 15, 1960.

SECTION 2.—Signature

(a) Each government on whose behalf this Agreement is signed shall deposit with the Bank an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Association as from the date of the deposit on its behalf of the instrument referred to in paragraph (a) above except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) This Agreement shall remain open for signature until the close of business on December 31, 1960, at the principal office of the Bank, on behalf of the governments of the states whose names are set forth in Schedule A, provided that, if this Agreement shall not have entered into force by that date, the Executive Directors of the Bank may extend the period during which this Agreement shall remain open for signature by not more than six months.

(d) After this Agreement shall have entered into force, it shall be open for signature on behalf of the government of any state whose membership shall have been approved pursuant to Article II, Section 1 (b).

SECTION 3.—Territorial Application.

By its signature of this Agreement, each government accepts it both on its own behalf and in respect of all territories for whose international relations such government is responsible except those which are excluded by such government by written notice to the Association.

SECTION 4.—Inauguration of the Association

(a) As soon as this Agreement enters into force under Section 1 of this Article the President shall call a meeting of the Executive Directors.

(b) The Association shall begin operations on the date when such meeting is held.

(c) Pending the first meeting of the Board of Governors, the Executive Directors may exercise all the powers of the Board of Governors except those reserved to the Board of Governors under this Agreement.

SECTION 5.—Registration

The Bank is authorised to register this Agreement with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

DONE at Washington, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to act as depository of this Agreement, to register this Agreement with the Secretariat of the United Nations and to notify all governments whose names are set forth in Schedule A of the date when this Agreement shall have entered into force under Article XI, Section 1 hereof.

International Development Association 21
Agreement Act, No. 7 of 1961

SCHEDULE A—INITIAL SUBSCRIPTIONS

(US \$ Millions)*

PART I

Australia	... 20.18	Japan	... 33.59
Austria	... 5.04	Luxembourg	... 1.01
Belgium	... 22.70	Netherlands	... 27.74
Canada	... 37.83	Norway	... 6.72
Denmark	... 8.74	Sweden	... 10.09
Finland	... 3.83	Union of South Africa	... 10.09
France	... 52.96	United Kingdom	... 131.14
Germany	... 52.96	United States	... 320.29
Italy	... 18.16		—763.07

PART II

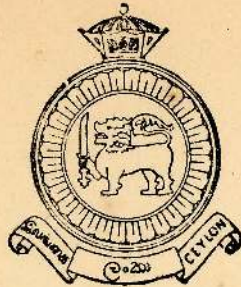
Afghanistan	... 1.01	Israel	... 1.68
Argentina	... 18.83	Jordan	... 0.30
Bolivia	... 1.06	Korea	... 1.26
Brazil	... 18.83	Lebanon	... 0.45
Burma	... 2.02	Libya	... 1.01
Ceylon	... 3.03	Malaya	... 2.52
Chile	... 3.53	Mexico	... 8.74
China	... 30.26	Morocco	... 3.53
Colombia	... 3.53	Nicaragua	... 0.30
Costa Rica	... 0.20	Pakistan	... 10.09
Cuba	... 4.71	Panama	... 0.02
Dominican Republic	... 0.40	Paraguay	... 0.30
Ecuador	... 0.65	Peru	... 1.77
El Salvador	... 0.30	Philippines	... 5.04
Ethiopia	... 0.50	Saudi Arabia	... 3.70
Ghana	... 2.36	Spain	... 10.09
Greece	... 2.52	Sudan	... 1.01
Guatemala	... 0.40	Thailand	... 3.03
Haiti	... 0.76	Tunisia	... 1.51
Honduras	... 0.30	Turkey	... 5.80
Iceland	... 0.10	United Arab Republic	... 6.03
India	... 40.35	Uruguay	... 1.06
Indonesia	... 11.10	Venezuela	... 7.06
Iran	... 4.54	Viet-Nam	... 1.51
Iraq	... 0.76	Yugoslavia	... 4.04
Ireland	... 3.03		—236.93

TOTAL ... 1,000.00

* In terms of United States dollars of the weight and fineness in effect on January 1, 1960.

PARLIAMENT OF CEYLON

1st Session 1960-61



Assisted Schools and Training Colleges (Supplementary Provisions) Act, No. 8 of 1961

Date of Assent : March 2, 1961

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

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Price : 50 cents

Postage : 20 cents



Associated Schools and Training Colleges
(Supplementary Provisions)
Act, No. 8 of 1951

Date of Assent: March 2, 1951

Enacted on the Orders of Government

Printed at the Government Printing Bureau, Colombo. Price 10/-

*Assisted Schools and Training Colleges (Supplementary Provisions)
Act No. 8 of 1961*

L. D.—O. 1/61.

AN ACT TO PROVIDE FOR VESTING IN THE CROWN, WITHOUT COMPENSATION, THE PROPERTY OF ASSISTED SCHOOLS OF WHICH THE DIRECTOR OF EDUCATION IS OR BECOMES, THE MANAGER UNDER THE ASSISTED SCHOOLS AND TRAINING COLLEGES (SPECIAL PROVISIONS) ACT, No. 5 of 1960, TO PROVIDE FOR SUCH DIRECTOR FOR AND ON BEHALF OF THE CROWN TO CONDUCT AND MAINTAIN SCHOOLS ON SUCH PROPERTY, TO PROVIDE FOR THE IMPOSITION OF PENALTIES ON PERSONS WHO OFFER RESISTANCE OR OBSTRUCTION TO THE ENTRY OF SUCH DIRECTOR TO SUCH SCHOOL AND TO THE TAKING POSSESSION OF PROPERTY VESTED IN THE CROWN, TO PROVIDE FOR GOVERNMENT MAKING GOOD OR REPAIRING ANY LOSS OR DAMAGE CAUSED TO THE PROPERTY OF ASSISTED SCHOOLS AND FOR THE RECOVERY OF THE COST THEREOF BY THE GOVERNMENT FROM THE PERSONS RESPONSIBLE FOR SUCH LOSS OR DAMAGE IN A SUMMARY MANNER AND TO REGULATE THE ESTABLISHMENT OF SCHOOLS ON OR AFTER THE DATE OF THE COMMENCEMENT OF THIS ACT.

(Date of Assent, March 2, 1961)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Assisted Schools and Training Colleges (Supplementary Provisions) Act, No. 8 of 1961.

Short title.

2. (1) This Act shall apply to every assisted school of which the Director was on December 1, 1960, or is, or becomes, the manager by virtue of the operation of any Order made under the Assisted Schools and Training Colleges (Special Provisions) Act, No. 5 of 1960, (hereafter in this Act referred to as the "principal Act"). Every such school is hereafter in this Act referred to as a "school to which this Act applies".

Application of the Act.

(2) The provisions of section 22 shall apply to the principal Act, and the provisions of section 23 shall apply to any unaided school referred to in the said section 23.

PART I

**Vesting in the Crown without compensation of
certain property of schools to which this Act
applies.**

Notice relating
to property
liable to vesting.

3. (1) Where the Minister decides that any property liable to vesting is needed by the Crown for the purpose of conducting and maintaining a school, the Minister may publish a notice in the *Gazette* stating that such property is so needed and that all or any of the acts authorised by sub-section (2) may, if the Director deems it necessary, be done in respect of such property. Such property may be described in the notice in like manner as it is described in the First Schedule to this Act.

(2) After a notice under sub-section (1) is published in the *Gazette* in respect of any property liable to vesting, any person authorised by the Director, together with such persons, implements and materials as may be necessary, may,—

(a) if that property is movable property, enter any land or building in which such property is kept and examine and take an inventory of such property ; or

(b) if that property consists of any land, building or other structure, enter such land, building or other structure and demarcate and set out the boundaries thereof.

(3) Any person who offers any obstruction or resistance to any other person in the exercise or performance of any power or duty under sub-section (2) shall be guilty of an offence under this Act.

Vesting Order
in respect of
property.

4. (1) Where the Minister, considers it desirable so to do, the Minister may, by Order published in the *Gazette* (in this Act referred to as a "Vesting Order"), declare that, with effect from such date as shall be specified in the Order (not being a date earlier than fourteen days after the date of such publication), all property of the description specified in the Order, being property liable to vesting, shall vest in the Crown.

(2) A Vesting Order shall take effect notwithstanding that any arbitration proceedings under this Act, or proceedings before any court in pursuance or supposed pursuance of any other law, are pending in respect of any property specified in that Order.

(3) A Vesting Order may be made under subsection (1) in respect of any property notwithstanding that no notice has been published under section 3 in relation to that property.

5. Any person interested in any property in respect of which a Vesting Order is made may, before the expiry of a period of fourteen days after the date of the publication of the Order in the *Gazette*, lodge with the Director a written objection to such Order on the ground that such property is not property liable to vesting. Such objection shall be referred by the Director for determination by arbitration as hereinafter provided in this Act.

Power to lodge objections in respect of any Vesting Order.

6. A Vesting Order shall have the effect of vesting the property in respect of which such Order is made absolutely in Her Majesty, free from all encumbrances, with effect from the date specified in such Order.

Effect of Vesting Order.

7. (1) Any property vested in the Crown by a Vesting Order may be used by the Director for and on behalf of the Crown for the purpose of conducting and maintaining a school. The provisions of the principal Act shall not apply to a school so conducted and maintained.

Property vested in the Crown may be used for the purpose of a school.

(2) Where, at the date of the Vesting Order in respect of any property, that property was used for any religious purpose by any religious body which is the owner of any place of public worship, abutting, or situated in the immediate vicinity of that property, the Director shall make available to such body the use of that property for that purpose during such hours as that property is not required for the educational and extra-mural activities of that school, but shall not permit the use of such property for any religious observance or worship by any body other than the body which at the date of such Order was the owner of that property.

4 *Assisted Schools and Training Colleges (Supplementary Provisions) Act, No. 8 of 1961*

Vesting Orders not to be void or invalid by reason of any determination on a reference to arbitration.

8. No Vesting Order shall be deemed to be void or invalid by reason of any determination on a reference to arbitration under this Act that any part of the property in respect of which the Order was made was not property liable to vesting.

Vesting Orders to be final and conclusive.

9. Subject to any determination on arbitration under this Act, a Vesting Order shall be final and conclusive and shall not be called in question in any court whether by way of writ, order, mandate, or otherwise.

Divesting Orders.

10. (1) Notwithstanding that any property used for the purpose of any school to which this Act applies has vested in the Crown by virtue of a Vesting Order, the Minister, by subsequent Order published in the *Gazette* (in this Act referred to as a "Divesting Order"),—

(a) shall, if such property ceases to be used, or is not needed for the purpose of a school conducted and maintained by the Director for and on behalf of the Crown, revoke that Vesting Order in so far as it relates to such property with effect from the date on which such property so ceased to be used or was not so needed ; or

(b) shall, if the Director ceases to be manager of that school by virtue of the operation of any Order made under the principal Act, revoke that Vesting Order with effect from the date on which the Director so ceased to be the manager ; or

(c) shall, if a determination is made on a reference to arbitration under this Act that any property in respect of which that Vesting Order was made is not property liable to vesting, revoke that Vesting Order in so far as it relates to such property with effect from the date on which that Vesting Order took effect.

(2) Where a Vesting Order in respect of any property is revoked by a Divesting Order in whole or in part, the property in respect of which the Divesting Order is made shall be deemed never to have vested in the Crown by virtue of that Vesting

Order, and any question which might arise as to any right, title or interest, in or over that property shall be determined accordingly.

11. No person shall be entitled to any compensation from the Crown—

- (a) in respect of any property which has vested in the Crown by a Vesting Order ; or
- (b) in respect of the possession or use by the Crown of any property which, having been vested in the Crown by a Vesting Order, is subsequently made the subject of a Divesting Order ; or
- (c) for any loss incurred by him, whether directly or indirectly, by way of business or otherwise by reason of the vesting of such property in the Crown, or the possession or use of such property prior to such divesting, as the case may be.

No compensation payable in respect of any property vested in or divested by the Crown or for any loss incurred by any person by reason of such vesting or divesting.

12. (1) Any person authorised in that behalf by the Director may take possession of any property vested in the Crown by a Vesting Order.

Taking possession of property vested in the Crown.

(2) Any person authorised in that behalf by the Director shall, by notice published in the *Gazette*, in respect of any property vested in the Crown by a Vesting Order,—

- (a) inform all persons interested in that property that such authorised person intends to take possession of that property for and on behalf of the Crown on such date and at such time and place as shall be specified in the notice ; and
- (b) require such interested persons or their authorised agents to be present on the date and at the time and place so specified, and to allow and assist such officer to take possession of that property for and on behalf of the Crown.

13. (1) Every person who prevents or obstructs or resists any person from or in taking possession, under section 12, of any property for and on behalf of the Crown shall be guilty of an offence under this Act.

Prevention of, or obstruction or resistance to, taking possession of property for and on behalf of the Crown.

(2) Where any person authorised by the Director under section 12 to take possession of any property for and on behalf of the Crown is unable or apprehends that he will be unable to take possession of such property because of any obstruction or resistance that has been or is likely to be offered, he shall, on his making an *ex parte* application in that behalf to the Magistrate's Court having jurisdiction over the place where that property is kept or situated, be entitled to an *ex parte* order of the court directing the Fiscal to deliver possession of that property to him for and on behalf of the Crown.

(3) Where an order under sub-section (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the court the manner in which that order was executed.

(4) For the purpose of executing an order issued by a Magistrate's Court under sub-section (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter any place where any movable property to which that order relates is kept and seize such movable property, or to enter any land, building or other structure to which that order relates and to eject any person in occupation thereof, and to deliver possession of such movable property, land, building or other structure to the person who is authorised to take possession thereof for and on behalf of the Crown.

14. Any person authorised in that behalf by the Director under section 12 to take possession of any property vested in the Crown by a Vesting Order may, if such property is movable property, enter any place where such property is kept and seize such property or, where such property is immovable property, enter and take possession of such property, notwithstanding that the requirements of any notice given to any person under sub-section (2) of that section have not been duly complied with, or that arbitration proceedings, or proceedings before any court in pursuance or supposed pursuance of any other law, are pending in respect of such property.

Authorised person entitled to enter and take possession of any property notwithstanding that the requirements of any notice under section 12 are not complied with.

the Fiscal to deliver possession of such premises to him for the purpose of conducting and maintaining such school.

(2) Where an order under sub-section (1) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the court the manner in which that order was executed.

(3) For the purpose of executing an order issued by a Magistrate's Court under sub-section (1), the Fiscal or any person acting under his direction may use such force as may be necessary to enter any premises to which such order relates and to eject any person or persons in occupation of such premises.

(4) (a) Where the presence of any person in the precincts of any school to which this Act applies, or of any school which is conducted and maintained by the Director for and on behalf of the Crown under this Act, is undesirable, the Director, after giving such person all opportunity of being heard, may, by writing under his hand served on such person, prohibit such person from entering or remaining within such precincts or within such part thereof as may be specified in such writing. Such prohibition shall be and remain in force until revoked by the Director.

(b) A certificate under the hand of the Director to the effect that any person named in the certificate has been prohibited, in accordance with the provisions of sub-section (1), from entering or remaining within the precincts of any school or any specified part thereof, shall be received and accepted by a court as evidence of the facts stated in such certificate until the contrary is proved.

(c) A document purporting to be a certificate issued by the Director and to be signed by him, shall be received in evidence, and shall, until the contrary is proved, be deemed to be a certificate issued by the Director under the preceding provisions of this sub-section.

(d) Any person who is prohibited under the preceding provisions of this sub-section from entering or remaining within the precincts of any school or part thereof and who, without reasonable

cause, enters or remains within such precincts or part thereof in contravention of such prohibition shall be guilty of an offence under this Act.

18. Where any person is unable or apprehends that he will be unable to exercise, perform or discharge any power, duty or function under sub-section (2) of section 3 by reason of any obstruction or resistance offered or likely to be offered by any person or persons in occupation of any premises, the provisions of sub-sections (1) to (3) of section 17 shall, *mutatis mutandis*, apply in the case of such officer and such premises in like manner and to the same extent as they apply in the case of the Director and the premises of any school.

Obstruction or resistance to any person in the exercise of any power, &c., under sub-section (2) of section 3.

19. (1) Where at any time, after July 21, 1960, but before the date of commencement of this Act, or after the date of such commencement, any loss or damage has been or is caused to any property which had prior to the date of such loss or damage been used for the purposes of any school to which this Act applies or which is being conducted and maintained by the Director for and on behalf of the Crown, the Director may make good such loss or repair such damage, or may prepare an estimate of the cost of making good such loss or repairing such damage.

Power of Director to make good any loss or repair any damage, or to prepare an estimate of the cost of making good such loss or repairing such damage, to school property and to recover the cost or the estimated cost of making good such loss or repairing such damage from the proprietor of that school.

(2) Where any loss or damage has been caused to any property referred to in sub-section (1) and such loss or damage has been made good or repaired, or an estimate of the cost of making good such loss or repairing such damage has been prepared, by the Director, he may issue a certificate containing the particulars of the loss or damage and the amount incurred by him, in making good such loss or repairing such damage, or of such estimated cost, as the case may be, and the name and address of the person who was the proprietor of the school in respect of which such loss or damage was caused, to the Magistrate's Court having jurisdiction over the place in which such person is resident. The Magistrate shall thereupon summon such person before him to show cause why proceedings for the recovery of the amount specified in the certificate should not be taken against him, and such sum shall by order of the Magistrate be recovered from such person as if it were a fine imposed on such

person by such Magistrate unless such person proves that such loss or damage was caused without his consent or connivance, and that he, if he was the proprietor exercised all such diligence to prevent the causing of such loss or damage as he ought to have exercised having regard to the nature of his functions in his capacity as such proprietor and in all the circumstances.

Arbitration.

20. (1) Where the Director is required by section 5 to refer any objection for determination by arbitration, the arbitration shall be conducted—

(a) by a single arbitrator nominated by agreement between the Director and the person who lodged the objection (in this section referred to as "the objector"); or

(b) in default of such agreement, by two arbitrators nominated respectively by the Director and the objector.

(2) Where in any case referred to in paragraph (b) of sub-section (1), there is a difference of opinion among the two arbitrators in respect of any matter, the matter shall be referred to a decision by an umpire chosen by them, or, if they are unable to agree as to the choice of an umpire, by an umpire appointed for the purpose by the Minister, on application made by any party to the arbitration proceedings.

(3) The decision of a single arbitrator, or, where there are two arbitrators, their agreed decision, or, where there is a difference of opinion among the two arbitrators on any matter referred to in sub-section (2), the decision of an umpire, shall be final and conclusive for the purposes of this section and shall not be called in question in any court whether by way of writ, order, mandate, or otherwise, and shall be binding on the persons who are parties to the objection determined by such arbitration.

(4) Regulations may be made in respect of all matters relating to or connected with the conduct of proceedings on arbitration under this section, including the fees to be paid to arbitrators and umpires.

21. Any sale or other disposal of, or any charge or hypothecation or lien or other encumbrance created on, any property liable to vesting shall, if such sale or other disposal was effected, or such charge or hypothecation or lien or other encumbrance was so created, on or after July 21, 1960, be deemed to be null and void for all purposes.

Certain sales, disposals, &c., of property to be deemed to be null and void.

22. (1) The principal Act shall be amended in the manner and to the extent specified in the Second Schedule to this Act.

Amendment of the principal Act.

(2) The amendments made to the principal Act by the Second Schedule to this Act shall be deemed to have come into operation on the date of commencement of that Act.

23. Where the proprietor of a school which, by virtue of an election made under section 5 of the principal Act, is an unaided school has, at any time after the date of commencement of the principal Act and before the date of commencement of this Act, terminated, without the prior approval of the Director, the services of any teacher on the staff or any employee of that school, such termination of services shall be deemed to be invalid and such proprietor shall, within fourteen days after the date of commencement of this Act,—

Discontinuance from service of teachers on the staff of unaided schools within the meaning of the principal Act.

(a) reinstate such teacher or such employee on terms and conditions (including terms relating to salary, allowances and leave) not less favourable than the terms and conditions which were enjoyed by such teacher or such employee prior to the date of the termination of the services of such teacher or such employee, and

(b) shall pay such teacher or employee any arrears of salary and allowances which the Director considers to be due to him in respect of the period that his services were terminated.

24. Save as otherwise provided in this Act, any notice which is required to be served on or given to any person under this Act shall be deemed to be served or given if it is sent to such person by registered letter through the post.

Manner of effecting service of notices.

Regulation of
establishment of
new schools.

25. (1) No person shall, on or after the date of the commencement of this Act,—

- (a) establish any school for the education of persons who are between the age of five years and the age of fourteen years (both ages inclusive); or
- (b) establish any school, other than a school referred to in paragraph (a), for the education of persons who are below the age of eighteen years without the prior approval of the Director.

(2) Regulations may be made under this Act for the conduct and regulation of schools which are established with the approval of the Director given under paragraph (b) of sub-section (1).

(3) The preceding provisions of this section shall not apply to the establishment of a school solely for religious instruction.

Regulations.

26. (1) The Minister may make regulations under this Act for or in respect of all or any of the following matters :—

- (a) any matter for which regulations are authorised or required to be made by this Act ;
- (b) for all matters necessary to give effect to the principles and provisions of this Act ;
- (c) for the determination of any question, or the resolution of any doubts, which may arise as to any right, title or interest, in or over any property which is the subject of a Divesting Order ; and
- (d) for the amendment of any Schedule to this Act.

(2) Every regulation made under this Act by the Minister shall be published in the *Gazette* and shall have effect from the date of such publication or from such later date as may be specified therein.

(3) Every regulation made by the Minister under this Act shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(4) Every such regulation shall on its taking effect as hereinbefore provided have the same force and effect as if it were herein enacted, but shall cease to have such force and effect if it is not approved as required by sub-section (3).

27. Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term of six months with or without a fine not exceeding five hundred rupees.

Penalties for offences.

28. Where an offence under this Act is committed by a body corporate, every person who at the time of the commission of that offence was a member of that body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

Offences committed by body corporate.

29. Notwithstanding anything in the First Schedule to the Criminal Procedure Code, every offence under this Act shall be a cognizable offence within the meaning and for the purposes of that Code.

Offences to be cognizable offences.

30. No suit or prosecution shall lie against the Minister, Director or any officer or other person for any act which is in good faith done or purported to be done by him under this Act.

No prosecution or suit to lie against the Minister, Director or any officer or other person.

31. In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other written law, the provisions of this Act shall prevail over the provisions of such other written law.

Provisions of this Act to prevail over other written law.

32. Any power, duty or function of the Director under this Act may be exercised, performed or discharged by any other officer of the Department of Education authorised by the Director in writing in that behalf.

Power of Director to delegate powers, duties and functions.

33. In this Act, unless the context otherwise requires,—

Interpretation.

“assisted school” has the same meaning as in the principal Act.

“ Director ” means the Director of Education, and includes any Additional Director of Education, any Deputy Director of Education, any Additional Deputy Director of Education, any Assistant Director of Education or any Additional Assistant Director of Education ;

“ person interested ”, in relation to—

(a) any immovable property, means a person having an interest in such property as owner, co-owner, mortgagee, lessee or otherwise, whether absolutely for himself or in trust for any other person or for any charitable, religious, educational or other purpose ; or

(b) any movable property, means a person having an interest in such property as owner, co-owner, pledgee or otherwise, whether absolutely for himself or in trust for any other person or for any charitable, religious, educational or other purpose ;

“ property liable to vesting ” means any property belonging to any class or description of property for the time being specified in the First Schedule to this Act, but does not include—

(a) any temple, mosque, kovil, church, chapel, or other place (by whatsoever name called) which was, on July 21, 1960, and is on the date of commencement of this Act, used for the purpose of public religious worship ; or

(b) any movable property which is, on the date of such commencement, kept in such temple, mosque, kovil, church, chapel, or other place, for exclusive use for that purpose ;

“ religious observance or worship ” does not include any religious instruction given during school hours.

FIRST SCHEDULE (Section 33)

Class or description of property

1. The premises in which any school to which this Act applies, or any branch of such school, was conducted and maintained as an assisted school on July 21, 1960, including all appurtenances to such premises, whether or not the proprietor of such assisted school on that date was the owner of such premises.

2. Any premises, not being premises referred to in sub-section (1), which were on July 21, 1960, used or intended to be used for any purpose incidental to, or connected with, the conduct and maintenance, as an assisted school, of any school to which this Act applies, if but only if the proprietor of such assisted school on that date was the owner of such premises.

3. All movable property, other than money, which on the day immediately prior to the date of commencement of this Act, was used, or intended to be used, for the conduct and maintenance of any school to which this Act applies, or for any purpose incidental to or connected with such conduct and maintenance, whether or not the proprietor of such school on that date was the owner of such property.

4. All assets consisting of moneys derived from the conduct and maintenance of any school to which this Act applies, whether by way of grants or fees or donations or otherwise, which, on the day immediately prior to the date of commencement of this Act, were held for and on behalf of such school by the proprietor of such school (whether in his capacity as proprietor or trustee or otherwise), or by any other person (whether in the capacity of trustee or any other capacity whatsoever).

5. For the purposes of this Schedule, the expression "premises" means land and includes all buildings, or structures in or on such land.

SECOND SCHEDULE (Section 22)

Amendments to the principal Act

1. (1) Section 5 of the principal Act is hereby amended by the addition of the following new sub-section after sub-section (2) :—

Amendment of
the principal
Act.

“(3) A proprietor of an assisted school who has elected in terms of sub-section (1) of this section to administer his school as an unaided

school may at any time serve notice on the Director that he has revoked such election and from the date on which such notice is received by the Director such school shall be administered in the same manner as if the Director had become the manager of such school in terms of section 4 of this Act.”.

(2) Section 6 of the principal Act is hereby amended as follows :—

(a) in paragraph (g) of that section by the substitution, for the full stop, of a semi-colon, and

(b) by the addition at the end of that section of the following new paragraphs :—

“(h) shall not, except with the prior approval of the Director, terminate the services of any teacher or employee who is on the staff of such school on or after the twenty-first day of July, 1960 ;

(i) shall pay to every teacher and employee who is on the staff of such school the salary and allowances due to such teacher or employee in respect of any month not later than the tenth day of the subsequent month ;

(j) shall not, except with the prior approval of the Director, alter the terms and conditions (including terms relating to salary, allowances and leave) of service of any teacher or employee who is on the staff of such school on or after the twenty-first day of July, 1960 ;

(k) shall satisfy the Director that necessary funds to conduct and maintain the school will be available and shall conduct such school to the satisfaction of the Director ; and

(l) shall not directly or indirectly by himself or any other person cause or permit any other person to have any strike or lock out

within or about the school premises which would have the effect of preventing such school being conducted to the satisfaction of the Director.”.

(3) Section 14 of the principal Act is hereby amended as follows :—

(a) by the substitution for sub-section (2) of that section of the following new sub-section :—

“(2) Every regulation made under this Act by the Minister shall be published in the *Gazette* and shall have effect from the date of such publication or from such later date as may be specified therein.” ; and

(b) by the insertion at the end of that section of the following new sub-sections :—

“(3) Every regulation made by the Minister under this Act shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval and without prejudice to anything previously done thereunder.

(4) Every such regulation shall on its taking effect as hereinbefore provided have the same force and effect as if it were herein enacted, but shall cease to have such force and effect if it is not approved as required by sub-section (3).”.

(4) The Schedule to the principal Act is hereby amended as follows :—

(a) by the omission of the words “ Any night school, that is to say, any school providing education for pupils over fourteen years of age whose circumstances prevent them from receiving instruction in a day school.” ; and

(b) by the substitution for the word "Pirivenas", of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

(c) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

(d) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

(e) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

(f) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

(g) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

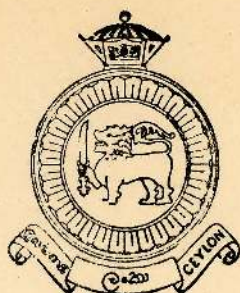
(h) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

(i) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

(j) by the substitution for the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age," of the words "Any school which was conducted on July 21, 1960, mainly for persons over fourteen years of age."

PARLIAMENT OF CEYLON

1st Session 1960-61



Local Authorities (Stamp Duties on Proctors' Annual Certificates) Act, No. 9 of 1961

Date of Assent: March 6, 1961

Printed on the Orders of Government

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Act No. 9 of 1951

Date of Assent: 19th April 1951

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Local Authorities (Stamp Duties on Proctors' Annual Certificates) Act, No. 9 of 1961

L. D.—O. 14/60.

AN ACT TO AMEND THE LAW RELATING TO THE PAYMENT TO THE FUNDS OF LOCAL AUTHORITIES OF STAMP DUTIES ON CERTIFICATES ISSUED UNDER SECTION 3 OF THE LEGAL PRACTITIONERS ORDINANCE.

[Date of Assent: March 6, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Local Authorities (Stamp Duties on Proctors' Annual Certificates) Act, No. 9 of 1961.

Short title.

2. The Municipal Councils Ordinance, No. 29 of 1947, the Urban Councils Ordinance, No. 61 of 1939, the Town Councils Ordinance, No. 3 of 1946, and the Village Communities Ordinance are hereby amended in the manner specified in the Schedule to this Act.

Amendment of the law relating to the payment to the funds of local authorities of stamp duties on certificates issued under section 3 of the Legal Practitioners Ordinance.

Schedule

1
Ordinance

2
Section or
Schedule

3
Amendments

The Municipal Councils Ordinance, No. 29 of 1947.

Second Schedule.

(1) Paragraph 3 of the Second Schedule is hereby renumbered as sub-paragraph (1) of paragraph 3.

(2) In sub-paragraph (1) of paragraph 3, by the substitution, for item (b) of that sub-paragraph, of the following new item:—

“(b) being proctors, on the declarations made under section 4 of the said Ordinance;”.

(3) The following new sub-paragraph is hereby added immediately after sub-paragraph (1) of paragraph 3:—

“(2) Such portion of the stamp duty paid on the annual certificate issued under section 3 of the Legal Practitioners Ordinance to an inhabitant of the municipality, being a proctor, as is equivalent to the stamp duty which was payable on such certificate on September 15, 1960.”.

2 *Local Authorities (Stamp Duties on Proctors' Annual Certificates) Act, No. 9 of 1961*

1 Ordinance	2 Section or Schedule	3 Amendments
The Urban Councils Ordinance, No. 61 of 1939.	Sixth Schedule.	<p>(1) Paragraph 3 of the Sixth Schedule is hereby renumbered as sub-paragraph (1) of paragraph 3.</p> <p>(2) In sub-paragraph (1) of paragraph 3, by the substitution, for item (b) of that sub-paragraph, of the following new item :—</p> <p>“(b) being proctors, on the declarations made under section 4 of the said Ordinance ;”.</p> <p>(3) The following new sub-paragraph is hereby added immediately after sub-paragraph (1) of paragraph 3 :—</p> <p>“(2) Such portion of the stamp duty paid on the annual certificate issued under section 3 of the Legal Practitioners Ordinance to an inhabitant of the town, being a proctor, as is equivalent to the stamp duty which was payable on such certificate on September 15, 1960.”.</p>
The Town Councils Ordinance, No. 3 of 1946.	Sixth Schedule.	<p>(1) Paragraph 3 of the Sixth Schedule is hereby renumbered as sub-paragraph (1) of paragraph 3.</p> <p>(2) In sub-paragraph (1) of paragraph 3, by the substitution, for item (b) of that sub-paragraph, of the following new item :—</p> <p>“(b) being proctors, on the declarations made under section 4 of the said Ordinance ;”.</p> <p>(3) The following new sub-paragraph is hereby added immediately after sub-paragraph (1) of paragraph 3 :—</p> <p>“(2) Such portion of the stamp duty paid on the annual certificate issued under section 3 of the Legal Practitioners Ordinance to an inhabitant of the town, being a proctor, as is equivalent to the stamp duty which was payable on such certificate on September 15, 1960.”.</p>
The Village Communities Ordinance.	Third Schedule	<p>(1) Paragraph 3 of the Third Schedule is hereby renumbered as sub-paragraph (1) of paragraph 3.</p> <p>(2) In sub-paragraph (1) of paragraph 3, by the substitution, for item (a) of that sub-paragraph, of the following new item :—</p> <p>“(a) as advocates or proctors, on certificates of admission under section 2 of the Legal Practitioners Ordinance or as</p>

Local Authorities (Stamp Duties on Proctors' Annual Certificates) Act, No. 9 of 1961 3

¹
Ordinance

²
*Section or
Schedule*

³
Amendments

proctors, on the declarations made under section 4 of that Ordinance ;”.

- (3) The following new sub-paragraph is hereby added immediately after sub-paragraph (1) of paragraph 3 :—

“(2) Such portion of the stamp duty paid on the annual certificate issued under section 3 of the Legal Practitioners Ordinance to an inhabitant of the village area, being a proctor as is equivalent to the stamp duty which was payable on such certificate on September 15, 1960.”.

1

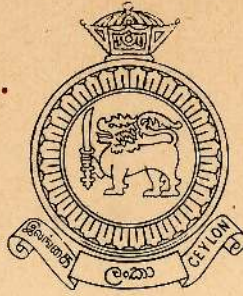
2

3

proceedings on the distribution
made under section 4 of the
Ordinance.

(2) The following new sub-paragraph
is hereby added immediately
after sub-paragraph (1) of
paragraph 1:

(3) Each portion of the
stamp duty paid on the annual
certificates issued under section 2
of the Local Provisions
Ordinance to be retained at
the village and being a portion
as is equivalent to the stamp
duty which was paid in such
certificate on September 15,
1907.



1961 අංක 10 දරන ගෙවල් කුලී සීමා කිරීමේ
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சென்னை நகராட்சி நிர்வாகப் பேரவை
சென்னை (தமிழ்நாடு)

1981-82 ஆண்டு

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[අනුමත කළ දිනය : 1961 මාර්තු 6].

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1. මේ පනත 1961 අංක 10 දරන ගෙවල් කුලී සීමා කිරීමේ (සංශෝධන) පනත යනුවෙන් හැඳින්විය හැකි ය. තවද, ඇමති වරයා විසින් ගැසට් පත්‍රයෙහි ආඥාවක් පළ කිරීමෙන් නියම කරනු ලබන දිනයක වලංගු විය යුතු ය.

පුහුණු නාමය හා වලංගු වන දිනය.

2. මින් මතු මෙහි “ප්‍රධාන පනත” යනුවෙන් සඳහන් කරනු ලබන 1948 අංක 29 දරන ගෙවල් කුලී සීමා කිරීමේ පනතේ 6 වෙනි වගන්තිය, පහත දැක්වෙන පරිදි එහි (1) වෙනි උප වගන්තියෙහි මෙසින් සංශෝධනය කරනු ලැබේ:—

1948 අංක 29 දරන පනතේ 6 වෙනි වගන්තිය සංශෝධනය කිරීම.

(1) ඒ උපවගන්තියේ (අ) ඡේදයෙහි—

(අ) “පිළිවන” යන වචනයට පසු ව ඇති තිත් කොමාව වෙනුවට දෙතිත ආදේශ කිරීමෙන් ; සහ

(ආ) ඒ ඡේදයට ඉක්බිතිව ම පහත දැක්වෙන අතුරු විධානය යෙදීමෙන් :—

“එසේ වුව ද යම් ස්ථානයක් පිහිටි පාලන සීමා අයත් ප්‍රාදේශීය බල මණ්ඩලයේ නගරාධිපති හෝ සභාපති විසින් ලියවිල්ලකින් දැන්වීමක් කිරීමෙන් ඒ දැන්වීමෙහි නියමිත අළුත් වැඩියා කිරීම් හෝ අලංකාර කිරීම් කරන මෙන් ඒ ස්ථාන හිමියාට දන්වනු ලැබූ විට ඒ ස්ථානයෙහි ඒ අළුත් වැඩියා කිරීම් හෝ අලංකාර කිරීම් කරන ලද බවට එකී නගරාධිපතිගෙන් නැතහොත් සභාපතිගෙන් ලිඛිත සහතිකයක් ලබා ගන්නා තුරු ඒ ගෙවල් කුලියෙන් සියයට දහයේ අතිරේක මුදල අය කිරීමට ඒ ස්ථාන හිමියාට හිමිකම් නො ලැබිය යුතු ය” ;

(2) ඒ උපවගන්තියේ (ආ) ඡේදයෙහි මුළු ම ඇති “මෙම” යන වචනය වෙනුවට

“මේ උපවගන්තියේ (ආඅ) ඡේදයෙහි විධිවිධාන වලට යටත් ව, මෙම”

යන්න යෙදීමෙන් සහ

(3) ඒ උපවගන්තියේ (ආ) ඡේදයට ඉක්බිති ව ම පහත දැක්වෙන අභිනව ඡේද යෙදීමෙන් :—

“(ආඅ) ශාසවි පත්‍රයේ ආඥාවක් පළ කිරීමෙන් ඇමතිවරයා විසින් නියම කරනු ලැබිය යුතු දිනයක හෝ එදිනට පසු මේ උපවගන්තියෙහි (ආ) ඡේදයේ විධිවිධාන යම් කිසි ස්ථානයකට අදාළ නො විය යුතු ය.

(ආආ) මේ උපවගන්තියේ (ආඅ) ඡේදයෙහි විධිවිධාන ඒ ඡේදයෙහි සඳහන් දිනයට පෙර මේ උපවගන්තියේ (ආ) ඡේදයෙහි විධිවිධානවලින් ලද බලය පිට යම් ස්ථානයක නියම ගෙවල් කුලිය සම්බන්ධයෙන් කරන ලද්ද වූ කිසි දු වැඩි කිරීමක් කෙරෙහි, බල නොපෑ යුතු ය.

(ආඇ) කුලියට සිටින්නාගෙන් කලින් ලබන ලද කැමැත්ත ඇති ව හෝ කුලියට සිටින්නාගේ කැමැත්ත අයුක්ති සහගත ලෙස නො දී සිටිය යි සභාවට ඒත්තු යෑමෙන් පසු ව සභාව විසින් දෙන ලද පූර්ව අනුමතිය ඇති ව යම් ස්ථානයක ස්ථාන හිමියකු මේ උපවගන්තියේ (ආඅ) ඡේදය යටතේ ඇමතිවරයා විසින් කරන ලද ආඥාවකින් නියම වූ දිනයෙහි හෝ ඒ දිනයට පසු ව ඒ ස්ථානය දියුණු කිරීම හෝ ගොඩනැගිලි වෙනස් කිරීම සඳහා වියදමක් (අළු වැඩියා කිරීමේ සහ අලංකාර කිරීමේ වියදම් හැර යි) දැරූ විට, එසේ වියදම් කරන ලද මුදලෙන් සියයට හයකට නො වැඩි ප්‍රමාණයක් අනු ව ගණන් බැලූ මුදලකින් ඒ ස්ථානයේ නියම වාර්ෂික ගෙවල් කුලිය වැඩි කළ හැකි ය :

ඒ එසේ වුව ද, කරන ලද්ද වූ දියුණු කිරීම්වල හෝ වෙනස් කිරීම්වල සවිභාවය හා ප්‍රමාණය ගැන සලකා බලන කල දරන ලද ඒ වියදම වැඩිය යි හෝ ඒ දියුණු කිරීම්වලින් හෝ වෙනස් කිරීම්වලින් ස්ථානයේ ගෙවල් කුලී අගය වැඩි වී නැතැයි යන කරුණ හේතුවකට ගෙන, සභාව විසින්, එබඳු ස්ථානයක කුලියට සිටින්නාගේ ඉල්ලීමක් පිට, මෙහි ඉහත සලසා ඇති පරිදි වූ ගෙවල් කුලී වැඩි කිරීම නො කරන ලෙස නියම කළ හැකි ය, නොහොත් එසේ වැඩි කරන මුදලේ ප්‍රමාණය අඩු කළ හැකි ය.”

3. ප්‍රධාන පනතේ 7 වෙනි වගන්තිය පහත දැක්වෙන පරිදි මෙසින් සංශෝධනය කරනු ලැබේ :—

(1) 7 වෙනි වගන්තියේ (1) වෙනි උපවගන්තිය ලෙස ඒ වගන්තියට නැවත අංක යෙදීමෙන් ; සහ

ප්‍රධාන පනතේ 7 වෙනි වගන්තිය සංශෝධනය කිරීම.

(2) ඒ වගන්තිය අගට පහත දැක්වෙන අහිතව උපවගන්තිය එකතු කිරීමෙන් :—

“(2) මේ පනත අදාළ වන යම් ස්ථානයක් වරිපනම් සඳහා වෙන වෙන ම තක්සේරු කරනු නො ලබන්නා වූ වෙන් වෙන් කොටස් වශයෙන් ගෘහ භාණ්ඩ ඇති ව කුලියට දී ඇත්තේ නම්, ඒ කවර කොටසක වූවත් කුලියට සිටින්නාගේ ඉල්ලීමක් සිට, ඒ කොටසට ස්ථාන හිමියා විසින් සපයා ඇති ඉඩකඩ, සැපවිහරණ ක්‍රම සහ ගෘහ භාණ්ඩ ගැන සලකා බලන කල එහි ගෙවල් කුලිය වැඩි ය යන කරුණ හේතුකොට ගෙන සභාව විසින් ඒ කොටසේ ගෙවල් කුලිය අඩු කළ හැකි ය”.

4. ප්‍රධාන පනතේ 10 වෙනි වගන්තිය මෙයින් අවලංගු කොට ඒ වෙනුවට පහත දැක්වෙන වගන්තිය යොදනු ලැබේ :—

ප්‍රධාන පනතේ 10 වෙනි වගන්තිය වෙනුවට වෙනෙකක් යෙදීම.

“10. (1) මේ පනත අදාළ වන යම් වාසස්ථානයක කුලියට සිටින්නකු විසින්, ඒ ස්ථාන හිමියාගේ කැමැත්ත කලින් ලියවිල්ලකින් ලබා ගෙන මිස, එසේ ම ඒ ස්ථානය පිහිටා ඇත්තේ යම් ප්‍රාදේශීය බල මණ්ඩලයක පාලන සීමා තුළ වූ විට ඒ ප්‍රාදේශීය බල මණ්ඩලයේ නගරාධිපතිගේ හෝ සභාපතිගේ කැමැත්ත කලින් ලියවිල්ලකින් ලබා ගෙන මිස, ඒ ස්ථානය වාසය පිණිස භාර අත් කිසි දු කායරීයක් සඳහා ප්‍රධාන වශයෙන් පාවිච්චි නො කළ යුතු ය. නොහොත් අන් තැනැත්තකුට එසේ පාවිච්චි කිරීමට ඉඩ නො දිය යුතු ය.

වාසස්ථාන වෙනත් කායරීයන් සඳහා පාවිච්චි කිරීම.

(2) (1) වෙනි උපවගන්තියෙහි සඳහන් නගරාධිපතිගේ හෝ සභාපතිගේ කැමැත්ත, ඒ ප්‍රාදේශීය බල මණ්ඩලය විසින් නිවාස සහ නගර සංවර්ධන ආඥාපනතේ 28 වෙනි වගන්තිය යටතේ පනවා ඇති යම් අතුරු ව්‍යවස්ථාවකට විරුද්ධ ව, නො දිය යුතු ය”.

5. ප්‍රධාන පනතේ 12 වෙනි වගන්තිය මෙයින් අවලංගු කොට ඒ වෙනුවට පහත දැක්වෙන වගන්තිය යොදනු ලැබේ :—

ප්‍රධාන පනතේ 12 වෙනි වගන්තිය වෙනුවට වෙනෙකක් යෙදීම.

12. (1) මේ පනත අදාළ වන කවර ස්ථානයක හෝ කුලියට සිටින්නකු විසින් ඒ ස්ථානයේ ගෙවල් කුලිය ස්ථාන හිමියා වෙනුවට සභාවට හෝ බලයලත් තැනැත්තාට ගෙවිය හැකි ය.

“ස්ථාන හිමියා වෙනුවට සභාවට හෝ බලය ලත් තැනැත්තාට කුලිය ගෙවිය හැකි බව.

(2) (1) වෙනි උපවගන්තියේ විධිවිධාන අනුව යම්කිසි ස්ථානයක් සඳහා වූ යම් කුලී ගෙවීමක් යම් දිනයක දී කරනු ලැබූ විට, එය ඒ ස්ථානයේ

ස්ථාන හිමියා විසින් එහි කුලියට සිටින්නාගෙන් ඒ දිනයේ දී භාරගන්නා ලද ගෙවීමක් ලෙස සැලකිය යුතු ය.

(3) යම්කිසි ස්ථානයක ගෙවල් කුලිය සභාවට හෝ බලයලත් තැනැත්තාට ගෙවනු ලැබූ විට, උචිත පරිදි ඒ සභාව නැතහොත් ඒ බලයලත් තැනැත්තා විසින්, ඒ ගෙවීම ලැබුණු බවට කුවිතාන්සියක් ඒ ස්ථානයෙහි කුලියට සිටින්නාට නිකුත් කළ යුතු ය. තවද, ගෙවනු ලැබූ ඒ මුදල, ඒ ස්ථානයේ ස්ථාන හිමියා වෙත ගැවිය යුතු ය. තමා වෙත ඒ මුදල එවන ලද්දේ යම් සභාවක් හෝ බලයලත් තැනැත්තකු විසින් ද, තමාට කරන ලද ඒ ගෙවීම ලැබුණු බවට කුවිතාන්සියක් ඒ සභාව වෙත නැතහොත් ඒ බලය ලත් තැනැත්තා වෙත නිකුත් කිරීම, ඒ ස්ථාන හිමියාගේ යුතුකම විය යුතු ය.

(4) මේ වගන්තියෙහි, යම් කිසි ස්ථානයක් සම්බන්ධයෙන් “බලයලත් තැනැත්තා” යන්නෙන් අදහස් කෙරෙන්නේ ඒ ස්ථානය පිහිටා ඇති පාලන සීමා අයත් ප්‍රාදේශීය බල මණ්ඩලයේ නගරාධිපති හෝ සභාපති හෝ, මේ වගන්තිය යටතේ ගෙවනු ලබන ගෙවල් කුලී භාර ගැනීමට ඒ නගරාධිපති හෝ සභාපති විසින් ලියවිල්ලකින් බලය පවරනු ලැබූ තැනැත්තාය.”

ප්‍රධාන පනතේ 13 වෙනි වගන්තිය සංශෝධනය කිරීම.

6. ප්‍රධාන පනතේ 13 වෙනි වගන්තිය පහත දැක්වෙන පරිදි මෙයින් සංශෝධනය කරනු ලැබේ:—

(1) ඒ වගන්තියේ (1) වෙනි උපවගන්තියට ඉක්බිති ව ම පහත දැක්වෙන අභිනව උපවගන්ති යෙදීමෙන්:—

“(1අ) මේ පනත අදාළ වන කවර ස්ථානයක වුව ද ස්ථාන හිමියාට—

- (අ) කුලියට ගැනීම අවසාන කිරීමේ තුන් මසක් කල් දෙන දන්වීමක් කුලියට සිටින්නාට ස්ථාන හිමියා විසින් කර නැත්තේ නම්, හෝ
- (ආ) ස්ථාන හිමියාගේ කුලියට ගැනීම අවසාන කිරීමේ දන්වීමෙහි සඳහන් කුලියට ගැනීම අවසාන කිරීමේ දිනයට පෙර කුලියට සිටින්නා විසින් සියලු හිඟ කුලී මුදල් ඉදිරිපත්කොට ඇත්තේ නම්,

කුලී ගෙවිය යුතු කාලය පැමිණීමෙන් පසු මාසයක් එය නො ගෙවා හිඟ තැබීම හේතුකොට ගෙන ඒ ස්ථානයේ කුලියට සිටින්නා අස් කිරීම සඳහා කිසි ම නඩුවක් හෝ නීති කෘත්‍යයක් පැවරීමට, හිමිකම් නො ලැබිය යුතු ය.

(1අ) කුලී ගෙවිය යුතු කාලය පැමිණීමෙන් පසු මාසයක් එය නො ගෙවා හිඟ තැබීම හේතුකොට ගෙන, මේ පනත අදාළ වන යම් කිසි ස්ථානයක කුලියට සිටින්නා ඒ ස්ථානයෙන් අස් කිරීම සඳහා යම් නඩුවක් හෝ නීති කෘත්‍යයක් පවරා ඇති කල්හි, කුලී හිඟ සිට ඇත්තේ කුලියට සිටින්නා අසනීපව සිටීම හෝ රක්ෂාවක් නැති ව සිටීම නැතහොත් වෙන යම් කිසි හැඟෙන හේතුවක් නිසා ය යි අධිකරණය සැහීමට පත් වූ විට, එමගින් ආඥාවක් කිරීමෙන් ඒ ආඥාවෙහි නියම කරනු ලැබිය හැකි දිනයක එක වරම හෝ, ඒ ආඥාවෙහි නියම කරනු ලැබිය හැකි දිනයන්හි කොටස් වලින් කුලියට සිටින්නා හිඟ මුදල ගෙවන්නේ නම්, ඒ ස්ථානයෙන් ඒ කුලියට සිටින්නා අස් කිරීමේ ආඥාපත්‍රයක් නිකුත් නො කරන ලෙස අධිකරණය විසින් නියම කළ හැකි ය; තවද කුලියට සිටින්නා ඒ දිනයෙහි හෝ දිනයන්හි හිඟ කුලී මුදල අධිකරණයට ගෙවන්නේ නම් ඒ ස්ථානය පිළිබඳ ඔහුගේ කුලියට ගැනීම ස්ථාන හිමියා විසින් අවසාන කරනු ලැබුයේ වී නමුදු එය නො සලකා, අවසාන කරනු නො ලබා ඇත්තේ ය යි සැලකිය යුතු ය”;

(2) ඒ වගන්තියේ (3) වෙනි උපවගන්තියෙහි, “අවුරුද්දක්” යන වචනය වෙනුවට “තුන් අවුරුද්දක්” යන වචන ආදේශ කිරීමෙන්;

(3) ඒ වගන්තියේ (5) වෙනි උපවගන්තියෙහි, “අවුරුද්දක්” යන වචනය වෙනුවට “තුන් අවුරුද්දක්” යන වචන ආදේශ කිරීමෙන්; සහ

(4) ඒ වගන්තියේ (8) වෙනි උපවගන්තියට ඉක්බිති ව ම පහත දැක්වෙන අභිනව උපවගන්තිය යෙදීමෙන් :-

“(9) මේ පනත අදාළ වන යම් ස්ථානයක එක් කෙනකුට වැඩි ගණනක් ස්ථාන හිමියන් ඇති විට මේ වගන්තියේ කායභීයන් සඳහා එවැනි ස්ථාන සම්බන්ධයෙන් “ස්ථාන හිමියා” යන පාඨය ඒ ස්ථාන හිමියන් සියලු දෙනා ම හෝ ඉන් කවර කෙනකු හෝ ඊට වැඩි ගණනක් අදහස් කෙරෙන සේ තෝරාම ගත යුතු ය”

7. ප්‍රධාන පනතේ 16 වෙනි වගන්තියට ඉක්බිති ව ම පහත දැක්වෙන අභිනව වගන්ති මෙයින් යොදනු ලබන අතර ඒ පනතේ 16අ සහ 16ආ වගන්ති වශයෙන් ඒවා බලපැවැත් විය යුතු ය :-

ප්‍රධාන පනතට 16අ සහ 16ආ යන අභිනව වගන්ති යෙදීම.

“16අ. ස්ථානයේ ස්ථාන හිමියා විසින් හෝ කුලියට සිටින්නා විසින් ඒ සඳහා ඉල්ලීමක් කළ විට ස්ථානයේ ස්ථාපිත කුලී මුදල සහාව විසින් ආඥාවක් කිරීමෙන් නියම කළ හැකි ය.

ස්ථාපිත කුලිය නියම කිරීමට සහාවට ඇති බලය.

කුලියට ගැනීමේ සහතිකය.

16ආ. (1) මේ පනත අදාළ වන යම් ස්ථානයක ස්ථාන හිමියා විසින්, ඒ ස්ථානයේ කුලියට සිටින්නා ඉල්ලා සිටි විට, ඒ ස්ථානය පිළිබඳ ව නියමිත ආකෘතියෙහි වූ කුලියට ගැනීමේ සහතිකයක් කුලියට සිටින්නාට දිය යුතු ය. ස්ථාන හිමියා විසින් මේ වගන්තිය යටතේ කුලියට සිටින්නකුට දෙනු ලැබූවූ කුලියට ගැනීමේ සහතිකයක්, සාක්ෂ්‍යයට ඇතුළත් කළ හැකි විය යුතු අතර, ඒ සහතිකය එහි සඳහන් කරුණු සම්බන්ධයෙන් මුල් බැල්මට ම පිළිගත හැකි සාක්ෂි විය යුතු ය.

(2) මේ පනත අදාළ වන යම් ස්ථානයක ස්ථාන හිමියා කුලියට සිටින්නාට කුලියට ගැනීමේ සහතිකයක් දීම ප්‍රතික්ෂේප කරනොත්, කුලියට සිටින්නා විසින් සභාවෙන් ඉල්ලුම් කළ විට, ඒ ස්ථානය පිළිබඳ වූ නියමිත ආකෘතියෙහි වූ කුලියට ගැනීමේ සහතිකයක්, සභාව විසින් කුලියට සිටින්නාට දිය යුතු ය. තවද, සභාව විසින් කුලියට සිටින්නාට දෙන ලද්දා වූ කුලියට ගැනීමේ සහතිකයක්, ස්ථාන හිමියා විසින් ම කුලියට සිටින්නාට දෙන ලද්දා වූ කුලියට ගැනීමේ සහතිකයක් සේ සැලකිය යුතු ය”.

8. ප්‍රධාන පනතේ 18 වෙනි වගන්තිය පහත දැක්වෙන පරිදි මෙයින් සංශෝධනය කරනු ලැබේ :—

- (1) ඒ වගන්තියේ (1) වෙනි උපවගන්තියෙහි, “වාසස්ථානයක්” යන වචනය වෙනුවට “ස්ථානයක” යන වචනය ආදේශ කිරීමෙන් සහ
- (2) ඒ වගන්තියේ (2) වෙනි උපවගන්තියෙහි—
 - (අ) “මරණය සිදුවීමෙන් පසු ව එන මාසයේ දහවෙනි දිනට පෙර” යන වචන වෙනුවට “මරණය සිදු වූ මාසයේ අන්තිම දිනයෙන් පසු දෙමාසයක් අවසාන වීමට පෙර” යන වචන ආදේශ කිරීමෙන් ; සහ
 - (ආ) “එකී පසු ව එන මාසයේ” යන වචන වෙනුවට “මරණය සිදු වූ මාසයෙන් පසු ව එන මාසයේ” යන වචන ආදේශ කිරීමෙන්.

9. ප්‍රධාන පනතේ 20 වෙනි වගන්තිය පහත දැක්වෙන පරිදි මෙයින් සංශෝධනය කරනු ලැබේ :—

- (1) ඒ වගන්තියේ (2) වෙනි උපවගන්තියෙහි, “ආණ්ඩුවේ” යන ස්ථානයේ සිට “තුන්දෙනකුගෙන්” යන ස්ථානය දක්වා වූ සියලු වචන වෙනුවට “සාමාජිකයන් තුන් දෙනකුගෙන්” යන වචන ආදේශ කිරීමෙන් සහ

ප්‍රධාන පනතේ 20 වෙනි වගන්තිය සංශෝධනය කිරීම.

(2) ඒ වගන්තියේ (11) වෙනි උපවගන්තියෙහි, “ නීතිඥයකුට ” යන වචනය වෙනුවට “ නීතිඥයකුට හෝ ඒ පාර්ශ්වකරු විසින් ලියවිල්ලකින් බලය පවරනු ලබන වෙන යම් තැනැත්තකුට ” යන වචන ආදේශ කිරීමෙන්.

10. ප්‍රධාන පනතේ 21 වෙනි වගන්තිය පහත දැක්වෙන පරිදි මෙසින් සංශෝධනය කරනු ලැබේ :—

ප්‍රධාන පනතේ 21 වෙනි වගන්තිය සංශෝධනය කිරීම.

(1) ඒ වගන්තියේ (1) වෙනි උපවගන්තියෙහි—

(අ) “ තුන්දෙනකුගෙන් ” යන වචනය වෙනුවට, “ පස් දෙනකුගෙන් ” යන වචනය ආදේශ කිරීමෙන් සහ

(ආ) “ දෙදෙනෙක් ” යන වචනය වෙනුවට “ තිදෙනෙක් ” යන වචනය ආදේශ කිරීමෙන් ;

(2) ඒ වගන්තියේ (5) වෙනි උපවගන්තිය වෙනුවට පහත දැක්වෙන උපවගන්තිය ආදේශ කිරීමෙන් :—

“ (5) (අ) විවේචන මණ්ඩලය වෙත ඉදිරිපත් කරනු ලබන සෑම ආයාචනයක් ම ඒ මණ්ඩලයේ සභාපති විසින් පත් කරනු ලබන ඒ මණ්ඩලයේ සාමාජිකයන් තුන් දෙනකුගේ රැස්වීමක දී විභාග කළ යුතු ය. එවැනි ආයාචනයක් පිළිබඳ ව එවැනි රැස්වීමක දී කරනු ලබන තීරණය ඒ ආයාචනය පිළිබඳ ව විවේචන මණ්ඩලයේ තීරණය ලෙස සැලකිය යුතු ය.

(ආ) යම් ආයාචනයක් විභාග කරන විවේචන මණ්ඩලයෙහි සාමාජිකයන්ගේ තීරණය ඒකමතික නො වූ විට, ඔවුන්ගෙන් වැඩි දෙනාගේ තීරණය මණ්ඩලයේ තීරණය ලෙස සැලකිය යුතු ය.

(ඇ) විවේචන මණ්ඩලයේ සභාපති ඒ මණ්ඩලය වෙත ඉදිරිපත් කරනු ලැබූ යම් ආයාචනයක් විභාග කරන මණ්ඩලයේ සාමාජිකයන්ගෙන් කෙනෙක් වේ නම්, ඔහු නැතහොත් ඔවුන්ගෙන් කෙනෙක් නො වේ නම්, ඒ සභාපති විසින් ඒ සාමාජිකයන් අතුරෙන් නම් කරනු ලබන කෙනකු ඒ සාමාජිකයන්ගේ රැස්වීමේ මූලාසනය දරිය යුතු ය.

(ඈ) මේ වගන්තියෙහි මින් පසු ව එන විධිවිධානවලින් මණ්ඩලයට පැවරෙන්නා වූ බලතල ඒ මණ්ඩලයට ඉදිරිපත් කරනු ලැබුවා වූ යම් ආයාචනයක් විභාග කරන මණ්ඩලයේ සාමාජිකයන් විසින් ක්‍රියාවෙහි යෙදිය හැකිය. ” සහ

(3) ඒ වගන්තියේ (11) වෙනි උපවගන්තියෙහි “ මණ්ඩලයේ සාමාජිකයන් ” යන වචන වෙනුවට “ ආයාචනය විභාග කළ මණ්ඩලයේ සාමාජිකයන් ” යන වචන ආදේශ කිරීමෙන්.

ප්‍රධාන පනතේ 27 වෙනි වගන්තිය සංශෝධනය කිරීම.

11. ප්‍රධාන පනතේ 27 වෙනි වගන්තිය එහි “ස්ථාන හිමියා” යන්නෙහි අර්ථ විස්තරයට ඉක්බිති ව ම පහත දැක්වෙන අභිනව අර්ථ විස්තර යෙදීමෙන්, මෙයින් සංශෝධනය කරනු ලැබේ:—

“ප්‍රාදේශීය බල මණ්ඩලය” යන්නෙන් යම් මහ නගර සභාවක්, නගර සභාවක්, සුළු නගර සභාවක් හෝ ගම් කායරී සභාවක් අදහස් වේ;

“ස්ථානය” යන්නෙන් ඊට අදාළ ඉඩම ද සමග යම් ගොඩනැගිල්ලක් හෝ ගොඩනැගිල්ලකින් කොටසක් අදහස් වේ.

ප්‍රධාන පනතේ උපලේඛනය සංශෝධනය කිරීම.

12. 1953 අංක 6 දරන පනතින් සංශෝධිත අයුරු වූ, ප්‍රධාන පනතේ උපලේඛනය පහත දැක්වෙන පරිදි සංශෝධනය කරනු ලැබේ:—

(අ) 1 වෙනි නියෝගය අවලංගු කොට ඒ වෙනුවට පහත දැක්වෙන නියෝගය ආදේශ කිරීමෙන්:—

“1. ප්‍රාදේශීය බල මණ්ඩලයක් ස්ථාන හිමියා වූ (වාසස්ථානයක් නො වන) කවර ස්ථානයක් වුව ද පනතේ කායරීයන් සඳහා ව්‍යතිරික්ත ස්ථානයක් විය යුතු ය; සහ

(ආ) 3 වෙනි නියෝගයෙහි “පිහිටි යම් ස්ථානයක්” යන වචන වෙනුවට “පිහිටි (1 වෙනි නියෝගයෙහි සඳහන් ස්ථානයක් නො වන) යම් ස්ථානයක්” යන වචන ආදේශ කිරීමෙන්.

කුලියට සිටින්නන් අස් කිරීම සඳහා නඩු හෝ නීති කාර්යයන් පැවරීම තැක්කේ යම් යම් කරුණු හේතුකොට ගෙන පමණක් සහ 1960 ජූලි මස 30 වෙනි දින පටන් දැවුරුද්දක් සඳහා බව.

13. ප්‍රධාන පනතේ කුමක් සඳහන් වුව ද, මේ පනත අදාළ වන යම් ස්ථානයක ස්ථාන හිමියකුට පහත දැක්වෙන කරුණුවලින් එකක් හෝ ඊට වැඩි ගණනක් හේතුකොට ගෙන පමණක්, ඒ ස්ථානයේ කුලියට සිටින්නා අස් කිරීම පිණිස වූ යම් නඩුවක් හෝ නීති කාර්යයක් පැවරීමේ හිමිකම ලැබිය යුතු ය:—

(i) (අ) ඒ ස්ථානයේ ගෙවල් කුලිය තුන් මාසයක් නො ගෙවා ගිය තිබීම;

(ආ) ඒ ස්ථානය එහි කුලියට සිටින්නා විසින් හෝ ඔහු සමග වාසය කරන නැතහොත් නැවතී සිටින නැතහොත් ඔහුගේ අතයට කුලියට සිටින්නා වූ යම් තැනැත්තකු විසින් දුරුවාරය හෝ නීතිවිරෝධී කායරීයකට පාවිච්චි කර තිබීම;

(ඇ) ඒ කුලියට සිටින්නා හෝ ඔහු සමග වාසය කරන නැතහොත් නැවතී සිටින නැතහොත් ඔහුගේ අතයට කුලියට සිටින්නා වූ යම් තැනැත්තකු ඒ ස්ථානය නිකරුණේ විනාශ කර තිබීම හෝ ඒ ස්ථානයට නිකරුණේ අලාභ හානි කර තිබීම.

(2) (1) වෙනි උපවගන්තියෙහි විධිවිධාන 1960 ජූලි මස 20 වෙනි දින ක්‍රියාත්මක වූ ලෙස සැලකිය යුතු ය. තවද, ඒ දිනයෙන් පටන් ගෙන අවුරුදු දෙකක කාලයක් ඒවා වලංගු ව පැවතිය යුතු ය.

(3) ප්‍රධාන පනත අදාළ වන යම් ස්ථානයකින් කුලියට සිටින්නා අස් කිරීම සඳහා මේ වගන්තියේ (1) වෙති උපවගන්තියෙහි සඳහන් කරුණක් නො වන යම් කරුණක් හේතුකොට ගෙන 1960 ජූලි මස 20 වෙනි දින හෝ එදිනට පසු ව යම් අධිකරණයක පවරනු ලැබූ යම් නඩුවක් හෝ නීති කෘත්‍යයක් මේ පනත ආරම්භ වූ දිනයට පෙරාතුව ම වූ දිනයෙහි පවතිමින් තිබෙන විට, ඒ නඩුව හෝ නීති කෘත්‍යය අවලංගු ව හා ශුන්‍ය ව පැවැත්තේ ය යි ද පවතින්නේ ය යි ද සියලු කල්හි ම සැලකිය යුතු ය.

(4) ප්‍රධාන පනත අදාළ වන යම් ස්ථානයක ස්ථාන හිමියා විසින් මේ වගන්තියේ (1) වෙති උපවගන්තියෙහි සඳහන් කරුණක් නො වන යම් කරුණක් හේතුකොට ගෙන ඒ ස්ථානයේ කුලියට සිටින්නා ඒ ස්ථානයෙන් අස් කිරීම සඳහා 1960 ජූලි මස 20 වෙනි දිනයෙන් පටන් ගෙන මේ පනත ආරම්භ වූ දිනයට පෙරාතුව ම වූ දිනයෙන් අවසන් වන කාලය තුළ දී ඒ කුලියට සිටින්නාට නොහොත් ඒ කුලියට සිටින්නාට විරුද්ධ ව යම් ක්‍රියාවක් කරනු ලැබූ නැතහොත් යම් නඩුවක් හෝ නීති කෘත්‍යයක් පවරනු ලැබූ පමණින් ම ඒ ස්ථාන හිමියාට විරුද්ධ ව සිවිල් හෝ අපරාධ නඩු පැවරීම, වලංගු නො විය යුතු ය.

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PARLIAMENT OF CEYLON

1st Session 1960-61



Rent Restriction (Amendment) Act, No. 10 of 1961

Date of Assent : March 6, 1961

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1960-61 Session



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Act No. 10 of 1961

Date of Assent: March 5, 1961

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Rent Restriction (Amendment) Act,
No. 10 of 1961

L. D.—O. 41/58.

AN ACT TO AMEND THE RENT RESTRICTION
ACT, NO. 29 OF 1948.

[Date of Assent: March 6, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Rent Restriction (Amendment) Act, No. 10 of 1961, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Short title
and date of
operation.

2. Section 6 of the Rent Restriction Act, No. 29 of 1948, hereinafter referred to as the "principal Act", is hereby amended, in sub-section (1) of that section, as follows:—

Amendment of
section 6 of
Act No. 29 of
1948.

(1) in paragraph (a) of that sub-section—

(a) by the substitution, for the full stop after the word "rent", of a colon; and

(b) by the insertion, immediately after that paragraph, of the following proviso:—

" Provided that where the Mayor or the Chairman of the local authority within the administrative limits of which any premises are situated has by notice in writing directed the landlord of such premises to carry out such repairs, or to make such redecoration, as are or is specified in the notice, such landlord shall not be entitled to charge the extra ten per centum of such rent until he has obtained a certificate in writing from such Mayor or Chairman that he has carried out such repairs or made such redecoration to such premises. "

(2) in paragraph (b) of that sub-section, by the substitution, for the word "Where", of the following:—

" Subject to the provisions of paragraph (ba) of this sub-section, where";
and

(3) by the insertion, immediately after paragraph (b) of that sub-section, of the following new paragraphs:—

" (ba) The provisions of paragraph (b) of this sub-section shall not apply to any premises on or after such date as shall be specified by the Minister by Order published in the *Gazette*.

(bb) The provisions of paragraph (ba) of this sub-section shall not affect any increase of the standard rent of any premises made before the date referred to in that paragraph by virtue of the provisions of paragraph (b) of this sub-section.

(bc) Where, with the prior consent of the tenant or with the prior approval of the Board granted on the Board being satisfied that the consent of the tenant was unreasonably withheld, the landlord of any premises incurs, on or after the date specified by the Minister by Order made under paragraph (ba) of this sub-section, expenditure on the improvement or structural alteration of the premises (not including expenditure on decoration or repairs), the standard rent per annum may be increased by an amount calculated at a rate not exceeding six per centum of the amount so expended:

Provided, however, that the Board may, on the application of the tenant of such premises, direct that the standard rent shall not be increased as hereinbefore provided, or reduce the amount by which the standard rent may be so increased, on the ground that such expenditure

was excessive having regard to the nature and extent of the improvements or alterations effected or that the rental value of such premises has not been enhanced by such improvements or alterations.”.

3. Section 7 of the principal Act is hereby amended as follows:—

Amendment of section 7 of the principal Act.

- (1) by the renumbering of that section as sub-section (1) of section 7; and
- (2) by the addition, at the end of that section, of the following new sub-section:—

“(2) Where any premises to which this Act applies are let furnished in separate parts which are not separately assessed for the purpose of rates, the Board may, on the application of the tenant of any such part, reduce the rent of that part on the ground that it is excessive having regard to the accommodation, amenities, and furniture provided in that part by the landlord.”.

4. Section 10 of the principal Act is hereby repealed and the following section is substituted therefor:—

Replacement of section 10 of the principal Act.

“ Use of residential premises for other purposes.

10. (1) The tenant of any residential premises to which this Act applies shall not, except with the prior written consent of the landlord and, where those premises are situated within the administrative limits of any local authority, the prior written consent of the Mayor or Chairman of such local authority, use mainly, or permit any other person to use mainly, those premises for any purpose other than that of residence.

(2) Such consent of the Mayor or Chairman of a local authority as is referred to in sub-section (1) shall not be granted in contravention of any by-law made by such local authority under section 28 of the Housing and Town Improvement Ordinance.”

Replacement
of section
12 of the
principal
Act.

5. Section 12 of the principal Act is hereby repealed and the following section is substituted therefor:—

Rent may
be paid to
the Board
or autho-
rised
person
instead of
the landlord.

12. (1) The tenant of any premises to which this Act applies may pay the rent of those premises to the Board or the authorised person instead of the landlord.

(2) Where any payment of rent of any premises is made on any day in accordance with the provisions of sub-section (1), it shall be deemed to be a payment received on that day by the landlord of those premises from the tenant thereof.

(3) Where the rent of any premises is paid to the Board or the authorised person, the Board or the authorised person, as the case may be, shall issue to the tenant of those premises a receipt in acknowledgment of such payment, and shall, transmit the amount of such payment to the landlord of those premises. It shall be the duty of such landlord to issue to the Board or the authorised person, according as such amount is transmitted to him by the Board or the authorised person, a receipt in acknowledgment of the payment to him of such amount.

(4) In this section, "authorised person", with reference to any premises, means the Mayor or Chairman of the local authority within whose administrative limits those premises are situated or the person authorised in writing by such Mayor or Chairman to receive rents paid under this section.

6. Section 13 of the principal Act is hereby amended as follows:—

(1) by the insertion, immediately after sub-section (1) of that section, of the following new sub-sections:—

"(1A) The landlord of any premises to which this Act applies shall not be entitled to institute any action or proceedings for the ejection of the tenant of such

Amendment of
section 13 of
the principal
Act.

premises on the ground that the rent of such premises has been in arrear for one month after it has become due,—

- (a) if the landlord has not given the tenant three months' notice of the termination of the tenancy, or
- (b) if the tenant has, before such date of termination of the tenancy as is specified in the landlord's notice of such termination, tendered to the landlord all arrears of rent.

(1B) Where any action or proceedings for the ejection of the tenant of any premises to which this Act applies is or are instituted on the ground that rent has been in arrear for one month after it has become due, the court may, on being satisfied that the rent has been in arrear on account of the tenant's illness or unemployment or other sufficient cause, make order that a writ for ejection of the tenant from those premises shall not issue if the tenant pays to the court the arrears of rent either in a lump sum on such date, or in instalments on such dates, as may be specified in the Order; and if the tenant pays to the court the arrears of rent on such date or dates, his tenancy of those premises shall, notwithstanding its termination by the landlord of those premises, be deemed not to have been terminated.”;

- (2) in sub-section (3) of that section, by the substitution, for the words “one year”, of the words “three years”;
- (3) in sub-section (5) of that section, by the substitution, for the words “one year”, of the words “three years”; and
- (4) by the insertion, immediately after sub-section (8) of that section, of the following new sub-section:—

(9) Where there is more than one landlord of any premises to which this Act applies, the expression “the landlord” shall, with reference to such premises, be construed, for the purposes of this section, to mean all or any one or more of such landlords.’.

Insertion of
new sections
16A and 16B
in the
principal
Act.

7. The following new sections are hereby inserted immediately after section 16, and shall have effect as sections 16A and 16B, of the principal Act:—

“ Power of
Board to
determine
authorised
rent.

16A. The Board may, upon an application made in that behalf by the landlord or the tenant of the premises, by order determine the amount of the authorised rent of the premises.

Certificate
of tenancy.

16B. (1) The landlord of any premises to which this Act applies shall, upon being requested to do so by the tenant of such premises, give to the tenant a certificate of tenancy relating to such premises in the prescribed form. A certificate of tenancy given under this section by a landlord to a tenant shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

(2) Where the landlord of any premises to which this Act applies refuses to give the tenant a certificate of tenancy, the Board shall, upon application made to it by the tenant, give to the tenant a certificate of tenancy relating to such premises in the prescribed form, and a certificate of tenancy given by the Board to the tenant shall be deemed to be a certificate of tenancy given by the landlord to the tenant.”

8. Section 18 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the words “ residential premises ”, of the word “ premises ”, and

(2) in sub-section (2) of that section—

(a) by the substitution, for the words “ before the tenth day of the month succeeding that ”, of the words “ before the expiry of two months after the last day of the month ”,

and

Amendment of
section 18 of
the principal
Act.

(b) by the substitution, for the words “ of such succeeding month,”, of the words “ of the month succeeding the month in which the death occurred,”.

9. Section 20 of the principal Act is hereby amended as follows:—

Amendment of section 20 of the principal Act.

(1) in sub-section (2) of that section, by the substitution, for all the words from “ members,” to “ shall constitute ”, of the words “ members shall constitute ”, and

(2) in sub-section (11) of that section, by the substitution, for the words “ a proctor.”, of the words “ a proctor, or other person authorised in writing by that party.”.

10. Section 21 of the principal Act is hereby amended as follows:—

Amendment of section 21 of the principal Act.

(1) in sub-section (1) of that section—

(a) by the substitution, for the word “ three ”, of the word “ five ”, and

(b) by the substitution, for the word “ two ”, of the word “ three ”;

(2) by the substitution, for sub-section (5) of that section, of the following sub-section:—

“ (5) (a) Every appeal to the Board of Review shall be heard at a meeting of three members of that Board selected by the Chairman of that Board. The decision made on such appeal at such meeting shall be deemed to be the decision of the Board of Review on such appeal.

(b) Where the decision of the members of the Board of Review who hear any appeal is not unanimous, the decision of the majority of them shall be deemed to be the decision of that Board.

(c) The Chairman of the Board of Review, if he is one of the members of that Board hearing any appeal to that Board, or, if he is not one of them, one of those members nominated by such Chairman shall preside at a meeting of those members.

(d) The powers conferred on the Board of Review by the succeeding provisions of this section may be exercised by the members of that Board who hear any appeal to that Board.”; and

(3) in sub-section (11) of that section, by the substitution, for the words “members of the Board”, of the words “members of the Board who heard the appeal”.

Amendment of section 27 of the principal Act.

11. Section 27 of the principal Act is hereby amended by the insertion, immediately after the definition of “landlord”, of the following new definitions:—

“local authority” means any Municipal Council, Urban Council, Town Council or Village Committee;

“premises” mean any building or part of a building together with the land appertaining thereto;’.

12. The Schedule to the principal Act, as amended by Act No. 6 of 1953, is hereby amended as follows:—

(a) by the repeal of regulation 1 and the substitution therefor of the following regulation:—

“1. Any premises (other than residential premises) of which the landlord is a local authority shall be excepted premises for the purposes of the Act.”; and

(b) in regulation 3, by the substitution, for the words “Any premises situated”, of the words “Any premises (other than premises referred to in regulation 1) situated”.

13. (1) Notwithstanding anything in the principal Act, the landlord of any premises to which this Act applies shall be entitled to institute any action or proceedings for the ejection of the tenant of such premises only on any one or more of the following grounds:—

(a) that the rent of such premises has been in arrear for three months;

Actions or proceedings for the ejection of tenants to be instituted only on certain grounds for a period of two years commencing from July 20, 1960.

(b) that such premises have been used by such tenant or by any person residing or lodging with him or being his sub-tenant for an immoral or illegal purpose;

(c) that such tenant or any person residing or lodging with him or being his sub-tenant has caused wanton destruction or damage to such premises.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the twentieth day of July, 1960, and shall continue in force for a period of two years commencing from that date.

(3) Where any action or proceedings instituted in any court on or after the twentieth day of July, 1960, for the ejection of a tenant from any premises to which the principal Act applies on any ground other than a ground specified in sub-section (1) of this section is or are pending on the day immediately preceding the date of commencement of this Act, such action or proceedings shall be deemed at all times to have been and to be null and void.

(4) No suit or prosecution shall lie against the landlord of any premises to which the principal Act applies by reason only of any act done, or any action or proceedings instituted, by such landlord to or against the tenant of such premises for the purpose of ejecting such tenant from such premises on any ground other than a ground specified in sub-section (1) of this section during the period commencing on the twentieth day of July, 1960, and ending on the day immediately prior to the date of commencement of this Act.

1. The Board of Health may, from time to time, make and amend rules and regulations for the purpose of carrying out the provisions of the laws of the State relating to the health of the people.

2. The Board of Health may, from time to time, make and amend rules and regulations for the purpose of carrying out the provisions of the laws of the State relating to the health of the people.

3. The Board of Health may, from time to time, make and amend rules and regulations for the purpose of carrying out the provisions of the laws of the State relating to the health of the people.

4. The Board of Health may, from time to time, make and amend rules and regulations for the purpose of carrying out the provisions of the laws of the State relating to the health of the people.

5. The Board of Health may, from time to time, make and amend rules and regulations for the purpose of carrying out the provisions of the laws of the State relating to the health of the people.

PARLIAMENT OF CEYLON

1st Session 1960-61



Parliamentary Elections (Special Provisions) Act, No. II of 1961

Date of Assent : March 21, 1961

Printed on the Orders of Government

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*Parliamentary Elections (Special Provisions)
Act, No. 11 of 1961*

L. D.—CF. 3/57.

AN ACT TO MAKE SPECIAL PROVISIONS REGARDING THE USE OF REGISTERS OF ELECTORS FOR THE PURPOSES OF THE ELECTIONS HELD OR DUE TO BE HELD UNDER THE CEYLON (PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL, 1946, TO FILL VACANCIES IN THE SEATS OF THE MEMBERS FOR THE ELECTORAL DISTRICTS OF RATGAMA AND KURUNEGALA WHICH OCCURRED AFTER THE LAST GENERAL ELECTION HELD UNDER THAT ORDER IN COUNCIL BEFORE THE DATE OF THE COMMENCEMENT OF THIS ACT.

[Date of Assent : March 21, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Parliamentary Elections (Special Provisions) Act, No. 11 of 1961.

Short title.

2. For the resolution of doubts, it is hereby declared that—

Special provisions regarding the use of registers of electors in respect of certain elections.

(a) the new register of electors for the electoral district of Ratgama, or the electoral district of Kurunegala, shall be deemed at all times to have been, and to be, the register of electors which should have been, and shall be, used for the purposes of any election held, being held, or to be held, under the Order in Council to fill a vacancy in the seat of a Member for that electoral district which occurred after the last general election of Members under the Order in Council prior to the date of commencement of this Act but before such register was certified as required by the Order in Council ; and

(b) the provisions of the Order in Council shall, in their application in the case of such register and the election to fill such vacancy, be deemed at all times to have had, and to have, effect

Parliamentary Elections (Special Provisions)
Act, No. 11 of 1961

subject to, and in accordance with, the provisions of paragraph (a) of this section.

3. The provisions of section 2 shall have effect notwithstanding anything to the contrary in the Order in Council.

4. In this Act—

(a) the expressions “electoral district”, “Member”, and “register of electors”, shall have the same meanings respectively as in the Order in Council ;

(b) “last general election” means the general election of Members of Parliament which was held on July 20, 1960, as required by the Proclamation published by the Governor-General in *Gazette Extraordinary* No. 12,115 of April 23, 1960, under Section 15 of the Ceylon (Constitution) Order in Council, 1946, and Section 27 of the Order in Council ;

(c) the expression “new register of electors”, in relation to the electoral district of Ratgama, or the electoral district of Kurunegala, means the register of electors for that district which, having been prepared under sub-section (1) of Section 15 of the Order in Council and certified as required by the Order in Council, was in operation on January 1, 1961, by virtue of the provisions of the Order in Council ; and

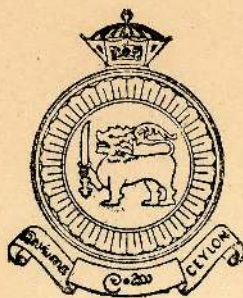
(d) “Order in Council” means the Ceylon (Parliamentary Elections) Order in Council, 1946, as amended from time to time.

Section 2 to have effect notwithstanding anything to the contrary in the Order in Council.

Interpretation.

PARLIAMENT OF CEYLON

1st Session 1960-61



Ceylon University (Amendment) Act, No. 12 of 1961

Date of Assent : April 25, 1961

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Ceylon University (Amendment)
Act No. 12 of 1961

Date of Assent: April 25, 1961

Printed on the Orders of Government

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Price: 10 cents

Price: 10 cents

AN ACT TO AMEND THE CEYLON UNIVERSITY
ORDINANCE, No. 20 OF 1942.

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon University (Amendment) Act, No. 12 of 1961.

Short title.

2. Section 6 of the Ceylon University Ordinance, No. 20 of 1942, hereinafter referred to as the "principal enactment", is hereby amended as follows:—

Amendment of section 6 of the Ceylon University Ordinance, No. 20 of 1942.

(1) in paragraph (d) of that section, by the substitution, for the words "of the University;", of the words "of the University, or who not being students of the University shall have passed the external examinations of the University;"; and

(2) by the insertion, immediately after paragraph (d) of that section, of the following new paragraph:—

"(dd) to conduct external examinations for enabling those who are not students of the University to obtain degrees, diplomas and other academic distinctions of the University;".

3. Section 20 of the principal enactment is hereby amended by the insertion, immediately after paragraph (l) of that section, of the following new paragraph:—

Amendment of section 20 of the principal enactment.

"(la) to take such steps as may be necessary for the conduct of external examinations for enabling those who are not students of the University to obtain degrees, diplomas and other academic distinctions of the University;";

AN ACT TO AMEND THE CEYLON UNIVERSITY ORDINANCE, NO. 30 OF 1942.

(Date of Assent: April 25, 1961)

It is enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the Senate as follows:—

1. This Act may be cited as the Ceylon University (Amendment) Act, No. 12 of 1961.

2. Section 2 of the Ceylon University Ordinance, No. 30 of 1942, in so far as it relates to the principal enactment, is hereby amended as follows:—

(1) in paragraph (d) of that section, by the substitution for the words "of the University, or who not being students of the University shall have passed the external examinations of the University;" and

(2) by the insertion immediately after paragraph (d) of that section, of the following new paragraph:—

"(e) to enable those who are not students of the University to obtain degrees, diplomas and other academic distinctions of the University;"

3. Section 20 of the principal enactment is hereby amended by the insertion immediately after paragraph (b) of that section, of the following new paragraph:—

"(a) to take such steps as may be necessary for the conduct of external examinations for enabling those who are not students of the University to obtain degrees, diplomas and other academic distinctions of the University."

PARLIAMENT OF CEYLON

1st Session 1960-61



Crop Insurance Act, No. 13 of 1961

Date of Assent : April 25, 1961

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Crop Insurance
Act No. 13 of 1961

Date of Assent: April 25, 1961

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Price: 50 cents

L. D.—O. 53/57.

AN ACT TO PROVIDE FOR COMPULSORY INSURANCE AGAINST LOSS OF CROPS DUE TO ANY SPECIFIED CAUSE; TO MAKE PROVISION FOR THE ESTABLISHMENT OF A CROP INSURANCE ADVISORY BOARD; AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

(Date of Assent: April 25, 1961)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Crop Insurance Act, No. 13 of 1961.

Short title.

ADMINISTRATION.

2. The Commissioner of Agrarian Services shall be responsible for the administration of this Act.

The Commissioner to administer this Act.

3. The Commissioner shall, in the exercise of his powers and the discharge of his duties under this Act, be subject to the general or special direction of the Minister.

The Commissioner to be subject to Minister's directions.

4. All or any of the powers conferred on the Commissioner by this Act, other than the power to hear and determine appeals made to him under this Act, may be exercised by a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner.

Powers of Deputy Commissioner, Senior Assistant Commissioner and other officer authorised by the Commissioner.

5. An Assistant Commissioner appointed to any Administrative District may exercise within such District all or any of the powers of the Commissioner under this Act other than the power of the Commissioner to hear and determine appeals made to him under this Act.

Power of an Assistant Commissioner appointed to an Administrative District.

6. The Commissioner may, in the administration of this Act, utilise Co-operative Agricultural Production and Sale Societies and such other organisations as the Minister may determine.

Organisations that may be utilised in administering this Act.

COMPULSORY INSURANCE OF CROPS.

7. (1) The Minister may from time to time by Order published in the *Gazette* determine the crop or crops in respect of which, and the area or areas in which, there shall be compulsory insurance as provided in this Act against loss of such crop or crops.

(2) Each crop and each area determined by Order made and published under sub-section (1) is hereafter in this Act referred to respectively as a "specified crop" and a "specified area".

8. (1) Subject to the provisions of sub-section (3), a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner shall, in regard to each specified area, determine—

(a) the total extent of land bearing each specified crop, and

(b) the persons who, whether as owners or as tenants, are entitled to the whole or any part of the specified crop on such extent, and their respective shares of such crop:

Provided that where according to a determination made under section 22 of the Paddy Lands Act, No. 1 of 1958, the rent payable for any extent of paddy land is a portion of the total yield of paddy from that extent, the owner's share of the paddy crop from such extent shall be determined under the preceding provisions of this sub-section to be such portion, and the tenant's share of such paddy crop shall be determined under the preceding provisions of this sub-section to be the portion of such paddy crop remaining after deduction therefrom of the owner's portion.

(2) Any such total extent of land bearing any specified crop as is determined under paragraph (a) of sub-section (1) in respect of any specified area is hereafter in this Act referred to as the "insurable acreage" in respect of that crop in that area.

(3) Any of the following lands may, if a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the

Specified
crops and
specified
areas.

Determination
of insurable
acreage and
persons
entitled to
the specified
crops on such
acreage, and
appeals from
such
determination.

Commissioner in his discretion so determines, be excluded from the insurable acreage determined for any specified area:—

- (a) land which is known to be frequently subject to heavy loss or damage owing to drought, flood, wind, excessive rain or other unavoidable cause;
- (b) newly reclaimed or colonised land including chena lands in which production is still very uncertain;
- (c) land newly brought under cultivation of any specified crop;
- (d) land forming part of any irrigated area where irrigation has recently commenced;
- (e) land the extent of which is less than such extent as the Minister may by Order published in the *Gazette* declare to be the minimum insurable extent in respect of a specified crop.

(4) A Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner shall notify the determination made under sub-section (1) in such manner as he may consider expedient to the persons affected by such determination.

(5) Any person who is affected by a determination made under sub-section (1) may, if he is aggrieved by that determination, make a written appeal from such determination to the Commissioner within fourteen days after such determination is notified to him under sub-section (4). Every such appeal shall state the grounds of appeal.

(6) An appellant in any appeal made to the Commissioner under sub-section (5) shall be entitled, by himself or by representative, to appear before and be heard by the Commissioner on such appeal.

(7) The Commissioner may confirm or vary the determination from which an appeal is made to him under sub-section (5), and his decision on such appeal shall be final and conclusive and shall not be called in question in any court.

(8) A determination made under sub-section (1) shall not take effect during the period within which an appeal may be made from such determination.

(9) Where no appeal has been made to the Commissioner from any determination under sub-section (1), such determination shall take effect immediately after the expiry of the period within which an appeal from such determination may be made.

(10) Where a determination under sub-section (1) is confirmed by the Commissioner in appeal, that determination shall take effect from the date of such confirmation.

(11) Where a determination under sub-section (1) is varied in appeal by the Commissioner, that determination as so varied shall take effect from the date of such variation.

(12) A determination which takes effect in accordance with the preceding provisions of this section shall be in force until it is superseded by a fresh determination.

Certain facts
to be notified
to the
Assistant
Commissioner
by owners and
tenants of
certain lands.

9. (1) Where a land in a specified area is for the first time cultivated for the purpose of producing any specified crop, the owner or tenant of such land shall, before such cultivation is concluded, notify in writing to the Assistant Commissioner of the Administrative District in which such land is wholly or mainly situated or to the local insurance agent that such land is being cultivated for the first time for the purpose of producing such crop.

(2) Where a land in a specified area is not being cultivated in any season, the owner or tenant of such land shall notify to the Assistant Commissioner of the Administrative District in which such land is wholly or mainly situated or to the local insurance agent that such land is not being cultivated in that season.

(3) Where a change of ownership or tenancy of a land included in an insurable acreage occurs, the new owner or tenant shall, within thirty days after he becomes such owner or tenant, notify in writing the new ownership or tenancy and the new owner's or the

new tenant's share of the crop produced from such land to the Assistant Commissioner of the Administrative District in which such land is wholly or mainly situated or to the local insurance agent.

(4) Any person who fails to comply with the provisions of sub-section (1) or sub-section (2) or sub-section (3) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred rupees.

(5) Any such facts relating to a land included in an insurable acreage as are notified under sub-section (1) or sub-section (2) or sub-section (3) shall be taken into account for the purpose of revising such acreage.

10. (1) Where one land or two or more lands in an insurable acreage is or are owned by only one person or in common by two or more persons and there is no tenant in respect of such land or lands, the insurance unit of such owner or co-owners shall be such land or lands.

Insurance
unit.

(2) Where one land or two or more lands in an insurable acreage is or are owned by only one person or in common by two or more persons and there is one tenant or there are several tenants of such land or lands, then—

- (a) the insurance unit of such owner or co-owners shall be such land or lands, and
- (b) the insurance unit of such tenant or each such tenant shall be the area of which he has a tenancy :

Provided that where in respect of any land in any insurable acreage there are a tenant and one or more sub-tenants, then, for the purposes of the preceding provisions of this sub-section, the person entitled to receive the rent from the sub-tenant who is the cultivator of that land shall be deemed to be the owner of that land and such cultivator shall be deemed to be the tenant of that land, and accordingly the insurance unit of each of the persons so deemed to be owner and tenant shall be such land.

(3) Where a person who is the owner of any land or lands in any insurable acreage is a tenant of any land or lands in that acreage, then, the insurance unit of that person shall be the land or lands of which he is the owner and the land or lands of which he is the tenant.

11. (1) Before the commencement of each term of insurance for the specified area in which the insurance unit of any person or persons is wholly or mainly situated, he or they shall, subject to the provisions of sub-section (3) and sub-section (4), be deemed to have entered into a contract of insurance with the Commissioner against the loss of any specified crop on that unit due to any such cause (hereafter in this Act referred to as a "specified cause") as the Minister may specify by Order published in the *Gazette*.

(2) Every specified cause shall be notified to the public by the Commissioner in each specified area in such manner as he may determine.

(3) Where co-owners of an insurance unit cultivate that unit in rotation under the system of cultivation known as "thattu maru", then, subject to the provisions of sub-section (4), the co-owner who cultivates that unit for any season shall, before the commencement of that season, be deemed to have entered into a contract of insurance for that season with the Commissioner against the loss of any specified crop on that unit due to any specified cause:

Provided that any such co-owner who cultivated an insurance unit in the 1958-1959 Maha season shall, notwithstanding that the whole or part of such season has elapsed, be deemed to have entered into a contract of insurance for that season with the Commissioner.

(4) A Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner may exempt any person from the provisions of sub-section (1) or sub-section (3).

12. (1) The first term of insurance shall be three years reckoned from the date of commencement of the 1958-1959 Maha season notwithstanding that the whole or any portion of such season has already elapsed

Compulsory insurance of specified crops in specified areas.

Term of Insurance.

when such term of insurance applies to any specified area, and every other term of insurance shall be determined by the Minister by Order published in the *Gazette*:

Provided that in the case referred to in sub-section (3) of section 11, a term of insurance shall consist of a season.

(2) The Assistant Commissioner of an Administrative District in which a specified area wholly or mainly lies shall, at least thirty days before the commencement of each term of insurance, notify the period constituting such term to the owners and tenants of the lands constituting the insurable acreage in that area. Where a term of insurance is once notified, no further notification shall be made until that term is altered:

Provided that the preceding provisions of this sub-section shall not apply in regard to the first term of insurance referred to in sub-section (1):

Provided further that where a term of insurance consists of a season and a part of that season has already elapsed in any specified area when that area is determined under section 7, then, in lieu of the thirty days' notice referred to in the preceding provisions of this sub-section, notice of the period constituting the term of the insurance shall be given forthwith after the determination of the specified area.

13. (1) The Commissioner shall issue to every person who is deemed to have entered into a contract of insurance with him under this Act an insurance policy in such form as he may determine.

Policies of
Insurance.

(2) The Commissioner may insert in any insurance policy issued under this Act any term or condition not inconsistent with any provision of this Act.

(3) The following conditions shall be inserted in every insurance policy issued under this Act:—

(a) The insured shall observe in regard to the insured extent of land such farming practices as the Commissioner may from

time to time determine for the Administrative District or part thereof within which that extent is wholly or mainly situated and notify in such manner as he may consider best for giving publicity.

- (b) In the event of any damage to the crop on the insured extent, the insured shall take all the necessary measures to protect the crop from further damage if such extent is not released by the Commissioner from the insurable acreage.

14. (1) An insurance policy issued under section 13 in respect of any insurance unit shall be deemed to cover such unit during the period of cultivation in each season in the term of the insurance:

Provided that where any specified crop is cultivated in any specified area during the Maha season and the Yala season, the expression "each season" occurring in the preceding provisions of this sub-section shall, in the application of those provisions to an insurance policy issued under section 13 in respect of an insurance unit wholly or mainly situated in that specified area, be deemed not to include the Yala season if it is so determined by the Minister by order made under sub-section (2).

(2) The Minister may, before the commencement of a term of insurance for any specified area in which any specified crop is cultivated during the Maha season and the Yala season, declare, by Order published in the *Gazette*, that the expression "each season" occurring in sub-section (1) shall, in the application of that sub-section to an insurance policy issued under section 13 in respect of an insurance unit wholly or mainly situated in that specified area, be deemed not to include the Yala season:

Provided that where the first term of insurance referred to in sub-section (1) of section 12 is applicable to any specified area, such declaration may be made by the Minister forthwith after the date of application of that term to that specified area.

(3) A Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner shall determine the cultivation period for each specified area in respect of each

Duration of
cover of
insurance.

season, and shall notify, in such manner as he may consider expedient, the determination to the owners and tenants of the lands constituting the insurable acreage in that area. A Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner may amend a determination in force under this sub-section, and any such amendment shall be notified in like manner as the determination to which the amendment relates and shall take effect from the season succeeding that in which the amendment is made.

15. (1) The Commissioner shall determine, and may from time to time alter, the amount of the premiums to be paid for insurance policies issued under this Act.

Premiums.

(2) The Commissioner may fix different amounts of premiums for different specified areas or for portions of the same specified area.

(3) Where any land referred to in sub-section (4) of section 8 is included in an insurable acreage, the amount of the premiums fixed by the Commissioner for insurance policies issued under this Act in respect of that land may be higher than in any other case.

(4) The amount of a premium in respect of an insurance policy issued under this Act may, according as the Commissioner may decide, be paid—

(a) in money, or

(b) in a quantity of the insured crop, the value of which is equal to the amount of the premium, such value being computed according to the price for the time being of such crop under the Guaranteed Price Scheme, if that Scheme applies to such crop, or, if that Scheme does not apply to such crop, according to such average of the market prices of the insured crop during the three years immediately preceding the year in which the premium is payable as may be determined by the Commissioner.

(5) The premiums in respect of an insurance policy issued under this Act shall be paid, within the time allowed therefor in such policy, to the local insurance agent.

(6) The Commissioner shall notify to the owners and tenants of lands constituting an insurable acreage in a specified area the local insurance agent or agents in respect of that area.

Apportionment
of liability
to pay
premiums.

16. Where two or more persons are jointly the insured under an insurance policy issued under this Act, the liability to pay the premiums in respect of such policy shall be apportioned by the Commissioner among those persons in proportion to their respective shares of the insured crop.

Interest
payable on
premiums.

17. If a person who is liable to pay the whole or any part of any premium in respect of any insurance policy issued under this Act fails to pay, within the time allowed therefor in that policy, the amount payable by him, he shall be liable to pay interest on that amount at six per centum per annum.

The amount of
a premium in
default may
be recovered
in like
manner as
a debt due
to the Crown,
and may be
deducted from
certain sums
due to the
defaulter.

18. (1) If a person who is liable to pay any sum as the whole or a part of a premium in respect of any insurance policy issued under this Act fails to pay that sum within the time allowed therefor in that policy, that sum shall be deemed to be in default and, together with the interest payable thereon under section 17,—

(a) may be recovered in like manner as though it were a debt due from him to the Crown,

(b) may, where the Guaranteed Price Scheme applies to the specified crop to which the insurance policy relates, be deducted from any sum due to him as the price of any quantity of that specified crop purchased from him under that Scheme by or on behalf of the Commissioner, or

(c) may, where such person is the landlord of any extent of paddy land to which the Paddy Lands Act, No. 1 of 1958, applies, upon a request being made in that behalf by the Commissioner to the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies, be recovered for the Commissioner by that Cultivation Committee by deducting such sum and interest from the rent due to such person in respect of such extent.

(2) Where a Cultivation Committee is requested by the Commissioner under sub-section (1) to deduct any sum from the rent payable in respect of any extent of paddy land, the provisions of sub-section (3) of section 25 of the Paddy Lands Act, No. 1 of 1958, shall apply in respect of such deduction as if such Cultivation Committee were empowered by that Act to make such deduction.

(3) In this section, the expressions "Cultivation Committee", "landlord" and "paddy land" have the same meaning as in the Paddy Lands Act, No. 1 of 1958.

19. The Commissioner may, if sufficient funds have accumulated by receipt of premiums, allow a person who is liable to pay the whole or any part of a premium in respect of an insurance policy issued under this Act such rebate in respect of that amount as shall be determined by the Commissioner if no claim to indemnity under that policy has been made during the preceding three years or the aggregate amount of indemnity paid under that policy during those years is inconsiderable in the opinion of the Commissioner.

Rebate on
premiums.

20. No person shall be entitled to any indemnity under any insurance policy issued under this Act for the loss of any specified crop in any season from the insurance unit in respect of which that policy has been issued—

Conditions
for payment
of indemnity.

(a) unless—

- (i) the loss is a loss of the entirety of such crop, or
- (ii) the loss is such that the aggregate yield of such crop from such insurance unit for that season is less than seventy per centum of the average yield of such crop for that season from the specified area in which such insurance unit is wholly or mainly situated, such average yield being determined by the Commissioner, and

(b) unless the loss occurs at such a stage that there is no time to raise on the insured extent of land a fresh crop of the same kind as the damaged crop.

Notice of loss
of specified
crops to be
given to the
Assistant
Commissioner.

21. Where, due to any specified cause, there is a loss of any specified crop on any extent of land in respect of which an insurance policy issued under this Act is in force, the holder or any of the holders of that policy shall, within twenty-one days after the occurrence of the loss, give notice in writing of such loss to the local insurance agent, and such agent shall transmit such notice to the Assistant Commissioner of the Administrative District in which such extent is wholly or mainly situated.

Claim to
indemnity.

22. (1) Where the loss of any specified crop is notified under section 21, the holder or holders of the insurance policy relating to such crop may prefer a written claim to indemnity in respect of such loss to the Assistant Commissioner of the Administrative District in which the extent of land to which such policy relates is wholly or mainly situated, and upon receipt of such claim that Assistant Commissioner shall transmit it, together with his report thereon, to a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner.

(2) Upon receipt of a claim to indemnity, a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner shall, if the claimant is not entitled to such indemnity, reject such claim, and shall in writing communicate his decision to reject such claim to the claimant.

Award of
indemnity.

23. (1) Where a claim to indemnity under an insurance policy issued under this Act is proved to the satisfaction of a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner, and the holder or holders of that policy is or are entitled to indemnity in accordance with the provisions of this Act and the terms and conditions of that policy, such holder or holders shall be awarded an indemnity computed as hereinafter provided.

(2) Where two or more persons are entitled to the indemnity awarded under sub-section (1), a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner shall apportion the amount of the indemnity among those persons in proportion to their interests in the crop to which that indemnity relates.

24. (1) The rates at which indemnity is payable in respect of any specified crop shall be determined and notified in the *Gazette* by the Minister before each season.

Rates of indemnity.

(2) The rates determined by the Minister under subsection (1) shall vary—

- (a) in the case of a total loss of the crop, according to the stage of production at which the loss occurs, and
- (b) in the case of a partial loss of the crop, in proportion to the extent of the loss and according to the stage of production at which the loss occurs.

25. The amount of indemnity payable for each acre in the case of the loss of any specified crop in any season shall not exceed the value of fifty per centum of the average yield of that crop during that season in areas in which productivity and risk are similar to those in the area in which that acre lies, such value being computed according to the price for the time being of such crop under the Guaranteed Price Scheme, if that Scheme applies to such crop, or, if that Scheme does not apply to such crop, according to the average of the market prices of such crop during the three years immediately preceding the year in which the loss occurs:

Maximum amount of indemnity.

Provided that, where the Commissioner is satisfied that any insured follows methods of farming approved by the Commissioner, the preceding provisions of this section shall, in their application to such insured, have effect as if for the words "fifty per centum" occurring in those provisions there were substituted the words "sixty per centum".

26. (1) Where a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner rejects a claim to indemnity under an insurance policy issued under this Act, the claimant may, within thirty days after the communication to him of the decision to reject such claim, make a written appeal from such decision to the Commissioner.

Appeal in respect of rejection of claim to indemnity or amount of indemnity awarded.

(2) Where a person who is awarded indemnity under a policy of insurance issued under this Act is dissatisfied with the amount of the indemnity, he may, within

thirty days after the award of indemnity is communicated to him, make a written appeal from that award to the Commissioner.

(3) Every appeal under this section shall state the grounds of appeal.

(4) An appellant in any appeal under this section shall be entitled, by himself or by representative, to appear before and be heard by the Commissioner on such appeal.

(5) The Commissioner's decision on any appeal under this section shall be final and conclusive and shall not be called in question in any court.

27. Where any person to whom any indemnity payable under an insurance policy issued under this Act dies before receiving such indemnity, the Commissioner shall pay such indemnity to the District Court or Court of Requests within whose local jurisdiction the land to which such indemnity relates is wholly or mainly situated, according as such indemnity exceeds or does not exceed three hundred rupees, to be drawn by the persons entitled thereto.

28. The holder or holders of an insurance policy issued under this Act may assign such policy to an approved credit agency as security for a loan given by such agency to such holder or holders for any purpose connected with the raising of any specified crop on the extent of land to which such policy relates.

29. No sum due to any person as indemnity under an insurance policy issued under this Act shall be seized or sequestered in execution of a decree or an order of any court, other than a decree or an order for the payment of a sum of money to the Crown or to any approved credit agency, notwithstanding anything to the contrary in any other written law.

30. Where any person is entitled to any indemnity payable under an insurance policy issued under this Act and the Commissioner is satisfied that any sum is due from that person to a co-operative society in repayment of the whole or any part of a loan granted by such co-operative society to that person or in payment of any interest on that loan, the Commissioner may cause the sum due to such co-operative society to be deducted from the amount of such indemnity and to be remitted to such co-operative society.

Payment of indemnity on death of person entitled thereto.

Assignment of insurance policy by way of security for loan.

Prohibition of seizure or sequestration of indemnity due to any person.

Deduction that may be made from the amount of indemnity.

31. Where the right, title and interest of any person to or in any extent of land in respect of which an insurance policy has been issued to him under this Act are transferred to any other person, the transferee shall be entitled to all the rights of the transferor under such policy and shall, from the date of the transfer, be subject to all the outstanding obligations of the transferor under such policy and shall conform to the terms and conditions of such policy.

Effect of transfer of interest to which an insurance policy relates.

32. An insurance policy issued under this Act may be declared void, and the premiums paid in respect of such policy may be forfeited, by the Commissioner if the insured—

Voidance of insurance.

- (a) has concealed or misrepresented any material fact or committed any fraud relating to the insurance, or
- (b) fails to comply with any term or condition of such policy.

THE CROP INSURANCE ADVISORY BOARD.

33. (1) There shall be established a Board which shall be called the Crop Insurance Advisory Board and which shall consist of—

The Crop Insurance Advisory Board.

- (a) the Commissioner, who shall be the Chairman of the Board,
- (b) the Director of Agriculture or any officer nominated by him,
- (c) the Director of Census and Statistics or any officer nominated by him,
- (d) the Director of Social Services or any officer nominated by him,
- (e) the Commissioner of Co-operative Development or any officer nominated by him,
- (f) an officer of the General Treasury appointed to the Board by the Minister with the concurrence of the Minister of Finance,
- (g) an officer of the Central Bank of Ceylon nominated by the Monetary Board,
- (h) a person appointed to the Board by the Minister to represent the paddy growers, from a list of names submitted by the Cultivation Committees established under the Paddy Lands Act, No. 1 of 1958,

- (i) a person experienced in matters relating to insurance and appointed to the Board by the Minister, and
- (j) a Deputy Commissioner or the Senior Assistant Commissioner or any other officer authorised in that behalf by the Commissioner, who shall be the Secretary of the Board.

(2) The term of office of a member of the Board who is appointed by the Minister shall be determined by the Minister and be specified in the letter of appointment. The Minister may, without assigning a reason, terminate the appointment of such member.

(3) The quorum for any meeting of the Board shall be five.

Duty of
the Board.

34. It shall be the duty of the Board to advise the Commissioner on the administration of this Act and on any such matter to which this Act relates as may be referred by the Commissioner to the Board for advice.

FINANCIAL AND GENERAL PROVISIONS.

Establishment
of Insurance
Fund.

35. (1) An Insurance Fund consisting wholly of money or partly of money and partly of the specified crops in which premiums may be paid in respect of insurance policies issued under this Act shall be established.

(2) There shall be credited to the Insurance Fund—

(a) all sums paid or recovered as premiums in respect of insurance policies issued under this Act, and as interest on such sums, and

(b) all sums granted by way of loan or donation by the Government for the purposes of this Act.

(3) Where the amount of the indemnities payable in respect of any season under the insurance policies issued under this Act does not exceed fifteen per centum of the maximum payable under section 25 as indemnities under such policies, such amount shall be paid out of the Insurance Fund.

Where such amount exceeds such fifteen per centum, the part of such amount which is equal to such fifteen per centum shall be paid out of the Insurance Fund and the balance of such amount shall be paid out of moneys provided for the purpose by the Government.

(4) The amount of any indemnity under an insurance policy issued under this Act shall be paid in cash or in the specified crop to which that policy relates or partly in cash and partly in that specified crop.

(5) The Commissioner may, as often as it is necessary, sell any part of the Insurance Fund which consists of specified crops, and shall credit to such Fund the proceeds of the sale after deducting therefrom the expenses incurred in the sale.

(6) The expenses incurred in the storing of any specified crops received as premiums in respect of insurance policies issued under this Act shall be paid out of the Insurance Fund.

(7) The expenses incurred in the payment by way of commission to insurance agents of such sums as may be determined by the Minister with the concurrence of the Minister of Finance shall be paid out of the Insurance Fund.

(8) Such part of the Insurance Fund as is not required for the purposes of sub-section (3) or for the repayment of any loans granted for the purposes of this Act may be applied to any such purpose connected with agriculture as may be determined by the Minister with the concurrence of the Minister of Finance.

(9) The accounts of the Insurance Fund shall be audited annually by the Auditor-General.

36. (1) The Commissioner, a Deputy Commissioner, an Assistant Commissioner or any officer authorised in that behalf by the Commissioner may enter and inspect any land on which any specified crop is raised; and it shall be the duty of every person who is in occupation of such land to permit and assist such inspection.

Power of inspection of lands in which specified crops are raised.

(2) Every person who fails to comply with the provisions of sub-section (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Power to direct an insured to take measures to prevent damage to insured land.

37. The Commissioner, or any officer authorised in that behalf by the Commissioner or any local insurance agent may direct an insured to take such measures in respect of the insured land as may be necessary to prevent or minimize damage to such land.

Power of Commissioner to give directions, or to release insured land from the insurable acreage, upon occurrence of damage to insured crops.

38. (1) Where the damage to any specified crop on any insured extent of land occurs at such a stage that there is still time to raise on that extent a fresh crop of the same kind as the damaged crop, the Commissioner may direct the holder or holders of the policy of insurance relating to that extent to raise such a fresh crop on that extent.

(2) Where the damage to any specified crop on any insured extent of land occurs at such a stage that there is no time to raise on that extent a fresh crop of the same kind as the damaged crop, the Commissioner may release that extent from the insurable acreage so that—

(a) any other crop may be raised on that extent,
or

(b) that extent may be put to any other use.

Prohibition of raising a crop other than a crop to which the policy of insurance relates and of the use of the insured land for any other purpose.

39. (1) No person shall raise on any insured extent of land any crop other than the crop to which the policy of insurance relates or put that extent to any other use unless that extent has been released from the insurable acreage.

(2) Every person who contravenes the provisions of sub-section (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Duty of persons entitled to specified crops from lands in a specified area to maintain records.

40. (1) Every person who is entitled to the whole or a share of any specified crop from any land in a specified area shall maintain such records relating to that crop and his interest therein as may be prescribed.

(2) The Commissioner or such officer as may be authorised in that behalf by him may inspect the records kept under sub-section (1), and it shall be the duty of the persons in charge of such records to permit and assist such inspection.

(3) Every person who fails to comply with any provision of this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees.

41. (1) The Minister may make regulations for giving effect to the provisions of this Act. Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of all matters which are stated or required by this Act to be prescribed.

(3) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and until notification of such approval is published in the *Gazette*.

42. In this Act, unless the context otherwise requires,— Interpretation.

“ approved credit agency ” means any co-operative society or other institution for the time being declared by the Commissioner, by notification published in the *Gazette*, to be an approved credit agency for the purposes of this Act;

“ Board ” means the Crop Insurance Advisory Board established under this Act;

“ Commissioner ” means the Commissioner of Agrarian Services;

“ Deputy Commissioner ” means a Deputy Commissioner of Agrarian Services;

“ insurance agent ”, with reference to any area, means any person or body of persons appointed by the Commissioner as insurance agent for the purposes of this Act for that area;

“ period of cultivation ” means the period commencing on the date of commencement of cultivation and ending on the date of conclusion of harvesting, such dates being determined under sub-section (2) of section 14;

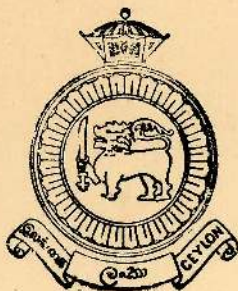
“ prescribed ” means prescribed by regulation made under this Act;

“ season ” means a cultivation season, and, in relation to paddy crops, means the Maha or Yala season of paddy cultivation; and

“Senior Assistant Commissioner” means the Senior Assistant Commissioner of Agrarian Services in charge of the branch of the Department of Agrarian Services which deals with crop insurance.

PARLIAMENT OF CEYLON

1st Session 1960-61



Rubber Control (Amendment) Act, No. 14 of 1961

Date of Assent : April 25, 1961

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Rubber Control (Amendment)
Act No. 14 of 1961

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1st Session 1960-61



Rubber Export Duties (Special Provisions) Act, No. 15 of 1961

Date of Assent : April 25, 1961

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AND THE HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL

IN THE HOUSE OF COMMONS

THE HONORABLE MEMBER FOR THE DISTRICT OF THE SOUTH-EAST
AND THE HONORABLE MEMBER FOR THE DISTRICT OF THE SOUTH-WEST
AND THE HONORABLE MEMBER FOR THE DISTRICT OF THE NORTH-EAST
AND THE HONORABLE MEMBER FOR THE DISTRICT OF THE NORTH-WEST

1951

1. The following new section is hereby inserted in the Bill after section 11 and shall have effect as if it were included in the Bill as it is now framed.

1951

2. The following new section is hereby inserted in the Bill after section 12 and shall have effect as if it were included in the Bill as it is now framed.

3. Where a licensed dealer is convicted of an offence under this Act the Magistrate shall transmit a copy of the proceedings to the Controller for such action as he may deem necessary.

1951

1951

4. The following new section is hereby inserted in the Bill after section 13 and shall have effect as if it were included in the Bill as it is now framed.

5. The Controller may compound any offence under this Act by receiving from the offender a sum not exceeding one thousand rupees.

1951

*Rubber Control (Amendment)
Act, No. 14 of 1961*

L. D.—O. 65/59.

AN ACT TO AMEND THE RUBBER CONTROL ACT,
No. 11 OF 1956.

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Rubber Control (Amendment) Act, No. 14 of 1961.

Short title.

2. The following new section is hereby inserted immediately after section 34, and shall have effect as section 34A, of the Rubber Control Act, No. 11 of 1956, hereinafter referred to as the "principal Act":—

Insertion of
new section
34A in Act
No. 11 of 1956.

"Transmission
to Controller of
proceedings on
conviction of
licensed dealer.

34A. Where a licensed dealer is convicted of an offence under this Act, the Magistrate shall transmit a copy of the proceedings to the Controller for such action as he may deem necessary."

3. The following new section is hereby inserted immediately after section 35, and shall have effect as section 35A, of the principal Act:—

Insertion of
new section
35A in the
principal Act.

"Compounding
of offences.

35A. The Controller may compound any offence under this Act by accepting from the offender a sum not exceeding one thousand rupees."

PARLIAMENT OF CEYLON

1st Session 1954



Rubber Export Duties
(Special Provisions)
Act No. 15 of 1954

Printed and Published by the Government Printer, Colombo

1954

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No. 1, Cross Street, Colombo 2

*Rubber Export Duties (Special Provisions)
Act, No. 15 of 1961*

L. D.—O. 3/60.

AN ACT TO VALIDATE THE LEVY AND PAYMENT OF EXPORT DUTIES ON RUBBER AT INCREASED RATES AND OF FEES IN RESPECT OF LICENCES FOR THE EXPORT OF RUBBER AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: April 25, 1961]

WHEREAS, by virtue of an Order duly made under section 2 of the Revenue Protection Ordinance, the export duties on rubber became leviable and payable at certain increased rates with effect from the 10th day of September, 1959:

And whereas, by virtue of two Orders made in supposed pursuance of the aforesaid section 2, the export duties on rubber became leviable and payable at certain further increased rates during the period ending on the 17th day of December, 1959:

And whereas with effect from the 18th day of December, 1959, the export duties on rubber became leviable and payable at the rates in operation immediately prior to the 10th day of September, 1959, and fees in respect of licences for the export of rubber became leviable and payable by virtue of regulations made in supposed pursuance of the provisions of the Imports and Exports (Control) Act, No. 9 of 1955:

And whereas no resolutions in respect of the aforesaid Orders were in fact passed by the House of Representatives under section 9 of the Customs Ordinance:

And whereas it has now become necessary to validate the levy and payment of such increased rates of export duties:

And whereas it has also become necessary to validate the levy and payment of such fees:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Rubber Export Duties (Special Provisions) Act, No. 15 of 1961.

Short title.

2. Notwithstanding anything in the Customs Ordinance or any resolution passed under section 9 of that Ordinance or any other written law, it is hereby declared that—

- (a) export duties on the goods specified in column I of the First Schedule to this Act shall be deemed, for all purposes, to have been validly leviable and payable at the rates specified in the corresponding entries in column II of that Schedule during the periods specified in the corresponding entries in column III of that Schedule;
- (b) section 4 of the Revenue Protection Ordinance shall be deemed not to have applied to such duties; and
- (c) such duties shall, for the purposes of the Customs Ordinance, be deemed to have been imposed by resolution of the House of Representatives under section 9 of that Ordinance.

3. Notwithstanding anything in the Imports and Exports (Control) Act, No. 9 of 1955, it is hereby declared that fees in respect of licences for the export of rubber shall be deemed, for all purposes, to have been validly leviable and payable under that Act at the rates specified in the Second Schedule to this Act during the period commencing on the 18th day of December, 1959, and ending at midnight of 23/24 November, 1960. Any sum due by way of licence fees which has not been paid or recovered on that date may be recovered by the Rubber Commissioner in like manner as a debt due to the Crown.

4. Nothing in the preceding provisions of this Act shall affect any export duties on rubber or rubber latex leviable or payable under any written law other than the Customs Ordinance or the Medical Wants Ordinance.

FIRST SCHEDULE.

I Goods	II Rates of Export Duty	III Periods
Crepe rubber of every description, other than scrap crepe	Rs. 28 per 100 lb. . .	From 10th September, 1959 to 5th November, 1959, inclusive.
Sheet rubber of every description. . .	Rs. 28 per 100 lb. . .	From 10th September, 1959 to 11th November, 1959, inclusive.
Rubber, latex . . .	Rs. 28 per 100 lb. of dry rubber content	From 10th September, 1959 to 11th November, 1959, inclusive.

Validation of levy and payment of export duties on rubber at increased rates.

Validation of the levy and payment of fees in respect of export licences for rubber.

Export duties payable under other written law.

FIRST SCHEDULE (contd.)

I <i>Goods</i>	II <i>Rates of Export Duties</i>	III <i>Periods</i>
Scrap crepe rubber	.. Rs. 28 per 100 lb. ..	From 10th September, 1959 to 11th November, 1959, inclusive.
Scrap rubber other than scrap crepe	Rs. 28 per 100 lb. ..	From 10th September, 1959 to 11th November, 1959, inclusive.
Crepe rubber of every description, other than scrap crepe	Rs. 38 per 100 lb. ..	From 6th November, 1959 to 17th December, 1959, inclusive.
Sheet rubber of every description	Rs. 38 per 100 lb. ..	From 12th November, 1959 to 17th December, 1959, inclusive.
Rubber, latex ..	.. Rs. 38 per 100 lb. of dry rubber content	From 12th November, 1959 to 17th December, 1959, inclusive.
Scrap crepe rubber	.. Rs. 38 per 100 lb. ..	From 12th November, 1959 to 17th December, 1959, inclusive.
Scrap rubber other than scrap crepe	Rs. 38 per 100 lb. ..	From 12th November, 1959 to 17th December, 1959, inclusive.

SECOND SCHEDULE.

Rate of licence fees.

A fee, in respect of the quantity of rubber specified in each licence, calculated at the rate of 18 cents for each pound.

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PARLIAMENT OF CEYLON

1st Session 1960-61



Business Registration (Surcharge) Act, No. 16 of 1961

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Business Registration (Surcharge) Act,
No. 16 of 1961

L. D.—O. 6/57.

AN ACT TO MAKE PROVISION FOR THE LEVY AND PAYMENT OF A SURCHARGE BY EVERY PERSON OTHER THAN A CORPORATION OR COMPANY, WHO WAS REGISTERED UNDER THE BUSINESS NAMES ORDINANCE ON THE FIFTEENTH DAY OF SEPTEMBER, 1960.

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Business Registration (Surcharge) Act, No. 16 of 1961.

Short title.

2. (1) Every person, other than a corporation or company, who was registered in respect of any business under the Business Names Ordinance on the fifteenth day of September, 1960, shall, notwithstanding that he may have ceased to be so registered or to carry on that business on the date of the commencement of this Act, be liable to pay a surcharge (in this section referred to as "the surcharge") on the fee paid for such registration under that Ordinance. The amount of such surcharge shall be determined by reference to sub-section (2).

Persons liable to pay a surcharge in respect of certain businesses.

(2) The amount of the surcharge which a person is liable to pay under this section shall,—

- (a) if that person is an individual or firm, which is Ceylonese, be two hundred and fifty rupees; or
- (b) if that person is an individual or firm, which is not Ceylonese, be one thousand rupees.

(3) The amount of the surcharge which a person is liable to pay under this section shall be paid to the Registrar of Companies or the Registrar of Business Names by that person within thirty days after the date of the commencement of this Act, and if it is not so paid, that amount shall be deemed to be in default.

Recovery of
the surcharge
in default.

3. (1) Where the amount of the surcharge is in default then,—

(a) if the person in default is an individual, such individual; or

(b) if the person in default is a firm, every partner in that firm,

shall, for the purposes of this section, be deemed to be a defaulter in respect of the amount in default.

(2) The Registrar of Companies, or the Deputy Registrar of Companies, or any Assistant Registrar of Companies, or the Registrar of Business Names, may issue a certificate containing particulars of the amount of the surcharge in default and the name and the last-known place of business or residence of the defaulter to a Magistrate having jurisdiction in the division in which such place is situate. The Magistrate shall thereupon summon such defaulter before him to show cause why further proceedings for the recovery of that amount should not be taken against him, and in default of sufficient cause being shown, that amount shall be deemed to be a fine imposed by a sentence of the Magistrate on such defaulter for an offence punishable with a fine only or not punishable with imprisonment, and the provisions of sub-section (1) of section 312 (except paragraphs (a), (c) and (h) thereof) of the Criminal Procedure Code relating to default of payment of a fine imposed for such offence shall thereupon apply, and the Magistrate may make any directions which by the provisions of that sub-section he could have made at the time of imposing such sentence.

(3) The payment at any time of the amount of the surcharge in default by or on behalf of a defaulter under this section, shall operate as a discharge of that defaulter and of all other defaulters in respect of that amount.

4. For the purposes of this Act, it shall not be necessary to furnish proof that a fee was paid for the registration of any person in respect of any business under the Business Names Ordinance, but the fact that the person was so registered shall be conclusive proof that such fee was paid.

Registration
conclusive
proof of
payment of
fee.

5. In this Act—

Interpretation.

“ Ceylonese ”—

- (a) with reference to an individual, means a citizen of Ceylon;
- (b) with reference to a corporation, means a corporation constituted by or under any written law of Ceylon;
- (c) with reference to a firm, means a firm in which every partner is Ceylonese; and
- (d) with reference to a company, means a company incorporated and registered in Ceylon;

“ company ” has the same meaning as in the Companies Ordinance, No. 51 of 1938;

“ corporation ” means any body corporate, other than a company, established by or under any written law;

“ firm ” means an unincorporated body of two or more individuals, or one or more individuals and one or more corporations or companies, or two or more corporations or companies, who have entered into partnership with one another with a view to carrying on business for profit.

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PARLIAMENT OF CEYLON

1st Session 1960-61



Plumbago Export Duty (Special Provisions) Act, No. 17 of 1961

Date of Assent : April 25, 1961

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Plumbago Export Duty (Special Provisions)
Act, No. 17 of 1961

L. D.—O. 34/60.

AN ACT TO VALIDATE THE LEVY AND PAYMENT OF EXPORT DUTY ON PLUMBAGO AT A REDUCED RATE, TO ENABLE SUCH DUTY TO BE LEVIED AND PAID AT A REDUCED RATE, AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: April 25, 1961]

WHEREAS by virtue of an Order duly made under section 2 of the Revenue Protection Ordinance, export duty on plumbago became leviable and payable at a reduced rate with effect from the twelfth day of November, 1959:

And whereas with effect from the fifth day of December, 1959, the export duty on plumbago became leviable and payable at the rate in operation immediately prior to the twelfth day of November, 1959, by virtue of the operation of the provisions of section 3 of that Ordinance:

And whereas it has now become necessary to validate the levy and payment of such reduced rate of export duty and to enable such export duty to be levied and paid at such reduced rate:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Plumbago Export Duty (Special Provisions) Act, No. 17 of 1961.

Short title.

2. Notwithstanding anything in the Customs Ordinance or any resolution passed under section 9 of that Ordinance or any other written law, it is hereby declared that—

Validation of levy and payment of export duty on plumbago at a reduced rate.

(a) the export duty on plumbago shall be deemed, for all purposes, to have been validly leviable and payable at the rate of one rupee per hundredweight during the period which commenced on the twelfth day of November, 1959, and ends on the day immediately prior to the date of the commencement of this Act;

2 *Plumbago Export Duty (Special Provisions)*
Act, No. 17 of 1961

(b) section 5 of the Revenue Protection Ordinance shall be deemed not to have applied to such duty; and

(c) such duty shall, for the purposes of the Customs Ordinance, be deemed to have been imposed by resolution of the House of Representatives under section 9 of that Ordinance.

3. (1) Notwithstanding anything in the Customs Ordinance or any resolution passed by the House of Representatives under section 9 of that Ordinance or any other written law,—

(a) the export duty on plumbago shall be leviable and payable at the rate of one rupee per hundredweight;

(b) section 5 of the Revenue Protection Ordinance shall not apply to such duty; and

(c) such duty shall, for the purposes of the Customs Ordinance, be deemed to be imposed by resolution passed by the House of Representatives under section 9 of the Customs Ordinance, and such duty may at any time be abolished, increased, reduced or otherwise altered by a like resolution or by an Order made under section 2 of the Revenue Protection Ordinance.

(2) Nothing in paragraph (c) of sub-section (1) shall be deemed or construed to prejudice or affect the operation of section 3 of the Revenue Protection Ordinance in the event of the export duty leviable and payable on plumbago by virtue of that sub-section being altered by an Order referred to in that paragraph.

4. Nothing in the preceding provisions of this Act shall affect any export duty on plumbago leviable or payable under any written law other than the Customs Ordinance.

Export duty on plumbago to be leviable and payable at a reduced rate.

Saving of export duty payable under other written law.

PARLIAMENT OF CEYLON

1st Session 1960-61



Tax Reserve Certificates (Amendment) Act, No. 18 of 1961

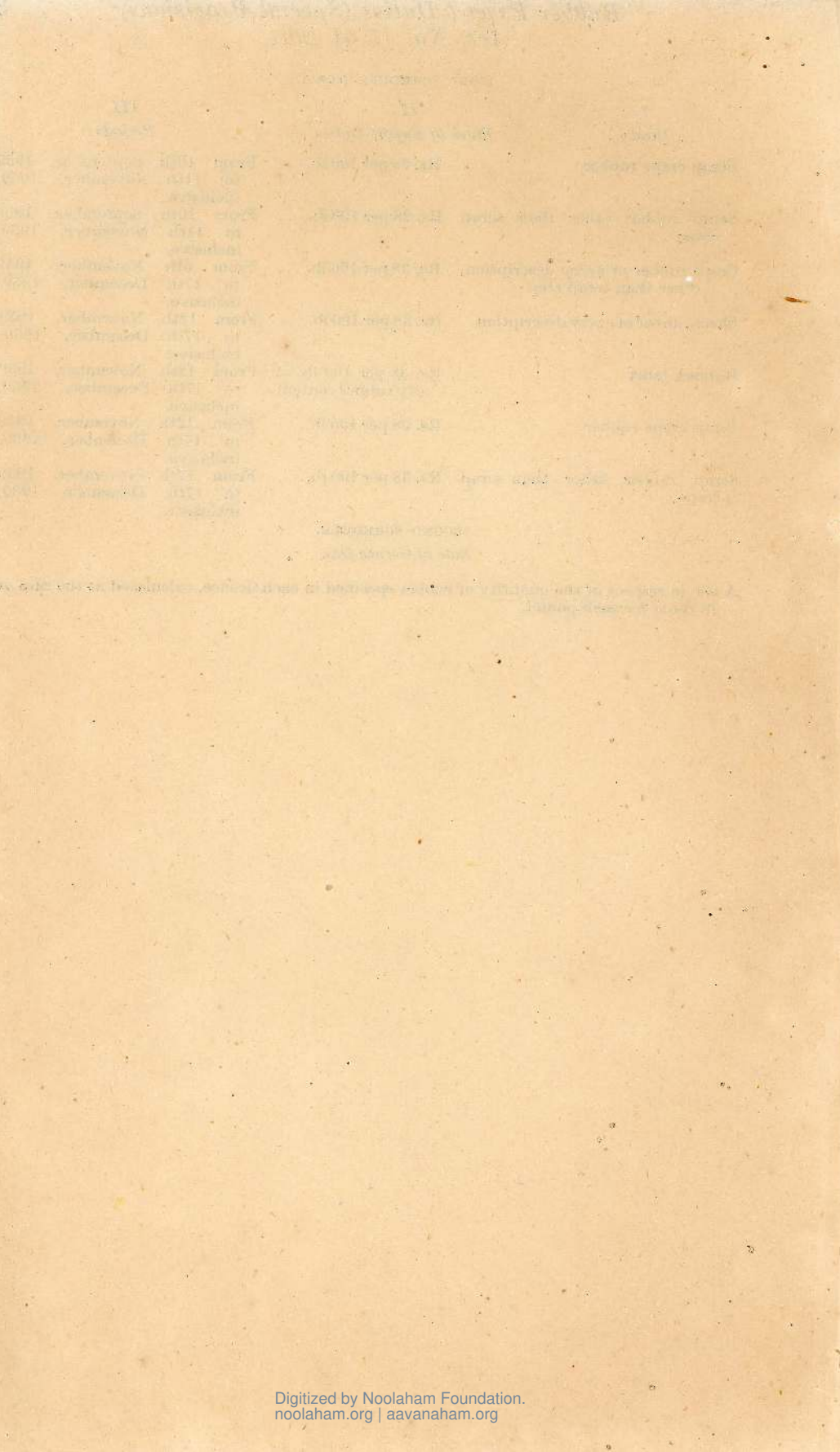
Date of Assent : April 25, 1961

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Tax Reserve Certificates (Amendment)
Act, No. 18 of 1961

L. D.—O. 37/59.

AN ACT TO AMEND THE TAX RESERVE CERTIFICATES
ACT, NO. 22 OF 1957.

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Tax Reserve Certificates (Amendment) Act, No. 18 of 1961.

Short title.

2. The long title of the Tax Reserve Certificates Act, No. 22 of 1957, hereinafter referred to as the "principal Act", is hereby amended by the substitution, for the words "INCOME TAX", of the words "INCOME TAX, PERSONAL TAX".

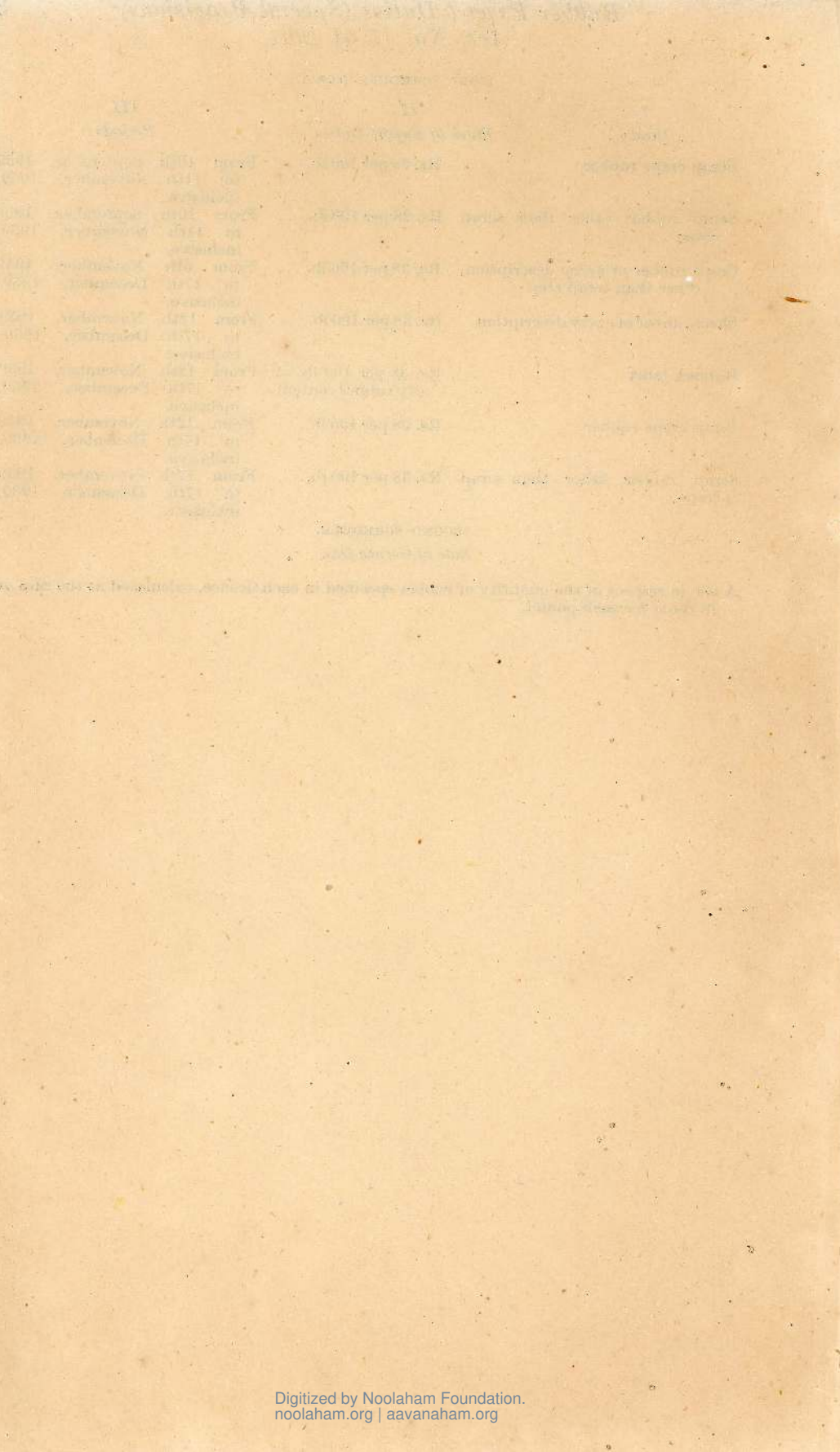
Amendment of long title of Act No. 22 of 1957.

3. Section 5 of the principal Act is hereby amended as follows:—

Amendment of section 5 of the principal Act.

(a) by the substitution for the words "as income tax", of the words "as income tax, Personal Tax"; and

(b) in the marginal note to that section by the substitution, for the words "income tax", of the words "income tax, Personal Tax".



PARLIAMENT OF CEYLON

1st Session 1960-61



Embarkation Tax Act, No. 19 of 1961

Date of Assent : April 25, 1961

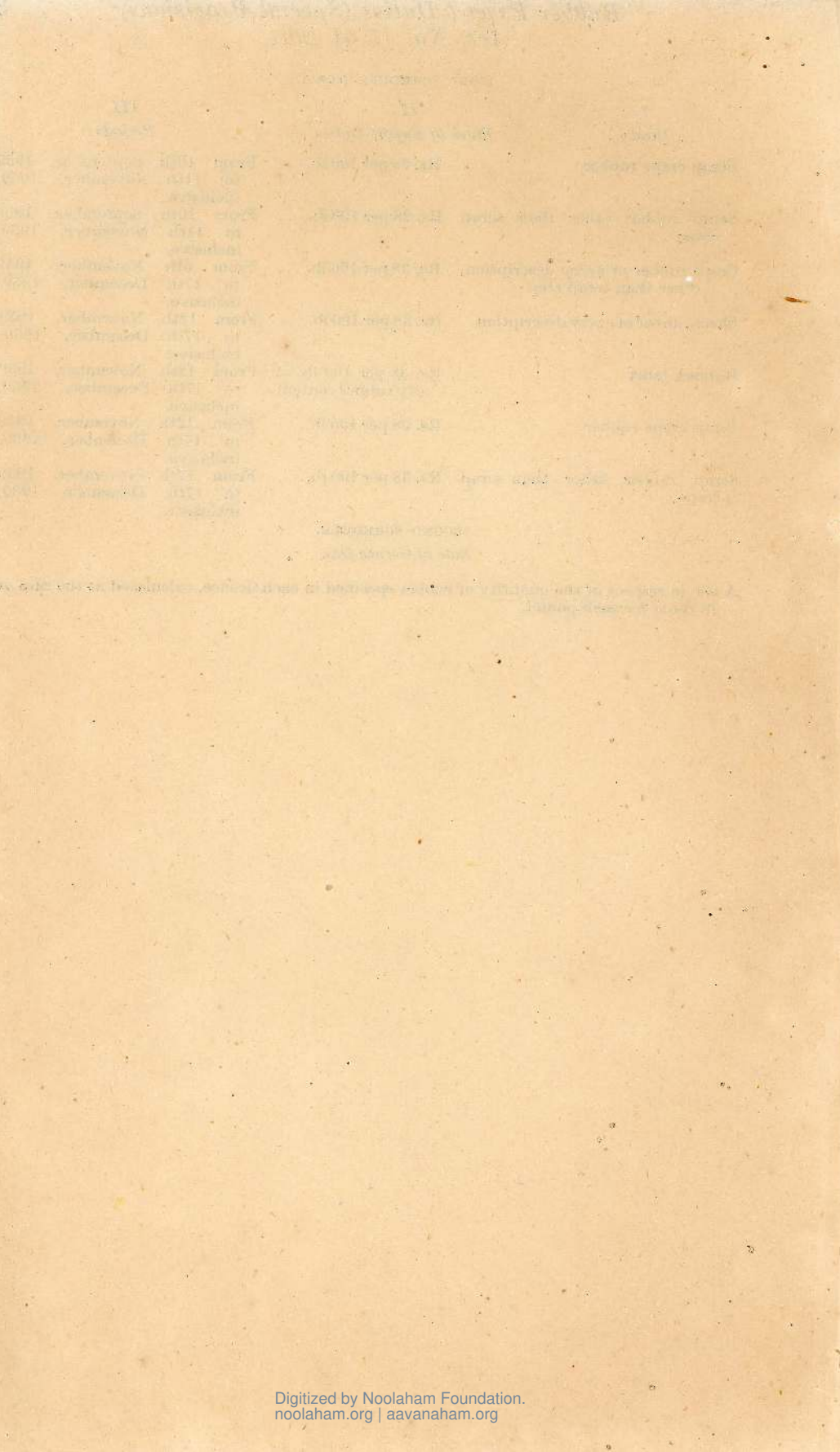
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Embarkation Tax Act, No. 19 of 1961

L. D.—O. 50/57.

AN ACT TO PROVIDE FOR THE LEVY AND RECOVERY OF A TAX IN RESPECT OF PERSONS LEAVING CEYLON BY SHIP OR AIRCRAFT, AND FOR MATTERS CONNECTED THEREWITH.

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Embarkation Tax Act, No. 19 of 1961.

Short title.

2. (1) On and after such date as may be appointed by the Minister by Order published in the *Gazette*, there shall be levied and paid an embarkation tax at the rate of two rupees and fifty cents in respect of every person leaving Ceylon by ship or aircraft, other than—

Embarkation tax to be levied and paid in respect of persons leaving Ceylon by ship or aircraft.

- (a) children who are less than two years of age,
- (b) officers and members of the crew of that ship or aircraft,
- (c) transit passengers of that ship or aircraft, and
- (d) such other persons as may be prescribed.

(2) Any person who, under sub-section (1), is liable to pay embarkation tax is hereafter in this Act referred to as a "person subject to the embarkation tax".

3. No person subject to the embarkation tax shall be permitted to leave Ceylon by ship or aircraft without paying such tax.

Persons subject to the embarkation tax not to be permitted to leave Ceylon unless such tax is paid.

4. (1) Before a person subject to the embarkation tax leaves Ceylon by ship or aircraft, such tax shall be collected from such person in the prescribed manner by the operator of that ship or aircraft on behalf of the Government of Ceylon.

Embarkation tax to be collected by the operator of ship or aircraft on behalf of the Government of Ceylon.

(2) Any embarkation tax collected by the operator of any ship or aircraft shall be retained by such operator on behalf of the Government of Ceylon pending its payment to the competent authority under this Act.

(3) Where the embarkation tax due from any person leaving Ceylon by ship or aircraft is not collected by the operator of that ship or aircraft, such tax may be recovered from such operator in like manner as though it were a debt due to the Crown.

5. (1) Any embarkation tax collected by the operator of any ship or aircraft from a person leaving Ceylon by that ship or aircraft shall, within a period of thirty days from the date of the departure from Ceylon of that ship or aircraft, be paid in the prescribed manner by such operator to the competent authority.

(2) Where the embarkation tax due from any person leaving Ceylon by ship or aircraft is not paid to the competent authority by the operator of that ship or aircraft in accordance with sub-section (1), the competent authority may in his discretion order that a sum not exceeding ten per centum of the amount of such tax shall be added to such tax and recovered therewith. Any sum so added to such tax shall be deemed to constitute a part of such tax.

6. (1) There shall be established, for the purposes of this Act, a Seaport Fund and an Airport Fund. Each such Fund shall be administered by the competent authority subject to the general direction and control of the Minister of Finance.

(2) The competent authority shall pay—

- (a) to the Seaport Fund all sums paid or recovered as embarkation tax under this Act in respect of persons leaving Ceylon by ship, and
- (b) to the Airport Fund all sums paid or recovered as embarkation tax under this Act in respect of persons leaving Ceylon by aircraft.

(3) There shall be paid—

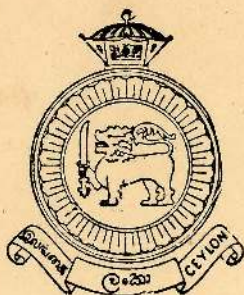
- (a) out of the Seaport Fund the expenses incurred in the administration and enforcement of such of the provisions of this Act and the regulations made thereunder as relate to the levy and recovery of the embarkation tax in respect of persons leaving Ceylon by ship, and in the administration of that Fund, and

Payment of embarkation tax collected by the operator of ship or aircraft to the competent authority.

Seaport Fund and Airport Fund.

PARLIAMENT OF CEYLON

1st Session 1960-61



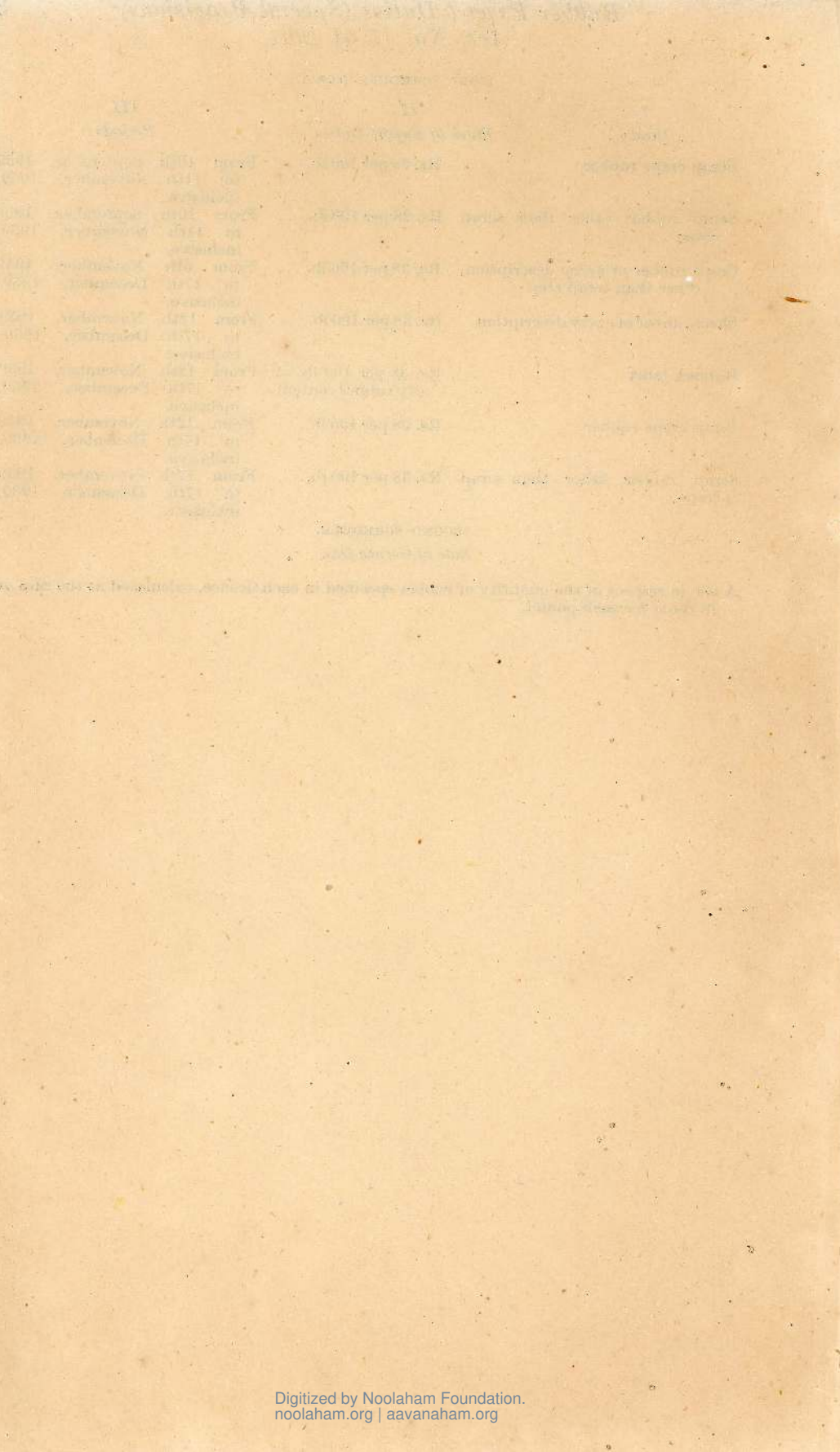
Embarkation Tax Act, No. 19 of 1961

Date of Assent : April 25, 1961

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- (b) out of the Airport Fund the expenses incurred in the administration and enforcement of such of the provisions of this Act and the regulations made thereunder as relate to the levy and recovery of the embarkation tax in respect of persons leaving Ceylon by aircraft, and in the administration of that Fund,

other than the remuneration of the officers and servants engaged in such administration and enforcement.

(4) The competent authority shall, after the end of each quarter of each year, furnish to the Minister of Finance a statement showing the financial position of the Seaport Fund and the Airport Fund in respect of that quarter.

(5) The whole or any part of the surplus which may, at the end of each quarter of any year, be found to the credit of the Seaport Fund after all the payments authorised by this Act to be made out of that Fund have been made may be applied, in such manner as the Minister of Finance may from time to time determine, to the improvement of the services and amenities provided for passengers at seaports in Ceylon.

(6) The whole or any part of the surplus which may, at the end of each quarter of any year, be found to the credit of the Airport Fund after all the payments authorised by this Act to be made out of that Fund have been made may be applied, in such manner as the Minister of Finance may from time to time determine, to the improvement of the services and amenities provided for passengers at airports in Ceylon.

7. The operator of any ship or aircraft shall, when requested to do so by the competent authority, furnish to the competent authority such information within the knowledge of that operator in regard to the passengers transported from Ceylon by that ship or aircraft as the competent authority may require for the purposes of this Act.

Information necessary for the purposes of this Act to be furnished by the operator of any ship or aircraft to the competent authority.

8. (1) For the purpose of verifying the correctness of any information furnished by the operator of any ship or aircraft in pursuance of this Act or for the

Powers of entry and inspection of premises and documents.

purpose of securing compliance with the provisions of this Act or of any regulations made thereunder, the competent authority may—

(a) enter any premises in Ceylon used by such operator for the purposes of his business as a carrier of passengers by ship or aircraft; and

(b) inspect and take copies of any such record of passengers transported from Ceylon by any ship or aircraft of that operator as is kept by that operator (whether in pursuance of this Act or otherwise) in relation to his business.

(2) The competent authority may, for the purpose of securing compliance with the provisions of this Act or of any regulations made thereunder, enter on board any ship or aircraft arriving in or departing from Ceylon and require the master of that ship or the captain of that aircraft to produce for inspection by the competent authority any document which contains information regarding the passengers to be transported by that ship or aircraft.

Offences.

9. Any person who—

(a) contravenes any of the provisions of this Act or of any regulation made thereunder, or

(b) furnishes any false information to the competent authority,

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

10. No prosecution for an offence under this Act shall be instituted except by or with the written sanction of the competent authority.

Prosecutions to be by or with written sanction of competent authority.

Regulations.

11. (1) The Minister may make regulations for the purpose of carrying out the provisions or giving effect to the principles of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in respect of all or any of the following matters:—

(a) any matter stated or required by this Act to be prescribed;

(b) the imposition of such conditions or restrictions on the departure of ships and aircraft from Ceylon as are considered necessary for the purpose of securing compliance with the provisions of this Act.

(3) No regulation shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

12. The powers conferred on a competent authority by or under this Act, other than the power to sanction a prosecution conferred by section 10, may be exercised on his behalf by any other officer acting under the general or special directions of such authority.

Powers of competent authority exercisable by authorised officers.

13. In this Act unless the context otherwise requires—

Interpretation.

“captain”, in relation to an aircraft, means the person for the time being in charge, command or control of that aircraft;

“competent authority”,—

(a) with reference to all matters relating to the embarkation tax in respect of persons leaving Ceylon by ship, the operators of ships, and the Sea-port Fund, means the Port Commissioner, Colombo; and

(b) with reference to all matters relating to the embarkation tax in respect of persons leaving Ceylon by aircraft,

the operators of aircraft, and the Airport Fund, means the Director of Civil Aviation;

“master”, in relation to a ship, means the person for the time being in charge, command or control of that ship;

“operator”—

(a) in relation to a ship, means the owner, agent or master of that ship; and

(b) in relation to an aircraft, means the owner, agent or captain of that aircraft.

PARLIAMENT OF CEYLON

1st Session 1960-61



Heavy Oil Motor Vehicles Taxation (Amendment) Act, No. 20 of 1961

Date of Assent : April 25, 1961

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Heavy Oil Motor Vehicles
Taxation (Amendment)
Act No. 20 of 1961

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*Heavy Oil Motor Vehicles Taxation
(Amendment) Act, No. 20 of 1961*

L. D.—O. 52/58.

AN ACT TO AMEND THE HEAVY OIL MOTOR VEHICLES
TAXATION ORDINANCE.

Chapter 190.
Volume IV.
page 755.

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Heavy Oil Motor Vehicles Taxation (Amendment) Act, No. 20 of 1961.

Short title.

2. (1) Section 6 of the Heavy Oil Motor Vehicles Taxation Ordinance, hereinafter referred to as the "principal enactment", is hereby amended, in sub-section (2) of that section, as follows:—

Amendment of
section 6 of
Chapter 190.

- (a) by the substitution, in the definition of "heavy oil", for all the words from "or any other oil" to the end of that definition, of the words "or Diesel oil";
- (b) by the substitution, in the definition of "heavy oil motor vehicle", for the words "motor car", of the words "motor vehicle"; and
- (c) by the substitution, in the definition of "registered owner", for the words "motor car", of the words "motor vehicle".

(2) The amendment made in the principal enactment by paragraph (a) of sub-section (1) shall be deemed to have come into effect on the thirteenth day of July, 1956.

(3) The amendment made in the principal enactment by paragraphs (b) and (c) of sub-section (1) shall be deemed to have come into effect on the first day of September, 1951.

AN ACT TO AMEND THE HEAVY OIL MOTOR VEHICLE
TAXATION ACT

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty
by and with the advice and consent of the Senate and
the House of Representatives of Canada in this present
Parliament assembled, and by the authority of the
same as follows:—

1. This Act may be cited as the Heavy Oil Motor
Vehicle Taxation Amendment Act, 1961.

2. (1) Section 7 of the Heavy Oil Motor Vehicle
Taxation Act, as amended, is hereby amended in sub-
section (2) of that section as follows:—

(a) for the definition in the definition of
"heavy oil" for all the words from "or
any other oil" to the end of that
definition of the words "or diesel oil";
(b) by the substitution in the definition of
"heavy oil motor vehicle" for the words
"motor car" of the words "motor
vehicle";
(c) by the substitution in the definition of
"motor car" for the words "motor
vehicle".

(2) The amendment made in the principal enact-
ment by paragraph (a) of subsection (1) shall be
deemed to have come into effect on the thirtieth day
of this Bill.

(3) The amendment made in the principal enact-
ment by paragraphs (b) and (c) of subsection (1) shall
be deemed to have come into effect on the first day of
September 1961.

PARLIAMENT OF CEYLON

1st Session 1960-61



Fertilizers Act, No. 21 of 1961

Date of Assent : April 25, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Parliamentary Act No. 21 of 1961

Date of Assent: April 24, 1961

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Fertilizers Act, No. 21 of 1961

L. D.—O. 42/56.

AN ACT TO REGULATE THE SALE OF FERTILIZERS OF THE SOIL AND TO PROVIDE AGAINST THE ADULTERATION THEREOF AND TO REPEAL THE FERTILIZERS ORDINANCE.

[Date of Assent: April 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Fertilizers Act, No. 21 of 1961, and shall come into operation on such date (hereinafter referred to as the "appointed date") as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation.

2. The Chemist of the Department of Agriculture shall be the Chief Fertilizer Analyst for the purposes of this Act.

The Chief Fertilizer Analyst.

3. For the purposes of this Act there may be appointed, by name or by office, the necessary number of—

Deputy Chief Fertilizer Analysts, Fertilizer Analysts, Fertilizer Inspectors, and other staff.

(a) persons to be or to act as Deputy Chief Fertilizer Analysts,

(b) persons to be or to act as Fertilizer Analysts,

(c) persons to be or to act as Fertilizer Inspectors, and

(d) other officers and servants.

4. The powers or duties of any Fertilizer Analyst or any Fertilizer Inspector may be exercised or performed by the Chief Fertilizer Analyst.

Chief Fertilizer Analyst may exercise or perform powers or duties of any Fertilizer Analyst or Fertilizer Inspector.

5. The powers or duties of any Fertilizer Inspector may be exercised or performed by any Fertilizer Analyst.

Powers or duties of any Fertilizer Inspector may be exercised or performed by any Fertilizer Analyst.

Statutory statement in respect of certain articles.

6. (1) Where any article specified in column I of the First Schedule to this Act is sold for use as a fertilizer of the soil, whatever may be the name under which the article is sold, the seller of such article shall give or cause to be given to the purchaser of such article, on or before delivery thereof or as soon as reasonably practicable thereafter, a statement in writing (hereafter in this Act referred to as a "statutory statement") specifying—

- (a) the name under which the article is sold, and
- (b) such particulars of the nature, substance or quality of the article, and the amount of any ingredient of the article, as are in relation to the article mentioned in column II of that Schedule:

Provided that the preceding provisions of this sub-section shall not apply—

- (i) to the sale of two or more such articles which are mixed at the request of the purchaser before delivery to him; or
- (ii) to the sale of any such article in any quantity not exceeding fifty-six pounds if the article sold is taken in the presence of the purchaser from a parcel marked in the prescribed manner with any registered mark or marks indicating the particulars required by the preceding provisions of this sub-section to be specified in the statutory statement.

(2) The failure to give a statutory statement in accordance with the provisions of this section shall not invalidate a contract for sale.

Warranties.

7. (1) A statutory statement given by the seller of any article specified in column I of the First Schedule to this Act shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained in such statement are correct.

(2) Where any such article specified in column I of the First Schedule to this Act as is sold for use as a fertilizer of the soil is, in a statutory statement or other document provided or issued by or on behalf of the seller of the article, described by a name specified in column I of the Second Schedule to this Act, the

sale of the article under that name shall have effect as a written warranty by the seller of the article that the article accords with the definition thereof contained in column II of that Second Schedule.

(3) Any statement as to the amount of chemical or other ingredients or as to the fineness of grinding of any such article specified in column I of the First Schedule to this Act as is sold for use as a fertilizer of the soil, which is made after the appointed date in any such document (other than a statutory statement) descriptive of the article as is provided or issued by or on behalf of the seller of the article, shall have effect as a warranty by the seller of the article that the facts stated in that document are correct.

(4) No action on any warranty referred to in the preceding provisions of this section shall lie for any mis-statement therein as to the particulars of the nature, substance or quality of the article in respect of which the warranty is given or as to the amount of any ingredient of such article where the mis-statement does not exceed the limits of variation (if any) prescribed in relation to such particulars or amounts, but where the mis-statement exceeds such limits, the rights of the purchaser of such article under the warranty shall not be affected by such limits.

8. (1) The purchaser of—

- (a) any article specified in column I of the First Schedule to this Act, or
- (b) any other article sold for use as a fertilizer of the soil in respect of which a warranty, express or implied, has been given by the seller of such article,

Right of purchaser to have article sampled and analysed.

may apply in writing to the Fertilizer Inspector of the area where such article is sold to such purchaser that a sample of such article be taken by such Inspector for analysis by a Fertilizer Analyst. Such application shall be so transmitted as to reach such Inspector at least three days before the delivery of such article to such purchaser, and shall be accompanied by the prescribed fee for such analysis and a copy of the statutory statement, or of the warranty, relating to such article.

(2) Where an application relating to an article specified in sub-section (1) is transmitted to a Fertilizer Inspector in accordance with the provisions of

that sub-section, he shall take in the prescribed manner a sample of such article at the time of the delivery of such article to its purchaser at the place of sale or at the time of the despatch of such article by its seller to its purchaser.

9. (1) Every parcel of any article specified in column I of the First Schedule to this Act when prepared for sale or consignment for use as a fertilizer of the soil shall, if exposed for sale, or, if not exposed for sale, before being removed from the premises where it is so prepared, be marked in the prescribed manner with any registered mark or marks indicating the particulars required by this Act to be contained in the statutory statement relating to such article:

Provided that the preceding provisions of this sub-section shall not apply to a parcel of two or more such articles which are mixed at the request of the purchaser before delivery to him.

(2) The proprietor of the business of selling such parcels as are referred to in sub-section (1) shall keep, in such form as may be prescribed, a register of marks specifying the particulars indicated by the several marks entered in the register.

(3) The marking of a parcel of any article specified in column I of the First Schedule to this Act with any mark or marks entered in a register kept under sub-section (2) shall be treated as indicating that the particulars of such article are those entered in the register in relation to such mark or marks.

(4) On the sale of any parcel marked in the prescribed manner with any registered mark or marks, the seller shall add or cause to be added such mark or marks to the statutory statement.

(5) Where the statutory statement received by the seller on the sale to him of a parcel of any article specified in column I of the First Schedule to this Act contains any registered mark or marks, and the parcel has not been on his premises, he shall add or cause to be added such mark or marks to the statutory statement required to be given by him to a purchaser of such parcel.

(6) If any parcel required by sub-section (1) to be marked as provided in that sub-section is not so marked, or if any such parcel is so marked and from the analysis of a sample of the article in the parcel

Marking of
articles prepared
for sale or
consignment.

taken by a Fertilizer Inspector in the prescribed manner on the premises on which the parcel is exposed for sale or on any premises on which the parcel after having been so marked may happen to be before being delivered to a purchaser or carrying agent, it appears that the particulars indicated by the registered mark or marks with which the parcel is marked are false to the prejudice of the purchaser, or that such particulars do not include any particulars which are required by this Act to be specified in the statutory statement relating to the article in the parcel, the person selling or having in his possession or disposition for the purpose of sale or consigning the parcel or exposing it for sale shall be guilty of an offence unless he proves that he took all reasonable steps to prevent the commission of the offence and that he acted without intent to defraud.

10. Where any article is sold for use as a fertilizer of the soil in any quantity not exceeding fifty-six pounds from a parcel which purports to be marked in the prescribed manner with any registered mark or marks, and from an analysis of a sample of the article in the parcel taken by a Fertilizer Inspector in the prescribed manner on the premises on which the parcel is kept it appears that the particulars indicated by such mark or marks are false to the prejudice of the purchaser, or do not include any particulars which are required by this Act to be specified in a statutory statement relating to that article, the seller of that article shall be guilty of an offence unless he proves that he took all reasonable steps to prevent the commission of the offence and that he acted without intent to defraud.

Sales in small quantities.

11. (1) A person who, without reasonable excuse, fails to comply with the provisions of sub-section (1) of section 6 shall be guilty of an offence.

Failure to give, and mis-statements in, statutory statements, etc.

(2) If, on the sale of any article specified in column I of the First Schedule to this Act, a statutory statement is given the particulars stated in which differ—

(a) from the particulars indicated by any registered mark or marks with which a parcel of that article is marked in the prescribed manner, or

- (b) where that article has not been on the premises of the seller, from the particulars stated in the statutory statement received by the seller on the sale of that article to him,

the seller of that article shall be guilty of an offence unless he proves that he took all reasonable steps to prevent the commission of the offence and that he acted without intent to defraud.

- (3) A person who, without reasonable excuse, fails to comply with the provisions of sub-section (4) or sub-section (5) of section 9 shall be guilty of an offence.

12. Where in pursuance of the foregoing provisions of this Act a description has been applied to any article specified in column I of the First Schedule to this Act and such description is a trade description within the meaning of the Merchandise Marks Ordinance, no proceedings shall be taken under that Ordinance on the ground that the description so applied is a false description.

13. (1) It shall be the duty of any person who keeps a register under this Act, or who, in respect of an article which has been sold by him but which has never been on his premises, has received a statutory statement on the sale of that article to him, to preserve the register or statutory statement for the prescribed period, and on demand made by any Fertilizer Inspector at any time within that period to produce it for his inspection, and if such person fails so to preserve the register or statutory statement or so to produce it for such inspection, such person shall be guilty of an offence.

(2) Any person having in his possession or under his control any register kept under this Act or any statutory statement made under this Act shall on demand made by any Fertilizer Inspector produce it for his inspection, and if such person fails so to produce the register or statutory statement, he shall be guilty of an offence.

(3) Any Fertilizer Inspector may at all reasonable times enter any premises where he has reasonable cause to believe that any register required by this Act to be kept, or any statutory statement, is for the time being kept, and may take copies thereof.

Relief from liability under the Merchandise Marks Ordinance in certain cases.

Cap. 122.

Preservation of registers and certain statutory statements, and inspection of registers and statutory statements.

14. Any Fertilizer Inspector may at all reasonable times enter any premises in which he has reasonable cause to believe that there is any article specified in column I of the First Schedule to this Act which has been prepared for sale or consignment and may take samples in the prescribed manner of any article on such premises which he has reasonable cause to believe to be such an article as aforesaid:

Power of entry
and sampling.

Provided that a Fertilizer Inspector shall not exercise his powers under the preceding provisions of this section in respect of a mixture of two or more such articles prepared at the request of a purchaser.

15. (1) Where a sample of any article has been taken by a Fertilizer Inspector in the prescribed manner, he shall—

Samples.

(a) divide the sample into three parts; and

(b) place each such part in a bottle or other container which shall be so closed or secured as to preserve the original composition of the article and shall be marked and sealed in the prescribed manner; and

(c) send two of the parts to a Fertilizer Analyst together with a signed statement that the sample was taken in the prescribed manner; and

(d) deliver or send the third part to the seller or owner as may be prescribed.

(2) A Fertilizer Analyst to whom two parts of a sample are sent under sub-section (1) shall analyse one of those parts and shall retain the other for the prescribed period.

(3) If the person on whose behalf the sample of an article is taken and analysed, or the owner or seller of such article, objects to the certificate of the Fertilizer Analyst who made the analysis, the person objecting thereto shall, on payment of the prescribed fee, be entitled to have submitted to the Chief Fertilizer Analyst the part of the sample retained by the aforesaid Fertilizer Analyst and to have that part analysed by the Chief Fertilizer Analyst and to receive from him a certificate of the result of his analysis.

(4) Where a sample is under this section sent for analysis to a Fertilizer Analyst or to the Chief Fertilizer Analyst, there shall also be sent to him any statutory statement or warranty relating to the article sampled or a copy thereof, or, where such article was taken from a parcel, a copy of the particulars indicated by any registered mark or marks with which the parcel was marked in the prescribed manner.

(5) Where a sample is sent for analysis to a Fertilizer Analyst or the Chief Fertilizer Analyst, the analysis may be made by any person acting under the direction of such Fertilizer Analyst or Chief Fertilizer Analyst, but the certificate of analysis shall be signed by such Fertilizer Analyst or Chief Fertilizer Analyst, as the case may be.

(6) Where a sample of any article taken in the prescribed manner has been analysed by a Fertilizer Analyst or the Chief Fertilizer Analyst, such Analyst shall, within twenty-one days after the receipt by such Analyst of the sample analysed, furnish to the person who submitted the sample for analysis and, where that person is not the purchaser of such article, also to such purchaser, and in every case to the owner or seller of such article, his certificate of analysis:

Provided that if such Analyst does not know the name and address of the owner or seller, such Analyst shall send the certificate intended for the owner or seller to the person who submitted the sample, who shall transmit it to the owner or seller.

(7) Where a sample of any article, which has not been taken in the prescribed manner, is analysed by a Fertilizer Analyst or the Chief Fertilizer Analyst, such Analyst shall send his certificate of analysis to the person who submitted the sample to him.

16. If any person knowingly or fraudulently—

- (a) tampers with any article so as to procure that any sample of it taken or submitted for analysis under this Act does not correctly represent the article; or
- (b) tampers with any sample taken or submitted for analysis under this Act,

he shall be guilty of an offence.

Tampering
with samples.

17. (1) If the owner or person entrusted for the time being with the charge and custody of any article refuses to allow a Fertilizer Inspector to take a sample of the article on any premises on which he is authorised by this Act to do so, such owner or person shall be guilty of an offence.

Obstruction of Inspectors.

(2) If any person wilfully delays or obstructs a Fertilizer Inspector in the execution of his duties under this Act, such person shall be guilty of an offence.

18. If a Fertilizer Inspector discloses any information obtained by him in or in connection with the exercise of his powers under this Act, except to a person acting in the execution of this Act and so far as such information may be necessary for such execution, such Inspector shall be guilty of an offence.

Prohibition against disclosures.

19. Any person guilty of an offence under this Act shall be liable, on conviction after summary trial before a Magistrate, in the case of a first offence to a fine not exceeding two hundred and fifty rupees, and in the case of a second or subsequent offence to a fine not exceeding five hundred rupees.

Penalties for offences.

20. No proceedings for an offence under this Act shall be instituted except with the written sanction of the Chemist of the Department of Agriculture.

Sanction of Chemist of the Department of Agriculture required for prosecution.

21. Where an offence under this Act is committed by a body corporate, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of that body or was purporting to act in such capacity shall be deemed to be guilty of the offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

Liability of directors and certain officers of a body corporate for offence under this Act committed by that body.

22. (1) Notwithstanding anything in any other written law, proceedings for an offence under this Act may, if the prosecutor so desires, be instituted in the Magistrate's Court having jurisdiction in the place where the person charged resides or carries on business.

General provisions as to legal proceedings.

(2) In any proceedings for an offence under this Act, it shall be no defence to allege that a sample of any article having been taken for analysis only there was no prejudice to the purchaser.

(3) Notwithstanding anything in any other written law, proceedings for an offence under this Act may, subject to the provisions of section 20, be instituted by the person aggrieved or by a Fertilizer Inspector.

23. (1) Where a sample which has been taken in the prescribed manner by a Fertilizer Inspector and has been divided into parts and parcelled, marked and sealed as hereinbefore provided in this Act, has been analysed by a Fertilizer Analyst, such Analyst's certificate shall at the hearing of any civil or criminal proceedings with respect to the article sampled be sufficient evidence of the facts therein stated, unless the defendant or the person charged requires that such Analyst be called as a witness or that the sample be further analysed by the Chief Fertilizer Analyst.

(2) In any legal proceedings a certificate by the Chief Fertilizer Analyst shall be sufficient evidence of the facts stated therein unless either party to the proceedings requires that such Analyst be called as a witness.

24. (1) The Minister may, after consultation with the advisory committee to be constituted under section 25, make regulations for prescribing anything which under this Act is required or authorised to be prescribed, and generally to give effect to the provisions of this Act; and in particular such regulations may—

- (a) amend any Schedule to this Act;
- (b) prescribe the manner in which parcels of articles required to be marked under this Act are to be marked and the nature of the marks;
- (c) prescribe the limits of variation for the purpose of this Act;
- (d) prescribe the manner in which samples are to be taken and dealt with;
- (e) prescribe the methods of analysis to be followed for determining the percentages of particular substances.

(2) No regulation made by the Minister under this Act shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

25. For the purpose of assisting and advising him with respect to the making of regulations under this Act, the Minister shall, after consultation with such associations or other bodies as appear to him to represent the interests concerned, appoint an advisory committee consisting of such number of members as he may deem necessary.

Advisory
Committee.

26. The Fertilizers Ordinance is hereby repealed.

Repeal of
Chapter 306.

27. (1) In this Act, unless the context otherwise requires,—

Interpretation.

“ Chief Fertilizer Analyst ” includes any Deputy Chief Fertilizer Analyst appointed for the purposes of this Act;

“ registered mark ”, with reference to a parcel of any article specified in column I of the First Schedule to this Act, means a mark entered in a register kept under sub-section (2) of section 9 by the proprietor of the business of selling such parcel;

“ seller ”, with reference to any article sold, means the person who was the owner of the article at the time of its sale.

(2) Where the method of analysis for determining the amount of any substance contained in any article is prescribed under this Act, any statement in any statutory statement or document which by virtue of this Act takes effect as a warranty and any registered mark or marks on a parcel of any article or any entry in a register under this Act indicating or stating the amount of that substance shall be taken to be a statement of the amount of that substance as determined by analysis in accordance with the method so prescribed.

(3) Particulars as to the nature, substance or quality of an article in a parcel marked with any registered mark or marks shall not for the purposes of this Act be deemed to be false to the prejudice of the purchaser

of that article if the mis-statement as respects any ingredient does not exceed the limits of variation (if any) prescribed under this Act in relation thereto.

FIRST SCHEDULE.

FERTILIZERS.

I	II
<i>Article.</i>	<i>Particulars to be contained in Statutory Statement.</i>
A product, not otherwise mentioned in this Schedule, obtained by mixing one or more of the articles mentioned in this Schedule with any other such article or with any other substance or substances	Amount, if any, of nitrogen, potash, phosphoric acid soluble in water, and phosphoric acid insoluble in water respectively.
Basic slag ...	Amount of phosphoric acid soluble in citric acid.
Bone meal, or other product not otherwise mentioned in this Schedule, obtained by grinding or otherwise treating bone used for fertilizing purposes	Amount of nitrogen and phosphoric acid respectively.
Calcium cyanamide ...	Amount of nitrogen.
Coral limestone, ground ...	Neutralising value. Amount of lime. Amount that will pass through a prescribed sieve.
Concentrated superphosphate ...	Amount of phosphoric acid soluble in water.
Dicalcium phosphate ...	Amount of phosphoric acid.
Dissolved or vitriolised bone ...	Amount of nitrogen, phosphoric acid soluble in water, and phosphoric acid insoluble in water respectively.
Dolomite, ground ...	Amount of magnesia. Neutralising value. Amount that will pass through a prescribed sieve.
Dried blood for fertilizing purposes	Amount of nitrogen.
Fish residues or other products obtained by drying and grinding or otherwise treating fish or fish waste, used for fertilizing purposes	Amount of nitrogen and phosphoric acid respectively.

I

II

Article.

Particulars to be contained in
Statutory Statement.

Guano, including Peruvian and other raw guanos, but excluding poultry manure	...	Amount of nitrogen, phosphoric acid and potash respectively.
Hoofs	...	Amount of nitrogen.
Hoofs and horns	...	Amount of nitrogen.
Horns	...	Amount of nitrogen.
Magnesium silico phosphate	...	Amount of phosphoric acid.
Magnesium sulphate	...	Amount of Magnesia.
Meat and bone residues, or any product not specifically mentioned elsewhere in this Schedule, obtained by drying and grinding or otherwise treating bone, flesh fibre (including whale meat) and other slaughterhouse residues, used for fertilizing purposes		Amount of nitrogen and phosphoric acid respectively.
Nitrate of lime	...	Amount of nitrogen.
Nitrate of potash	...	Amount of nitrogen and potash respectively.
Nitrate of soda	...	Amount of nitrogen.
Oil seed fertilizers, including castor cake, gingelly cake, ground nut cake, coconut cake, or any residue obtained by the removal of oil from seeds		Amount of nitrogen.
Phosphate rock, ground or otherwise		Amount of phosphoric acid. Amount that will pass through a prescribed sieve.
Potassic nitrate of soda	...	Amount of nitrogen and potash respectively.
Potassium salts used as fertilizers including kainit, sylvinit, potash manure salt, muriate of potash, sulphate of potash and sulphate of potash-magnesia		Amount of potash.
Precipitated bone phosphate; dicalcium bone phosphate		Amount of phosphoric acid.
Slaked magnesian lime	...	Neutralising value and amount of magnesium.
Sulphate of ammonia	...	Amount of nitrogen.
Slaked coral lime	...	Neutralising value and amount of lime.
Superphosphate	...	Amount of phosphoric acid soluble in water.

I	II
Article.	Particulars to be contained in Statutory Statement.
Triple superphosphate	... Amount of phosphoric acid soluble in water.
Urea	... Amount of nitrogen.

The provisions of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Schedule.

Amounts are to be stated as percentages of the weight of the article. Nitrogen is to be stated in terms of nitrogen. Phosphoric acid, soluble phosphoric acid and insoluble phosphoric acid are to be stated in terms of phosphoric anhydride (P_2O_5). Potash is to be stated in terms of potassium oxide (K_2O). Magnesia is to be stated in terms of Magnesium Oxide (MgO). Lime is to be stated in terms of Calcium Oxide (CaO).

SECOND SCHEDULE.

DEFINITIONS IMPLIED ON THE SALE, UNDER CERTAIN NAMES, OF
ARTICLES SPECIFIED IN COLUMN I OF THE FIRST SCHEDULE.

I	II
Name under which article is sold.	Implied definition.
Ammonium nitrate	... Ammonium nitrate for fertilizing purposes.
Basic slag	... A by-product, containing phosphorus obtained in the manufacture of steel and to which no addition has been made at the time of leaving or after it has left the furnace.
Bone meal	... Commercially pure bone, raw or degreased, which has been ground or crushed, and which contains not less than 3 per cent nitrogen and not less than 22 per cent phosphoric acid.
Bone meal, Grade II	... Commercially pure bone, raw or degreased, which has been ground or crushed, and which contains less than 3 per cent nitrogen or less than 22 per cent phosphoric acid.
Calcium cyanamide	... Commercial calcium cyanamide.

I

II

Name under which article is sold.

Implied definition.

Castor cake ...	...	The residue which is obtained by the removal of oil from castor cake seed.
Coconut cake ...	...	The residue which is obtained by the removal of oil from copra.
Compound fertilizer, mixed fertilizer, and fertilizer mixture		A product, not otherwise mentioned in this Schedule, containing two or three of the elements nitrogen, phosphorus and potassium, and obtained by mixing one or more of the articles mentioned in the First Schedule with any other such article or with any other substance or substances.
Concentrated superphosphate	...	Phosphate rock which has been treated with sulphuric acid and phosphoric acid.
Coral limestone, ground	...	Coral limestone reduced in size.
Dicalcium phosphate	...	Dicalcium phosphate for fertilizing purposes.
Dissolved or vitriolised bone	...	Commercially pure bone which has been treated with sulphuric acid.
Dolomite, ground	...	Dolomite reduced in size.
Dried blood	...	Blood which has been dried, to which no other matter has been added.
Fish guano, and fish manure	...	A product obtained by drying and grinding or otherwise treating fish or fish waste, to which no other matter has been added.
Gingelly cake	...	The residue which is obtained by the removal of oil from gingelly seed.
Groundnut cake	...	The residue which is obtained by removal of oil from shelled groundnut.
Hoofs	...	The product obtained by crushing or grinding hoofs.
Hoofs and horns	...	A mixture of hoof and horn, crushed or ground.
Horns	...	The product obtained by crushing or grinding horn.

I	II
<i>Name under which article is sold.</i>	<i>Implied definition.</i>
Magnesium Silico phosphate ...	A product obtained by the fusion of magnesium silicate with rock phosphate.
Magnesium sulphate ...	Magnesium sulphate for fertilizing purposes.
Meat and bone meal, meat meal, carcass meal, meat and bone tankage	The product of drying and grinding or otherwise treating bone, flesh fibre (including whale meat) and other slaughterhouse residues.
Muriate of potash ...	Potassium chloride for fertilizing purposes.
Nitrate of potash ...	Potassium nitrate for fertilizing purposes.
Nitrate of soda ...	Sodium nitrate for fertilizing purposes.
Phosphate rock, ground or otherwise	The substance obtained from mineral calcium phosphate deposits, to which no other matter has been added.
Potassic nitrate of soda ...	A mixture of sodium nitrate and potassium nitrate for fertilizing purposes.
Precipitated bone phosphate, and dicalcium bone phosphate	An insoluble calcium phosphate prepared by treating commercially pure bone with acid and precipitation of phosphate from the solution.
Raw guano ...	The excrement and remains of any birds except poultry, containing both nitrogen and phosphorus, prepared for use by screening where necessary, but to which no addition has been made.
Shoddy manure; wool waste; woolcombs; wool manure; flock dust	Waste of wool, or of wool mixed with fibrous materials such as are associated with wool in the textile industries, including cotton and similar non-wool materials, to which no other matter has been added.
Slaked coral lime ...	The product obtained by slaking burnt coral limestone.
Steamed bone flour; steamed bone meal	Commercially pure bone from which nitrogen has been removed by steam.

I

Name under which article is sold.

II

Implied definition.

Sulphate of ammonia	...	Ammonium sulphate for fertilizing purposes.
Slaked magnesian lime	...	The product obtained by slaking burnt dolomite.
Sulphate of potash	...	Potassium sulphate for fertilizing purposes.
Superphosphate	...	Phosphate rock which has been treated with sulphuric acid.
Triple superphosphate	...	Phosphate rock which has been treated with phosphoric acid only.
Urea	...	Urea for fertilizing purposes.

The provisions of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Schedule.

The provisions of this Schedule shall apply to any estate the
 subject of which is a transfer of property made on or after the
 1st day of January 1927 in which the transferor has retained
 an interest in the property transferred.

The provisions of this Schedule shall apply to any estate the
 subject of which is a transfer of property made on or after the
 1st day of January 1927 in which the transferor has retained
 an interest in the property transferred.

The provisions of this Schedule shall apply to any estate the
 subject of which is a transfer of property made on or after the
 1st day of January 1927 in which the transferor has retained
 an interest in the property transferred.

PARLIAMENT OF CEYLON

1st Session 1960-61



Motor Transport (Amendment) Act, No. 22 of 1961

Date of Assent : May 15, 1961

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*Motor Transport (Amendment)
Act, No. 22 of 1961*

L. D—O. 56/59.

AN ACT TO AMEND THE MOTOR TRANSPORT ACT,
No. 48 of 1957.

[Date of Assent: 15th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Motor Transport (Amendment) Act, No. 22 of 1961.

Short title.

2. Section 2 of the Motor Transport Act, No. 48 of 1957, (hereinafter referred to as the "principal Act"), is hereby amended, by the repeal of sub-section (11) of that section and the substitution therefor of the following new sub-section:—

Amendment of section 2 of Act No. 48 of 1957.

" (11) The members of the Ceylon Transport Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by the Minister with the concurrence of the Minister of Finance. "

3. Section 4 of the principal Act is hereby amended, by the substitution,—

Amendment of section 4 of the principal Act.

(a) for the words " Chairman of ", of the words " Chairman or Vice-Chairman of "; and

(b) for the words " of the officer " to the end of that section, of the following:—

" of the General Manager or Secretary of the Board or some other officer of the Board authorised by the Board to authenticate the application of such seal. "

4. Section 6 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution, in paragraph (xi) of that sub-section, for the words " perform all ", of the words " perform, directly or through any officer or agent authorised in that behalf by the Board, all "

Amendment of section 6 of the principal Act.

Insertion of
new section
17A in the
principal Act.

5. The following new section is hereby inserted immediately after section 17, and shall have effect as section 17A, of the principal Act:—

“ No compensa-
tion for loss
incurred by
reason of the
vesting in
the Board of
omnibuses
used for
providing
occasional
omnibus
services.

17A. No person shall be entitled to compensation for any loss incurred by him, whether directly or indirectly, or by way of business or otherwise, by reason of the vesting in the Board under this Act of any omnibus used or intended to be used by such person for the purpose of providing occasional omnibus services. ”.

Amendment of
section 19 of
the principal
Act.

6. Section 19 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution, for the words “ is intended ”, of the words “ is or was intended ”.

Insertion of
new section
21A in the
principal Act.

7. The following new section is hereby inserted immediately after section 21, and shall have effect as section 21A, of the principal Act:—

“ Revocation
of vesting
Order.

21A. (1) Notwithstanding that any movable or immovable property has vested in the Ceylon Transport Board by virtue of a vesting Order, the Minister may at any time by subsequent Order published in the *Gazette* (hereafter in this section referred to as a “ divesting Order ”) revoke that vesting Order.

(2) The following provisions shall apply in any case where a vesting Order in respect of any movable or immovable property is revoked by a divesting Order:—

(a) that property shall be deemed never to have vested in the Ceylon Transport Board by virtue of that vesting Order, and any question which might arise as to any right, title or interest, in or over that property shall be determined accordingly;

(b) that property shall, if it is immovable property, be deemed to have been and to be property which was requisitioned by a

requisitioning Order with effect from the date on which that vesting Order took effect and was derequisitioned by a derequisitioning Order with effect from the date of the revocation of that vesting Order;

(c) all claims made under this Act to the compensation payable in respect of that immovable property and all proceedings taken under this Act in regard to such claims before that vesting Order was revoked shall be deemed to be null and void, and fresh claims to compensation in respect of that immovable property may be made under this Act and fresh proceedings in regard to such fresh claims may be taken under this Act;

(d) no compensation shall be payable under this Act in respect of that property if it is movable property.

(3) The preceding provisions of this section shall have effect notwithstanding anything in any other provision of this Act or in any other written law."

8. Section 23 of the principal Act is hereby amended by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

Amendment of
section 23 of
the principal
Act.

"(2A) Where the person in possession of any property vested in or requisitioned for the Ceylon Transport Board is a company or other body of persons, then, for the purpose of sub-section (2), the Directors, the Manager and the Secretary of such company or other body of persons shall each be deemed to be a person in possession of that property."

Amendment of
section 27 of
the principal
Act.

9. Section 27 of the principal Act is hereby amended as follows:—

(1) by the repeal of sub-section (1) of that section and the substitution therefor of the following new sub-section:—

“(1) The Chairman of the Ceylon Transport Board or the Commissioner of Labour or any other person authorised in that behalf by such Chairman or such Commissioner may direct the holder of a stage carriage permit for a regular omnibus service or for a regular hiring car service or for an occasional omnibus service—

(a) to furnish to him such information, returns, statements or statistics; or

(b) to produce for his inspection, at such time and place as may be specified in the direction, such books and documents,

relating to the business which was carried on, or is carried on, under the authority of that permit or to the persons who were employed or are employed for the purpose of that business as may be indicated in the direction, and the holder shall comply with that direction.”;

(2) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

“(1A) Where the holder of a stage carriage permit is a company or other body of persons, any direction under sub-section (1) may be given or issued to a Director, the Manager, the Secretary or any other officer, of such company or other body of persons; and such Director, Manager, Secretary or other officer shall comply with that direction.”;

(3) in sub-section (2) of that section, by the substitution,—

(a) for the words “or any person”, of the words “or the Commissioner of Labour or any person”; and

(b) for the words "such Chairman may—", of the words "such Chairman or such Commissioner may—"; and

(4) in sub-section (3) of that section, by the substitution, for the expression "sub-section (1)", of the expression "sub-section (1) or sub-section (1A)".

10. Section 32 of the principal Act is hereby amended, in paragraph (a) of sub-section (1) of that section, by the substitution, for the words "risks; and", of the words "risks and risks under the Workmen's Compensation Ordinance; and".

Amendment of section 32 of the principal Act.

11. Section 38 of the principal Act is hereby amended, in sub-section (2) of that section, by the substitution, for the words "the date.", of the following:—

Amendment of section 38 of the principal Act.

"the date, and the monthly remuneration referred to in this Proviso shall include the cost of living allowance and the dearness allowance but shall not include any other allowance or any payment for overtime work."

12. Section 40 of the principal Act is hereby repealed and the following new section substituted therefor:—

Replacement of section 40 of the principal Act.

"Payments in respect of persons who are or have been employed in connection with any authorised omnibus transport business.

40. (1) The following provisions shall apply to a person (hereafter in this section referred to as the "qualified employee") who, having been or being in the employ of the holder of a stage carriage permit for a regular omnibus service on such work as was connected with that omnibus service, has ceased or ceases to be, after April 12, 1956, in the employ of such holder, whether of his own accord or upon the termination of his services by such holder:—

(a) where the qualified employee was a contributor to any provident fund, the administrator or administrators of that fund—

(i) shall, notwithstanding anything to the contrary in the rules of that fund, pay to the Ceylon Transport Board the amount which was to the credit of the individual account of such employee in that fund on the date on which such employee ceased to be an employee of such holder; and

(ii) shall recover any arrears of contribution due to that fund from such employee or from such holder in respect of such employee up to the date of the payment to the Ceylon Transport Board of the amount aforesaid, and any such arrears as are not recovered before that date by such administrator or administrators shall be paid after that date to the Ceylon Transport Board by such employee or such holder, as the case may be;

(b) such holder shall pay to the Ceylon Transport Board, as a gratuity in respect of the service, whether or not under such holder, of such employee in connection with any authorised omnibus transport business during the whole or any part of the period (hereafter in this section referred to as the "relevant period") commencing on September 1, 1946, and ending on the date on which such employee ceased to be employed

by such holder, a sum which shall be calculated at the prescribed rate:

Provided that—

- (i) where such holder has, for the period of service of such employee in connection with that business during the relevant period, paid in respect of such employee any contribution to any gratuity or provident fund or scheme established by such holder, the amount of such contribution shall be deducted from the amount of the gratuity which such holder is liable under the preceding provisions of this paragraph to pay in respect of such employee, and
- (ii) where the amount of such holder's contribution in respect of such employee to such gratuity, provident fund or scheme for such period of service of such employee exceeds the amount of such gratuity, such holder shall be exempt from the liability to pay such gratuity;
- (c) if the qualified employee was employed, whether or not under such holder, in connection with any authorised omnibus transport business prior to September 1, 1946, then, such holder shall pay to the Ceylon Transport Board as a gratuity to the qualified employee a sum calculated at the prescribed rate

referred to in paragraph (b) of this sub-section in respect of the qualified employee's employment in connection with that business during the period immediately preceding September 1, 1946, so however that the maximum sum payable in respect of that period does not exceed one hundred rupees;

(d) where such holder has already paid to the qualified employee a gratuity in respect of the qualified employee's period of service referred to in paragraph (b) or paragraph (c) of this sub-section, then, notwithstanding the provisions of that paragraph,—

(i) if the gratuity already paid is equal to or more than the gratuity payable in respect of such qualified employee under that paragraph, no gratuity under that paragraph shall be paid in respect of such qualified employee, and

(ii) if the gratuity already paid is less than the gratuity payable in respect of the qualified employee under that paragraph, the gratuity payable under that paragraph shall be reduced by the deduction therefrom of the amount of the gratuity already paid;

(e) where such holder is liable to pay any sum to the qualified employee under any such collective agreement affecting such employee and effected under the Industrial Disputes Act, No. 43 of 1950, as is in

operation on the date on which the stage carriage permit of such holder ceases to be in force by virtue of any provision of this Act, or under any other agreement or award which is in force on that date and which legally binds such holder and such employee, such holder shall pay that sum to the Ceylon Transport Board;

(f) such holder shall pay to the qualified employee any sums due to the qualified employee as remuneration in respect of his employment with such holder;

(g) such holder shall pay to the Ceylon Transport Board any sum due to the qualified employee in repayment of any security furnished by the qualified employee in respect of his employment with such holder.

(2) Where the Ceylon Transport Board is paid any sum under sub-section (1) in respect of a qualified employee, then—

(a) if that sum is so paid to the Board under paragraph (a) or paragraph (b) or paragraph (c) or paragraph (e) of that sub-section, the Board shall, if that employee is not on the staff of the Board, pay such sum to the Commissioner of Labour, and, if that employee is on the staff of the Board, credit such sum to the individual account of that employee in any provident fund to which that employee is a contributor unless a written request is made to the Board by that employee that such sum should be paid to that employee in which case

such sum shall be paid to that employee instead of being credited to his individual account in such provident fund; and

- (b) if that sum is so paid to the Board under paragraph (g) of that sub-section, the Board shall, if that employee is on the staff of the Board and is required by the Board to furnish any security in respect of his employment with the Board, retain that sum as such security or as part of such security, and, if that employee is on the staff of the Board and is not required by the Board to furnish any such security, pay such sum to that employee, and, if that employee is not on the staff of the Board, transmit that sum to the Commissioner of Labour after deducting therefrom any sums due to the Board from that employee.

- (3) Where the Commissioner of Labour receives any sum from the Ceylon Transport Board under sub-section (2), he shall pay that sum or cause it to be paid to the person entitled to that sum:

Provided that where such sum cannot be paid to that person because he is dead or cannot be found, the Commissioner of Labour shall credit that sum to a special account opened for the purposes of this sub-section, and that sum shall be available for payment to the person entitled thereto upon application made in that behalf to the Commissioner.

- (4) For the purposes of this section, the expression "authorised omnibus transport business" means any business connected with the transport of passengers by omnibus carried on under the

authority of a road service licence granted under the repealed Omnibus Service Licensing Ordinance, No. 47 of 1942, or under the authority of a stage carriage permit for a regular omnibus service granted under the Motor Traffic Act.

(5) For the purpose of reckoning the relevant period referred to in paragraph (b) of sub-section (1), account shall be taken of intermittent periods of service.

(6) The prescribed rate referred to in paragraph (b) of sub-section (1) shall,—

- (i) in the case of a monthly rated employee, be calculated at one-twenty-fourth of a month's remuneration for each month during which the qualified employee was in service, and
- (ii) in the case of an employee who is daily rated at one and one-twenty-fourth of a day's remuneration for each month during which the qualified employee was in service,

and each such month during which that qualified employee was in service shall mean one of the twelve months in a year during the whole of which the contract of employment of that employee subsisted.

(7) The remuneration referred to in the preceding paragraphs (i) and (ii) of sub-section (6) shall be the basic salary or wages payable by such holder to the qualified employee immediately before the qualified employee ceased to be in the employ of such holder and shall include the cost of living allowance and the dearness allowance but shall not include any other allowance or any payment for overtime work."

Insertion of
new sections
40A and 40B in
the principal
Act.

13. The following new sections are hereby inserted immediately after section 40, and shall have effect as section 40A and section 40B, of the principal Act:—

“ Transfer of
amounts
standing to
the credit
of certain
funds to
the Ceylon
Transport
Board.

40A. (1) Where, on the date on which a stage carriage permit for a regular omnibus service ceases to be in force by virtue of section 13, there is in existence any fund into which all fines imposed on, and recovered from, persons employed in connection with that omnibus service have been paid, all the monies which are to the credit of that fund on that date shall be paid to the Ceylon Transport Board by the administrator or administrators of that fund. The monies so transferred shall be utilised by the Board for any such purpose beneficial to the employees of the Board as may be approved by the Commissioner of Labour.

(2) Where, on the date on which a stage carriage permit for a regular omnibus service ceases to be in force by virtue of section 13, there is in existence any mutual aid or other similar fund to which persons employed in connection with that omnibus service have been contributors, the administrator or administrators of that fund shall pay to each such person the amount to the credit of the individual account of that person in that fund on that date.

Commutation
of liability
to pay
pensions.

40B. Where any holder of a stage carriage permit for a regular omnibus service is liable to pay a sum of money by way of pension to any person, whether or not such sum is so payable under any such pension scheme relating to workers employed in connection with such omnibus service as is in operation on the date on which that permit ceases to be in force by virtue of section 13 or otherwise or where such holder had undertaken to make or was in fact making any such payment, such holder shall, upon a written request in that behalf made by such person, commute

that liability, undertaking or payment under and in accordance with the terms of—

- (a) an individual agreement or a collective agreement in that behalf which is binding on such holder and such person; or
- (b) any decision in that behalf given by a Motor Transport Labour Tribunal on a reference made to such Tribunal under section 42. ”.

14. Section 41 of the principal Act is hereby amended as follows:—

Amendment of
section 41 of
the principal
Act.

- (a) by the substitution, for the words “ Labour Tribunal ” or “ Labour Tribunals ” wherever those words occur in that section, of the words “ Motor Transport Labour Tribunal ” or “ Motor Transport Labour Tribunals ”, as the case may be;
- (b) in the marginal note to that section, by the substitution, for the word “ Labour ”, of the words “ Motor Transport Labour ”, and
- (c) by the insertion, at the end of that section, of the following new sub-sections:—

“ (7) The proceedings at an inquiry by a Motor Transport Labour Tribunal constituted under this section shall, as far as possible, be free from the formalities and technicalities of the rules of procedure and evidence applicable to a court of law, and may be conducted by such Tribunal in any manner, not inconsistent with the principles of natural justice and any regulations made in that behalf under this Act, which to such Tribunal may seem best adapted to elicit proof concerning the matters that are investigated.

(8) Where, at any proceedings before a Motor Transport Labour Tribunal constituted under this section relating to any dispute referred to such Tribunal for decision under this Act, any party to that dispute claims that any sum of money is

due or payable to such party by any holder of a stage carriage permit for a regular omnibus service who is also a party to that dispute, it shall be presumed that such sum is so due or payable until the contrary is proved by that holder. ”.

15. The following new section is hereby inserted immediately after section 41, and shall have effect as section 41A, of the principal Act:—

“Matters that are to be referred to the Commissioner of Labour.

41A. (1) The following disputes shall be referred, in the manner specified below, for settlement to the Commissioner of Labour:—

(a) any dispute between the Ceylon Transport Board and any person as to whether or not he is the person to whom the Board shall offer employment under section 38 shall be referred by the Board for settlement to the Commissioner of Labour;

(b) any dispute as to whether or not any sum is payable by any person under section 40 or section 40A, or as to the person to whom or in respect of whom such sum is payable, shall be referred, by any party to the dispute for settlement to the Commissioner of Labour; or

(c) any dispute as to whether or not any person is liable to pay a pension to any other person under section 40B or as to the terms of the commutation of such liability, shall be referred, by any party to the dispute, for settlement to the Commissioner of Labour.

(2) Upon the reference of any dispute to the Commissioner of Labour under sub-section (1), the Commissioner shall endeavour to settle that dispute by effecting an individual or collective agreement binding on the parties to such dispute. ”.

Insertion of new section 41A in the principal Act.

16. Section 42 of the principal Act is hereby repealed and the following new section substituted therefor:—

Replacement
of section
42 of the
principal Act.

“Matters that
are to be
referred to
Motor Trans-
port Labour
Tribunals.

42. (1) Where the Commissioner of Labour is unable to settle by agreement, under sub-section (2) of section 41A, any dispute referred to him under sub-section (1) of that section, such Commissioner shall refer that dispute for decision to a Motor Transport Labour Tribunal constituted under section 41.

(2) The decision of a Motor Transport Labour Tribunal constituted under section 41 on any matter referred to it under this Act shall be final and conclusive and shall not be called in question in any court.”

17. The following new section is hereby inserted immediately after section 42, and shall have effect as section 42A, of the principal Act:—

Insertion of
new section
42A in
the principal
Act.

“Regulations.

42A. Regulations may be made under this Act for the purpose of giving effect to the principles and provisions of this part of this Act, and in particular but without prejudice to the generality of the powers hereinbefore conferred, in respect of the reference of matters under this Act to, and the inquiries into such matters by, the Commissioner of Labour, and Motor Transport Labour Tribunals constituted under section 41.”

18. Section 47 of the principal Act is hereby amended in sub-section (1) of that section as follows:—

Amendment of
section 47 of
the principal
Act.

(a) in sub-paragraph (i) of paragraph (a) of that sub-section, by the substitution, for the expression “registration under the Motor Traffic Act”, of the expression “first registration, whether under the Motor Car Ordinance repealed by the Motor Traffic Act or under that Act,” and

- (b) by the substitution for all the words from “ Provided that ” to the end of that sub-section, of the following:—

“ Provided that where the omnibus so vested was used in Ceylon prior to its first registration, whether under that Ordinance or that Act, the date of first registration of that omnibus for the purposes of section 47 (1) (a) shall be deemed to be the date of importation of that omnibus into Ceylon if that date is ascertainable, and if that date is not ascertainable shall be deemed to be January 1, 1943:

And provided further that where the omnibus so vested was used in any country other than Ceylon prior to its first registration, whether under that Ordinance or that Act (in this section referred to as a “ second-hand omnibus ”), the cost to be taken into account for the purpose of the computation of the compensation payable in respect of that second-hand omnibus shall not be the cost of such new omnibus as is specified in the preceding provisions of this sub-section but shall be the actual cost of that second-hand omnibus to the holder of a stage carriage permit increased by not more than five per centum of such cost:

And provided further that in determining the actual cost of a second-hand omnibus the value of the tyres with which it was equipped at the time it was imported into Ceylon shall not be taken into account. ”.

19. Section 50 of the principal Act is hereby amended, by the substitution, for sub-section (2) of that section, of the following new sub-section:—

“ (2) Any compensation payable under this Act in respect of any property vested in or requisitioned by the Ceylon Transport Board, less the total amount of any deductions which may be made from such compensation under section 52, shall carry

interest, as from the date on which such property so vested or requisitioned until payment, at such rate as may be determined by the Minister with the concurrence of the Minister of Finance.”.

20. Section 52 of the principal Act is hereby amended as follows:—

Amendment of
section 52 of
the principal
Act.

(1) by the renumbering of that section as sub-section (1) of section 52;

(2) in renumbered sub-section (1) of that section—
(a) by the substitution, for paragraph (a) of that sub-section, of the following new paragraph:—

“ (a) where any sums—

(i) have been certified in writing by a Motor Transport Labour Tribunal to be due from such person under section 40, section 40A or section 40B; or

(ii) have been admitted by such person to be due from him under section 40, section 40A or section 40B, and are certified in writing by the Commissioner of Labour to the Ceylon Transport Board to have been admitted by such person to be so due; or

(iii) have been certified in writing by the Minister or the Commissioner of Motor Traffic as having been paid by the Ceylon Transport Board in discharge of any debt or liability of such person or for the duplicate of a revenue licence for an omnibus by reason of the failure of such person to deliver such licence to such Board; or

(iv) have been certified in writing by the Commissioner of Inland Revenue to the Ceylon Transport Board to be due from such person as tax on income or profits; or

- (v) have been certified in writing by the Commissioner of Motor Traffic to the Ceylon Transport Board to be due from such person as licence fees under the Motor Traffic Act, in respect of any omnibus used by such person for providing regular or occasional omnibus services; or
- (vi) have been certified in writing by the Mayor of any Municipal Council, or the Chairman of any other local authority, to the Ceylon Transport Board to be due from such person, on account of rates or taxes in respect of such property; or
- (vii) have been certified in writing by the Government Agent of any Administrative District to be due from such person as heavy oil tax in respect of heavy oil motor vehicles under the Heavy Oil Motor Vehicles Taxation Ordinance; or
- (viii) have been certified in writing by any Judge of a District Court to be due from such person as fees to a Liquidator in respect of a compulsory liquidation by Court of a Bus Company or Companies,

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then, from the amount of the compensation to which such person is entitled, the Ceylon Transport Board shall, notwithstanding anything in any other law, pay, in the order of priority specified in the preceding provisions of this sub-section, the sums so specified; and the payment shall, in the case of a sum referred to in the preceding subparagraph (i) or subparagraph (ii), be made to the Ceylon Transport Board or the Commissioner of Labour according as such sum is due to the Board or a qualified employee, and in the case of

a sum referred to in the preceding sub-paragraph (iii), be made to the Board, and in the case of any sum referred to in the preceding sub-paragraph (iv), be made to the Commissioner of Inland Revenue, and in the case of any sum referred to in the preceding sub-paragraph (v), be made to the Commissioner of Motor Traffic, and in the case of any sum referred to in the preceding sub-paragraph (vi), be made to that Municipal Council or other local authority, as the case may be, and in the case of any sum referred to in the preceding sub-paragraph (vii), be made to the Government Agent, and in the case of any sum referred to in the preceding sub-paragraph (viii) be made to the Liquidator of such Company or Companies; and the provisions of sub-section (2) of section 40 shall apply to any sum paid under this paragraph to the Ceylon Transport Board in like manner as they apply to any sum paid to the Board under sub-section (1) of section 40, and the provisions of sub-section (3) of section 40 shall apply to any sum paid under this paragraph to the Commissioner of Labour in like manner as they apply to any sum received by the Commissioner under sub-section (2) of section 40; ”;

(b) by the substitution, in paragraph (b) of that sub-section, for the expression “ shall be paid ”, of the expression “ shall, subject to the provisions of sub-section (2), be paid ”; and

(3) by the insertion, at the end of that section, of the following new sub-sections:—

“ (2) The following provisions shall apply in any case where the compensation to which the holder of a stage carriage permit for a regular omnibus service is entitled in respect of any property vested in or requisitioned

for the Ceylon Transport Board is inadequate to pay the whole or any part of any sum payable out of that compensation under sub-section (1):—

(a) any person who is entitled to compensation in respect of any property vested in or requisitioned for the Ceylon Transport Board—

(i) by virtue of his having been, prior to the date of such vesting or requisitioning, the owner of that property under any disposition effected by such holder, or

(ii) by virtue of his having been, prior to that date, a mortgagee of that property under a mortgage or a holder of a security bond effected by such holder, or

(iii) which, prior to that date was owned by him and let by him to such holder under any hire purchase agreement entered into on or before 7th July, 1957,

shall be liable or, if there is more than one such person, such persons shall, in the prescribed order of priority, be liable, to pay out of the compensation to which such person is so entitled the amount due from such holder which cannot be paid out of the compensation to which such holder is entitled if the amount so due is not recovered from such holder in any proceedings for that purpose instituted under section 52B; and accordingly the Ceylon Transport Board shall retain, out of the compensation to which such person

is entitled, such sum as the Board may deem necessary as security for the payment of the amount so due;

(b) where, in any proceedings instituted under section 52B for the recovery of the amount due from such holder which cannot be paid out of the compensation to which such holder is entitled,—

(i) the whole of that amount is recovered from such holder, any sum so retained as security for the payment of such amount shall be paid by the Ceylon Transport Board to the person entitled to such sum, or

(ii) a part of that amount is recovered from such holder, such part of any sum so retained as may be necessary shall be utilised by the Ceylon Transport Board for the purpose of paying the balance of that amount not so recovered, and the remainder of that sum shall be paid by the Ceylon Transport Board to the person entitled to such payment, or

(iii) the amount so due is not recovered in whole or in part from such holder, any sum so retained shall be utilised by the Ceylon Transport Board for the purpose of paying that amount;

(c) where any sum out of the compensation payable to any person in respect of any property vested in or requisitioned

for the Ceylon Transport Board has been utilised by that Board under paragraph (b) to meet any liability incurred by such person by reason of the failure to recover as aforesaid from the holder of a stage carriage permit any amount due from such holder which cannot be paid out of the compensation to which such holder is entitled, such person shall be entitled to recover that sum from such holder, notwithstanding the provisions of any written law relating to prescription.

(3) In this section and in sections 52A and 52B, the expression "compensation" includes interest which has accrued due on such compensation in terms of subsection (2) of section 50."

21. The following new sections are hereby inserted immediately after section 52, and shall have effect as section 52A and section 52B, of the principal Act:—

" Certification of amount that cannot be paid out of compensation under section 52.

52A. Where the compensation to which a person is entitled in respect of any property vested in or requisitioned for the Ceylon Transport Board is inadequate to pay the whole or any part of any sum payable out of that compensation under section 52, then, if that sum is payable to the Ceylon Transport Board, the Chairman of that Board, or, if that sum is payable to the Commissioner of Labour, such Commissioner, shall certify in writing the amount due from such person which cannot be paid out of that compensation.

Recovery of amount that cannot be paid out of compensation under paragraph (a) of subsection (1) of section 52 by any person.

52B. (1) Upon the production of a certificate issued by the Chairman of the Ceylon Transport Board or the Commissioner of Labour under section 52A before the District Court or the Court of Requests within whose jurisdiction the person from whom the sum specified in the certificate is due resides, according

as that sum exceeds or does not exceed three hundred rupees, the court shall direct a writ of execution to issue to the Fiscal authorising him and requesting him to seize and sell all or any of the property movable or immovable of that person or such part thereof as may be necessary for the recovery of that sum; and the provisions of sections 226 to 297 of the Civil Procedure Code shall, *mutatis mutandis*, apply to the execution of such writ and to such seizure and sale.

(2) Where the Chairman of the Ceylon Transport Board or the Commissioner of Labour issues the certificate referred to in sub-section (1), he shall in writing notify that fact to the person specified in the certificate as the person from whom any sum so specified is payable, but the non-receipt of such notification by such person shall not invalidate the proceedings under this section.

(3) Nothing in the preceding provisions of this section shall affect or be deemed or construed to affect the right of any person to recover in any other manner any sum payable to him under section 40, section 40A, or section 40B.

(4) A District Court or Court of Requests shall, in the exercise of the powers conferred on it by the preceding provisions of this section, have regard to the provisions of section 52. ”.

22. Section 53 of the principal Act is hereby repealed, and the following new section substituted therefor:—

Replacement of
section 53 of
the principal
Act.

“ Mode and
manner of
payment of
compensation.

53. The mode and manner of payment of compensation under this Act shall be determined by the Minister in consultation with the Minister of Finance. Any such determination as to the manner of such payment may be to the effect that such compensation shall be payable in instalments of such number and of such amount as may be so determined. ”.

Amendment of section 84 of the principal Act.

23. Section 84 of the principal Act is hereby amended by the insertion, immediately after subsection (3) of that section, of the following new subsection:—

“(3A) Any person who contravenes, or fails to comply with, any provision of this Act or any regulation made thereunder shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months, or to a fine not exceeding five hundred rupees, or to both such imprisonment and fine.”.

Amendment of section 91 of the principal Act.

24. Section 91 of the principal Act is hereby amended as follows:—

(1) by the insertion, immediately after the definition of “Ceylon Transport Board”, of the following new definition:—

“ “Commissioner of Labour” includes any Deputy or Assistant Commissioner of Labour; ; and

(2) by the insertion, immediately after the definition of “hiring car”, of the following new definition:—

“ “holder”, in relation to any stage carriage permit, means a person who is or has been the holder of such permit or, in the case of the insolvency or bankruptcy of any such person as is not a company registered under the Companies Ordinance, No. 51 of 1938, the assignee, liquidator or receiver of the estate of the insolvent or bankrupt or, in the case of the winding up of any such person as is a company so registered, the liquidator of such company;”.

Review of awards as to compensation made under the principal Act before the date of the commencement of this Act.

25. The following provisions shall apply in any case where an award as to compensation on a reference under the principal Act has been made by a Compensation Tribunal under that Act (in this section referred to as “the award”) in respect of any property before the date of the commencement of this

Act but such compensation has not been paid, tendered, or deposited in court for payment, to the persons entitled thereto under the principal Act:—

- (a) No person shall be entitled to the payment of compensation in respect of such property until the award is reviewed by the Tribunal as hereafter provided in this section, and the Tribunal on such review confirms the award or makes a fresh award as to compensation in respect of such property.
- (b) The Tribunal shall review the award with a view to determining whether, having regard to the amendments made in the principal Act with retrospective effect by the preceding provisions of this Act, the award should be confirmed or a fresh award as to compensation should be made in respect of such property.
- (c) Where the Tribunal determines:—
 - (i) that the award should be confirmed, it shall confirm the award, and thereupon the award as so confirmed shall be deemed, for the purposes of the principal Act, at all times to have been, and to be, the award as to compensation in respect of such property made on such reference under the principal Act; or
 - (ii) that a fresh award as to compensation should be made in respect of such property, it shall make such a fresh award, and thereupon such fresh award shall be deemed, for the purposes of the principal Act, at all times to have been, and to be, the award as to compensation in respect of such property made on such reference under the principal Act, and the award shall be deemed, for such purposes, at all times to have been, and to be, void and of no effect.
- (d) For the purposes of a review of the award, the confirmation of the award, or the making of a fresh award, under the principal Act, read with the preceding provisions of this section, Part IV of the principal Act shall, *mutatis mutandis*, apply in like manner and

to the same extent as it applies in the case of references for an award as to compensation and the making of such awards on such references.

- (e) For the purposes referred to in paragraph (d), the Minister may, if he deems it necessary so to do, by Order published in the *Gazette* declare that all or any of the provisions of the aforesaid Part IV shall apply subject to such modifications as may be specified in the Order, and upon the publication of such an Order all or any such provisions as so modified shall apply for such purposes.

The preceding provisions of this section shall be in addition to, and not in derogation of, the provisions of the principal Act :

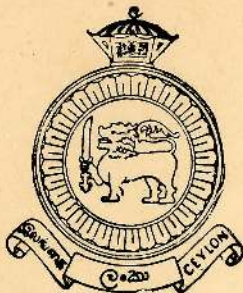
Provided, however, that in the event of any conflict or inconsistency between the preceding provisions of this section and the provisions of the principal Act, the preceding provisions of this section shall prevail over the provisions of the principal Act.

26. The amendments made in the principal Act by the preceding provisions of this Act shall be deemed for all purposes to have taken effect on the date on which the principal Act came into force.

Retrospective
effect of
amendments

PARLIAMENT OF CEYLON

1st Session 1960-61



Colombo Municipal Council (Differential Rates) Act, No. 23 of 1961

Date of Assent : May 15, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Colombo Municipal Council
(Differential Rates)
Act No. 23 of 1961

Date of Assent: May 12 1961

Printed on the Order of Government

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Colombo Municipal Council (Differential Rates) Act, No. 23 of 1961

L. D.—O. 46/59.

AN ACT TO ENABLE THE MUNICIPAL COUNCIL OF COLOMBO TO MAKE AND ASSESS IN RESPECT OF CERTAIN AREAS OF THE MUNICIPALITY OF COLOMBO, ANY RATE OR RATES DIFFERING FROM THE RATE OR RATES MADE AND ASSESSED IN RESPECT OF OTHER AREAS WITHIN THE MUNICIPALITY, AND TO REPEAL THE COLOMBO MUNICIPAL COUNCIL (DIFFERENTIAL RATES) ACT, No. 15 of 1951.

[Date of Assent: 15th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Colombo Municipal Council (Differential Rates) Act, No. 23 of 1961.

Short title:

2. Notwithstanding anything to the contrary in any written law, the Municipal Council of Colombo may, in respect of each such area within the municipality of Colombo as is specified in the Schedule to this Act, make and assess under section 230 of the Municipal Councils Ordinance, No. 29 of 1947, with effect from the first day of January, 1960, any rate or rates differing from the rate or rates made and assessed under that section in respect of any other area within that municipality.

Rates in respect of certain areas of the municipality of Colombo.

3. The Colombo Municipal Council (Differential Rates) Act, No. 15 of 1951, is hereby repealed.

Repeal of Act No. 15 of 1951.

SCHEDULE.

AREAS.

1. Such parts of the Pamankada and Kirillapone Wards in the municipality of Colombo as are bounded as follows:—

North: By a line drawn from a point at the centre of the confluence of Dehiwela canal with Kirillapone canal north-eastwards along the centre of the said Kirillapone canal to the centre of Kirillapone-Narahenpita road.

East: By a line drawn from the last-mentioned point southwards along the centre of the Kirillapone-Narahenpita road to a point in line with the northern boundary of Kirillapone burial ground, thence by a line drawn westwards and southwards across the said road and along the northern and western boundaries of the said burial ground to the centre of the Nugegoda-Kirillapone road, thence by a line drawn westwards

2 *Colombo Municipal Council (Differential Rates) Act, No. 23 of 1961*

along the centre of the said road to the centre of its junction with the Colombo-Avissawella road, thence by a line drawn south-eastwards along the centre of the said Colombo-Avissawella road to the northern limit of the Dehiwela-Mount Lavinia Municipal Council area.

South: By a line drawn from the last-mentioned point north-westwards, southwards, and again north-westwards along the northern limit of Dehiwela-Mount Lavinia Municipal Council area to the centre of Dehiwela canal.

West: By a line drawn from the last-mentioned point north-westwards along the centre of the Dehiwela canal to the starting point of northern limit of the area.

2. Such parts of the Borella South, Timbirigasyaya South, Kirillapone, and Pamankade Wards in the municipality of Colombo as are bounded as follows:—

North: By the Mahawatte Ela.

East: By a stream passing through Eladuwa from thence southwards along the centre of the said stream passing under the culverts on the Nawala road until it meets the centre of the Kirillapone canal, from thence south-eastwards along the centre of the said canal up to the confluence of the said canal and the stream passing through the grasslands, from thence along the centre of the said stream up to its extremity and from thence along a line drawn south-eastwards and eastwards crossing the Nugegoda road, until it meets the centre of the Kelani Valley Railway.

South: By a line drawn north-westwards along the centre of the Kelani Valley Railway from the last-mentioned point, up to the centre of the Railway Level Crossing, north of the Nugegoda Hindu Temple, from thence south-westwards along the centre of the road up to a point 155 yards from the culvert passing through the said Level Crossing, from thence along a line drawn south-westwards until it meets the centre of Avissawella road.

West: By a line drawn north-westwards from the last-mentioned point along the centre of the Colombo-Avissawella road to its junction with Nugegoda-Kirillapone road thence eastwards along the centre of the Nugegoda-Kirillapone road to the western boundary of Kirillapone burial ground thence northwards along the western boundary of burial ground and eastward along the northern boundary of the burial ground to the centre line of the Kirillapone-Narahenpitiya road thence northwards along the centre line of the said Kirillapone-Narahenpitiya road till it meets the centre of Kirillapone canal then eastward along the centre of the said canal to the railway bridge over Kirillapone canal from then northward along the Kelani Valley Railway line to the

PARLIAMENT OF CEYLON

1st Session 1960-61



Civil Procedure Code (Amendment) Act, No. 24 of 1961

Date of Assent : May 15, 1961

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Civil Procedure Code

(Amendment) Act, No. 24 of 1961

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*Civil Procedure Code (Amendment)
Act, No. 24 of 1961*

L. D.—O. 60/58.

AN ACT TO AMEND THE CIVIL PROCEDURE CODE.

Chapter 86,
Vol. II,
page 428.

[Date of Assent: 15th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Civil Procedure Code (Amendment) Act, No. 24 of 1961.

Short title.

2. Section 218 of the Civil Procedure Code, as amended by Act No. 43 of 1949, Act No. 20 of 1954 and Act No. 49 of 1958, is hereby further amended as follows:—

Amendment
of section
218 of
Chapter 86.

(1) in the first proviso to that section—

(a) in clause (g) of that proviso, by the substitution, for the words “ stipend and the cost of living allowance ”, of the words “ stipend, the cost of living allowance and the special living allowance ”;

(b) by the substitution, for clause (m) of that proviso, of the following new clause:—

“ (m) the salary or wages and allowances of an employee other than a public officer or servant, if the aggregate amount of such salary or wages and allowances does not exceed five hundred rupees per mensem; ”; and

(c) by the insertion, immediately after clause (n) of that proviso, of the following new clauses:—

“ (o) the amount standing to the credit of an employee's individual account in the Employees' Provident Fund established under the Employees' Provident Fund Act, No. 15 of

1958, or in any other provident fund established for the benefit of employees in any employment;

- (p) the salary and allowances of a teacher in an Assisted school in respect of whom a grant may be made under any regulation made under, or continued in force by, the Education Ordinance, No. 31 of 1939; ”;
- (2) in the “ Explanation ” attached to that section, by the substitution, for the words and letters “ clauses (g), (h), (i), (j) and (m) ”, of the words and letters “ clauses (g), (h), (i), (j), (m), (o) and (p) ”; and
- (3) by the substitution, for all the words and figures from “ In paragraph (m) of the first Proviso ” to the end of that section, of the following:—

‘ In clause (p) of the first proviso to this section, “ Assisted school ” and “ grant ” shall have the same meaning as in the Education Ordinance, No. 31 of 1939. ’

PARLIAMENT OF CEYLON

1st Session 1960-61



Criminal Procedure Code (Amendment) Act, No. 25 of 1961

Date of Assent : May 15, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Criminal Procedure Code
(Amendment) Act No. 25 of 1961

Date of Assent: May 12, 1961

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No. 25 of 1961. Criminal Procedure Code (Amendment) Act.

Criminal Procedure Code (Amendment)
Act, No. 25 of 1961

L. D.—O. 73/58.

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE.

[Date of Assent: 15th May, 1961]

Chapter 16,
Volume I,
page 327.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, No. 25 of 1961.

Short title.

2. Section 406 of the Criminal Procedure Code (as amended by Ordinance No. 23 of 1945) is hereby amended as follows:—

Amendment of
section 406 of
Chapter 16.

(1) in the marginal note to that section, by the substitution, for the words "Government Radiologist receivable", of the words "Government Radiologist or Government medical officer receivable";

(2) in sub-section (3) of that section—

(a) by the substitution, for the words "skiagraph, may be used", of the words "skiagraph, or any document purporting to be a report (other than a report upon a skiagraph) under the hand of a Government medical officer upon any person, matter or thing examined by such Government medical officer, may be used"; and

(b) by the substitution, in the proviso to that sub-section, for the words "so needed.", of the words "so needed, or of proving the identity of the person, matter or thing examined by such Government medical officer with the person, matter or thing in respect of whom or which his report is so needed.";

(3) in sub-section (4) of that section, by the substitution, for the expression "the Government medical officer or other medical witness referred to in sub-section (1)", of

Criminal Procedure Code (Amendment)
Act, No. 25 of 1961

the expression " the Government medical officer referred to in sub-section (1) or sub-section (3) or other medical witness referred to in sub-section (1) "; and

(4) in sub-section (5) of that section, by the substitution, for the words " or Government Analyst ", of the words " or Government medical officer or Government Analyst ".

PARLIAMENT OF CEYLON

1st Session 1960-61



Revised Edition of the Legislative Enactments (Supplements) Act, No. 26 of 1961

Date of Assent : May 15, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Revised Edition of the
Legislative Enactments

(Supplements) Act No. 26 of 1961

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packing charges for the Government Publications Department,
Colombo.)

L. D.—O. 71/58.

AN ACT TO PROVIDE FOR THE PREPARATION OF SUPPLEMENTS TO THE REVISED EDITION OF THE LEGISLATIVE ENACTMENTS OF CEYLON.

[Date of Assent: 15th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Revised Edition of the Legislative Enactments (Supplements) Act, No. 26 of 1961.

Short title.

2. As soon as possible after the coming into force of the revised edition, Ekanayaka Rajapaksa Kodipili Dissanayaka Mudiyanseralahamillaye Hector Deheragoda, Esquire, Assistant to the Commissioner, shall prepare a supplement, hereinafter referred to as the "first supplement", to that edition.

Preparation of first supplement to the revised edition.

3. As soon as possible after the commencement of every year following the year in which the first supplement to the revised edition comes into force, the Legal Draftsman shall prepare a supplement, hereinafter referred to as an "annual supplement", to that edition.

Preparation of annual supplements to the revised edition.

4. In the preparation of a supplement, the person required to prepare such supplement under section 2 or section 3 shall have, *mutatis mutandis*, the powers conferred upon the Commissioner by section 3 of the Revised Edition of the Legislative Enactments Act, No. 2 of 1956:

Powers vested in the person required to prepare a supplement.

Provided that for the dates mentioned in paragraph (12) of the said section 3, the following dates shall be substituted:—

(a) in the case of the first supplement the thirty-first day of December, 1957;

(b) in the case of any annual supplement, the thirty-first day of December immediately preceding the date of the coming into force of such supplement.

Contents of
supplements
to the
revised
edition.

5. Each supplement—

- (a) shall be printed in one or more volumes;
- (b) shall supersede all previous supplements to the revised edition; and
- (c) shall, subject to the provisions of section 4, contain,—
 - (i) if such supplement is the first supplement, the Acts enacted during the period commencing on the first day of July, 1956, and ending on the thirty-first day of December, 1957, a table of contents and a chronological table of such Acts; or
 - (ii) if such supplement is an annual supplement, the Acts enacted during the period commencing on the said first day of July and ending on the thirty-first day of December immediately preceding the date of the coming into force of such supplement, a table of contents and a chronological table of such Acts; and
 - (iii) such Statutes of the United Kingdom, Orders in Council of the United Kingdom, Royal Proclamations, Letters Patent and Royal Instructions as the person required to prepare such supplement under section 2 or section 3 may think fit to include.

Record of
numbers of
Acts.

6. The number and year of each Act contained in any supplement shall be set out at the head thereof, and where such Act incorporates any amendment made by any other Act, the number and year of such Act and such other Act shall be set out in the margin alongside the long title of such Act.

Record of date
of operation
of Acts.

7. The date of enactment of each Act contained in any supplement shall be set out immediately below the long title of such Act, and where such Act is brought into operation on any date subsequent to the date of enactment thereof, the date of operation of such Act shall be set out immediately below the date of enactment of such Act.

8. (1) The person required by section 2 or section 3 to prepare a supplement shall, as soon as such supplement is completed, transmit a copy thereof to the Minister of Justice for approval.

Bringing into force and validity of supplements.

(2) The Minister may, by notification published in the *Gazette*, approve of any supplement and order that such supplement shall come into force on such date as he may specify in the notification.

(3) On and after the date of the coming into force of the first supplement, such supplement shall, until it is superseded by an annual supplement, be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only proper Statute Book of Ceylon in respect of the Acts enacted during the period commencing on the first day of July, 1956, and ending on the thirty-first day of December, 1957.

(4) On and after the date of the coming into force of an annual supplement, such supplement shall, until it is superseded by the next annual supplement, be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only proper Statute Book of Ceylon in respect of the Acts enacted during the period commencing on the first day of July, 1956, and ending on the thirty-first day of December immediately preceding the date of the coming into force of such supplement.

9. Where in any written law or in any document of whatsoever kind reference is made to any written law affected by or under the operation of this Act, such reference shall where necessary and practicable be deemed to extend and apply to the corresponding written law in the supplement for the time being in force.

Application of references to supplements.

10. A copy of any enactment contained in the revised edition, as amended, whether by way of substitution, addition or omission, by any Act passed on or after the first day of July, 1956, may be prepared by the Legal Draftsman; and all copies of such enactment which are printed after the commencement of this Act shall be printed by the Government Printer, as so prepared.

Reprints of enactments in revised edition.

4 *Revised Edition of the Legislative Enactments
(Supplements) Act, No. 26 of 1961*

Interpretation.

11. In this Act, unless the context otherwise requires—

“ Commissioner ” means the Commissioner appointed by the Revised Edition of the Legislative Enactments Act, No. 2 of 1956, for the purpose of preparing the revised edition;

“ revised edition ” means the revised edition of the legislative enactments prepared under the authority of the Revised Edition of the Legislative Enactments Act, No. 2 of 1956; and

“ supplement ” means the first supplement, or any annual supplement, to the revised edition prepared under the authority of this Act.

PARLIAMENT OF CEYLON

1st Session 1960-61



Land Tax Act, No. 27 of 1961

Date of Assent: 24th May, 1961

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1st Session 1961



Land Tax

Act No. 27 of 1961

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Land Tax Act, No. 27 of 1961

L. D.—O. 23/60.

AN ACT TO PROVIDE FOR THE LEVY OF A TAX ON LAND.

[Date of Assent: 24th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives of Ceylon in this present Parliament assembled, in accordance with the provisions of section 33 of the Ceylon (Constitution) Order in Council, 1946, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the Land Tax Act, No. 27 of 1961.

Short title and date of operation.

(2) This Act shall be deemed to have come into operation on April 1, 1960.

CHAPTER I.

PERSONS TO WHOM THIS ACT SHALL NOT APPLY AND IMPOSITION OF THE LAND TAX.

2. This Act shall not apply to—

(a) any person specified in section 2 of the Personal Tax Act, No. 14 of 1959, or

Persons to whom this Act shall not apply.

(b) any other person who may be exempted from the provisions of this Act by Order made by the Minister of Finance, approved by the House of Representatives and published in the *Gazette*.

3. Subject to the other provisions of this Act, there shall be charged for every year of assessment commencing on or after April 1, 1960, from every person who is the owner of any land in Ceylon on the last date of the year preceding that year of assessment a tax (hereinafter referred to as the "land tax") calculated at the rate of fifteen rupees for each acre of land.

Imposition of the land tax.

4. A person shall not be liable to land tax for any year of assessment if the total extent of the land owned by him (such total extent including the extent of the share of any land owned by him in common with any other person) on the last date of the year preceding that year of assessment is less than one hundred acres.

A person not liable to land tax if the total extent of his land is less than one hundred acres.

5. (1) There shall be excluded, for such period as the Minister may by Order determine, from the total extent of land in respect of which land tax is chargeable from any person for any year of assessment any

Land to be excluded for the purposes of the land tax.

such extent of land as is proved to the satisfaction of the Commissioner to be replanted or newly planted with rubber, tea, coconut, cocoa, cinnamon or citronella plants or with such other permanent crops as may be notified by the Minister by Order published in the *Gazette*.

(2) There shall be excluded from the total extent of land in respect of which land tax is chargeable from a charitable institution within the meaning of the Income Tax Ordinance, any extent of land the income from which, or the annual value of which, is exempted from income tax under the Income Tax Ordinance.

6. Where any person who is liable to the land tax for any year of assessment is also liable to make a contribution in respect of his taxable wealth to the Personal Tax chargeable under the Personal Tax Act, No. 14 of 1959, for that year of assessment, then—

- (a) if such contribution is less than the amount of the land tax, such person shall not be liable to pay the Personal Tax charged in respect of his taxable wealth for that year of assessment, and
- (b) if the amount of the land tax is less than such contribution, such person shall not be liable to pay the land tax charged in respect of his land for that year of assessment.

7. Where the aggregate of—

- (a) the land tax to which a person is liable for any year of assessment, and
- (b) the income tax to which he is liable under the Income Tax Ordinance for that year of assessment,

exceeds eighty per centum of his assessable income under that Ordinance for that year of assessment and the whole or any part of such excess cannot as required by section 75B of that Ordinance be set off against the income tax to which he is liable, the amount which cannot be so set off shall be set off against the land tax to which he is liable for that year of assessment.

A person who is liable to land tax and to make a contribution in respect of his taxable wealth to the Personal Tax in the same year of assessment shall not be liable to pay the Personal Tax in respect of his taxable wealth if such contribution is less than the amount of the land tax and shall not be liable to pay the amount of the land tax if the amount of such tax is less than such contribution.

Set off against the land tax in certain circumstances.

CHAPTER II.

LIABILITY TO ASSESSMENT IN SPECIAL CASES.

8. The extents of the land owned by the members of a family, other than the head of a family, for any year of assessment shall be aggregated. The aggregate extent of such land shall be deemed to form part of the extent of land owned by the head of that family for that year of assessment, and he shall be liable to pay the land tax for that year of assessment in respect of the land owned by the members of his family:

Liability of the head of a family to land tax in respect of land owned by members of that family.

Provided that where land tax cannot be collected from the head of the family, then, if his wife or child is included in such family, such portion of that amount as appears to the Commissioner to be attributable to the land owned by his wife or child may be collected from his wife or child notwithstanding that no assessment has been made upon such wife or child, and the provisions of this Act as to collection and recovery of the land tax shall apply accordingly.

9. The provisions of sub-section (1), other than the provisions of paragraphs (a), (b) and (c) of the proviso to that sub-section, and sub-section (2) of section 21 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to land and land tax instead of to assessable income or income, and income tax.

Land of married woman.

10. (1) Any husband or wife may give notice in writing to the Commissioner before the first day of June in any year of assessment, or at any time before an assessment is made in any year of assessment, requiring that the land tax shall be assessed, charged and recovered separately in respect of the land owned by the husband and in respect of the land owned by the wife as if they were not married; and all the provisions of this Act shall thereupon apply to each of them accordingly:

Separate assessment of husband and wife.

Provided that in the case of a spouse who is not resident in Ceylon immediately prior to his arrival therein, a notice given within a period of twelve months next succeeding his arrival in Ceylon shall be effective for the purposes of this Act.

(2) Where land tax is assessed separately in respect of the land owned by the husband and in respect of the land owned by the wife as a result of a notice under

sub-section (1), the extents of the land owned by the husband and the wife and the extent of the land owned by any individual who according to the returns of land furnished by the husband and the wife, is a child or a dependent relative of either or both of those spouses shall be aggregated and the land tax that would be payable by the husband if such notice had not been given shall be ascertained in accordance with the provisions of this Act. The amount of the land tax so ascertained shall be apportioned among the husband and the wife in the proportion which the extent of the land owned by each of them bears to the total extent of land owned by both of them.

(3) Where one spouse is resident and the other is non-resident, the resident spouse may be deemed to be the agent of the non-resident spouse for all the purposes of the land tax chargeable in respect of the land of both whether assessed jointly or separately.

11. (1) Where any land in respect of which land tax is payable is subject to a trust and the benefits thereof to all or any of the beneficiaries under the trust cannot be ascertained, such land shall be deemed to be land owned by the trustee of that trust and the trustee shall be liable to pay the land tax in respect of such land.

(2) Where any land is subject to a trust or deemed under sub-section (3) to be subject to a trust or any part of such land is included under this Act in the extent of the land owned by a person who is, or is deemed under sub-section (3) to be, a beneficiary under that trust, such part of the land tax to which the beneficiary is liable as appears to the Commissioner to be attributable to the land first-mentioned or to the part of such land shall, if it cannot be recovered from the beneficiary, or if the income from the land first-mentioned or from that part of such land is not paid to that beneficiary and is accumulated by the trustee of that trust for that beneficiary, be recovered from that trustee notwithstanding that no assessment has been made upon that trustee, and the provisions of this Act as to collection and recovery of the land tax shall apply accordingly.

(3) Where the estate of a deceased person which consists wholly or partly of any land is administered by an executor, then, for the purposes of this Act, the executor shall be deemed to be the trustee of such land.

Liability of a trustee to land tax in respect of land subject to or deemed to be subject to a trust.

and every heir to the whole or any part of such land shall be deemed to be a beneficiary and such land shall be deemed to be land subject to the trust.

12. Where any person has any such interest in any land as is available to him for a period exceeding six years, such person shall be liable to pay the land tax in respect of such land for that period.

Liability of persons having interest in land for a period exceeding six years.

13. Where any person has a life interest in any land, such person shall be liable to pay the land tax in respect of such land for the period during which he has the life interest.

Liability of person having life interest in a land.

14. The executor of a deceased person shall, in respect of all periods prior to the date of death of such person, be chargeable with the land tax which such person would be chargeable if he were alive, and shall be liable to do all acts, matters and things which such person if he were alive would be liable to do under this Act:

Land tax in respect of deceased person payable by executor.

Provided that—

- (a) no proceedings shall be instituted against the executor in respect of any act or default of the deceased person;
- (b) no assessment or additional assessment in respect of a period prior to the date of such person's death shall be made after the expiry of the third year of assessment subsequent to the year of assessment in which the death occurred; and
- (c) the liability of the executor under this section shall be limited to the sum of—
 - (i) the deceased person's estate in his possession or control at the date when notice is given to him that liability to the land tax will arise under this section; and
 - (ii) any part of the estate which may have passed to the beneficiary.

15. Where two or more persons are acting in the capacity of executors of a deceased person, they may be charged jointly or severally with the land tax with

Joint executors.

which they are chargeable in that capacity, and shall be jointly and severally liable for payment of such tax.

16. (1) Where a body of persons liable to pay the land tax has been dissolved, an Assessor shall determine the land tax payable by that body as if that body had not been dissolved.

(2) All persons who, at the time of the dissolution of a body of persons, were members of that body shall be jointly and severally liable for the amount of any land tax or penalty payable under this Act by that body notwithstanding that no assessments have been made upon them, and the provisions of this Act as to collection and recovery of the land tax shall apply accordingly.

CHAPTER III.

RETURNS AND ASSESSMENTS.

17. (1) The provisions of section 54 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to land, land tax, Assessor of Land Tax and this Act instead of to income, income tax, Income Tax Assessor and Income Tax Ordinance.

(2) An Assessor may give notice in writing to any executor, receiver or trustee requiring him to furnish within the time specified in the notice—

(a) in the case of an executor, a return of the land forming part of the estate administered by him and the names and addresses of the persons entitled to such land or shares in such land;

(b) in the case of a receiver, a return of the land under his control, and where any land is distributed by him among any persons, a description of the land and the names and addresses of those persons;

(c) in the case of a trustee, a return of the land subject to the trust and the names and addresses of the beneficiaries relating to such land and the benefits to which they are entitled and any expenditure incurred by the trustee on behalf of any of those beneficiaries.

Liability in case of dissolved body of persons.

Returns and information to be furnished.

18. The provisions of section 55 (1) of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to this Act instead of to the Income Tax Ordinance.

Information to be furnished by officials.

19. The provisions of section 59 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to this Act instead of to the Income Tax Ordinance.

Who may act for incapacitated or non-resident person.

20. The provisions of section 61 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to this Act instead of to the Income Tax Ordinance and as if the words and figures " or are persons in receipt of money, value or profits to whom section 56 applies ", occurring in sub-section (1) of the said section 61, were omitted.

Precedent partner to act on behalf of a partnership.

21. The provisions of section 62 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to this Act instead of to the Income Tax Ordinance.

Principal officer to act on behalf of a company or a body of persons.

22. The provisions of section 63 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to Assessor of Land Tax and this Act instead of to the Income Tax Assessor and Income Tax Ordinance, and as if the reference in that section to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Signature and service of notice.

23. The provisions of section 75A of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to land, land tax, paragraph (a) of sub-section (2) of section 42 of this Act, and paragraph (a) of sub-section (1) of section 44 of this Act instead of to income, income tax, paragraph (a) of sub-section (2) of section 85 of that Ordinance, and paragraph (a) of sub-section (1) of section 87 of that Ordinance, and as if the reference in the said section 75A to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Penalty for incorrect return.

Provisions
in regard to
assessments.

24. The provisions of sections 64, 65, 66, 67 (1) and 68 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to land tax, return of land, extent of the land, extent of land assessed, Assessor of Land Tax and this Act instead of to income tax, return of income, amount of the assessable income, amount of income assessed, Income Tax Assessor, and Income Tax Ordinance and as if the reference in any of those sections to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Variation of
the amount of
the land tax
in consequence
of an amend-
ment of the law
or the rate of
land tax.

25. Where by reason of an amendment of the law or an amendment of the rate of land tax it is necessary to vary the amount of land tax charged in any notice of assessment, an Assistant Commissioner may give such notification as may be necessary to the assessee specified in such notice of assessment; and any notification so given shall, as regards any particulars of the assessment contained in the notification which have not been included in the notice of assessment, have effect as if the notification were a notice of assessment.

Assessment or
amended
assessment to
be final.

26. The provisions of section 75 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to extent of the land and Assessor of Land Tax instead of to assessable income and Income Tax Assessor, and as if the reference in that section to any Chapter or to any other section of that Ordinance were a reference to the provisions of that Chapter or of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

CHAPTER IV.

APPEALS.

Appeals to the
Commissioner.

27. The provisions of section 69 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to this Act, the extent of the land which has been assessed, return of land and Assessor of Land Tax instead of to the Income Tax Ordinance, the amount at which property has been

valued for the purpose of any capital gains, return of income and Income Tax Assessor, and as if the reference in that section to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

28. The provisions of section 70 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act.

Constitution of the Board of Review.

29. The provisions of section 71 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and as if the reference in that section to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Right of appeal to the Board of Review.

30. The provisions of section 72 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and as if the reference in that section to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Commissioner may refer appeals to the Board of Review.

31. The provisions of section 73 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to Assessor of Land Tax, and land tax instead of to Income Tax Assessor, and income tax, and as if the reference in that section to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Hearing and disposing of appeals to the Board of Review.

32. The provisions of section 74 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to the land tax instead of to the income tax.

Appeals on a question of law to the Supreme Court.

CHAPTER V.

PAYMENT, RECOVERY AND REPAYMENT OF THE LAND TAX.

33. The provisions of section 76 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to the land tax and this Act instead of to income tax and Income Tax

Provisions regarding the payment of the land tax.

Ordinance, and as if the words " which includes the income from such source " were omitted from subsection (6) of that section, and as if the reference in that section to any Chapter of that Ordinance were a reference to the provisions of that Chapter applied as if they were provisions of this Act in the manner indicated in this Act.

Land tax to include fines, etc.

34. In the provisions of this Chapter relating to the recovery of the land tax, such tax includes any sum or sums added by reason of default, together with any fines, penalties, fees, or costs incurred.

Land tax to be a first charge.

35. The provisions of section 78 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to land tax instead of to income tax, and as if the reference in that section to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Recovery of land tax by seizure and sale.

36. The provisions of section 79 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to Land Tax Collectors, land tax, and Land Tax Collector instead of to Income Tax Collectors, income tax, and Income Tax Collector.

Proceedings for recovery of land tax before a Magistrate.

37. The provisions of section 80 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to the land tax instead of to the income tax, and as if the reference in that section to any other section of that Ordinance were a reference to the provisions of that other section applied as if they were provisions of this Act in the manner indicated in this Act.

Recovery of land tax out of debts, etc.

38. The provisions of section 81 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to the land tax instead of to the income tax.

Recovery of land tax from persons leaving Ceylon.

39. The provisions of section 82 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to the land tax instead of to the income tax.

40. The provisions of section 83 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to the land tax instead of to the income tax, and as if the reference in that section to any Chapter of that Ordinance were a reference to the provisions of that Chapter applied as if they were provisions of this Act in the manner indicated in this Act.

Use of more than one means of recovery.

41. The provisions of section 84 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to land tax, return of land, and this Act instead of to income tax, return of the income, and Income Tax Ordinance, and as if paragraph (ii) of the proviso to sub-section (1) of that section were omitted.

Land tax paid in excess to be refunded.

CHAPTER VI.

OFFENCES.

42. (1) Any person who—

(a) fails to comply with the requirements of a notice issued to him under section 17 (2) of this Act or under the provisions of section 54 (1), section 54 (3), section 54 (4) (a), section 54 (4) (b), or section 55 (1) of the Income Tax Ordinance applied as if they were provisions of this Act in the manner indicated in section 17 or section 18 of this Act; or

(b) fails to attend in answer to a notice issued to him under the provisions of section 54 (4) (b) of the Income Tax Ordinance applied as if they were provisions of this Act in the manner indicated in section 17 of this Act, or a summons issued to him under the provisions of section 69 (5) or section 73 (6) of the Income Tax Ordinance applied as if they were provisions of this Act in the manner indicated in section 27 or section 31 of this Act, or having attended fails without sufficient cause to answer any question lawfully put to him;

Offences of failure to make returns, making incorrect returns, etc.

OR

- (c) fails to comply with the provisions of section 54 (2), section 76 (10) or section 78 (2) of the Income Tax Ordinance applied as if they were provisions of this Act in the manner indicated in section 17, section 33 or section 35 of this Act,

shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding five hundred rupees.

- (2) Every person who without reasonable cause—

- (a) makes an incorrect return by omitting or understating the extent of any land of which he is required by this Act to make a return either on his own behalf or on behalf of another person; or

- (b) gives any incorrect information in relation to any matter or thing affecting his own liability to the land tax or the liability of any other person,

shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding two thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment and, in addition to such punishment, to pay a sum equal to double the amount of the land tax which has been undercharged in consequence of such incorrect return or information, or would have been so undercharged if such return or information had been accepted as correct.

(3) No person shall be liable to any penalty in respect of any offence under this section unless the complaint concerning such offence was made in the year of assessment in respect of or during which such offence was committed or within five years after the expiration thereof.

(4) The Commissioner may compound any offence under this section and may before judgment stay or compound any proceedings thereunder.

43. Every person who—

- (a) acts under this Act without taking an oath of secrecy as required by the provisions of section 4 (2) of the Income Tax Ordinance

applied as if they were provisions of this Act in the manner indicated in section 49 of this Act; or

(b) acts contrary to the provisions of section 4 (1), or to an oath taken under the provisions of section 4 (2), of the Income Tax Ordinance applied as if they were provisions of this Act in the manner indicated in section 49 of this Act; or

(c) aids, abets or incites any other person to act contrary to the provisions of this Act,

shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

44. (1) Every person who—

Offences of
fraud, etc.

(a) omits from a return made under this Act any land which should be included therein; or

(b) makes any false return or entry in any return made under this Act; or

(c) signs any statement or return furnished under this Act without reasonable grounds for believing it to be true; or

(d) gives any false answers whether verbally or in writing to any question or information asked for in accordance with the provisions of this Act; or

(e) makes use, or authorises the use, of any fraud, art, or contrivance whatsoever,

and thereby evades, or attempts to evade, the land tax or assists any other person to evade or to attempt to evade such tax shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding the total of five thousand rupees and treble the amount of the land tax for which he, or as the case may be the other person so assisted, is liable under this Act for the year of assessment in respect of or during which the offence was committed, or to imprisonment of either description for any term not exceeding six months, or to both such fine and imprisonment.

(2) The Commissioner may compound any offence under this section and may before judgment stay or compound any proceedings thereunder.

Land tax to be payable notwithstanding any proceedings or penalties, etc.

45. The institution of proceedings for, or the imposition of, a penalty, fine, or term of imprisonment under this Chapter shall not relieve any person from liability to assessment or payment of any land tax for which he is or may be liable.

Prosecutions to be with the sanction of the Commissioner.

46. No prosecution in respect of an offence under section 42 or section 44 shall be commenced except at the instance, or with the sanction, of the Commissioner.

CHAPTER VII.

ADMINISTRATION.

Officers.

47. (1) For the purposes of this Act there may be appointed such number of Deputy Commissioners of Inland Revenue, Assistant Commissioners of Inland Revenue and Assessors of Land Tax as may be necessary.

(2) A Deputy Commissioner of Inland Revenue appointed for the purposes of the Income Tax Ordinance shall have all the powers under this Act of a Deputy Commissioner of Inland Revenue appointed for the purposes of this Act.

(3) An Assistant Commissioner of Inland Revenue appointed for the purposes of the Income Tax Ordinance shall have all the powers under this Act of an Assistant Commissioner of Inland Revenue appointed for the purposes of this Act.

(4) An Assessor of Income Tax appointed for the purposes of the Income Tax Ordinance shall have all the powers of an Assessor of Land Tax under this Act.

Assistant Commissioner of Inland Revenue may exercise powers of Assessor.

48. An Assistant Commissioner of Inland Revenue may exercise any powers conferred upon an Assessor by this Act.

CHAPTER VIII.

GENERAL.

Official secrecy.

49. The provisions of section 4 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to this Act instead of to the Income Tax Ordinance.

50. The provisions of section 53 of the Income Tax Ordinance shall apply as if such provisions were provisions of this Act and refer to land tax instead of to income tax and as if the words "the income of" were omitted from that section.

Indemnification
of
representative.

51. Any person who wishes to transfer without any consideration to the Crown any land of which he is the owner may notify in writing his intention to do so to the Land Commissioner, and if the Land Commissioner upon such transfer issues to that person a certificate that the Land Commissioner has assumed ownership of that land on behalf of the Crown, then the extent of that land shall be excluded from the total extent of land in respect of which land tax is chargeable from that person.

Exemption
from land
tax in respect
of land
transferred
to the Crown.

52. Where any company which is liable to the land tax for any year of assessment is also liable to the tax under the Companies Tax Act, then, if the amount of the land tax is less than the amount of the tax under the Companies Tax Act, that company shall not be liable to pay the land tax for that year.

A company
liable to the
land tax and
to the tax
under the
Companies Tax
Act shall not
be liable to
the land tax
if the amount
of the land
tax is less
than the amount
of the tax
under the
Companies
Tax Act.

53. (1) The Minister may from time to time make rules generally for carrying out the provisions of this Act.

Power to make
rules.

(2) Without prejudice to the generality of the powers specified in sub-section (1), rules may be made under this section—

- (a) providing for any matter which by this Act is to be or may be prescribed;
- (b) prescribing penalties for the contravention of any rules made under this section or the failure to comply therewith not exceeding in each case a sum of five hundred rupees;
- (c) prescribing any forms which may be necessary for carrying this Act into effect.

(3) All rules made under this section, other than a rule prescribing a penalty for the contravention of or failure to comply with a rule, shall be published in

the *Gazette* and shall come into operation on the date of such publication in the *Gazette* or at such other time as may be stated in such rules.

(4) A rule prescribing a penalty for the contravention of or failure to comply with a rule shall not come into operation until it is approved by the Senate and the House of Representatives and notice of such approval is published in the *Gazette*.

(5) All rules made under this section, other than a rule prescribing a penalty for the contravention of or failure to comply with a rule, shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives at two successive meetings of the Senate and the House of Representatives and shall be brought before the Senate and the House of Representatives at the next subsequent meeting held thereafter by a motion that such rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, such rules are disapproved by the Senate and the House of Representatives, they shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything already done thereunder; and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

Interpretation.

54. (1) In this Act, unless the context otherwise requires,—

“ assessee ” means a person by whom land tax is payable under this Act and includes any person in respect of whom any proceeding under this Act has been taken for the determination of the land tax payable by him;

“ Assessor ” means Assessor of Land Tax;

“ child ” shall have the meaning assigned to that expression in Chapter VIIA of the Income Tax Ordinance;

“ Commissioner ” means the Commissioner of Inland Revenue appointed for the purposes of the Income Tax Ordinance, and includes a Deputy Commissioner of Inland Revenue appointed for the purposes of this Act or of the Income Tax Ordinance;

- “ company ” means any company incorporated or registered under any law in force in Ceylon or elsewhere ;
- “ dependent relative ”, in relation to an individual, means a relative in respect of whom an allowance under section 16 of the Income Tax Ordinance would be made if that section were applicable to such individual ;
- “ executor ” means any executor, administrator or other person administering the estate of a deceased person ;
- “ family ” means a family within the meaning of the provisions of section 20D of the Income Tax Ordinance applied as if they were provisions of this Act in the manner indicated in sub-section (2) of this section ;
- “ head ”, with reference to a family, means the head of that family within the meaning of the provisions of section 20D of the Income Tax Ordinance applied as if they were provisions of this Act in the manner indicated in sub-section (2) of this section ;
- “ land ” means land of any kind whatsoever and does not include land required to be excluded by section 5 of this Act ;
- “ person ” includes a company and a Hindu undivided family ;
- “ precedent partner ” means the partner who, of the active partners resident in Ceylon—
- (a) is the first named in the agreement of partnership ; or
 - (b) if there is no agreement, is specified by name or initials singly, or with precedence to the other partners in the usual name of the partnership ; or
 - (c) is the first named in the statement made under section 4 of the Business Names Ordinance ;
- “ resident ” or “ resident in Ceylon ” means resident in Ceylon within the meaning of section 33 of the Income Tax Ordinance ;

“ year of assessment ” means the period of twelve months commencing on the first day of April, 1960, or any subsequent period of twelve months commencing on the first day of April.

(2) The provisions of section 20D of the Income Tax Ordinance shall apply as if they were provisions of this Act and refer to return of land, this Act, and land tax instead of to return of income, Income Tax Ordinance, and income tax.

PARLIAMENT OF CEYLON

1st Session 1960-61



Ceylon Petroleum Corporation Act, No. 28 of 1961

Date of Assent: May 29, 1961

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Ceylon Petroleum Corporation Act,
No. 28 of 1961

L. D.—O. 36/60.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION TO CARRY ON BUSINESS AS AN IMPORTER, EXPORTER, SELLER, SUPPLIER OR DISTRIBUTOR OF PETROLEUM, TO ENABLE THE COMPULSORY ACQUISITION OR REQUISITION FOR SUCH CORPORATION OF ANY IMMOVABLE OR MOVABLE PROPERTY REQUIRED FOR THE PURPOSES OF SUCH CORPORATION AND TO PROVIDE FOR THE ESTABLISHMENT OF A COMPENSATION TRIBUNAL; TO PROVIDE FOR THE REGULATION AND CONTROL OF THE PRICE OF PETROLEUM; AND TO MAKE PROVISION FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[Date of Assent: 29th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon Petroleum Corporation Act, No. 28 of 1961.

Short title.

PART I.

CONSTITUTION AND POWERS AND DUTIES OF THE CEYLON PETROLEUM CORPORATION AND ITS BOARD OF DIRECTORS.

2. There shall be established a Corporation which shall be called the "Ceylon Petroleum Corporation" (hereinafter referred to as "the Corporation") and which shall consist of the persons who are for the time being members of the Corporation under section 4.

Establishment of Ceylon Petroleum Corporation.

3. The Corporation shall, by the name assigned to it by section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Seal of the Corporation.

4. The members of the Board of Directors shall be the members of the Corporation.

Members of the Corporation.

General objects
of the
Corporation.

5. The general objects of the Corporation shall be—

- (a) to carry on business as an importer, exporter, seller, supplier or distributor of petroleum; and
- (b) to carry on any such other business as may be incidental or conducive to the attainment of the objects referred to in paragraph (a).

Powers of the
Corporation.

6. The Corporation may exercise all or any of the following powers:—

- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of, any immovable or movable property;
- (b) to employ such officers and servants as may be necessary for carrying out the work of the Corporation;
- (c) to do anything for the purpose of advancing the skill of persons employed by the Corporation or the efficiency of the equipment of the Corporation or the manner in which that equipment is operated, including the provision by the Corporation, and the assistance of the provision by others, of facilities for training persons required to carry out the work of the Corporation;
- (d) to establish a provident fund, and provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Corporation;
- (e) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Corporation;
- (f) to make charges for any services rendered by the Corporation in carrying on such business;
- (g) to purchase such quantities of petroleum as may be necessary for the purpose of the business of the Corporation;

- (h) to re-export petroleum;
- (i) to delegate to any officer of the Corporation any such function of the Corporation as the Corporation may consider necessary so to delegate for the efficient transaction of business;
- (j) to enter into and perform or carry out, whether directly or through any officer or agent authorised in that behalf by the Corporation, all such contracts or agreements as may be necessary for the exercise of the powers of the Corporation;
- (k) to make rules in relation to its officers and servants, including their appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave to them;
- (l) to make rules in respect of the administration of the affairs of the Corporation; and
- (m) to do all other things which, in the opinion of the Corporation, are necessary to facilitate the proper carrying on of its business.

7. (1) The Minister may, after consultation with the Board of Directors, give such Board general or special directions in writing as to the exercise of the powers of the Corporation, and such Board shall give effect to such directions.

Powers of the Minister in relation to the Corporation.

(2) The Minister may, from time to time, direct in writing the Board of Directors to furnish to him, in such form as he may require, returns, accounts and other information with respect to the property and business of the Corporation, and such Board shall carry out every such direction.

(3) The Minister may, from time to time, order all or any of the activities of the Corporation to be investigated and reported upon by such person or persons as he may specify, and upon such order being made, the Board of Directors shall afford all such facilities, and furnish all such information, as may be necessary to carry out the order.

Board of
Directors.

8. (1) The Corporation shall have a Board of Directors consisting of five members appointed by the Minister one of whom shall be so appointed in consultation with the Minister of Finance.

(2) A person shall be disqualified from being appointed or continuing as a Director and in that event shall *ipso facto* cease to hold office,

(a) if he is a Senator or a Member of Parliament,
or

(b) if he, directly or indirectly, by himself or by any person on his behalf or for his use or benefit, holds or enjoys any right or benefit under any contract other than a contract of employment made by, with or on behalf of the Corporation, or

(c) if he has any such financial or other interest except as an employee of the Corporation as is likely to affect prejudicially the discharge by him of his functions as a Director.

(3) Where a Director is, by reason of illness, infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any person to act in his place.

(4) The Minister may, without assigning a reason, remove any Director from office. The removal of any Director from office by the Minister shall not be called in question in any Court.

(5) A Director who is not a public officer may resign the office of Director by letter addressed to the Minister.

(6) Subject to the provisions of sub-section (4) and sub-section (5), the term of office of the Board of Directors shall be three years:

Provided that a Director appointed in place of a Director who dies or resigns or otherwise vacates office shall, unless he earlier resigns or otherwise vacates office, hold office for the unexpired part of the term of office of the Director whom he succeeds.

Remuneration
of Directors.

9. All or any of the Directors may be paid such remuneration, out of the funds of the Corporation, as may be determined by the Minister, with the concurrence of the Minister of Finance.

10. A Director who is directly or indirectly interested in a contract proposed to be made by the Corporation shall disclose the nature of his interest at a meeting of the Board of Directors. The disclosure shall be recorded in the minutes of such Board, and such Director shall not take part in any deliberation or decision of such Board with respect to such contract.

Director to disclose interest in contract proposed to be made by the Corporation.

11. The quorum for any meeting of the Board of Directors shall be three.

Quorum for any meeting of Board of Directors.

12. The Chairman of any meeting of the Board of Directors shall, in addition to his own vote, have a casting vote.

Chairman of any meeting of the Board of Directors to have a casting vote.

13. Subject to the other provisions of this Act, the Board of Directors may regulate the procedure in regard to the meetings of such Board and the transaction of business at such meetings.

Regulation of procedure.

14. The Board of Directors may act notwithstanding a vacancy among the members thereof.

The Board of Directors may act despite vacancy.

15. The general supervision, control and administration of the affairs and business of the Corporation shall be vested in the Board of Directors of the Corporation.

General control of the Corporation

16. (1) The Board of Directors may delegate to any Director or employee of such Board any of its powers or duties.

Delegation of powers and duties of Board of Directors.

(2) Every delegate appointed under sub-section (1) shall exercise or perform the power or duty delegated to him subject to the general or special directions of the Board of Directors.

17. (1) The Minister shall appoint a Chairman and may appoint a Vice-Chairman of the Board of Directors from among the Directors.

Chairman and Vice-Chairman of Board of Directors.

(2) If the Chairman or the Vice-Chairman is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint one of the Directors to act in his place.

(3) The Minister may, without assigning a reason, terminate the appointment of the Chairman or Vice-Chairman. The termination of the appointment of the Chairman or Vice-Chairman shall not be called in question in any Court.

(4) Where the Chairman or the Vice-Chairman is not a public officer, he may resign the office of such Chairman or Vice-Chairman by letter addressed to the Minister.

(5) Subject to the provisions of sub-section (3), and sub-section (4), the term of office of the Chairman shall be the period of his membership of the Board of Directors and the term of office of the Vice-Chairman shall be the period of his membership of such Board.

The General
Manager.

18. (1) The Corporation shall, with the prior approval of the Minister, appoint to the staff of the Corporation a General Manager.

(2) The appointment of a person as General Manager shall not be terminated, except with the prior approval of the Minister.

Appointment of
public officers
and officers and
servants of
the Local
Government
Service and
of any local
authority to
the staff
of the
Corporation.

19. (1) At the request of the Board of Directors, any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Corporation for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Corporation, the provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Corporation, the provisions of sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.

(4) Where the Corporation employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Corporation by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) At the request of the Board of Directors, any officer or servant of the Local Government Service Commission or any local authority may, with the consent of that officer or servant and of that Commission or authority, as the case may be, be temporarily appointed to the staff of the Corporation for such period as may be determined by that Board with like consent, or be permanently appointed to the staff, on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by that Board and that Commission or authority.

(6) Where any officer or servant of the Local Government Service Commission or of any local authority is temporarily appointed to the staff of the Corporation, he shall be subject to the same disciplinary control as any other member of such staff.

20. All officers and servants of the Corporation shall be deemed to be public servants within the meaning and for the purpose of the Penal Code.

Officers and servants of the Corporation deemed to be public servants. Cap. 15.

21. The Corporation shall be deemed to be a scheduled institution within the meaning of the Bribery Act, No. 11 of 1954, and the provisions of that Act shall be construed accordingly.

The Corporation deemed to be a scheduled institution within the meaning of the Bribery Act.

22. (1) The seal of the Corporation shall be in the custody of the Board of Directors.

Application and custody of the seal of the Corporation.

(2) The seal of the Corporation may be altered in such manner as may be determined by the Board of Directors.

(3) The application of the seal of the Corporation shall be authenticated by the signature of the Chairman of the Board of Directors, or some other member of the Board authorised by the Board to authenticate the application of such seal, and of the officer of the Corporation who is designated General Manager or some other officer of the Board authorised by the Board to act in his stead in that behalf.

PART II.

FINANCE.

23. (1) The initial capital of the Corporation shall be ten million rupees.

(2) The amount of the initial capital of the Corporation shall be paid to the Corporation out of the Consolidated Fund of Ceylon in such instalments as the Minister of Finance may, after consultation with the Minister, determine.

(3) The capital of the Corporation may be increased, from time to time, by such amount as may be determined by the Corporation with the approval of the Minister given with the concurrence of the Minister of Finance.

24. (1) The Board of Directors may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Board may require for meeting the obligations of the Corporation:

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Board of Directors under this sub-section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister of Finance.

Capital of the Corporation.

Borrowing powers of the Board of Directors.

(2) The Board of Directors may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money, otherwise than by way of a temporary loan under sub-section (1), for all or any of the following purposes:—

- (a) the provision of working capital;
- (b) the provision of money for meeting any expenses incurred in connection with any permanent work or other thing the cost of which is properly chargeable to capital;
- (c) the provision of money required for the payment of any compensation under this Act which is payable in cash by the Corporation;
- (d) the redemption of any stock issued or any loan raised by the Board of Directors; and
- (e) any other purpose for which capital moneys are properly applicable, including the repayment of any money temporarily borrowed under sub-section (1).

(3) The Board of Directors may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money for any of the purposes mentioned in sub-section (2) by the issue of stock under section 26 or in any other manner whatsoever.

25. Any funds of the Corporation which are not immediately required for the purposes of the business of the Corporation may be invested by the Board of Directors in such manner as such Board may determine with the approval of the Minister.

Investments
of funds of the
Corporation.

26. (1) The Board of Directors—

- (a) may create and issue any stock required for the purpose of exercising the powers of the Board under sub-section (3) of section 24, and
- (b) shall create and issue such stock as is required for the purpose of satisfying any right as to compensation under this Act which is to be satisfied by the issue of stock,

Petroleum
Corporation
Stock.

and the stock so created and issued is in this Act referred to as “*Petroleum Corporation Stock*”.

(2) Petroleum Corporation Stock shall be issued, transferred, dealt with, redeemed and cancelled in accordance with such terms as may be determined by the Board of Directors with the approval of the Minister given with the concurrence of the Minister of Finance.

Government
guarantee.

27. (1) The Minister of Finance shall guarantee the repayment of the principal of, and the payment of the interest on, any Petroleum Corporation Stock created and issued under section 26 (1) (b), and may, with the concurrence of the Minister, guarantee the repayment of the principal of, and the payment of the interest on, any Petroleum Corporation Stock created and issued under section 26 (1) (a).

(2) Any sum required for the fulfilment of a guarantee provided under sub-section (1) may, with the prior approval of the House of Representatives, be paid out of the Consolidated Fund of Ceylon.

(3) Any sum paid out of the Consolidated Fund of Ceylon in fulfilment of a guarantee provided under sub-section (1) shall be repaid, together with interest thereon, at such rate as the Minister of Finance may determine with the concurrence of the Minister, by the Corporation in such manner and over such period as the Minister of Finance may with such concurrence determine.

(4) Immediately after a guarantee is given under sub-section (1), the Minister of Finance shall lay a statement of the guarantee before the Senate and the House of Representatives.

(5) Where any sum is paid out of the Consolidated Fund of Ceylon in fulfilment of a guarantee provided under sub-section (1), the Minister of Finance shall forthwith lay before the Senate and the House of Representatives a statement that such sum has been so paid.

28. The revenue of the Corporation in any year shall be applied in defraying the following charges in the order of priority set out hereunder:—

- (a) the working and establishment expenses (including allocations to the insurance reserve and depreciation reserve), in connection with the exercise and performance of the powers of the Corporation, properly chargeable to revenue account;

Application
of the revenue
of the
Corporation.

- (b) the interest on any temporary loan raised by the Corporation;
- (c) any sums required to be transferred to any sinking fund or redemption fund; and
- (d) the interest on and the repayment of the principal of any Government loan to the Corporation.

29. (1) The Board of Directors—

Reserves.

(a) may establish and maintain an insurance reserve to cover the insurance of the movable and immovable property of the Corporation and liabilities arising under the Workmen's Compensation Ordinance; and

(b) shall establish and maintain—

- (i) a depreciation reserve to cover the depreciation of the movable and immovable property of the Corporation, and
- (ii) a general reserve not exceeding such amount as may from time to time be determined by the Minister.

(2) Such amount out of the surplus of the revenue of the Corporation in any year remaining after the charges mentioned in section 28 have been satisfied as can be paid to the general reserve without causing it to exceed the amount determined by the Minister under paragraph (b) (ii) of sub-section (1) shall be paid to that reserve and the balance, if any, of such surplus shall be paid to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon.

30. (1) The Corporation shall cause its accounts to be kept in such form and in such manner as may be prescribed.

Accounts.

(2) The books and the accounts of the Corporation shall be kept at the head office of the Corporation.

(3) The Corporation shall cause its books to be balanced as on the thirty-first day of December in each year and shall, as soon as may be thereafter, cause to be prepared a profit and loss account and a balance sheet containing a summary of the assets and

liabilities of the Corporation made up to date aforesaid. The aforesaid accounts and the balance sheet shall be signed by the officer responsible for the preparation of such accounts and balance sheet.

Audit of
accounts.

31. The Corporation shall have its accounts for each year audited before the thirtieth day of June of the succeeding year by an auditor appointed by the Minister in consultation with the Auditor-General. The auditor shall receive such remuneration from the Funds of the Corporation as the Minister may in consultation with the Corporation determine.

Auditor's
report and
transmission
of report and
balance sheet,
etc., to the
Minister.

32. (1) The auditor appointed under section 31 shall examine the accounts of the Corporation and ascertain the correctness of the balance sheet and furnish a report stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the Corporation's affairs.

(2) The report of the auditor shall be transmitted to the Auditor-General and to the Corporation.

(3) The Corporation shall, on receipt of the auditor's report and the Auditor-General's comments, if any, thereon in each year, transmit such report together with the profit and loss account and the balance sheet to which the report relates, and a statement by the Corporation of its activities during the financial year to which such report relates, and of the activities (if any) which are likely to be undertaken by the Corporation in the next financial year, to the Minister who shall before the thirtieth day of September of the same year cause copies thereof to be laid before the Senate and the House of Representatives for approval.

Exemption
from taxes.

33. (1) The income of the Corporation shall be exempt from income tax.

(2) The Personal Tax Act, No. 14 of 1959, shall not apply to the Corporation.

PART III.

ACQUISITION, REQUISITION, AND USE OF
PROPERTY FOR OR BY THE CORPORATION.

34. (1) Any officer of the Corporation authorised by the Minister may, by notice (hereafter in this Act referred to as a "notice of claim") published in the *Gazette* declare that any movable or immovable property, other than money, which had been, or is being or is or was intended to be, used for—

Notice of claim or disclaimer in respect of property required for the purposes of the Corporation.

- (a) the importation, exportation, storage, sale, supply or distribution of petroleum, or
- (b) the carrying on of such other business as may be incidental or conducive to the purposes referred to in paragraph (a),

is required for the purposes of the Corporation. Such property is hereafter in this Act referred to as "notified property".

(2) When a notice of claim is published under sub-section (1) any property contained in or found on such notified property shall be deemed to have been included in the notice of claim.

(3) The publication of a notice of claim made under sub-section (1) in respect of any property shall be conclusive proof that such property is required for the purposes of the Corporation.

(4) Where a notice of claim is published under sub-section (1), any officer of the Corporation authorised by the Minister may from time to time, by notice (hereafter in this Act referred to as a "notice of disclaimer") published in the *Gazette*, disclaim the need, for the purposes of the Corporation, of the whole or any part of the property included in the notice of claim and specified in the notice of disclaimer.

(5) No person shall lease, hypothecate, alienate, transfer or dispose of in any manner whatsoever to any person other than the Corporation the whole or any part of—

- (a) any property which is included in a notice of claim and is not disclaimed by a notice of disclaimer, or

(b) any right or interest in respect of or incidental to the property specified in paragraph (a).

(6) Any lease, hypothecation, alienation, transfer or disposal made or effected in contravention of the provisions of sub-section (5) shall be null and void.

(7) Any person shall, if requested by any officer authorised by the Minister, furnish to such person as shall be specified in the request information with regard to any movable or immovable property included in a notice of claim as shall be so specified.

(8) Any person who—

(a) leases, hypothecates, transfers or disposes of any notified property in contravention of sub-section (5); or

(b) fails to furnish wilfully the information referred to in sub-section (7), or who wilfully withholds all or any part of such information, or who furnishes information knowing such information to be false; or

(c) wilfully or negligently destroys or damages or causes to be destroyed or damaged any notified property; or

(d) removes, changes the situation, or alters the character or causes such removal, change or alteration of any notified property,

shall be guilty of an offence under this Act.

(9) Regulations may be made under this Act—

(a) empowering any person authorised in that behalf by the Corporation to inspect any notified property, and requiring the persons in whose possession or custody such property is to allow and assist the inspection thereof ;

(b) providing that a report as to the condition of any notified property may be made, and may be subsequently amended, by or under the authority of the Corporation ;

- (c) providing for the service of copies of such report or any amendment thereof on persons having an interest in the property to which the report relates ;
- (d) requiring persons on whom copies of the report or any amendment thereof have been served to notify the Corporation whether or not they are in agreement with such report or amendment, and if, they are not in agreement, to specify any objections they may have and the grounds of such objections and to produce all documents relied on by them in support of such objections ;
- (e) prohibiting the making of any improvements or alterations to any notified property without the prior approval of the Corporation ; and
- (f) providing for all matters connected with or incidental to the matters aforesaid.

35. (1) The Minister may, by Order (hereafter in this Act referred to as a "vesting Order") published in the *Gazette*, vest in the Corporation, with effect from such date as shall be specified in the Order, any such notified property as has not been disclaimed by a notice of disclaimer or any right, interest or benefit in such notified property derived under the terms of any arrangement, agreement (formal or informal), lease or notarially executed instrument subsisting on the date of publication of the notice of claim.

Compulsory transfer to the Corporation of certain property.

(2) Before a vesting Order takes effect, the Minister may from time to time alter, by Order published in the *Gazette* the date on which such vesting Order takes effect.

(3) A vesting Order shall have the effect of giving the Corporation absolute title to any property specified in the Order with effect from the date specified therein and free from all encumbrances :

Provided however, where any right, interest or benefit in any notified property is vested in the Corporation, a vesting Order shall have the effect of giving the Corporation such right, interest or benefit with effect from the date specified in the Order.

Requisition of notified property and compulsory acquisition of requisitioned property.

36. (1) The Minister may, by Order (hereafter in this Act referred to as a "requisitioning Order") published in the *Gazette*, requisition, with effect from such date as shall be specified in the Order, any notified property as is immovable property, in order that it may be temporarily used by the Corporation for the purposes of its business.

(2) Before a requisitioning Order takes effect, the Minister may from time to time alter, by Order published in the *Gazette*, the date on which such requisitioning Order takes effect.

(3) A requisitioning Order shall have the effect of authorising the Corporation, with effect from the date specified in the Order, to take possession of the property specified in the Order and to use such property temporarily for the purpose of the business of the Corporation in any manner whatsoever.

(4) Where any property is requisitioned by a requisitioning Order, the Minister may, by Order (hereafter in this Act referred to as "derequisitioning Order") published in the *Gazette*, derequisition such property with effect from such date as shall be specified in the derequisitioning Order.

(5) Before a derequisitioning Order takes effect, the Minister may from time to time alter, by Order published in the *Gazette*, the date on which such derequisitioning Order takes effect.

(6) Where, immediately before the date on which any property is requisitioned under this Act, a person, other than the owner of such property, was entitled to possession of or any other right, title or interest in such property under the terms of any arrangement, agreement (formal or informal), lease or notarially executed instrument that arrangement, agreement (formal or informal), lease or notarially executed instrument shall be deemed for all purposes to have expired on that date.

(7) Where any property is derequisitioned by a derequisitioning Order such Order shall be deemed to have the effect of reviving any arrangement, agreement (formal or informal), lease or notarially executed instrument subsisting on the date on which the property was requisitioned, and any question which may arise as to any right, title or interest, in or over that property shall be determined accordingly.

(8) Notwithstanding anything to the contrary in this Act or in any other law the provisions of subsection (7) shall not apply to any arrangement, agreement (formal or informal), lease or notarially executed instrument affecting any movable or immovable property of the Crown subsisting on the date on which the property was requisitioned.

(9) Where any property requisitioned for the Corporation is permanently required for the purpose of the business of the Corporation, such property may be vested in the Corporation by a vesting Order.

37. (1) Notwithstanding that any movable or immovable property has vested in the Corporation by virtue of a vesting Order, the Minister may, at any time before an award as to compensation is made in respect of that property under section 65, by subsequent Order published in the *Gazette* (hereinafter in this section referred to as a "divesting Order") revoke that vesting Order.

Revocation of
vesting Order.

(2) The following provisions shall apply in any case where a vesting Order in respect of any movable or immovable property is revoked by a divesting Order:—

(a) that property shall be deemed never to have vested in the Corporation by virtue of that vesting Order, and any question which may arise as to any right, title or interest, in or over that property shall be determined accordingly;

(b) that property shall be deemed to have been and to be property which was requisitioned by a requisitioning Order with effect from the date on which that vesting Order took effect and was derequisitioned by a derequisitioning Order with effect from the date of the revocation of that vesting Order;

(c) all claims made under this Act to the compensation payable in respect of that property and all proceedings taken under this Act in regard to such claims before that vesting Order was revoked shall be deemed to be null and void, and fresh claims to compensation in respect of that property may be made under this Act and fresh proceedings in regard to such fresh claims may be taken under this Act.

(3) The preceding provisions of this section shall have effect notwithstanding anything in any other provisions of this Act or in any other written law.

38. (1) Any person specially or generally authorised in that behalf by the Minister or the Chairman of the Board of Directors may take possession of any property vested in or requisitioned for the Corporation.

(2) Any officer of the Corporation authorised in that behalf by the Chairman of the Board of Directors shall, by notice given to the person in occupation or in possession of any property vested in or requisitioned for the Corporation or exhibited in some conspicuous place on or in the vicinity of such property—

(a) inform that such authorised officer intends to take possession of such property for and on behalf of the Corporation on such date and at such time and place as shall be specified in the notice, and

(b) require any person interested or his authorised agent to be present on the date and at the time and place so specified, and to allow and assist such authorised officer to take possession of such property for and on behalf of the Corporation.

Where such property is a motor vehicle, the notice aforesaid may be given to the registered owner of that vehicle within the meaning of the Motor Traffic Act, No. 14 of 1951, instead of being given to the person in possession of that motor vehicle.

(3) Any notice required to be given to any person under the preceding provisions of this section shall be deemed to be given to him if such notice is sent to him by registered letter through the post.

(4) Any person who contravenes any requirement of any notice given to him under this section shall be guilty of an offence under this Act.

39. (1) Every person who—

(a) prevents, obstructs or resists, or

(b) directly or indirectly causes anyone to prevent, obstruct or resist,

any person from or in taking possession, under section 38, of any property for and on behalf of the Corporation shall be guilty of an offence under this Act.

Taking possession of property vested in, or requisitioned for, the Corporation.

Prevention of or obstruction to taking possession of property for or on behalf of the Corporation.

(2) Where an officer authorised by the Minister or the Chairman of the Board of Directors under section 38 to take possession of any property for and on behalf of the Corporation is unable or apprehends that he will be unable to take possession of such property because of any obstruction or resistance that has been or is likely to be offered, on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that property is kept or situated, the Magistrate shall issue an order of the Court directing the Fiscal to deliver possession of that property to him for and on behalf of the Corporation.

(3) Where an order under sub-section (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the Court the manner in which that order was executed.

(4) Where an order under sub-section (2) is issued to the Fiscal by a Magistrate, the execution of such order shall not be stayed in any manner by reason of any steps taken or proposed to be commenced in any Court with a view to questioning, varying or setting aside such order.

(5) For the purpose of executing an order issued by a Magistrate's Court under sub-section (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter any place where any movable property to which that order relates is kept and seize such movable property, or to enter any land, building, structure or other immovable property to which that order relates and to eject any person in occupation thereof, and to deliver possession of such movable property, land, building, structure or other immovable property to the person who is authorised to take possession thereof for and on behalf of the Corporation.

40. (1) Where any immovable property, other than any notified property, is required to be acquired for the purpose of the business of the Corporation and the Minister, by Order published in the *Gazette*, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired compulsorily under the Land Acquisition Act, No. 9 of 1950, and be transferred to the Corporation.

Acquisition
of immovable
property under
the Land
Acquisition
Act for the
Corporation.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act, No. 9 of 1950, for the Corporation, shall be paid by the Corporation.

Special grant or lease of Crown property to the Corporation.

41. Where any immovable property of the Crown is required for the purpose of the business of the Corporation, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance, No. 8 of 1947, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Corporation.

Power to require information and to inspect.

42. (1) The Chairman of the Board of Directors or any person authorised in that behalf by such Chairman may—

- (a) inspect any movable or immovable property which had been, or is being or is or was intended to be, used for the importation, exportation, storage, sale, supply or distribution of petroleum; or
- (b) inspect any movable or immovable property which had been, or is being or is or was intended to be, used for the carrying on of such other business as may be incidental or conducive to the purposes referred to in paragraph (a); and
- (c) request any person to furnish information with regard to any matter within his knowledge relating to any movable or immovable property referred to in paragraph (a) or paragraph (b).

(2) Any person who fails, without reasonable cause, to comply with the provisions of sub-section (1) (c) or who furnishes information knowing such information to be false or obstructs any person in the exercise of the powers conferred on him by sub-section (1) (a) or sub-section (1) (b) shall be guilty of an offence under this Act.

43. (1) Any person who carries on business as an importer, exporter, seller, supplier, or distributor of petroleum shall, if a written request in that behalf is made to him by the Corporation, make available for use by the Corporation any equipment or facilities maintained by him for the purpose of that business subject to such terms and conditions (including

Power of Corporation to make use of equipment and facilities of other persons.

terms as to the charges to be made for such use) as may be determined by agreement between that person and the Corporation or, in the absence of such agreement, by arbitration as hereinafter provided.

(2) Where the terms and conditions subject to which any equipment or facilities of any person referred to in sub-section (1) is or are to be used by the Corporation have to be determined by arbitration, the arbitration shall be conducted—

(a) by a single arbitrator nominated by agreement between that person and the Corporation; or

(b) in default of such agreement, by two arbitrators nominated respectively by that person and the Corporation.

(3) Where in any case referred to in paragraph (b) of sub-section (2) there is a difference of opinion among the two arbitrators in respect of any matter, the matter shall be referred for decision by an umpire chosen by them, and, if they are unable to agree, by an umpire appointed for the purpose by the District Court of Colombo on application made by any party to the arbitration proceedings.

No stamp duty shall be payable in respect of any application under this sub-section.

Each party shall be liable to pay in equal shares the amount of the fee payable to an umpire chosen or appointed under this sub-section.

(4) The decision of a single arbitrator or where there are two arbitrators their agreed decision, or in any case referred to in sub-section (3) the decision of an umpire, shall be final and conclusive for the purposes of this section and shall be binding on the Corporation and on the person whose equipment or facilities is or are to be used by the Corporation.

(5) Regulations may be made in respect of all matters relating to or connected with the conduct of proceedings upon arbitration under this section.

PART IV.

COMPENSATION.

Notice to persons entitled to make claims to the compensation payable under this Act in respect of any property vested in or requisitioned for the Corporation.

44. Where any property is vested in or requisitioned for the Corporation, the Chairman of the Board of Directors shall, by notice published in the *Gazette* and in such other manner as may be determined by him, direct every person who was interested in such property immediately before the date on which such property was so vested or requisitioned to make, within a period of one month reckoned from the date specified in the notice, a written claim to the whole or any part of the compensation payable under this Act in respect of such property, and to specify in the claim—

- (a) his name and address,
- (b) the nature of his interest in such property,
- (c) the particulars of his claim, and
- (d) how much of such compensation is claimed by him.

Provisions to be complied with by the Chairman on the receipt of claims to compensation.

45. Upon the receipt of any claim made under section 44 to the compensation payable under this Act in respect of any property vested in or requisitioned for the Corporation, the Chairman of the Board of Directors shall cause the following documents to be sent to the claimant by registered letter through the post:—

- (a) a copy of any such report in regard to the condition of the aforesaid property as has been made by or under the authority of the Corporation under any regulation made under this Act, if a copy of that report has not already been served on the claimant;
- (b) a copy of any such assessment of the compensation payable under this Act in respect of the aforesaid property as has been made by or under the authority of the Corporation;
- (c) a notice requiring the claimant, within the time specified in the notice:—
 - (i) to furnish to the Corporation a written statement setting out whether or not he agrees with the report referred to in the preceding paragraph (a) and the assessment referred to in the

preceding paragraph (b) and, if he does not so agree, any objections that he may have to such report and assessment, and the grounds of such objections; and

- (ii) to produce to the Corporation all documents, and in particular the document in regard to the condition of the aforesaid property, relied on by him in support of any such objection.

46. (1) The Chairman of the Corporation shall refer to the Compensation Tribunal for determination the amount of the compensation payable in respect of any property vested in or requisitioned for the Corporation and shall transmit to the Tribunal all claims made to such compensation, together with all documents furnished by the claimants in support of their claims, and all documents copies of which have been served on or transmitted to the claimants by the Corporation.

Reference to the Compensation Tribunal for an award as to compensation in respect of any property vested in or requisitioned for the Corporation.

(2) A reference made under sub-section (1) to the Compensation Tribunal is hereafter in this Act referred to as a "reference for an award as to compensation".

47. (1) The amount of compensation to be paid under this Act in respect of any property vested on any date in the Corporation shall be the actual price paid by the owner for the purchase of such property and an additional sum which is equal to the reasonable value of any additions and improvements made to such property by any person who was interested, or if such purchase price is not ascertainable, be an amount equal to the price which such property would have fetched if it had been sold in the open market on the day on which the property was vested in the Corporation:

Compensation in respect of properties vested in the Corporation.

Provided that where such property consists of movable property or anything attached to the earth or permanently fastened to anything attached to the earth, a reasonable amount for depreciation shall be deducted from the amount which represents the price actually paid for its purchase by the person entitled to the compensation payable in respect of such property, if such compensation is based on such price.

(2) Where any right, interest or benefit in any movable or immovable property derived under the terms of any arrangement, agreement (formal or informal), lease or notarially executed instrument is vested in the Corporation, the amount of compensation to be paid under this Act shall be the actual price paid by the holder for the acquisition of such right, interest or benefit :

Provided that a proportionate amount shall be deducted on account of the period for which the holder has enjoyed such right, interest or benefit.

Compensation
in respect
of property
requisitioned
for the
Corporation.

48. (1) The amount of compensation to be paid in respect of any property requisitioned for the Corporation shall be a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of such property, during the period of the requisition, under a lease granted immediately before the beginning of that period whereby the tenant undertakes to pay all usual rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain such property in a state to command that rent.

(2) The compensation under sub-section (1) in respect of any property shall be considered as accruing due from day to day during the period of the requisitioning of such property and shall be apportionable in respect of time accordingly.

Proportionate
payment of
compensation,
and interest on
compensation,
until date of
payment.

49. (1) The amount of compensation to be paid to any person in respect of any property requisitioned for or vested in the Corporation shall be proportionate to the interest such person had in such property on the date on which the property was requisitioned for or vested in the Corporation :

Provided however, where property requisitioned is subsequently vested in the Corporation, the apportionment of the compensation in respect of such property shall be proportionate to the interest any person had in such property on the date on which such property was requisitioned for the Corporation.

(2) Any compensation payable under this Act shall carry interest, as from the date on which it accrues due until payment at such rate as may be determined by the Minister with the concurrence of the Minister of Finance.

50. The compensation payable in respect of any property vested in the Corporation shall be considered as accruing due from the date on which that property was so vested.

When compensation in respect of vested property accrues due.

51. No compensation in respect of any property vested in or requisitioned for the Corporation shall be paid to any person under this Act unless such person is entitled to such compensation according to an award (hereafter in this Act referred to as an "award as to compensation") made by the Compensation Tribunal under this Act.

Right to compensation.

52. The following provisions shall apply in any case where a person is entitled to compensation in respect of any property vested in or requisitioned for the Corporation:—

Deductions from compensation.

(a) where any sum has been certified under the hand of the Commissioner of Inland Revenue to the Corporation to be due from such person as tax on income or profits, or as personal tax, then, from the amount of the compensation to which such person is entitled, the Corporation shall pay the sum so specified to the Commissioner of Inland Revenue, or

(b) where the amount of such compensation has been applied in payment of any sum referred to in the preceding paragraph (a), the balance if any, of that amount remaining after it has been so applied shall be paid by the Corporation to the person or persons entitled thereto.

53. The mode and manner of payment of compensation under this Act shall be determined by the Minister in consultation with the Minister of Finance.

Mode of payment of compensation.

54. Where any compensation payable to any person under this Act is not accepted by him when it is tendered to him or where such person is dead or not in existence or not known, it shall be paid to any District Court or Court of Requests, according as the amount of the compensation exceeds or does not exceed three hundred rupees, to be drawn by the person or persons entitled thereto.

Provision for cases where compensation is not accepted, etc.

PART V.

COMPENSATION TRIBUNAL.

Constitution
of the
Compensation
Tribunal.

55. (1) There shall be established, for the purposes of this Act, a Compensation Tribunal (hereinafter referred to as the "Tribunal") consisting of ten members appointed by the Governor-General of whom at least five shall be persons with judicial or legal experience.

(2) A person shall be disqualified for being appointed or being a member of the Tribunal if he is a Senator, a Member of Parliament, or a member of the Corporation.

(3) A member of the Tribunal with judicial or legal experience shall be appointed to be the Chairman, and another member with similar experience shall be appointed to be the Vice-Chairman, of the Tribunal by the Governor-General.

(4) Every member of the Tribunal shall, unless he earlier vacates office or is removed therefrom by the Governor-General, hold office for a period of three years. Any member of the Tribunal who vacates office by effluxion of time shall be eligible for reappointment.

(5) There shall be appointed a Secretary to the Tribunal (hereinafter referred to as the "Secretary") and such other officers and servants as may be necessary for the performance of the work of the Tribunal.

Remuneration
of members,
officers and
servants of
the Tribunal
and expenses
of the
Tribunal.

56. (1) The members, officers and servants of the Tribunal shall be remunerated at such rates as may be determined by the Minister with the concurrence of the Minister of Finance.

(2) The remuneration of the members, officers and servants of the Tribunal and any other expenses of the Tribunal shall be paid by the Permanent Secretary to the Ministry of Commerce, Trade, Food and Shipping out of the moneys provided for the purpose by Parliament. Such Permanent Secretary shall in writing notify to the Corporation all sums paid by him under this sub-section, and the Corporation shall, upon receipt of such notification, pay the amount specified therein to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon.

57. (1) The Secretary shall, under the direction of the Chairman or in his absence the Vice-Chairman of the Tribunal, convene meetings of the Tribunal for the consideration and determination of references for awards as to compensation made to the Tribunal.

Meetings
of the
Tribunal.

(2) The Chairman or the Vice-Chairman and four other members of the Tribunal shall be summoned to a meeting of the Tribunal. Such other members shall be chosen by lot by the Secretary. The quorum for a meeting of the Tribunal shall be three members.

(3) Two separate meetings of the Tribunal may be convened and held at the same time to consider and determine different references for awards as to compensation.

(4) Where the Chairman or the Vice-Chairman is summoned to a meeting of the Tribunal, the Chairman or Vice-Chairman, as the case may be, shall preside at that meeting, and in his absence the members of the Tribunal summoned to and present at that meeting shall choose from among themselves a Chairman for that meeting.

(5) A member of the Tribunal who is interested in any matter which is the subject of a reference for an award as to compensation or who has been consulted as an advocate or a proctor or in any other capacity in regard to that matter by or on behalf of any person interested therein shall not participate in any proceedings of a meeting of the Tribunal on such reference.

(6) A meeting of the Tribunal may from time to time be postponed or adjourned.

58. (1) Every reference for an award as to compensation shall be considered and determined at a meeting of the Tribunal.

Proceedings
before
Tribunal.

(2) The Secretary shall fix a date, time and place for the consideration and determination by the Tribunal of each reference for an award as to compensation.

(3) The Secretary shall, in respect of every reference for an award as to compensation, keep a record of all such proceedings before the Tribunal as relate to that reference.

59. (1) The Chairman or the Vice-Chairman of the Tribunal and, if the Chairman or the Vice-Chairman is not presiding at any meeting of the Tribunal, the Chairman of that meeting shall, for the

Power to
summon
witnesses
etc.

purposes of the consideration and determination of any reference for an award as to compensation, have all the powers of a District Court—

- (a) to summon and compel the attendance of witnesses,
- (b) to compel the production of documents, and
- (c) to administer any oath or affirmation to witnesses.

(2) Every person who attends a meeting of the Tribunal as a witness shall be paid as travelling and other expenses such sum as shall be determined by the Chairman or in his absence the Vice-Chairman of the Tribunal.

60. Every person giving evidence on any matter before a meeting of the Tribunal shall be bound to state the truth on such matter.

61. (1) The determination made at a meeting of the Tribunal on any matter considered at that meeting shall be deemed to be the determination of the Tribunal on that matter.

(2) Where the members of the Tribunal who consider any matter disagree with regard to the determination on that matter, the determination of the majority of them shall be the determination of the Tribunal on that matter, and, where the members are equally divided in their opinion, the determination supported by the Chairman of the meeting by which that matter is considered shall be the determination of the Tribunal on that matter.

(3) Every determination of the Tribunal shall contain the reasons therefor.

62. Subject to the provisions of this Act in respect of procedure, the Tribunal may lay down the procedure to be observed at meetings of the Tribunal.

63. Where a reference for an award as to compensation is made to the Tribunal, the Tribunal shall, before making such award, give the Chairman of the Board of Directors and every person who has made a claim to compensation an opportunity of being heard either in person or by an agent authorised in that behalf.

Persons giving evidence bound to state the truth.

Determination of the Tribunal.

Tribunal may regulate its procedure at meetings.

Chairman of the Board of Directors and claimants to compensation to be given an opportunity of being heard before the making of an award.

64. (1) Where a copy of any report made by or under the authority of the Corporation in regard to the condition of any property vested in or requisitioned for the Corporation is served on any claimant to compensation in respect of such property, then, in so far as that claimant is concerned, that report shall, in any proceedings relating to the claim of the claimant before the Tribunal, be *prima facie* evidence of the facts stated therein until the contrary is proved.

Provisions in regard to evidence.

(2) Where a copy of the Corporation's assessment of compensation in respect of any property is served on any claimant to such compensation, that assessment shall, in any proceedings relating to the claim of the claimant before that Tribunal, be *prima facie* evidence of the facts stated therein until the contrary is proved.

(3) Where a report in regard to the condition of any property vested in or requisitioned for the Corporation, or the Corporation's assessment of any compensation, is *prima facie* evidence of the facts stated therein under the preceding provisions of this section in any proceedings relating to a claim to compensation before the Tribunal, then, the claimant shall not be entitled to produce in those proceedings any document in support of any objection to such report or assessment unless that document had been produced to the Corporation as required by or under this Act.

65. (1) Where a reference for an award as to compensation is made to the Tribunal in respect of any property vested in or requisitioned for the Corporation, the Tribunal shall, after considering all such matters and hearing all such witnesses as may be necessary for the purpose and after complying with the provisions of section 63 and section 64, make, save as otherwise provided in sub-section (2), an award determining—

An award as to compensation by the Tribunal on a reference.

- (a) whether or not each person who has made a claim to compensation is a person entitled to compensation, and if so, the capacity in which he is so entitled,
- (b) the amount of the compensation payable in respect of such property in accordance with the provisions of this Act, and
- (c) the apportionment of the compensation among the persons entitled to compensation :

Provided that, where there is a dispute as to the persons entitled to such compensation or as to the apportionment of such compensation among the persons entitled to such compensation, the Tribunal shall defer making an award and shall refer the dispute for decision to the District Court within whose local jurisdiction such property, being immovable property, is situate, or being movable property, was kept at the time it was so vested, and shall, after such Court makes its decision on such dispute, make an award in accordance with such decision.

(2) Where no person makes a claim to compensation in respect of any property vested in or requisitioned for the Corporation, it shall not be necessary to determine in the award under this section the matters specified in paragraphs (a) and (c) of sub-section (1) and to comply with the provisions of sub-section (3) relating to the giving of notice of the award to claimants to compensation.

(3) The Tribunal shall cause written notice of its award to be given to the Chairman of the Board of Directors and the claimants to compensation.

(4) An award of the Tribunal shall be final and shall not be called in question in any court.

PART VI.

GENERAL.

66. (1) The Minister may, with the concurrence of the Minister of Finance, by a Petroleum Price Order (hereafter referred to as an "Order"), in respect of petroleum of any class or description referred to in the Order, specify or determine any one or more of the following matters:—

- (a) the maximum spot price or rate,
- (b) the minimum spot price or rate,
- (c) the spot price or rate,
- (d) the maximum amount or percentage of discount or rebate,
- (e) the formula fixing the price,

at which such petroleum shall be sold, supplied or delivered.

(2) Any Order under sub-section (1) may—

- (a) be limited in operation to petroleum sold, supplied or delivered by the Corporation,
- or

Order fixing prices and prescribing conditions of sale of petroleum.

- (b) be made applicable to any petroleum sold, supplied or delivered whether by the Corporation or any other person,
- (c) be limited in operation to any particular place or area and in duration for any specified time or period,
- (d) prescribe the conditions of sale, supply or delivery of any petroleum.

(3) Every Order under this section shall come into operation when such Order is made and signed by the Minister or on such later date as may be specified in the Order.

(4) After an Order has been signed by the Minister, public notice thereof shall forthwith be given—

- (a) by publication of the Order in the *Gazette*; and
- (b) in such other manner as may be prescribed.

(5) An Order under this section, upon publication in the *Gazette*, shall be deemed to be as valid and effectual as if it were herein enacted.

(6) Any Order under sub-section (1) may be altered, varied, modified or revoked by the Minister, with the concurrence of the Minister of Finance.

(7) Any Order under this section may provide that any such provisions of the Control of Prices Act, No. 29 of 1950, or any regulations made thereunder, as may be specified in the Order shall, with such modifications as may be so specified, apply in relation to that Order.

67. The Corporation shall be exempt from—

- (a) any stamp duty chargeable under any written law or any instrument executed by, or on behalf of, or in favour of, the Corporation, in cases where but for the exemption granted by this section, the Corporation would be liable to pay the duty chargeable in respect of such instrument, and
- (b) any fee payable under the law for the time being in force relating to the registration of documents.

Exemption
of the
Corporation
from stamp
duty and
registration
fees.

68. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of the following matters :—

- (a) any matter required by this Act to be prescribed or in respect of which regulations are authorised by this Act to be made ;
- (b) the establishment and administration of a Reward Fund for such purposes as may be prescribed ;
- (c) the prevention of the theft of, or a damage to, or the commission of nuisance on, any property used by the Corporation, and the imposition of penalties on, and the recovery of compensation from, persons responsible for such theft, damage or nuisance ;
- (d) any matter regarding the assessment and payment of compensation under this Act.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

(6) Any regulation made by the Minister shall, when approved by the Senate and the House of Representatives, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the *Gazette*.

69. (1) Every person who—

- (a) contravenes or fails to comply with any section or provision of this Act or any regulations made thereunder or any order or directions lawfully given under this Act or any regulations made thereunder shall be guilty of an offence under this Act;

- (b) aids or abets any person or persons in the commission of an offence under this Act shall be guilty of an offence under this Act;
- (c) attempts to commit or does any act preparatory to or in furtherance of the commission of an offence under this Act shall be guilty of an offence under this Act.

(2) Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate—

- (a) for the first offence be liable to imprisonment of either description for a period not exceeding one year or a fine not exceeding one thousand rupees or both such imprisonment and fine;
- (b) for a subsequent offence, be punished with imprisonment of either description for a term not exceeding two years, and shall, in addition, be liable to a fine not exceeding two thousand rupees.

(3) Notwithstanding anything to the contrary, every offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Criminal Procedure Code.

70. The Board of Directors may compound any claim or demand made against the Corporation by any person for such sum or other compensation as the Board may deem sufficient.

Power of Board of Directors to compound claims.

71. When an offence under this Act is committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate shall be deemed to be guilty of that offence unless he proves that that offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions and in all the circumstances.

Liability of Directors and certain officers of a body corporate for offence committed by that body.

72. (1) Where any property is subject to a mortgage or lease at the time when that property is vested in the Corporation under this Act, the rights of the mortgagee or of the purchaser of the mortgaged property under a mortgage decree, or of the lessee, shall,

Provision in regard to mortgage and leases.

notwithstanding the provisions of section 35 (3), be limited to any sum paid under this Act as compensation in respect of such property.

(2) Nothing in this Act shall affect the right of a mortgagee to have recourse to any property or security other than that vested in the Corporation under this Act for the recovery of the debt secured by the mortgage.

(3) Where any property is subject to an arrangement, agreement (formal or informal), lease, or notarially executed instrument at the time when that property is requisitioned for the Corporation under this Act, the rights of the parties to such arrangement, agreement, lease or instrument shall, notwithstanding the provisions of section 36 (6), be limited to any sum paid under this Act as compensation in respect of that property.

73. Any company or other body of persons may, notwithstanding anything to the contrary in any written law or instrument relating to its functions, enter into and perform or carry out all such contracts and agreements with the Corporation as may be necessary for the exercise of the powers of the Corporation.

74. (1) No suit or prosecution shall lie—

(a) against any Minister for any act which in good faith is done or purports to be done by him under this Act; or

(b) against the Corporation for any act which in good faith is done or purports to be done by the Corporation under this Act; or

(c) against any member, officer, servant or agent of the Corporation for any act which in good faith is done or purports to be done by him under this Act or on the direction of the Board of Directors.

(2) Any expense incurred by the Corporation in any suit or prosecution brought by or against the Corporation before any court shall be paid out of the funds of the Corporation, and any costs paid to, or recovered by, the Corporation in any such suit or prosecution shall be credited to the funds of the Corporation.

(3) Any expense incurred by any such person as is referred to in paragraph (c) of sub-section (1) in any suit or prosecution brought against him before any

Power of companies, etc., to enter into contracts with the Corporation.

Protection for action taken under this Act or on the direction of the Board of Directors.

court in respect of any act which is done or purports to be done by him under this Act or on the direction of the Board of Directors shall, if the court holds that such act was done in good faith, be paid out of the funds of the Corporation, unless such expense is recovered by him in such suit or prosecution.

75. No writ against person or property shall be issued against a member of the Corporation in any action brought against the Corporation.

No writ to issue against person or property of a member of the Corporation.

76. The provisions of this Act shall have effect notwithstanding anything contained in any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

This Act to prevail over other written laws.

77. Where, in the exercise of their powers, performance of their functions or the discharge of their duties, under this Act, it is found that there has been, at any stage, a failure or omission on the part of the Minister, the Chairman of the Board of Directors, the Corporation or any officer authorised by anyone of the aforementioned to comply with any provisions of this Act or regulations made thereunder, such person may rectify such failure or omission at any time and thereupon any such person shall be deemed for all purposes to have complied with the provisions of this Act or the regulations made thereunder.

Rectification of failures and omissions.

78. In this Act unless the context otherwise requires—

Interpretation.

“ Board of Directors ” means the Board of Directors constituted under this Act;

“ Compensation Tribunal ” means the Compensation Tribunal established under this Act;

“ Director ” means a member of the Board of Directors;

“ formula ” means the principles or the basis on which prices shall be calculated and includes any specified method of calculation of such prices;

“ immovable property ” means land and includes any interest in, or any benefit to arise out of any land, and any leasehold or other interest held by any person in any Crown land, and also things attached to the earth or permanently fastened to anything attached to the earth;

“ motor vehicle ” has the same meaning as in the Motor Traffic Act, No. 14 of 1951;

“ person who was interested ”—

(a) in relation to any immovable property vested in or requisitioned for the Corporation, means a person who, immediately before the date on which such property was so vested or requisitioned, had an interest in such property as owner, co-owner, mortgagee, lessee or otherwise, whether absolutely for himself or in trust for any other person; and

(b) in relation to any movable property vested in the Corporation, means any person who, immediately before the date on which such property was so vested, had an interest in such property as owner, co-owner, mortgagee, pledgee, hirer or otherwise, whether absolutely for himself or in trust for any other person;

“ petroleum ” means petroleum and includes any product, or by-product, which may be derived, purchased, prepared, developed, compounded, made, or manufactured, from hydro-carbons or hydro-carbon compounds;

“ property requisitioned for the Corporation ” means property requisitioned for the Corporation by virtue of a requisitioning Order, and any cognate expression shall be construed accordingly; and

“ property vested in the Corporation ” means property vested in the Corporation by virtue of a vesting Order, and any cognate expression shall be construed accordingly.

PARLIAMENT OF CEYLON

1st Session 1960-61



People's Bank Act, No. 29 of 1961

Date of Assent: May 30, 1961

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People's Bank Act No. 29 of 1961

L. D.—O. 45/60

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE PEOPLE'S BANK, TO REPEAL THE CO-OPERATIVE FEDERAL BANK OF CEYLON LTD. (FINANCIAL AID) ORDINANCE, NO. 39 OF 1947, TO MAKE CONSEQUENTIAL AMENDMENTS TO THE CO-OPERATIVE SOCIETIES ORDINANCE, AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

[Date of Assent : 30th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the People's Bank Act, No. 29 of 1961. Short title.

2. (1) There shall be established a bank which shall be called the People's Bank (hereafter in this Act referred to as the Bank) and which shall consist of the persons who are for the time being shareholders of the Bank. Establishment of the People's Bank.

(2) The Bank shall by the name assigned to it by sub-section (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

3. (1) The seal of the Bank shall be judicially noticed and shall be in the custody of the Board of Directors of the Bank. Seal of the Bank.

(2) The seal of the Bank may be altered in such manner as may be determined by the Bank.

4. The purposes of the Bank shall be to develop the co-operative movement of Ceylon, rural banking and agricultural credit, by furnishing financial and other assistance to co-operative societies, approved societies, Cultivation Committees and other persons. Purposes of the Bank.

5. (1) In carrying out its purposes, the Bank may exercise all or any of the following powers :— Powers of the Bank.

(a) to grant, subject to the provisions of sub-section (2)—

(i) short-term, medium-term and long-term loans and other accommodation to co-operative societies.

approved societies and Cultivation Committees ;

- (ii) short-term, medium-term and long-term loans to co-operative societies, approved societies, Cultivation Committees and individuals for constructing, repairing or renovating buildings ;
 - (iii) short-term, medium-term and long-term loans and other accommodation to any person who intends to carry on or is carrying on any agricultural, industrial or business undertaking which, in the opinion of the Board of Directors of the Bank, is a small-scale undertaking ; and
 - (iv) short-term loans to persons resident in rural areas for the purchase of articles necessary for their personal or domestic requirements ;
- (b) to carry on and transact, subject to such modifications and exceptions as may be prescribed, the kinds of business similar to those carried on and transacted by the Bank of Ceylon under the Bank of Ceylon Ordinance, No. 53 of 1938 ;
 - (c) to carry on the business of a pawnbroker subject to such conditions as may be prescribed ;
 - (d) to provide technical assistance to any person to whom the Bank grants any loan or overdraft, and to undertake or sponsor the training of persons in assessing the value of land and the credit worthiness of borrowers, in assaying gold, in banking and in finance ;
 - (e) to acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of any immovable or movable property ;
 - (f) to invest the idle funds of the Bank in such securities as the Board of Directors of the Bank may consider appropriate ;
 - (g) to employ such officers and servants as may be necessary for carrying out the work of the Bank ;

- (h) to make rules in respect of the conditions of service and disciplinary control of the officers and servants of the Bank ;
- (i) to establish provident funds and pension funds for, and schemes for the benefit of, such officers and servants, and to make contributions to such funds and schemes from the funds of the Bank ;
- (j) to borrow funds for the purposes of the business of the Bank and to give security for any loans or overdrafts obtained ;
- (k) to enter into contracts ; and
- (l) to do all such other things as are connected with, or incidental to, the exercise of the aforesaid powers.

(2) The Bank shall not exercise the power to grant loans, overdrafts and other accommodation to persons other than co-operative societies until the Minister approves of the exercise of that power generally or in respect of such classes of approved societies or Cultivation Committees or classes of other persons as he may from time to time determine.

(3) The Pawnbrokers Ordinance, No. 13 of 1942, shall not apply to the Bank when the Bank carries on the business of a pawnbroker.

6. The Bank shall have its principal place of business in Colombo and may have such branches and agencies as may be necessary for the proper conduct of the business of the Bank.

Principal place of business and branches and agencies of the Bank.

7. (1) The general supervision, control and administration of the affairs and business of the Bank shall be vested in the Board of Directors of the Bank (hereafter in this Act referred to as the Board).

Management of affairs and business of the Bank.

(2) The Board may exercise all or any of the powers of the Bank.

8. (1) The Board shall consist of the following directors :—

Board of Directors.

- (a) the Commissioner of Co-operative Development who shall be the ex-officio director ;
- (b) two directors appointed by the Minister ;

- (c) one director appointed by the Minister for the time being in charge of the subject of rural development ;
- (d) one director appointed by the Minister of Finance ; and
- (e) three directors appointed or elected as provided in sub-section (2).

(2) The Minister shall appoint the three directors referred to in paragraph (e) of sub-section (1) to hold office in the first instance, and if, for any reason any director so appointed vacates his office prior to the expiration of his term, the Minister shall appoint a successor to serve for the unexpired portion of such term ; and thereafter such directors shall be elected by the general body of the Bank from persons possessing such qualifications, in accordance with such procedure, as may be prescribed.

(3) Subject to the provisions of sub-section (4), the term of office of a director, other than the ex-officio director or a director appointed under paragraph (e) of sub-section (1), shall be three years and the term of office of a director appointed under the aforesaid paragraph (e) of sub-section (1) shall be two years.

(4) If any director, other than the ex-officio director, vacates his office prior to the expiration of his term of office, his successor shall, unless such successor vacates his office earlier, hold office for the unexpired portion of such term.

(5) A director vacating his office by effluxion of time shall be eligible for reappointment or re-election.

(6) A person shall be disqualified for being appointed or elected as a director or for continuing as a director if he—

- (a) is a Senator or a Member of Parliament, or
- (b) is, under any law in force in Ceylon, found or declared to be of unsound mind, or
- (c) is a person who, having been declared an insolvent or a bankrupt under any law in force in Ceylon or in any other country, is an undischarged insolvent or bankrupt,
or

(d) is convicted of an offence involving moral turpitude and punishable with imprisonment for a term not less than six months, or

(e) is a director or an employee of a commercial bank other than the Bank.

(7) The Minister appointing a director may, by an instrument signed by him, remove from office such director.

(8) A director elected under paragraph (e) of sub-section (1) shall vacate his office if a motion of no-confidence is passed at a meeting of the general body of the Bank by a majority of the members present and entitled to vote on such motion and his successor shall be elected for the unexpired portion of the term of office of such director.

(9) A director, other than the ex-officio director may resign from the Board by letter addressed to the Minister.

(10) All or any of the directors, other than the ex-officio director, may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister of Finance.

(11) The quorum for any meeting of the Board shall be five.

(12) Subject to the provisions of sub-section (11) and any regulations that may be made under this Act, the Board may regulate its own procedure.

(13) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy among the directors or any defect in the appointment or election of a director.

9. (1) There shall be a general body of the Bank consisting of the Secretary to the Treasury, the members of the Board and the persons elected by co-operative societies which are shareholders of the Bank to represent such societies in that body.

General body
of the Bank.

(2) Regulations may be made as to the number of persons who may be elected by co-operative societies which are shareholders of the Bank as their representatives in the general body of the Bank, the qualifications to be possessed by such persons and the procedure to be followed in the election of such persons.

(3) The general body of the Bank shall not be disqualified from performing the functions vested in it by this Act by reason only of the existence of any vacancy among its members.

(4) The Secretary to the Treasury, the ex-officio director and the appointed directors shall not be entitled to vote on any motion or resolution before the general body of the Bank if such motion or resolution relates to the election, or removal from office, of a director.

In this sub-section, "appointed director" means a director appointed by a Minister under section 8.

Chairman of the Board.

10. (1) The Minister shall nominate one of the directors to be the first Chairman of the Board. Thereafter the Chairman of the Board shall be elected by the directors. The ex-officio director shall preside at a meeting of the directors for the election of the Chairman of the Board and shall, for the purpose of such election, have a casting vote.

(2) No person who holds a paid office as a servant of the Crown in respect of the Government of Ceylon shall be eligible to be the Chairman of the Board.

(3) The Chairman of the Board shall, unless he earlier vacates the office of Chairman, hold that office as long as he is a director.

Director to disclose his interest in any loan or other accommodation to be considered by the Board.

11. A director who is directly or indirectly interested in any loan or other accommodation to be considered by the Board shall disclose the nature of his interest to the Board and shall not be present while the Board is considering such loan or other accommodation.

Share Capital of the Bank.

12. (1) The share capital of the Bank shall be six million rupees divided into one hundred and twenty thousand shares of fifty rupees each. The share capital may, however, be increased from time to time by such amount as may be determined by resolution of the House of Representatives.

(2) The Board shall allot the Secretary to the Treasury, in his official capacity, sixty thousand fully-paid up shares, and he shall hold such shares for and on behalf of the Crown.

(3) The Board shall cause the balance of the shares to be available for subscription by co-operative societies.

(4) The Secretary to the Treasury shall pay for the shares allotted to him in his official capacity only the amount representing the difference between three million rupees and the sum due to the Government from the Co-operative Federal Bank of Ceylon Limited, under the Co-operative Federal Bank of Ceylon Ltd. (Financial Aid) Ordinance, No. 39 of 1947. Such amount shall be paid out of the Consolidated Fund of Ceylon.

13. (1) No shareholder of the Bank shall sell his shares to any person other than a co-operative society or the Secretary to the Treasury in his official capacity.

Sale of shares.

(2) The Secretary to the Treasury on being authorised in that behalf by the Minister of Finance may sell to any co-operative society any shares held by him for and on behalf of the Crown at not less than the par value of those shares, and the proceeds of the sale shall be paid to the Consolidated Fund of Ceylon.

(3) The Secretary to the Treasury may, with the approval of the Minister of Finance, purchase any shares offered to him for purchase under sub-section (1), and the purchase price shall be paid out of the Consolidated Fund of Ceylon. All shares purchased by the Secretary to the Treasury shall be held by him for and on behalf of the Crown.

14. The liability of a shareholder shall be limited to any sum due from him to the Bank in respect of any shares allotted to him.

Liability of a shareholder.

15. (1) The Government shall—

(a) grant to the Bank out of the Consolidated Fund of Ceylon—

Sums to be granted or lent by Government to the Bank.

(i) a sum of five hundred thousand rupees out of which the preliminary expenses connected with the establishment of the Bank, other than any expenses relating to the

construction of buildings, shall be defrayed and any balance of which after such preliminary expenses are defrayed shall be disposed of as provided by sub-section (4) of section 22 ;

(ii) two million rupees which shall be disposed of as provided by sub-section (2) and sub-section (5) of section 22 ; and

(iii) such sums as may be authorised by resolution of the House of Representatives to be granted out of the Consolidated Fund of Ceylon for the settlement of the bad and doubtful debts in excess of the assets of any co-operative bank which is dissolved under the provisions of this Act ; and

(b) lend to the Bank such sums as may be authorised by resolution passed by the House of Representatives to be lent to the Bank out of the Consolidated Fund of Ceylon for the granting of long-term or medium-term loans by the Bank.

(2) Every sum lent out of the Consolidated Fund of Ceylon to the Bank under paragraph (b) of sub-section (1) shall be repaid by the Bank in accordance with such terms and conditions as may be determined by the Minister with the concurrence of the Minister of Finance.

16. The Bank shall not commence business until a certificate signed by the Minister authorising the Bank to commence business has been given.

17. The Permanent Secretary may, upon the enactment of this Act and until the commencement of business by the Bank—

(a) invite and receive applications for shares ;

(b) allot shares ;

(c) do any of the acts which the Board is by this Act empowered to do ; and

(d) do all other acts whatsoever as he may deem necessary for the formation of the Bank.

Commencement of business by the Bank.

Powers of the Permanent Secretary until commencement of business by the Bank.

18. (1) Any act done by the Permanent Secretary under section 17 shall, for all purposes, have the same effect as if such act had been done by the Board.

Acts commenced by the Permanent Secretary may be continued by the Board.

(2) The Board may continue any action or thing commenced by the Permanent Secretary and remaining unfinished or incomplete at the date of commencement of business by the Bank, as if such action or thing had been commenced by the Board.

19. (1) There shall be established for the purposes of this Act a fund to be known as the Building Fund.

Building Fund.

(2) The Government shall grant to the Bank out of the Consolidated Fund of Ceylon one million rupees to be credited by the Bank to the Building Fund.

(3) The moneys in the Building Fund shall be utilised for the purchase of lands and buildings, and the construction of buildings, for the Bank and for the maintenance and repair of such buildings.

20. (1) In addition to the sums lent by the Government under section 15 (1) (b) to the Bank for the purpose of granting long-term or medium-term loans, the Bank may, subject to the provisions of sub-section (2) and such regulations as may be made under this Act from time to time, raise, or with the approval of the Minister given with the concurrence of the Minister of Finance request the Monetary Board of the Central Bank of Ceylon to raise on its behalf, any sums by the issue of debentures.

The Bank to raise money by the issue of debentures for granting medium-term and long-term loans.

(2) No debentures shall be issued under sub-section (1) without the approval of the Minister of Finance given after consultation with the Monetary Board of the Central Bank of Ceylon.

(3) The Monetary Board of the Central Bank of Ceylon shall comply with a request made under sub-section (1) if the issue of the debentures necessary for compliance with that request is approved by the Minister of Finance.

Government
guarantee.

21. (1) The Minister of Finance shall guarantee—

(a) the repayment of any sum due to the Bank on any loan, overdraft or other accommodation granted by the Bank with the approval of such Minister under the proviso to section 26 ; and

(b) the repayment of any sum due on debentures issued under this Act.

(2) Any sum required for the fulfilment of a guarantee provided under sub-section (1) may, with the approval of the House of Representatives, be paid out of the Consolidated Fund of Ceylon.

(3) Any sum paid out of the Consolidated Fund of Ceylon in fulfilment of a guarantee provided under sub-section (1) (b) shall be repaid, together with interest thereon at such rate as the Minister of Finance may determine with the concurrence of the Minister, by the Bank in such manner and over such period as the Minister of Finance may, with such concurrence, determine.

(4) Immediately after a guarantee is given under sub-section (1), the Minister of Finance shall lay a statement of the guarantee before the Senate and the House of Representatives.

(5) Where any sum is paid out of the Consolidated Fund of Ceylon in fulfilment of a guarantee provided under sub-section (1), the Minister of Finance shall forthwith lay before the Senate and the House of Representatives a statement that such sum has been paid.

22. (1) The Bank shall establish a General Reserve.

(2) The Bank shall credit to its General Reserve one half of the two million rupees referred to in section 15 (1) (a) (ii).

(3) The Bank shall establish a Special Reserve for bad and doubtful debts.

(4) Where any sum out of the five hundred thousand rupees referred to in section 15 (1) (a) (i) is left after the preliminary expenses mentioned in that section are defrayed, the Bank shall credit that sum to its Special Reserve.

General
Reserve and
Special
Reserve.

(5) The Bank shall credit to its Special Reserve one half of the two million rupees referred to in section 15 (1) (a) (ii).

23. (1) With effect from such date (hereafter in this section referred to as the appointed date) as may be appointed by the Minister by Order published in the *Gazette*—

Dissolution
of the Co-
operative
Federal Bank
of Ceylon,
Limited.

(a) the Co-operative Federal Bank of Ceylon, Limited, shall be deemed to have been dissolved, and

(b) the assets and liabilities of the Co-operative Federal Bank of Ceylon, Limited, shall be the assets and liabilities of the Bank.

(2) On and after the appointed date—

(a) all contracts, deeds, bonds, agreements and other instruments which subsist or have effect on the day immediately preceding that date and to which the Co-operative Federal Bank of Ceylon, Limited, is a party shall have effect against or in favour of the Bank, as the case may be, and may be enforced as fully and effectually as if, instead of the Co-operative Federal Bank of Ceylon, Limited, the Bank had been a party thereto ; and

(b) all suits, appeals or other legal proceedings instituted by or against the Co-operative Federal Bank of Ceylon, Limited, and pending on the day immediately preceding that date shall not abate or be discontinued or be in any way prejudicially affected by reason of the dissolution of the Co-operative Federal Bank of Ceylon, Limited, and may be continued and enforced by or against the Bank, as the case may be :

Provided that nothing in paragraph (a) of this sub-section shall be construed as curtailing in any manner the right of the Bank to terminate the services of, or to vary the conditions of service of, any officer or servant of the Bank who, on the day immediately preceding the appointed date, was an employee of the Co-operative Federal Bank of Ceylon, Limited

Power of
Minister to
dissolve a
co-operative
bank.

24. (1) Where the Minister is satisfied—

(a) on written information received from the Commissioner of Co-operative Development, that a co-operative bank—

(i) has been conducting its affairs continually in an unsatisfactory or inefficient manner, or

(ii) desires that it should be dissolved and that its business should be taken over by the Bank, and

(b) that the Bank agrees to take over the business of such co-operative bank,

he may, by Order published in the *Gazette*, declare that, with effect from the date specified in that Order,—

(i) such co-operative bank shall be deemed to have been dissolved, and

(ii) the assets and liabilities of such co-operative bank shall be the assets and liabilities of the Bank.

(2) On and after the date on which an Order under sub-section (1) relating to a co-operative bank takes effect—

(a) all contracts, deeds, bonds, agreements and other instruments which subsist or have effect on the day immediately preceding that date and to which such co-operative bank is a party shall have effect against or in favour of the Bank, as the case may be, as fully and effectually as if, instead of such co-operative bank, the Bank had been a party thereto ; and

(b) all suits, appeals or other legal proceedings instituted by or against such co-operative bank and pending on the day immediately preceding that date shall not abate, or be discontinued or be in any way prejudicially affected by reason of the dissolution of such co-operative bank, and may be continued and enforced by or against the Bank, as the case may be.

25. After the commencement of business by the Bank—

Deposit of money and obtaining of long-term or medium-term loans by co-operative societies.

(a) no co-operative society shall, unless exempted in writing by the Commissioner of Co-operative Development, deposit its funds in, or maintain any current or deposit account with, any commercial bank other than the Bank, and

(b) no co-operative society shall, except with the written approval of the Commissioner of Co-operative Development, obtain a medium-term or long-term loan from any commercial bank other than the Bank.

26. No loan, overdraft or other accommodation shall be granted by the Bank to any person unless the Board is satisfied that he is worthy of credit up to the amount of such loan, overdraft or other accommodation or that such amount is secured by adequate security, or that the project or scheme to which such amount is to be applied is financially sound :

Loans, overdrafts and other accommodation to be granted only in certain circumstances.

Provided that the Bank may grant any loan, overdraft or other accommodation to any co-operative society, approved society or Cultivation Committee which is unable to satisfy the Board as to the requirements contained in the preceding provisions of this section if the grant of such loan, overdraft or other accommodation is approved by the Minister in consultation with the Minister of Finance and if the Minister of Finance guarantees under section 21 (1) (a) the repayment of such loan, overdraft or other accommodation.

27. For the purpose of deciding whether any immovable property tendered as security for any loan, overdraft or other accommodation should or should not be accepted by the Bank, the Board shall have access without fee or charge to the valuation roll of any local rating or taxing authority, and the officers of every such authority shall upon application supply to the Board full particulars as to any valuation of property in respect of which such authority has power under the provisions of any law to levy any rate or tax.

Power of the Board to inspect valuation rolls of local rating or taxing authority.

Registered
address of
borrower, etc.

28. (1) Every person—

- (a) to whom any loan, overdraft or other accommodation is granted by the Bank, or
- (b) who has obtained probate of the will or letters of administration to the estate of a person to whom any loan, overdraft or other accommodation has been granted by the Bank, or who, upon application made in that behalf by the Board, has been appointed by court to represent such estate, or
- (c) to whom any right, title or interest whatsoever in any immovable property mortgaged to that Bank as security for any loan, overdraft or other accommodation has passed, whether by voluntary conveyance or by operation of law,

shall register with the Bank an address to which all notices to him may be addressed.

(2) Any notice which is required to be served on any person to whom sub-section (1) applies shall be deemed to have been duly served on that person if it is sent by post in a registered letter directed to that person at the address registered by him under that sub-section, and the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post :

Provided that, where any such person fails to register his address under sub-section (1), the Bank shall publish, in the *Gazette* and in a daily newspaper, a notice addressed to him, and such notice shall be deemed to be duly given to him on the day on which such notice is last published.

29. Where default is made in the payment of any sum payable as an instalment in repayment of the amount of any loan, overdraft or other accommodation granted by the Bank on the mortgage of any immovable property or as interest on that loan, overdraft or other accommodation, default shall be deemed to have been made in respect of the whole of such portion of the amount of that loan, overdraft or other accommodation as has not been repaid to the Bank and the interest due thereon.

Default of
payment.

30. Where under section 29 a default is deemed to have been made in respect of any sum, the provisions of sections 68 to 83 (both sections inclusive) of the Agricultural and Industrial Credit Corporation Ordinance, No. 19 of 1943, shall apply for the purpose of the recovery of that sum in like manner as if those provisions were part of this Act, and in such application those provisions shall have effect as if—

Certain provisions of the Agricultural and Industrial Credit Corporation Ordinance to apply in case of default of payment.

- (a) every reference therein to the "Board" were a reference to the Board of Directors of the Bank ;
- (b) every reference therein to the "corporation" were a reference to the Bank ;
- (c) every reference therein to a "loan" were a reference to a loan or an overdraft or any other accommodation granted by the Bank ;
- (d) every reference therein to the "Ordinance" were a reference to this Act ;
- (e) the reference in section 72 of those provisions to "section 62" were a reference to section 28 of this Act ; and
- (f) the reference in section 79 (3) of those provisions to "the Form B in the Schedule" were a reference to "such form as may be prescribed", and the reference in that section to "the Form C in that Schedule" were a reference to "such form as may be prescribed".

31. Medium-term and long-term loans granted by the Bank shall be out of moneys lent by the Government to the Bank under section 15 (1) (b) or raised under section 20 by the issue of debentures.

Sources from which loans are granted.

32. (1) There shall be a General Manager of the Bank who shall be the Bank's chief executive officer and who shall conduct the business of the Bank under the general supervision and control of the Board.

Delegation of powers and duties of the Board.

(2) The Board may delegate any of its powers or duties to any officer of the Bank and may revoke any such delegation either wholly or in part and either as to persons or purposes.

(3) An officer to whom any power or duty of the Board is delegated under this section, shall, in the exercise or performance of that power or duty, conform to all such directions as may be given by the Board. All acts done by such officer in conformity with such directions and in fulfilment of the purposes of the delegation made to him, but not otherwise, shall have the like force and effect as if done by the Board.

Accounts.

33. The Board shall cause the accounts of the Bank to be kept in such form and manner as may be determined by the Board.

Audit.

34. (1) The accounts of the Bank for each financial year shall be submitted to the Auditor-General for audit before the thirtieth day of June of the succeeding year. For the purposes of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenses incurred by him in the audit of the accounts of the Bank, the Auditor-General shall be paid by the Bank such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Bank by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purposes of such audit, be credited to the Consolidated Fund of Ceylon.

(3) The Auditor-General and any person assisting the Auditor-General in the audit of the accounts of the Bank shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Bank as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the Board and the Bank with such information within their knowledge as may be required for such purposes.

(4) The Auditor-General shall examine the accounts of the Bank and furnish a report—

(a) stating whether he has or has not obtained all the information and explanations required by him,

- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Bank, and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Bank.

(5) The Auditor-General shall transmit his report to the Board.

(6) For the purposes of this section, the expression "qualified auditor" means any person who is a member of the Institute of Chartered Accountants of Ceylon and who is registered as an auditor under the Companies Ordinance, No. 51 of 1938.

35. (1) The Board shall, on receipt of the Auditor-General's report in respect of any year, cause a copy of each of the following documents relating to that year to be transmitted to the Minister and the Minister of Finance :—

- (a) Auditor-General's report.
- (b) Balance-Sheet.
- (c) Report of the Board on the work of the Bank.

(2) The Minister shall lay copies of the documents transmitted to him under sub-section (1) of this section before the Senate and the House of Representatives.

(3) On receipt by the Board of the Auditor-General's report for any financial year, the Chairman of the Board shall without delay convene a meeting of the general body of the Bank and shall submit that report together with the documents referred to in items (b) and (c) of sub-section (1) for consideration at that meeting.

36. (1) The General Manager of the Bank, or an accountant or other officer of the Bank authorised in that behalf by such General Manager, may—

- (a) examine the books and accounts of any co-operative society to which, or other person to whom, any loan, overdraft or other accommodation has been granted by the Bank or by any other co-operative society to which the Bank has granted any loan, overdraft or other accommodation ;

Documents to be transmitted to the Minister and the Minister of Finance to be laid before the Senate and the House of Representatives.

Power of certain officers of the Bank to examine the books and accounts of any co-operative society to which, and of any other person to whom, a loan has been granted by the Bank.

- (b) examine any office-bearer, member or employee of any such co-operative society or other person as is first mentioned in paragraph (a) of this sub-section for the purpose of ascertaining the true condition of the affairs of that co-operative society or other person ;
- (c) direct any such office-bearer, member or employee as is referred to in paragraph (b) of this sub-section to furnish to the officer of the Bank giving the direction any such information as that officer may require for the purpose mentioned in that paragraph ; and
- (d) direct any such office-bearer, member or employee as is referred to in paragraph (b) of this sub-section to produce for inspection by the officer of the Bank giving the direction any books, records or other documents in the possession of that office-bearer, member or employee and containing or likely to contain any such information as may be required by that officer for the purpose mentioned in that paragraph.

(2) Every officer of the Bank exercising the powers conferred by sub-section (1) shall, for the purposes of the Oaths Ordinance, be deemed to be a person having by law authority to receive evidence in regard to the affairs of the co-operative society in respect of which such powers are exercised.

(3) No person shall, without reasonable cause, fail or refuse to be examined or to answer any question when examined, or to comply with any direction given, under sub-section (1).

(4) No person shall, in furnishing any information or producing any books, records or other documents under sub-section (1), furnish any information which he knows to be false or incorrect or produce any books, records or other documents which contain statements which he knows to be false or incorrect.

(5) No person shall obstruct any officer of the Bank in the exercise of powers conferred by sub-section (1).

37. Where the General Manager of the Bank is satisfied, after an examination of the affairs of a co-operative society under section 36, that such co-operative society is insolvent or that its continuance in business is likely to result in loss to its creditors, he shall make a report on the affairs of such co-operative society to the Board, and if the Board, after considering such report, is of the opinion that action should be taken to dissolve and liquidate such co-operative society, the Board shall recommend such action to the Commissioner of Co-operative Development.

The Board's powers to recommend to the Commissioner of Co-operative Development the dissolution and liquidation of a co-operative society which, on the examination of its affairs under section 36, is found to be insolvent, etc.

38. Every person who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence.

Offences.

39. Every person who is guilty of an offence under this Act shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one month or to both such fine and imprisonment.

Punishment for offences.

40. Where any offence under this Act is committed by a body of persons, then—

Offences by body of persons.

(a) if the body of persons is a body corporate, every director and officer of that body corporate, and

(b) if the body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of such offence :

Provided that no such director, officer or partner shall be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

41. Notwithstanding anything in any other written law—

Exemption from income tax and stamp duty.

(a) the Bank shall be exempt from the payment of income tax upon the profits and income of the Bank ; and

(b) the Board and the Bank shall be exempt from the payment of stamp duty on any instrument executed by, on behalf of, or in favour of the Board or the

Bank in cases where, but for the exemption, the Board or Bank would be liable to pay the duty chargeable in respect of such instrument.

42. Where the Bank grants any loan, overdraft or other accommodation to a co-operative society and thereafter the committee of that co-operative society is dissolved under section 35A of the Co-operative Societies Ordinance, the Bank shall be deemed—

(a) for the purposes of sub-section (1) of that section, to be a suitable person, and

(b) for the purposes of sub-section (3) of that section, to be a fit and proper person,

to manage and administer the affairs of that co-operative society.

Regulations.

43. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of the following matters :—

(a) any matter required by this Act to be prescribed or in respect of which regulations are authorised or required by this Act to be made ;

(b) the manner of application for shares of the Bank, the registration of the holders of such shares, the issue and renewal of share certificates, the transfer of such shares and any other matter connected with, or incidental to, the aforesaid matters relating to shares ;

(c) the form of debentures, the rate of interest payable thereon, the time or times at which and the manner in which debentures are to be redeemed, the transfer of debentures and any other matter connected with, or incidental to, the aforesaid matters relating to debentures ; and

The Bank to be deemed to be a suitable person to manage and administer the affairs of certain co-operative societies.

(d) the charges payable by persons for services rendered by the Bank.

(3) No regulation made by the Minister under this section shall take effect unless it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

44. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the Co-operative Societies Ordinance.

This Act to have effect notwithstanding the provisions of the Co-operative Societies Ordinance. (Cap. 170).

45. (1) The provisions of the Companies Ordinance, No. 51 of 1938, shall not apply to the Bank.

The provisions of the Companies Ordinance only to apply to the Bank if they are made applicable by Order of the Minister.

(2) Notwithstanding the provisions of sub-section (1), the Minister may, whenever it may seem expedient for him to do so, by Order declare that any such provision of the Companies Ordinance, No. 51 of 1938, as is specified in the Order shall apply to the Bank. Every Order made under this sub-section shall have the force of law.

46. With effect from the date of dissolution of the Co-operative Federal Bank of Ceylon, Limited, the Co-operative Societies Ordinance, as amended by Act No. 21 of 1949, is hereby further amended, in section 35A of that Ordinance, by the substitution, in sub-section (7) of that section, for the words "Co-operative Federal Bank of Ceylon, Limited", of the words "People's Bank".

Amendment of the Co-operative Societies Ordinance.

47. With effect from the date of dissolution of the Co-operative Federal Bank of Ceylon, Limited, the Co-operative Federal Bank of Ceylon, Ltd. (Financial Aid) Ordinance, No. 39 of 1947, is hereby repealed.

Repeal of Ordinance No. 39 of 1947.

48. In this Act, unless the context otherwise requires—

Interpretation.

"approved societies" means societies approved for the purposes of this Act by the Minister by Order published in the *Gazette*.

“commercial bank” shall have the same meaning as in the Monetary Law Act, No. 58 of 1949 ;

Cap. 107.

“co-operative bank” means a co-operative bank being a co-operative society registered under the Co-operative Societies Ordinance ;

“co-operative society” means a co-operative society registered under the Co-operative Societies Ordinance ;

“Cultivation Committee” shall have the same meaning as in the Paddy Lands Act, No.1 of 1958 ;

“general body of the Bank” means the general body of the Bank constituted in accordance with the provisions of section 9 of this Act ;

“long-term loan” means a loan repayable not earlier than ten years after the date of the grant of that loan ;

“medium-term loan” means a loan repayable not earlier than five years, and not later than ten years, after the date of the grant of that loan ;

“shares” means shares in the capital of the Bank ;

“short-term loan” means a loan repayable not later than five years after the date of the grant of that loan.

PARLIAMENT OF CEYLON

1st Session 1960-61



Bills of Exchange (Amendment) Act, No. 30 of 1961

Date of Assent: May 30, 1961

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Bills of Exchange (Amendment) Act No. 30 of 1961

L.D.—O. 48/58.

AN ACT TO AMEND THE BILLS OF EXCHANGE
ORDINANCE.

[Date of Assent : 30th May, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Bills of Exchange (Amendment) Act, No. 30 of 1961. Short title.

2. Section 14 of the Bills of Exchange Ordinance, hereinafter referred to as the "principal enactment", is hereby amended, in paragraph (4) of that section, by the substitution, for the words 'term "month"', of the following :— Amendment of section 14 of Chapter 68.

'term "month" or "මාසය" or "மாசம்".'

3. Section 35 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from "if a bill" to the end of that sub-section, of the following :— Amendment of section 35 of the principal enactment.

'if a bill be endorsed—

"Pay D only" or "பி டி பමனை லைவு" or "டி க்கு மாத்திரம் கொடுக்க"; or

"Pay D for the account of X" or "பி டி லைவு லைவு லைவு பி டி லைவு" or "X இன் கணக்கில் டி க்குக் கொடுக்க"; or

"Pay D or order for collection" or "பி டி லைவு லைவு லைவு லைவு லைவு" or "டி க்கு அல்லது அவரின் கட்டளைப்படி கொடுக்க".

4. Section 76 of the principal enactment is hereby amended as follows :— Amendment of section 76 of the principal enactment.

(a) by the substitution, for sub-section (1) of that section, of the following sub-section :—

'(1) Where a cheque bears across its face an addition of two parallel transverse lines, either with or without the words "not negotiable" or

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“ *ஒது டேனு கல னை ஶுக் கி ய* ” or “ *கை மாறத்தகாத* ”, that addition constitutes a crossing, and the cheque is crossed generally.’; and

(b) in sub-section (2) of that section, by the substitution, for the words ‘with or without the words “not negotiable”’, of the following :—

‘with or without the words “not negotiable” or “*ஒது டேனு கல னை ஶுக் கி ய*” or “*கை மாறத்தகாத*”’.

5. Section 77 of the principal enactment is hereby amended, in sub-section (4) of that section, by the substitution, for the words ‘add the words “not negotiable.”’, of the following :—

‘add the words “not negotiable” or “*ஒது டேனு கல னை ஶுக் கி ய*” or “*கை மாறத்தகாத*”’.

6. (1) Section 81 of the principal enactment is hereby amended by the substitution, for the words ‘bears on it the words “not negotiable”, he shall’, of the following :—

‘bears on it the words “not negotiable” or “*ஒது டேனு கல னை ஶுக் கி ய*” or “*கை மாறத்தகாத*”, he shall’.

(2) The marginal note to section 81 of the principal enactment is hereby amended by the substitution, for the words ‘with words “not negotiable”’, of the following :—

‘with words “not negotiable” or “*ஒது டேனு கல னை ஶுக் கி ய*” or “*கை மாறத்தகாத*”’.

Amendment of section 77 of the principal enactment.

Amendment of section 81 of the principal enactment.



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දෙසැම්බර්, 1962

ලංකාවේ වාර්ෂිකවිනයෙහි පිහිටි " ඊස්ටර්න් ෆෝමර් මිලිස් කෝපරේෂන් " හි නිපදවන ලද කඩදාසිවල ආණ්ඩුවේ නියමයෙන් ලංකාණ්ඩුවේ මුද්‍රණාලයේ මුද්‍රාපිතයි

කොළඹ රජයේ ප්‍රකාශන කාර්යාංශයෙන් මිලදී ලබාගත හැක

මිල : රු. 1/05

තැපැල් ගාස්තුව : ශත 20 යි

1881

1881

1961 අංක 31 දරන ආයුර්වේද පනත

ආයුර්වේද දෙපාර්තමේන්තුවක් පිහිටුවීම සඳහා ද; ආයුර්වේද ආරෝග්‍යශාලා, ආයුර්වේද ඖෂධ නිෂ්පාදනාගාර, ආයුර්වේද ඖෂධශාලා හා ආයුර්වේද බෙහෙත් ගබඩා ලියාපදිංචි කිරීම සඳහා ද; ආයුර්වේද වෛද්‍යවරුන් හා ආයුර්වේද ඖෂධ සංයෝගකයන් හා ආයුර්වේද සාත්තු සේවකයන් ලියාපදිංචි කිරීමට හා ඔවුන්ගේ වෘත්තීය හැසිරීම සම්බන්ධ කරුණු ගැන ක්‍රියා කිරීමට ආයුර්වේද වෛද්‍ය සභාවක් පිහිටුවීම සඳහා ද; ආයුර්වේද වෛද්‍ය විද්‍යාලයට හා ආයුර්වේද මහා රෝග්‍යශාලාවට ද, ඊට සම්බන්ධ ඖෂධ නිෂ්පාදනාගාරයට, ඖෂධ නිධියට හා ඖෂධශාලාවට ද අදාළ වන යම් කටයුතු ඉෂ්ට කිරීම සඳහා ආයුර්වේද විද්‍යාල හා ආරෝග්‍යශාලා මණ්ඩලයක් පිහිටුවීම සඳහා ද; ආයුර්වේදය පිළිබඳ පර්යේෂණයට සම්බන්ධ යම් කටයුතු ඉෂ්ට කිරීම සඳහා ආයුර්වේද පර්යේෂණ කාරක සභාවක් පිහිටුවීම සඳහා ද, විධිවිධාන සැලැස්වීමටත්; 1941 අංක 17 දරණ ස්වදේශීය වෛද්‍ය ආඥාපනත හා ආයුර්වේද වෛද්‍ය සභා ආඥාපනත අවලංගු කිරීමටත්; වෛද්‍ය ආඥාපනතේ, වස, අබිත් හා අන්තරායදායක ඖෂධ ආඥාපනතේ හා 1949 අංක 25 දරණ ආහාර හා ඖෂධ පනතේ ආනුෂංගික සංශෝධන කිරීමටත්; ඉහත කී කරුණු හා සම්බන්ධ වූ හෝ ඊට අදාළ වූ කරුණු සඳහා විධිවිධාන සැලැස්වීමටත් පනවනු ලබන පනතකි.

[අනුමතිය ලැබූ දිනය : 1961 ජූනි 2.]

වර්තමාන පාර්ලිමේන්තුවට රැස් වූ ලංකාවේ උත්තර මන්ත්‍රී මණ්ඩලයේ සහ නියෝජිත මන්ත්‍රී මණ්ඩලයේ අනුකූලයන් හා අනුමතිය අනු ව හා ඇති ව, එහි ම බලය ප්‍රකාර අනුග්‍රහණය ප්‍රකාශවත් මහා රාජකීය විසින් මෙ සේ පනවනු ලැබේ.

1. මේ පනත 1961 අංක 31 දරණ ආයුර්වේද පනත නමින් හැඳින්විය හැකි ය. ඇමතිවරයා විසින් ගැසට් පත්‍රයෙහි පළ කරනු ලබන ආඥාවකින් නියම කරනු ලබන (මේ පනතෙහි මින්මතු “නියමිත දිනය” වශයෙන් හැඳින්වෙන) දිනයක මේ පනත වලංගු විය යුතු ය.

ප්‍රමුඛ නාමය හා විලංගු වන දිනය

I වෙනි කොටස

ආයුර්වේද දෙපාර්තමේන්තුව

2. 7 වෙනි වගන්තියෙහි නියමිත පරමාර්ථ ක්‍රියාවෙහි යෙදවීම සඳහා (මෙහි මින්මතු “දෙපාර්තමේන්තුව” වශයෙන් හැඳින්වෙන) ආයුර්වේද දෙපාර්තමේන්තුවක් පිහිටුවිය යුතු ය.

ආයුර්වේද දෙපාර්තමේන්තුවක් පිහිටුවීම.

ආයුර්වේද කොමසාරිස් වරයාගේ බලතල වෙනත් නිල ධරයන් පත් කිරීම.

3. (1) දෙපාර්තමේන්තු ප්‍රධානියා විස යනු (මෙහි මින්මතු “කොමසාරිස් වරයා” වශයෙන් හඳුන්වනු ලබන) ආයුර්වේද කොමසාරිස් වරයා වශයෙන් හෝ ඒ වෙනුවෙන් වැඩ බැලීමට නැතැත්තකු පත් කළ යුතු ය.

(2) 7 වෙනි වගන්තියෙහි නියමිත පරමාර්ථ ඉෂ්ට කිරීමේ කාර්යය සඳහා අවශ්‍ය විය හැකි නියෝජ්‍ය ආයුර්වේද කොමසාරිස් වරුන්, සහකාර ආයුර්වේද කොමසාරිස් වරුන් හා වෙනත් නිලධරයන් ගණනක් පත් කළ හැකි ය.

කොමසාරිස් වරයාගේ බලතල හා යුතුකම් පැවරීම.

4. කොමසාරිස් වරයා විසින් තමාගේ යම් බලතල හෝ යුතුකම්, යම් නියෝජ්‍ය ආයුර්වේද කොමසාරිස් වරයකුට හෝ සහකාර ආයුර්වේද කොමසාරිස් වරයකුට පැවරිය හැකි ය.

නියෝජ්‍ය හෝ සහකාර ආයුර්වේද කොමසාරිස් වරයකුගේ යම් බලයක් හෝ යුතුකමක් ක්‍රියා වෙහි යෙදවීමට හෝ ඉෂ්ට කිරීමට යම් නිලධරයකුට බලය පැවරීම සම්බන්ධ ඇමති වරයාගේ බලය.

5. නියෝජ්‍ය ආයුර්වේද කොමසාරිස් වරයකුගේ හෝ සහකාර ආයුර්වේද කොමසාරිස් වරයකුගේ යම් බලයක් හෝ යුතුකමක් ක්‍රියා වෙහි යෙදවීම හෝ ඉෂ්ට කිරීම සඳහා ඇමතිවරයා විසින් ගැසට් පත්‍රයෙහි ප්‍රසිද්ධ කරනු ලැබූ ආඥාවකින් දෙපාර්තමේන්තුවේ යම් නිලධරයකුට බලය පැවරිය හැකි ය.

ඇමතිවරයාගේ නියමවලට කොමසාරිස් වරයා යටත් විය යුතු බව.

6. මේ පනත යටතේ තමාගේ යුතුකම් හා බලතල ක්‍රියාවේ යෙදවීමේ දී හා ඉෂ්ට කිරීමේ දී, ඇමතිවරයා විසින් කලින් කලට නිකුත් කළ හැකි සාමාන්‍ය හා විශේෂ නියමවලට කොමසාරිස් වරයා යටත් විය යුතු ය.

දෙපාර්තමේන්තුවේ පරමාර්ථ.

7. ලංකාවේ ඒකාබද්ධ අරමුදලෙන් ප්‍රදානය කරනු ලැබූ මුදල් නිබේන ප්‍රමාණයට යටත් ව, පහත සඳහන් පරමාර්ථ ඉෂ්ට කිරීම සම්බන්ධයෙන් දෙපාර්තමේන්තුව වගකිය යුතු ය. එනම් :—

- (අ) ආයුර්වේදය අනු ව රෝගවලට ප්‍රතිකාර කිරීම සඳහා ද, සාමාන්‍යයෙන් මහජනයාගේ සෞඛ්‍යය ආරක්ෂා කිරීම හා වර්ධනය කිරීම සඳහා ද අවශ්‍ය ආයතන හා සේවාවන් සැපයීම ;
- (ආ) දෙපාර්තමේන්තුවෙහි සේවයෙහි නියුක්ත හෝ සේවයෙහි යෙදවීමට යෝජිත තැනැත්තන්හට ශිෂ්‍යත්ව හා වෙනත් පහසුකම් ප්‍රදානය කිරීමෙන් ද, ආයුර්වේදය සම්බන්ධයෙන් පාඩම් මාලා සපයනු ලබන හෝ පර්යේෂණ කටයුතුවල යෙදුණු ආයතනවලට මුදල් ආධාර හා වෙනත් උදව් ප්‍රදානය කිරීමෙන් ද, ආයුර්වේද ඉගෙනීම හා ඒ සම්බන්ධ පර්යේෂණ කටයුතු වලට ධෛර්‍ය දීම ; හා
- (ඇ) ආයුර්වේදය අනු ව රෝග පරීක්ෂා කිරීම හා මහජන සෞඛ්‍යය දියුණු කිරීම සඳහා කටයුතු කිරීම, දියුණු කිරීම හෝ ඊට ධෛර්‍ය දීම.

II වෙනි කොටස

කොමසාරිස්වරයාගේ බලතල

8. 7 වෙනි වගන්තියෙහි නියමිත පරමාර්ථ ඉෂ්ට කිරීමෙහි දී, කොමසාරිස්වරයා විසින් ආයුර්වේද ආරෝග්‍යශාලා, ආයුර්වේද ඖෂධ නිෂ්පාදනාගාර හා ඖෂධ නිධි; ආයුර්වේද ඖෂධශාලා හා ආයුර්වේද බෙහෙත් ගබඩා පිහිටුවා පවත්වාගෙන යා හැකි ය. තැනහොත් පිහිටු විමට හා පවත්වාගෙන යාමට කටයුතු සැලැස්විය හැකි ය.

කොමසාරිස්වරයා විසින් ආයුර්වේද ආරෝග්‍යශාලා ආදිය පිහිටුවීම හා පවත්වාගෙන යාම.

9. 7 වෙනි වගන්තියෙහි නියමිත පරමාර්ථ ඉෂ්ට කිරීමෙහි දී, පාර්ලිමේන්තුව විසින් ඒ සඳහා සම්මත කරනු ලැබූ මුදල්වලින් යම් ගණනක්, ඇමතිවරයාගේ පූර්ව අනුමතිය ඇති ව කොමසාරිස්වරයා විසින්—

කොමසාරිස්වරයා විසින් දෙනු ලබන මුදල් ආධාර.

(අ) ආයුර්වේද වෛද්‍ය සභාවට;

(ආ) ආයුර්වේද වෛද්‍යවරයන් පුහුණු කිරීම සඳහා පිහිටුවා පවත්වා ගෙන යනු ලබන යම් ආයතනයකට;

(ඇ) 8 වෙනි වගන්තියෙහි සඳහන් යම් ආයතනයකට;

(ඈ) ආයුර්වේදය දියුණු කිරීම සඳහා පිහිටුවා පවත්වාගෙන යනු ලබන වෙන යම් ආයතනයකට; හා

(ඉ) ආයුර්වේද අධ්‍යාපන කටයුතු කර ගෙන යාම සඳහා යම් සුදුසු තැනැත්තකුට ද

ප්‍රදානය කළ හැකි ය.

10. (1) යම් සභානයක් දැනට ආයුර්වේද ආරෝග්‍යශාලාවක්, ආයුර්වේද ඖෂධ නිෂ්පාදනාගාරයක්, ආයුර්වේද ඖෂධශාලාවක් හෝ ආයුර්වේද බෙහෙත් ගබඩාවක් වශයෙන් කොමසාරිස්වරයා විසින් ලියාපදිංචි කරනු ලැබ, ඒ සභානයෙහි ඒ ආරෝග්‍යශාලාව, ඖෂධ නිෂ්පාදනාගාරය, ඖෂධශාලාව හෝ බෙහෙත් ගබඩාව පවත්වාගෙන යනු ලබන තැනැත්තා එවකට එහි අයිතිකරු වශයෙන් ද කොමසාරිස්වරයා විසින් ලියාපදිංචි කරනු ලැබුවහොත් මිස, ඇමතිවරයා විසින් ඒ සම්බන්ධයෙන් ගැසට් පත්‍රයෙහි ප්‍රසිද්ධ කරනු ලැබූ ආඥාවකින් නියම කළ හැකි දිනයක පටන් හා ඊට පසු ආයුර්වේද ආරෝග්‍යශාලාවක්, ආයුර්වේද ඖෂධ නිෂ්පාදනාගාරයක්, ආයුර්වේද ඖෂධශාලාවක් හෝ ආයුර්වේද බෙහෙත් ගබඩාවක් සඳහා කිසි ම ස්ථානයක් පරිහරණය නො කළ යුතු ය.

ආයුර්වේද ආරෝග්‍යශාලා ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩා ලියාපදිංචි කළ යුතු බව.

(2) (1) වෙනි උපවගන්තිය යටතෙහි ප්‍රසිද්ධ කරනු ලැබූ ආඥාවෙන් නියමිත දිනය ඒ ආඥාව ප්‍රසිද්ධ කිරීමේ දිනයට පසු තුන් මාසයකට මෙ පිට දිනයක් නො විය යුතු ය.

(3) (1) වෙනි උපවගන්තියෙහි විධිවිධාන උල්ලංඝනය කරමින් ආයුර්වේද ආරෝග්‍යශාලාවක, ඖෂධ නිෂ්පාදනාගාරයක, ආයුර්වේද ඖෂධශාලාවක හෝ ආයුර්වේද බෙහෙත් ගබඩාවක කායඝීය සඳහා

යම් ස්ථාන පාවිච්චි කරනු ලබන අවස්ථාවක, ඒ ආරෝග්‍යශාලාව, ඖෂධ නිෂ්පාදනාගාරය, ඖෂධශාලාව හෝ බෙහෙත් ගබඩාව එවකට භාර ව සිටින තැනැත්තා වරදක් සම්බන්ධයෙන් වරදකරු විය යුතු ය.

(4) පහත සඳහන් කරුණු සියල්ල හෝ ඉන් යම් කරුණු සඳහා හෝ සම්බන්ධයෙන් මේ පනත යටතෙහි නියෝග සම්පාදනය කළ හැකි ය.

එනම්:—

(අ) ආයුර්වේද ආරෝග්‍යශාලාවක්, ඖෂධ නිෂ්පාදනාගාරයක්, ආයුර්වේද ඖෂධශාලාවක් හෝ ආයුර්වේද බෙහෙත් ගබඩාවක් වශයෙන් යම් ස්ථානයක් ලියාපදිංචි කිරීම සඳහා ඉල්ලීම් ඉදිරිපත් කිරීම;

(ආ) ඒ ඉල්ලීම්වල ආකෘතිය හා එහි අන්තර්ගත විය යුතු විස්තර;

(ඇ) එසේ ලියාපදිංචි කිරීම සඳහා අය කළ යුතු ගාස්තුව;

(ඈ) ඒ ලියාපදිංචි කිරීම වලංගු විය යුතු කාලසීමාව හා නියමිත ගාස්තුව ගෙවීමෙන් පසු ඒ ලියාපදිංචි කිරීම අලුත් කිරීම සම්බන්ධ සහතික ප්‍රදානය කිරීම;

(ඉ) ඒ ලියාපදිංචි කිරීම අවලංගු හෝ ප්‍රතික්‍ෂේප කළ හැකි අවස්ථා;

(ඊ) ඒ ලියාපදිංචි කිරීම අලුත් කිරීම ප්‍රතික්‍ෂේප කළ හැකි අවස්ථා;

(උ) ඒ ලියාපදිංචි කිරීම සඳහා හෝ ඒ ලියාපදිංචි කිරීම අලුත් කිරීම සඳහා ඉදිරිපත් කරනු ලැබූ ඉල්ලීම් ප්‍රතික්‍ෂේප කිරීමට විරුධ ව හෝ ඒ ලියාපදිංචි කිරීම අවලංගු කිරීමට විරුධ ව ඇමතිවරයා වෙත ඉදිරිපත් කරනු ලබන ආයාචන හා ඒ ආයාචන සම්බන්ධයෙන් ඇමතිවරයා විසින් කරනු ලැබූ තීරණ වල අවසාන භාවය;

(ඌ) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩා සම්බන්ධයෙන් ඉෂ්ට කළ යුතු කොන්දේසි;

(එ) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩාවල තබාගෙන පවත්වාගෙන යා යුතු වාර්තා හා පොත්;

(ඒ) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩා සම්බන්ධයෙන් කලින් කලට සැපයිය යුතු වාර්තා හා ඇතුළු කර ගනු ලැබූ හෝ ප්‍රතිකාර කරනු ලැබූ රෝගීන් හා එහි සේවයෙහි යෙදුණු සේවක මණ්ඩලය සම්බන්ධ විස්තර ඇතුළු එහි සඳහන් විය යුතු විස්තර;

- (ඔ) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩා මගින් අයකර ගත හැකි ගාස්තු හෝ අය කිරීම් සම්බන්ධ ගණන් ;
- (ඔ) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩාවලට ඇතුළුවීම් හා පරීක්ෂා කිරීම සම්බන්ධ බලතල ;
- (ක) ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩා ලියාපදිංචි කිරීමේ කායාර්ය සඳහා කොමසාරිස්වරයා විසින් තැබිය යුතු හා පවත්වාගෙන යා යුතු ලේඛන ; හා
- (ග) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩා නිසියාකාර පවත්වාගෙන යාම හා පරිපාලනය හා ඒ ආරෝග්‍යශාලා හා ඖෂධශාලාවල ප්‍රතිකාර කරනු ලබන තැනැත්තන්ගේ සෞඛ්‍යය ආරක්ෂාව හා ඔවුනට නිසියාකාර සැලකීම හා දුනිකාර කිරීම ;

III වෙනි කොටස

ආයුර්වේද වෛද්‍ය සභාව

11. (1) මේ කොටසෙහි මින්මතු “සභාව” වශයෙන් හඳුන්වනු ලබන, ආයුර්වේද වෛද්‍ය සභාව නමින් හැඳින්විය යුතු සභාවක් විය යුතු ය. 2 වෙනි උපවගන්තියෙහි විධිවිධානවලට යටත් ව එය පහත සඳහන් සාමාජිකයන්ගෙන් සමන්විත විය යුතු ය :—

ආයුර්වේද වෛද්‍ය සභාව සංස්ථාපනය කිරීම.

- (අ) කොමසාරිස්වරයා ;
- (ආ) ආයුර්වේද වෛද්‍ය විද්‍යාලයෙහි විද්‍යාලයාධිපති ;
- (ඇ) ආයුර්වේද වෛද්‍ය විද්‍යාලයෙහි ආචාර්යවරුන් විසින් ඔවුන් අතරෙන් තෝරා පත් කර ගනු ලැබූ සාමාජිකයන් දෙදෙනෙකු ;
- (ඈ) අනුමත කරනු ලැබූ එක් එක් ආයුර්වේද අධ්‍යාපනික ආයතනයක ආචාර්යවරුන් විසින් ඔවුන් අතරෙන් තෝරා පත් කරගනු ලැබූ එක් සාමාජිකයකු ;
- (ඉ) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරුන් විසින් ඔවුන් අතරෙන් තෝරා පත් කර ගනු ලැබූ සාමාජිකයන් තුන් දෙනෙකු ; හා
- (ඊ) ඇමතිවරයා විසින් පත් කරනු ලැබූ සාමාජිකයන් දස දෙනෙකුට වැඩි නො වන ගණනක්. ඔවුන් අතර,
 - (i) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරුන් නො වන තැනැත්තන් අතරෙන් තුන් දෙනෙකුට වැඩිය මෙ සේ පත් නො කළ යුතුය.

- (ii) සමස්ත ලංකා ආයුර්වේද වෛද්‍ය සම්මේලනය විසින් නම් කෙරෙන දස දෙනකුගෙන් යුත් මණ්ඩලයකින් යටත් පිරිසෙයින් තුන් දෙනකු එ සේ පත් කරනු ලැබිය යුතු ය.
- (iii) සමස්ත ලංකා ආයුර්වේද වෛද්‍ය සම්මේලනයේ සාමාජිකයන් නො වන ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන්ගෙන් යටත් පිරිසෙයින් දෙ දෙනකු එ සේ පත් කරනු ලැබිය යුතු ය.

(2) ඇමතිවරයා විසින් පත් කරනු ලැබූ සභාවෙහි යම් සාමාජිකයකු, තමන් විසින් ගැසට් පත්‍රයෙහි ප්‍රසිද්ධ කරනු ලැබූ ආඥාවකින් කිසි ම හේතුවක් නො දී, නිලයෙන් පහ කළ හැකි ය.

(3) ඇමතිවරයා විසින් නිලයෙන් පහ කරනු ලැබූ සභාවෙහි යම් සාමාජිකයකු, ඔහු පහ කරනු ලැබූ දිනයෙහි පටන් අවුරුදු තුනක කාලයක් සඳහා එ බදු සාමාජිකයකු වශයෙන් පත් කිරීමට හෝ තෝරා පත් කර ගැනීමට නුසුදුසු විය යුතු ය.

(4) සභාවෙහි සාමාජිකයන්ගෙන් සමන්විත කාරක සභාවකට හෝ සභාවලට සභාවෙහි යම් බලයක්, යුතුකමක් හෝ කාර්යයක් සභාව විසින් කලින් කලට නියෝජනය කළ හැකි ය. සභාව විසින් අවශ්‍ය ය යි සලකනු ලබන කොන්දේසි හා සීමා කිරීම්වලට එ බදු යම් නියෝජනයක් යටත් විය හැකි ය.

12. කොමසාරිස්වරයා හා ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති භාර, සභාවෙහි එක් එක් සාමාජිකයකු, තමන් විසින් කලින් නිලයෙන් අස් නො වුවහොත්, අවුරුදු තුනක කාලයක් සේවය කළ යුතු අතර නැවත තෝරා ගැනීමට හෝ නැවත පත් කරනු ලැබීමට සුදුස්සකු විය යුතු ය.

එ සේ වුව ද, සභාවෙහි තමාගේ සේවා කාලය ගෙවී යාමට පෙර සාමාජිකත්වය භාර ගිය යම් තැනැත්තකුට අනුප්‍රාප්තික ව සභාවෙහි සාමාජිකයකු වශයෙන් තෝරා පත් කරනු ලැබූ හෝ පත් කරනු ලැබූ තැනැත්තකු තමා විසින් කලින් නිලයෙන් අස් නො වුවහොත්, ඔහු අනුප්‍රාප්තික වශයෙන් පත් වූ සාමාජිකයාගේ නොගෙවී ගිය නිල කාලය සඳහා සේවය කළ යුතු ය.

13. (1) කොමසාරිස්වරයා හා ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති භාර, සභාවෙහි සාමාජිකයකු—

- (අ) ඔහු රජයේ සේවකයකු නො වන අවස්ථාවක, තමාගේ ඉල්ලා අස්වීම ලියවිල්ලකින් සභාවෙහි සභාපති වෙත ඉදිරි පත් කිරීමෙන් ;
- (ආ) ඔහු රජයේ සේවකයකු නො වන අවස්ථාවක, සභාවෙහි මතය අනු ව සැහෙන හේතුවක් නොමැති ව සභාවෙහි අනුක්‍රමික රැස්වීම් තුනකට නො පැමිණ සිටීමෙන් ;

සභාවෙහි සාමාජිකයන්ගේ නිල කාලය.

සභාවෙහි සාමාජිකයන් විසින් නිලය අත්හැරීම.

(ඇ) ඔහු 11 වෙනි වගන්තියේ (1) වෙනි උපවගන්තියෙහි (ඇ) ඡේදය හෝ (ඈ) ඡේදය යටතෙහි තෝරා නො ලැබූ සාමාජිකයකු වූ අවස්ථාවක, සභාවෙහි සාමාජිකයකු වශයෙන් තෝරා ගැනීමට ඔහු සුදුස්සකු කරනු ලැබූ බලය වූ තනතුර හෝ නිලය ඔහු විසින් අත්හැරීමෙන් ;

(ඈ) ඔහු පත් කරනු ලැබූ සාමාජිකයකු වූ අවස්ථාවක, ඇමති වරයා විසින් ඔහු නිලයෙන් පහ කිරීමෙන් ;

(ඉ) ඔහු ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු වීම නතරවීමෙන් හෝ ආයුර්වේද වෛද්‍යවරයකු වශයෙන් ඔහු හෝ ලියාපදිංචි කිරීම අත්හිටවමින් සභාව විසින් මේ පනත යටතෙහි කරනු ලැබූ ආඥාවක් ක්‍රියාත්මක වීමෙන් ;

(ඊ) දණ්ඩ නීති සංග්‍රහය යටතෙහි යම් වරදක් සම්බන්ධයෙන් ඔහු වරදකරු කරනු ලැබීමෙන් ; හෝ

(උ) ඔහුගේ නිල කාලය ඉකුත් වීමෙන් ;

නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

(2) කොමසාරිස්වරයා වශයෙන් නිලය දැරීම නතර වීමෙන් පසු, සභාවෙහි සාමාජිකයකු වශයෙන් කොමසාරිස්වරයා නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

(3) ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති වශයෙන් නිලය දැරීම නතර වීමෙන් පසු, සභාවෙහි සාමාජිකයකු වශයෙන් ආයුර් වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

14. සභාවෙහි යම් පුරප්පාඩුවක්, මේ කොටසෙහි විධිවිධාන අනුව අවස්ථාවෝචිත පරිදි, සාමාජිකයකු තෝරා ගැනීමෙන් හෝ පත් කිරීමෙන් පිරවිය යුතු ය.

පුරප්පාඩු පිරවීම.

15. (1) කොමසාරිස්වරයා සභාවෙහි සභාපති විය යුතු ය. (2) සභාවෙහි සාමාජිකයන් විසින් ඔවුන් අතරින් සභාවෙහි උප සභාපතිවරයකු තෝරා ගත යුතු ය.

සභාවෙහි සභාපති හා උප සභාපති

(3) සභාවෙහි සභාපතිවරයා ද, ඔහු නො පැමිණි අවස්ථාවක උප සභාපතිවරයා ද සභාවෙහි යම් රැස්වීමක මූලාසනය දැරිය යුතු ය. සභාවෙහි සභාපතිවරයා හෝ උපසභාපතිවරයා සභාවෙහි යම් රැස්වීමකට නො පැමිණි අවස්ථාවක, ඒ රැස්වීමට සහභාගි වන සභාවෙහි සාමාජිකයන් විසින් ඒ රැස්වීම සඳහා ඔවුන් අතරින් සභාපති වරයකු තෝරා ගත යුතු ය.

16. සභාවෙහි රැස්වීමක් සඳහා ගණපූරණය හය දෙනකු විය යුතු ය.

ගණපූරණය.

සභාවෙහි කාර්ය පටිපාටිය විධිමත් කිරීම.

17. 15 වෙනි වගන්තියෙහි, 16 වෙනි වගන්තියෙහි හා 44 වෙනි වෙනි වගන්තියෙහි විධිවිධානවලට යටත් ව, සභාව විසින් ස්වකීය කාර්ය පටිපාටිය විධිමත් කළ හැකි ය.

ආයුර්වේද වෛද්‍යවරයන්, ආයුර්වේද ඖෂධ සංයෝගකයන් හා ආයුර්වේද සාන්තු සේවකයන් ලියාපදිංචි කිරීම ද ඔවුන්ගේ වෘත්තීය හැසිරීම විධිමත් කිරීම හා පාලනය කිරීම ද සම්බන්ධයෙන් සභාව වග කිය යුතු බල මණ්ඩලය විය යුතු බව.

18. මේ පනතෙහි විධිවිධාන අනුව සභාව—

- (අ) ආයුර්වේදය උගන්වන යම් ආයතනයක් මේ පනතෙහි කාර්යයන් සඳහා ආමන්තරයා විසින් අනුමත කළ යුතු ද යන්න ආමන්තරයාට නිර්දේශ කිරීම ;
- (ආ) ආයුර්වේද වෛද්‍යවරයන් වශයෙන් තැනැත්තන්ගේ නම් ලියාපදිංචි කිරීම ;
- (ඇ) ආයුර්වේද ඖෂධ සංයෝගකයන් වශයෙන් තැනැත්තන්ගේ නම් ලියාපදිංචි කිරීම ;
- (ඈ) ආයුර්වේද සාන්තු සේවකයන් වශයෙන් තැනැත්තන්ගේ නම් ලියාපදිංචි කිරීම ;
- (ඉ) එ සේ ලියාපදිංචි කිරීම් අවලංගු කිරීම හෝ අත්හිටවීම ; හා
- (ඊ) (i) ආයුර්වේද වෛද්‍යවරයන්ගේ, ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ හා ආයුර්වේද සාන්තු සේවකයන්ගේ වෘත්තීය හැසිරීම විධිමත් කිරීම හා පාලනය කිරීම සඳහා ද
- (ii) මේ වගන්තියෙහි (ආ) සිට (ඉ) තෙක් ඡේදවල සඳහන් කරුණුවලින් යමක් සඳහා ද ව්‍යවස්ථා සම්පාදනය කිරීම ;

සම්බන්ධයෙන් වග කිය යුතු බල මණ්ඩලය විය යුතු ය.

සභාවෙහි ලේඛකාරී හා වෙනත් නිලධාරීහා සේවකයෝ.

19. (1) සභාව විසින්—

- (අ) සභාවෙහි ලේකම් වශයෙන් ද කටයුතු කළ යුතු, සභාවෙහි ලේඛකාරීකාරීවරයකු පත් කළ යුතු ය ;
- (ආ) තවද, සභාවෙහි කටයුතු කිරීමට අවශ්‍ය විය හැකි සභාවේ වෙනත් නිලධාරීන් හා සේවකයන් ද පත් කළ හැකි ය.

(2) සභාවෙහි නිලධාරීන්හට හා සේවකයන්හට මේ පනත යටතෙහි සභාව විසින් සම්පාදනය කරනු ලැබූ ව්‍යවස්ථා අනුව නිශ්චය කරනු ලබන අන්දමට හා එබඳු ගණන් අනුව ව වේතන ගෙවිය යුතු ය. එ බඳු සේවා කොන්දේසිවලට ද ඔවුන් යටත් විය යුතු ය.

(3) මේ පනත යටතෙහි සභාව විසින් සම්පාදනය කරනු ලැබූ ව්‍යවස්ථා අනුව සභාව විසින් එහි නිලධාරීන්ගේ හා සේවකයන්ගේ අභිවෘද්ධිය සඳහා අර්ථසාධක අරමුදලක් පිහිටුවා විධිමත් කිරීම හා සභාවෙහි අරමුදල්වලින් ඒ අරමුදලට දායක මුදල් ගෙවීම කළ හැකි ය.

20. (1) සභාවෙහි වර්තමාන සාමාජිකයන් “ආයුර්වේද වෛද්‍ය සභාව” යන නම දරන තීර්ණය සංස්ථාවක් විය යුතු අතර එය අවිච්ඡින්න පත් කිරීමේදී ද යුක්ත විය යුතු ය. ඒ මණ්ඩලය විසින් ඒ නමින් නඩු පැවරිය හැකි අතර නඩු පවරනු ලැබිය හැකි ද වෙයි. තවද අධිකරණ මගින් පිළිගත යුතු තීර්ණය මුද්‍රාවක් යොදා ගත හැකි ය; වෙනස් කළ හැකි ය; පරිහරණය කළ හැකි ය;

සභාව තීර්ණය සංස්ථාවක් විය යුතු බව.

(2) සභාව විසින් වංචල හෝ නිශ්චල දේපළ අත්කර ගෙන ඇතිවිට තබා ගත හැකි ය. ස්වකීය දේපළවලින් යම් දේපළක් සම්බන්ධයෙන් සුදුස්සක් ද කළ හැකි අතර ගිවිසුම්වලට ද ඇතුළු විය හැකි ය. ස්වකීය බලතල ක්‍රියාවේ යෙදවීම සඳහා හා ස්වකීය කටයුතු හෝ යුතුකම් ඉෂ්ට කිරීම සඳහා ද අවශ්‍ය විය හැකි වෙන යම් කටයුතු සියල්ල ද කළ හැකි ය.

21. (1) කලින් කලට—

සභාවෙහි අරමුදල්.

(අ) සභාවෙහි කාර්යයන් සඳහා කොමසාරිස්වරයා විසින් මේ පනත යටතෙහි ප්‍රදානය කළ හැකි, හෝ

(ආ) මේ පනත යටතෙහි ගාස්තු වශයෙන් සභාවට ගෙවනු ලැබිය හැකි හෝ සභාව විසින් අය කර ගත හැකි,

මුදල් සභාවෙහි අරමුදල්වලින් කොටසක් විය යුතු ය.

(2) සභාවෙහි අරමුදල්වලින්—

(අ) රැස්වීම්වලට සහභාගිවීම සම්බන්ධයෙන් 45 වෙනි වගන්තියෙහි සභාවෙහි සාමාජිකයන්හට ගෙවිය යුතු වූ ද, සභාවෙහි නිලධරයන්හට හා සේවකයන්හට ගෙවිය යුතු වූ ද ගෙවීම්, හා

(ආ) සභාව විසින් මේ පනත යටතෙහි ස්වකීය බලතල ක්‍රියාවේ යෙදවීමේ දී හා ස්වකීය කටයුතු හා යුතුකම් ඉෂ්ට කිරීමේ දී දරන්නට සිදු වූ වෙනත් සියලු ම වියදම් ද ගෙවිය යුතු ය.

IV වෙනි කොටස

ආයුර්වේද විද්‍යාල හා ආරෝග්‍යශාලා මණ්ඩල

22. (1) මින්මතු මේ කොටසෙහි “මණ්ඩලය” වශයෙන් හඳුන්වනු ලබන ආයුර්වේද විද්‍යාල හා ආරෝග්‍යශාලා මණ්ඩලය නමින් හැඳින්විය යුතු මණ්ඩලයක් විය යුතු ය. එය පනත සඳහන් සාමාජිකයන්ගෙන් සමන්විත විය යුතු ය:—

ආයුර්වේද විද්‍යාල හා ආරෝග්‍යශාලා මණ්ඩලය.

- (අ) කොමසාරිස්වරයා;
- (ආ) ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති;
- (ඇ) ආයුර්වේද මහාආරෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී;

- (ඇ) අධ්‍යාපන ඇමතිවරයාගේ නිර්දේශය පිට ඇමතිවරයා විසින් පත් කරනු ලැබූ අධ්‍යාපන දෙපාර්තමේන්තුවේ නිලධාරියකු;
- (ඉ) ආයුර්වේද වෛද්‍ය විද්‍යාලයේ ආචාර්යවරුන් අතරෙන් ඇමතිවරයා විසින් පත් කරනු ලැබූ එක් සාමාජිකයෙකු;
- (ඊ) ආයුර්වේද වෛද්‍ය විද්‍යාලයේ ආචාර්යවරුන් විසින් ඔවුන් අතරෙන් තෝරා ගනු ලැබූ සාමාජිකයන් දෙ දෙනෙකු;
- (උ) අනුමත කරනු ලැබූ ආයුර්වේද අධ්‍යයන ආයතනයන්හි ආචාර්යවරුන් අතරෙන් ඇමතිවරයා විසින් පත් කරනු ලැබූ එක් සාමාජිකයකු;
- (ඌ) ස්වදේශීය වෛද්‍ය මණ්ඩලය හෝ ආයුර්වේද විද්‍යාල හා ආරෝග්‍යශාලා මණ්ඩලය විසින් ප්‍රදානය කරනු ලැබූ හෝ පිළිගනු ලැබූ අභිඥන පත්‍ර දරන්නන් විසින් ඔවුන් අතරෙන් තෝරා ගනු ලැබූ සාමාජිකයන් දෙ දෙනෙකු;
- (එ) සමස්ත ලංකා ආයුර්වේද වෛද්‍ය සම්මේලනය විසින් නම් කෙරෙන හය දෙනෙකුගෙන් යුත් මණ්ඩලයකින් දෙ දෙනෙකුට නො වැඩි වන ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන් අතරෙන් ඇමතිවරයා විසින් පත් කරනු ලැබූ සාමාජිකයන් සතර දෙනෙකුට වැඩි නො වන ගණනක්, හා
- (ඵ) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන් නො වන තැනැත්තන්ගෙන්, ඇමතිවරයා විසින් පත් කරනු ලැබූ සාමාජිකයන් දෙ දෙනෙකු,

(2) ඇමතිවරයා විසින් මණ්ඩලයට පත් කරනු ලැබූ යම් සාමාජිකයකු, තමන් විසින් ගැසට් පත්‍රයේ ප්‍රසිද්ධ කරනු ලැබූ ආඥාවකින් කිසි ම හේතුවක් නො දී නිලයෙන් පහ කළ හැකි ය.

එ සේ වුව ද, අධ්‍යාපන ඇමතිවරයාගේ නිර්දේශය පිට ඇමතිවරයා විසින් මණ්ඩලයට පත් කරනු ලැබූ කිසි ම සාමාජිකයකු අධ්‍යාපන ඇමතිවරයාගේ එකඟත්වය ඇති ව මිස, නිලයෙන් පහ නො කළ යුතු ය.

(3) ඇමතිවරයා විසින් නිලයෙන් පහ කරනු ලැබූ මණ්ඩලයෙහි යම් සාමාජිකයකු, ඔහු අස් කරනු ලැබූ දිනයේ සිට අවුරුදු තුනක කාලයක් සඳහා එ වැනි සාමාජිකයකු වශයෙන් පත් කරනු ලැබීමට හෝ තෝරා ගනු ලැබීමට සුදුසු නො විය යුතු ය.

23. කොමසාරිස්වරයා ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති හා ප්‍රධාන ආයුර්වේද අරෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී භාර, මණ්ඩලයෙහි එක් එක් සාමාජිකයකු තමන් විසින් කලින් නිලයෙන් අස් නොවුවහොත්, අවුරුදු තුනක කාලයක් සේවය කළ යුතු ය. තවද නැවත තෝරා ගැනීමට හෝ නැවත පත් කර ගැනීමට සුදුස්සකු ද විය යුතු ය.

එසේ වුව ද මණ්ඩලයෙහි තමාගේ නිල කාලය ගෙවී යාමට පෙර සාමාජිකත්වය භාර ගිය යම් තැනැත්තකුට අනුප්‍රාප්තික ව මණ්ඩලයෙහි සාමාජිකයකු වශයෙන් තෝරා ගනු ලැබූ හෝ පත්

සභාවෙහි සාමාජිකයන්ගේ නිල කාලය.

කරනු ලැබූ තැනැත්තකු තමා විසින් කලින් නිලයෙන් අස් නො වුවහොත්; ඔහු අනුප්‍රාප්තික වශයෙන් පත් වූ සාමාජිකයාගේ නො ගෙවී ගිය නිල කාලය සඳහා සේවය කළ යුතු ය.

මණ්ඩලයෙහි සාමාජිකයන් විසින් නිලය අත්හැරීම.

24. (1) කොමසාරිස්වරයා ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති හා ආයුර්වේද මහාරෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී භාර, මණ්ඩලයෙහි සාමාජිකයකු—

(අ) ඔහු රජයේ සේවකයකු නො වන අවස්ථාවක, තමාගේ ඉල්ලා අස්වීම ලියවිල්ලකින් මණ්ඩලයෙහි සභාපතිවරයා වෙත ඉදිරිපත් කිරීමෙන්; හෝ

(ආ) ඔහු රජයේ සේවකයකු නො වන අවස්ථාවක, මණ්ඩලයෙහි මතය අනු ව සැහෙන හේතුවක් නොමැති ව මණ්ඩලයෙහි අනුක්‍රමික රැස්වීම් තුනකට නො පැමිණ සිටීමෙන්;

(ඇ) ඔහු තෝරා ගනු ලැබූ සාමාජිකයකු වූ අවස්ථාවක, මණ්ඩලයෙහි සාමාජිකයකු වශයෙන් තෝරා ගැනීමට ඔහු සුදුස්සකු කරනු ලැබූ බලය වූ තනතුර හෝ නිලය ඔහු දැරීම නතරවීමෙන්;

(ඈ) ඔහු පත් කරනු ලැබූ සාමාජිකයකු වූ අවස්ථාවක, ඇමතිවරයා විසින් ඔහු නිලයෙන් පහ කිරීමෙන්;

(ඉ) ඔහු 22 වෙනි වගන්තියේ (1) වෙනි උපවගන්තියෙහි (ඇ) ඡේදය යටතෙහි පත් කරනු ලැබූ සාමාජිකයකු වූ අවස්ථාවක, ඔහු විසින් අධ්‍යාපන දෙපාර්තමේන්තුවේ නිලධරයකු වීම නතර වීමෙන්;

(ඊ) ඔහු 22 වෙනි වගන්තියේ (1) වෙනි උපවගන්තියෙහි (ඉ) ඡේදය හෝ (ඊ) ඡේදය හෝ (උ) ඡේදය යටතෙහි පත් කරනු ලැබූ සාමාජිකයකු වූ අවස්ථාවක, ඒ ඡේදය යටතෙහි මණ්ඩලයෙහි සාමාජිකයකු වශයෙන් පත් කර ගැනීමට ඔහු සුදුස්සකු කරනු ලැබූ බලය වූ තනතුර හෝ නිලය ඔහු දැරීම නතර වීමෙන්; හෝ

(ඌ) ඔහුගේ නිල කාලය ඉකුත්වීමෙන්, නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

(2) කොමසාරිස්, නිලය දැරීම නතරවීමෙන් පසු, මණ්ඩලයෙහි සාමාජිකයකු වශයෙන් කොමසාරිස්වරයා නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

(3) ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති, නිලය දැරීම නතර වීමෙන් පසු, මණ්ඩලයෙහි සාමාජිකයකු වශයෙන් ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

(4) ආයුර්වේද මහා රෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී නිලය දැරීම නතර වීමෙන් පසු, මණ්ඩලයෙහි සාමාජිකයකු වශයෙන් ආයුර්වේද මහාරෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

පුරප් පාඩු
පිරිමිම.

25. මණ්ඩලයෙහි යම් පුරප් පාඩුවක් මේ කොටසේ විධිවිධාන අනු ව අවස්ථාවෝචිත පරිදි සාමාජිකයකු තෝරා ගැනීමෙන් හෝ පත් කිරීමෙන් පිරවිය යුතු ය.

මණ්ඩලයෙහි
සභාපති.

26. (1) කොමසාරිස්වරයා මණ්ඩලයෙහි සභාපති විය යුතු ය.

(2) මණ්ඩලයෙහි සභාපතිවරයා මණ්ඩලයෙහි යම් රැස්වීමක මූලාසනය දරිය යුතු ය. මණ්ඩලයෙහි යම් රැස්වීමකට සභාපතිවරයා නො පැමිණී අවස්ථාවක, ඒ රැස්වීමට සහභාගි වන මණ්ඩලයෙහි සාමාජිකයන් විසින් ඒ රැස්වීම සඳහා ඔවුන් අතරෙන් සභාපති වරයකු තෝරා ගත යුතු ය.

ගණපුරණය.

27. මණ්ඩලයෙහි රැස්වීමක් සඳහා ගණපුරණය හය දෙනකු විය යුතු ය.

මණ්ඩලයෙහි
කාර්ය පටිපාටිය
විධිමත් කිරීම.

28. 26 වෙනි වගන්තියෙහි, 27 වෙනි වගන්තියෙහි හා 44 වෙනි වගන්තියෙහි විධිවිධානවලට යටත් ව මණ්ඩලය විසින් ස්වකීය කාර්ය පටිපාටිය විධිමත් කළ යුතු ය.

මණ්ඩලයෙහි
බලතල, කටයුතු
හෝ යුතුකම්
කාරක සභාවලට
පැවරීම

29. මණ්ඩලයෙහි යම් බලතල, කටයුතු හෝ යුතුකම් මණ්ඩලයෙහි සාමාජිකයන්ගෙන් සමන්විත වූ කාරක සභාවකට හෝ කාරක සභාවලට හෝ මණ්ඩලය විසින් කලින් කලට පැවරිය හැකි ය. මණ්ඩලයට සුදුසු ය යි හැඟෙන කොන්දේසිවලට හෝ සීමාවලට යටත් ව එ වැනි යම් පැවරීමක් කළ හැකි ය.

මණ්ඩලයෙහි
බලතල.

30. පහත සඳහන් දේ සඳහා මණ්ඩලයට බලතල තිබිය යුතු ය:—

(අ) මේ කොටසේ මින්මතු “විද්‍යාලය” වශයෙන් හඳුන්වනු ලබන ආයුර්වේද වෛද්‍ය විද්‍යාලයට ඇතුළු කර ගනු ලැබූ ශිෂ්‍යයන්හට දිය යුතු අධ්‍යයන පද්ධති නිශ්චය කිරීම;

(ආ) විද්‍යාලයේ ශිෂ්‍යයන් සඳහා පරීක්ෂණ නිශ්චය කිරීම හා පැවැත්වීම;

(ඇ) සභාව විසින් ප්‍රදානය කළ යුතු අභියෝග පත්‍ර හා එ වැනි අභියෝග පත්‍ර ප්‍රදානය කිරීමට සුදුසුවීම සඳහා සම්පූර්ණ කළ යුතු කොන්දේසි නිශ්චය කිරීම;

(ඈ) විද්‍යාලයේ ශිෂ්‍යයන් නො වූ තැනැත්තන්හට සභාවෙහි අභියෝග පත්‍ර ලබා ගැනීමට බාහිර පරීක්ෂණ නිශ්චය කිරීම හා පැවැත්වීම, හා ඒ කාර්යය සඳහා අවශ්‍ය ව්‍යවස්ථා සම්පාදනය කිරීම;

(ඉ) විද්‍යාලයේ ශිෂ්‍යයන්හට ඡාත්‍ර දක්ෂිණා, ආධාර ශිෂ්‍යත්ව, පදක්කම් හා වෙනත් ත්‍යාග පිහිටුවීම හා පිරිනැමීම;

(ඊ) විද්‍යාලයට ශිෂ්‍යයන් ඇතුළු කිරීම විධිමත් කිරීම හා පාලනය කිරීම;

(ඊ) විද්‍යාලයේ ශිෂ්‍යයන්ගේ වාසය, විනය හා ඔවුන්ගේ සදාචාර, මානසික හා කාර්මික ශුභ සිද්ධිය විධිමත් කිරීම;

(උ) සභාව මගින් පවත්වනු ලබන පරීක්ෂණ සඳහා පරීක්ෂකයන් පත් කිරීම;

(එ) එ වැනි පරීක්ෂකයන් සඳහා ගෙවිය යුතු ගාස්තු සම්බන්ධයෙන් ඇමතිවරයාට නිර්දේශ ඉදිරිපත් කිරීම;

(ඵ) විද්‍යාලයේ පරිපාලනය සම්බන්ධයෙන් ද, විශේෂයෙන් විද්‍යාලයට ඇතුළුවීම සඳහා අය කළ යුතු ගාස්තු සම්බන්ධයෙන් ද ඇමතිවරයාට නිර්දේශ ඉදිරිපත් කිරීම;

(ඹ) සම්මාන අභිඤ්ඤා පත්‍ර හෝ උපාධි ප්‍රදානය කිරීම; හා

(ඹ) ආයුර්වේද මහාරෝග්‍යශාලාවේ පරිපාලනය සම්බන්ධයෙන් ද, විශේෂයෙන් එම ආරෝග්‍යශාලාවට ඇතුළු කර ගනු ලැබූ රෝගීන් සම්බන්ධයෙන් අය කළ යුතු ගාස්තු සම්බන්ධයෙන් ද ඇමතිවරයාට නිර්දේශ ඉදිරිපත් කිරීම.

31. විද්‍යාලයේ ලේඛකාධිකාරීවරයකු පත් කළ යුතු ය. ඔහු මණ්ඩලයෙහි ලේකම්වරයා වශයෙන් ද කටයුතු කළ යුතු ය.

විද්‍යාලයේ ලේඛකාධිකාරී.

32. මණ්ඩලයෙහි රැස්වීම්වලට සහභාගිවීම සම්බන්ධයෙන් මණ්ඩලයෙහි සාමාජිකයන්හට 45 වෙනි වගන්තිය යටතෙහි ගෙවිය යුතු දීමනා ද, මේ පනත යටතෙහි ස්වකීය බලතල ක්‍රියාවේ යෙදවීමේ දී හා ස්වකීය කටයුතු හා යුතුකම් ඉටු කිරීමේ දී මණ්ඩලයට දරන්නට සිදු වූ වෙනත් සියලු වියදම් ද පාර්ලිමේන්තුව විසින් ඒ සඳහා සම්මත කරනු ලැබූ මුදල්වලින් ගෙවිය යුතු ය.

මණ්ඩලයෙහි වියදම්.

V වෙනි කොටස

ආයුර්වේද පර්යේෂණ කාරක සභාව

33. (1) මේ කොටසේ මින්මතු “කාරක සභාව” වශයෙන් හඳුන්වනු ලබන, ආයුර්වේද පර්යේෂණ කාරක සභාව යන නමින් හැඳින්විය යුතු කාරක සභාවක් විය යුතු ය. එය කොමසාරිස්වරයාගෙන් හා ඇමතිවරයා විසින් පත් කරනු ලැබූ වෙනත් සාමාජිකයන් නම දෙනකුගෙන් සමන්විත විය යුතු ය. ඔවුන්ගෙන් එක් කෙනකු ආයුර්වේද වෛද්‍ය විද්‍යාලයේ ආචාර්ය මණ්ඩලයෙන් හා තවත් කෙනකු ආයුර්වේද මහාරෝග්‍යශාලාවේ නිත්‍ය වෛද්‍ය මණ්ඩලයෙන් විය යුතු ය.

ආයුර්වේද පර්යේෂණ කාරක සභාව සංස්ථාපනය කිරීම.

(2) ඇමතිවරයා විසින් පත් කරනු ලැබූ කාරක සභාවෙහි යම් සාමාජිකයකු, තමන් විසින් ගැසට් පත්‍රයෙහි ප්‍රසිද්ධ කරනු ලැබූ ආඥාවකින්, කිසි ම හේතුවක් නො දී, නිලයෙන් පහ කළ හැකි ය.

කාරක සභාවෙහි සාමාජිකයන්ගේ නිල කාලය.

34. කොමසාරිස්වරයා හැර කාරක සභාවෙහි එක් එක් සාමාජිකයකු තමන් විසින් කලින් නිලයෙන් අස් නො වුවහොත්, අවුරුදු තුනක කාලයක් නිලය දැරිය යුතු අතර නැවත පත් කරනු ලැබීමට ද සුදුසු විය යුතු ය.

එ සේ වුව ද, කාරක සභාවෙහි තමාගේ නිල කාලය ගෙවී යාමට පෙර සාමාජිකත්වය හැර ගිය යම් තැනැත්තකුට අනුප්‍රාප්තික ව කාරක සභාවෙහි සාමාජිකයකු වශයෙන් පත් කරනු ලැබූ තැනැත්තකු, තමා විසින් කලින් නිලයෙන් අස් නො වුවහොත්, ඔහු අනුප්‍රාප්තික වශයෙන් පත් වූ සාමාජිකයාගේ නො ගෙවී ගිය නිල කාලය සඳහා සේවය කළ යුතු ය.

කාරක සභාවෙහි සාමාජිකයන් විසින් නිලය අත්හැරීම.

35. (1) කොමසාරිස්වරයා හැර, කාරක සභාවෙහි සාමාජිකයකු—

- (අ) ඔහු රජයේ සේවකයකු නො වන අවස්ථාවක, තමාගේ ඉල්ලා අස්වීම ලියවිල්ලකින් ආමතිවරයා වෙත ඉදිරිපත් කිරීමෙන් ;
- (ආ) ඔහු රජයේ සේවකයකු නො වන අවස්ථාවක, කාරක සභාවෙහි මත්‍ය අනු ව සැහෙන හේතුවක් නොමැති ව කාරක සභාවෙහි අනුක්‍රමික රැස්වීම් තුනකට නො පැමිණ සිටීමෙන් ;
- (ඇ) ආමතිවරයා විසින් ඔහු නිලයෙන් පහ කිරීමෙන් ; හෝ
- (ඈ) ඔහුගේ නිල කාලය ඉකුත්වීමෙන්, නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

(2) කොමසාරිස්වරයා නිලය දැරීම නතරවීමෙන් පසු, කාරක සභාවෙහි සාමාජිකයකු වශයෙන් කොමසාරිස්වරයා නිලයෙන් අස් වූ ලෙස සැලකිය යුතු ය.

පුරප්පාඩු පිරවීම.

36. කාරක සභාවෙහි යම් පුරප්පාඩුවක්, මේ කොටසෙහි විධිවිධාන අනු ව සාමාජිකයකු පත් කිරීමෙන් පිරවිය යුතු ය.

කාරක සභාවෙහි සභාපති.

37. (1) කොමසාරිස්වරයා කාරක සභාවෙහි සභාපති විය යුතු ය.

(2) කාරක සභාවෙහි යම් රැස්වීමක කාරක සභාවෙහි සභාපතිවරයා විසින් මූලසුන් දැරිය යුතු ය. කාරක සභාවෙහි යම් රැස්වීමකට සභාපතිවරයා නො පැමිණී අවස්ථාවක, ඒ රැස්වීමට සහභාගි වන කාරක සභාවෙහි සාමාජිකයන් විසින් ඔවුන් අතරින් ඒ රැස්වීම සඳහා සභාපතිවරයකු තෝරා ගත යුතු ය.

ගණපූරණය.

38. කාරක සභාවෙහි රැස්වීමක් සඳහා ගණපූරණය තුන් දෙනකු විය යුතු ය.

කාරක සභාවෙහි කාර්ය පටිපාටිය විධිමත් කිරීම.

39. 37 වෙනි වගන්තියෙහි, 38 වෙනි වගන්තියෙහි හා 44 වෙනි වගන්තියෙහි විධිවිධානවලට යටත් ව කාරක සභාව විසින් ස්වකීය කාර්ය පටිපාටිය විධිමත් කළ යුතුය.

40. කාරක සභාවෙහි රැස්වීම්වලට සහභාගිවීම සම්බන්ධයෙන් 45 වෙනි වගන්තිය යටතෙහි කාරක සභාවෙහි සාමාජිකයන් හට ගෙවිය යුතු දීමනා හා මේ පනත යටතෙහි ස්වකීය බලතල ක්‍රියාවෙහි යෙදවීමේ දී හා ස්වකීය කටයුතු හා යුතුකම් ඉෂ්ට කිරීමේ දී කාරක සභාව විසින් දරන්නට සිදු වූ වෙනත් සියලු වියදම් ද ඒ කායනීය සඳහා පාර්ලිමේන්තුව විසින් සම්මත කරනු ලබූ මුදල්වලින් ගෙවිය යුතු ය.

කාරක සභාවෙහි වියදම්.

41. (1) ආයුර්වේද සංවර්ධනය, දියුණු කිරීමේ අදහසින් ආයුර්වේදයෙහි සියලු ම අංශවල පර්යේෂණ කටයුතු පැවැත්වීම සම්බන්ධයෙන් ද විශේෂයෙන් පහත සඳහන් එනම් :—

කාරක සභාවේ දී යුතුකම්.

- (අ) ආයුර්වේද සාහිත්‍යය ;
- (ආ) ආයුර්වේද ශාස්ත්‍රයෙහි මූලධර්ම ;
- (ඇ) ආයුර්වේද විකිත් සාහාරික ප්‍රතිකර්ම ; හා

(ඈ) ආයුර්වේද ඖෂධ, ඖෂධ ශාස්ත්‍රය හා ඖෂධ සංග්‍රහය, යන කරුණු පිළිබඳ පර්යේෂණ කටයුතු පැවැත්වීම සම්බන්ධයෙන් ද ඇමතිවරයාට උපදෙස් දීම කාරක සභාවෙහි යුතුකම විය යුතු ය.

(2) පහත සඳහන් කරුණු සම්බන්ධයෙන් ඇමතිවරයා විසින් කාරක සභාවට නිකුත් කළ හැකි සියලු නියමයන් ඉෂ්ට කිරීම කාරක සභාවෙහි යුතුකම විය යුතු ය :—

- (අ) පුස්තකාල, කෞතුකාගාර, ඖෂධ නිධි, රසායනාගාර හා වෙනත් ආයතන පවත්වාගෙන යාම ;
- (ආ) ආයුර්වේද අත් සිටපත්, ආයුර්වේද ග්‍රන්ථ හා වෙනත් ආයුර්වේද සඟරා හෝ පත්‍ර ප්‍රකාශ කිරීම ;
- (ඇ) ආයුර්වේද ඖෂධ සංග්‍රහයක් සකස් කිරීම හා ප්‍රසිද්ධ කිරීම ;
- (ඈ) ආයුර්වේද ඖෂධ ප්‍රමිත කිරීම ;
- (ඉ) (1) වෙනි උපවගන්තියෙහි නියමිත යුතුකම් ඉෂ්ට කිරීම සඳහා අවශ්‍ය විය හැකි එ බඳු වෙනත් සියලු කරුණු.

VI වෙනි කොටස

මේ පනත යටතෙහි පිහිටුවනු ලැබූ පුද්ගල මණ්ඩලවලට අදාළවන විශේෂ විධිවිධාන

42. මේ කොටසෙහි පද සංසන්දනයෙන් වෙනස් අර්ථයක් අවශ්‍ය නො වූ විටක “පුද්ගල මණ්ඩලය” යන පදයෙන්, මේ පනත යටතෙහි පිහිටුවනු ලැබූ යම් සභාවක්, මණ්ඩලයක් හෝ කාරක සභාවක් අදහස් වේ.

මේ කොටසෙහි කායනීයන් සඳහා “පුද්ගල මණ්ඩලය” යන පදයෙහි විස්තරය.

ඇමතිවරයාගේ සාමාන්‍ය හා විශේෂ නියම වලට පුද්ගල මණ්ඩලයක් යටත් විය යුතු බව.

43. පුද්ගල මණ්ඩලයක් විසින් මේ පනත යටතෙහි ස්වකීය බලතල ක්‍රියාවේ යෙදවීමේ දී හා ස්වකීය කටයුතු හා යුතුකම් ඉෂ්ට කිරීමේ දී ඇමතිවරයා විසින් කලින් කලට නිකුත් කරනු ලැබිය හැකි සාමාන්‍ය හා විශේෂ නියමවලට යටත් විය යුතු ය.

යම් පුද්ගල මණ්ඩලයක කටයුතු.

44. (1) පුද්ගල මණ්ඩලයක් ඉදිරියේ සැලකිල්ලට ඉදිරිපත් වන සෑම ප්‍රශ්නයක් ම පුද්ගල මණ්ඩලයෙහි රැස්වීමක දී විසඳිය යුතු අතර පැමිණ ඡන්දය දෙන පුද්ගල මණ්ඩලයෙහි සාමාජිකයන් ගේ වැඩි ඡන්ද ගණනින් එය නිශ්චය කළ යුතු ය.

(2) පුද්ගල මණ්ඩලයෙහි රැස්වීමක දී සලකා බලනු ලැබූ යම් ප්‍රශ්නයක් සම්බන්ධයෙන් සමාන ඡන්ද ගණනක් ලැබුණු අවස්ථාවක, ඒ රැස්වීමෙහි සභාපතිවරයාගේ සාමාන්‍ය ඡන්දයට අතිරේක වශයෙන් ඔහුට තීරක ඡන්දයක් ද තිබිය යුතු ය.

(3) පුද්ගල මණ්ඩලයෙහි යම් සාමාජිකයකු තෝරා ගැනීමෙහි හෝ පත් කිරීමෙහි යම් අඩුපාඩුවක් තිබුණු බව හෝ එ වැනි යම් සාමාජිකයකු නුසුදුසු බවට පත් වී සිටි බව පසු ව දැන ගන්නට ලැබුණේ වි නමුදු, සෑම සාමාජිකයකු ම නිසියාකාර තෝරා ගනු ලැබූ වෘත්තමත් හෝ පත් කරනු ලැබූවෘත්තමත් ද, එ වැනි සාමාජිකයකු විමට සුදුස්සකු වී සිටියාක් මෙන් ද, පුද්ගල මණ්ඩලයෙහි රැස්වීමක දී කරනු ලැබූ සියලු කටයුතු වලටද විශ්‍ය යුතු ය.

(4) පුද්ගල මණ්ඩලයෙහි යම් පුරප්පාඩුවක් පමණක් හේතු කොට ගෙන පුද්ගල මණ්ඩලයෙහි කිසි ම ක්‍රියාවක් හෝ කටයුත්තක් අවලංගු නො විය යුතු ය.

පුද්ගල මණ්ඩලයෙහි රැස්වීමකට පැමිණීම සම්බන්ධ ගෙවීම්.

45. මුදල් ඇමතිවරයාගේ එකඟත්වය ඇති ව ඇමතිවරයා විසින් නිශ්චය කරනු ලබන දීමනා පුද්ගල මණ්ඩලයෙහි රැස්වීම්වලට පැමිණීම සම්බන්ධයෙන් පුද්ගල මණ්ඩලයෙහි සාමාජිකයන් හට ගෙවිය යුතු ය.

මේ පනත යටතෙහි හෝ පුද්ගල මණ්ඩලයක නියමය පිට කරනු ලැබූ ක්‍රියා සම්බන්ධයෙන් ආරක්ෂාව.

46. (අ) මේ පනත යටතෙහි පුද්ගල මණ්ඩලය විසින් සඳහා වූ යෙන් කරනු ලැබූ හෝ කරන ලදැයි හැඟවෙන යම් ක්‍රියාවක් ගැන පුද්ගල මණ්ඩලයකට විරුද්ධ ව ද ;

(ආ) පුද්ගල මණ්ඩලයෙහි සාමාජිකයකු, නිලධරයකු, සේවකයකු හෝ නියෝජිතයකු විසින් මේ පනත යටතෙහි හෝ පුද්ගල මණ්ඩලයෙහි නියමය පිට සඳහා වූයෙන් කරනු ලැබූ හෝ කරන ලදැයි හැඟවෙන යම් ක්‍රියාවක් ගැන ඒ කිසිවකුට විරුද්ධ ව ද, කිසිම සිවිල් හෝ අපරාධ නඩුවක් නො පැවරිය යුතු ය.

පුද්ගල මණ්ඩලයෙහි සාමාජිකයකුට හෝ ඔහුගේ දේපලවලට විරුද්ධව කිසි ආඥා පත්‍රයක් නිකුත් නො කළ යුතු බව.

47. පුද්ගල මණ්ඩලයට විරුද්ධ ව ගෙනෙනු ලැබූ යම් නඩුවක දී පුද්ගල මණ්ඩලයක සාමාජිකයකුට විරුද්ධ ව හෝ ඔහුගේ දේපල වලට විරුද්ධ ව කිසි ම ආඥා පත්‍රයක් නිකුත් නො කළ යුතු ය.

48. 1954 අංක 11 දරන අල්ලස් පනතෙහි අර්ථය අනුව පුද්ගල මණ්ඩලයක් උපලේඛනගත කරනු ලැබූ ආයතනයක් වශයෙන් සැලකිය යුතු ය. තවද එහි විධිවිධාන යථා පරිදි පහදා ගත යුතු ය.

අල්ලස් පනතෙහි අර්ථය අනුව පුද්ගල මණ්ඩලයක් උපලේඛනගත කරනු ලැබූ ආයතනයක් වශයෙන් සැලකීම.

49. (1) පහත සඳහන් කරුණු සියල්ල හෝ එයින් යම් කරුණක්, සම්බන්ධයෙන් පුද්ගල මණ්ඩලයක් විසින් ව්‍යවස්ථා සම්පාදනය කළ හැකි ය.

ව්‍යවස්ථා සම්පාදනය කිරීම සම්බන්ධයෙන් පුද්ගල මණ්ඩලයක බලතල.

(අ) මේ පනතෙහි අන් කිසි විධිවිධානයක් යටතෙහි ව්‍යවස්ථා සම්පාදනය කිරීම සඳහා පුද්ගල මණ්ඩලයට කියම කරනු ලැබූ හෝ බලය පවරනු ලැබූ කරුණු;

(ආ) පුද්ගල මණ්ඩලයෙහි රැස්වීම් හා ඒ රැස්වීම්වල දී අනුගමනය කළ යුතු කාර්ය පටිපාටිය; හා

(ඇ) පුද්ගල මණ්ඩලයෙහි කටයුතු හා සම්බන්ධ වෙන යම් කරුණක්.

(2) පුද්ගල මණ්ඩලයක් විසින් මේ පනත යටතෙහි සම්පාදනය කරනු ලැබූ කිසි ම ව්‍යවස්ථාවක්, ඇමතිවරයා විසින් අනුමත කරනු ලැබ, ගැසට් පත්‍රයේ ප්‍රසිද්ධ කරනු ලබන තුරු බල නොපැයුණු ය.

(3) 19 වෙනි වගන්තියේ (2) වෙනි උප වගන්තියෙහි හෝ (3) වෙනි උපවගන්තියෙහි සඳහන් කරනු ලැබූ යම් කරුණක් සම්බන්ධයෙන් ආයුර්වේද වෛද්‍ය සභාව විසින් සම්පාදනය කරනු ලැබූ යම් ව්‍යවස්ථාවක්, මුදල් ඇමතිවරයාගේ පූර්ව එකඟත්වය නොමැති ව ඇමතිවරයා විසින් අනුමත නොකළ යුතු ය.

VII වෙනි කොටස

ආයුර්වේද වෛද්‍යවරයන්, ඖෂධ සංයෝගකයන් හා සාත්තු සේවකයන් ලියා පදිංචි කිරීම

50. මේ කොටසෙහි—

මේ කොටසෙහි කායනීයත් සඳහා සමහර පද විස්තර කිරීම.

(අ) “සභාව” යන්නෙන් ආයුර්වේද වෛද්‍ය සභාව අදහස් වේ.

(ආ) “ලේඛකාධිකාරී” යන්නෙන් සභාවෙහි ලේඛකාධිකාරීවරයා අදහස් වේ.

51. (1) සභාව විසින්—

නාම ලේඛන.

(අ) ආයුර්වේද වෛද්‍යවරයන් ලියාපදිංචි කිරීම සඳහා සාමාන්‍ය නාම ලේඛනයක් හා විශේෂ නාම ලේඛනයක්;

(ආ) ආයුර්වේද ඖෂධ සංයෝගකයන් ලියාපදිංචි කිරීම සඳහා නාම ලේඛනයක්; හා

(ඇ) ආයුර්වේද සාත්තු සේවකයන් ලියාපදිංචි කිරීම සඳහා නාම ලේඛනයක් ද

තබාගැනීම හා පවත්වාගෙන යාම කළ යුතු ය.

(2) (1) වෙනි උපවගන්තියෙහි සඳහන් කරනු ලැබූ නාම ලේඛන තබා ගැනීම හා පවත්වාගෙන යාම සම්බන්ධයෙන් වග කිව යුතු සභාවෙහි නිලධාරියා ලේඛකාධිකාරීවරයා විය යුතු ය.

(3) ස්වදේශීය වෛද්‍ය මණ්ඩලය මගින් පවත්වාගෙන යනු ලබන ස්වදේශීය වෛද්‍යවරයන්ගේ සාමාන්‍ය නාම ලේඛනයෙහි හා විශේෂ නාම ලේඛනයෙහි අයිතිය, නියම කරනු ලැබූ දිනයේ සිට සභාව සතු විය යුතු ය. ඒ සාමාන්‍ය නාම ලේඛනය මේ පනත යටතෙහි සභාව විසින් පවත්වාගෙන යනු ලබන ආයුර්වේද වෛද්‍යවරයන්ගේ සාමාන්‍ය නාම ලේඛනයක් වශයෙන් සලකනු ලැබිය යුතු ය. ඒ විශේෂ නාම ලේඛනය මේ පනත යටතෙහි සභාව විසින් පවත්වාගෙන යනු ලබන ආයුර්වේද වෛද්‍යවරයන්ගේ විශේෂ නාම ලේඛනයක් වශයෙන් සලකනු ලැබිය යුතු ය.

ආයුර්වේද වෛද්‍යවරයන් වශයෙන් ලියා පදිංචි කරනු ලැබීම සඳහා කරනු ලබන ඉල්ලීම.

52. (1) සාමාන්‍ය නාම ලේඛනයෙහි හෝ විශේෂ නාම ලේඛනයෙහි ආයුර්වේද වෛද්‍යවරයකු වශයෙන් ලියාපදිංචි කිරීම සඳහා ඉදිරිපත් කරනු ලබන සෑම ඉල්ලීමක් ම මේ පනත යටතෙහි සභාව විසින් සම්පාදනය කරනු ලැබූ ව්‍යවස්ථාවලින් නියම කළ හැකි ආකාරයක ලිපිගත කොට ලේඛකාධිකාරීවරයාගේ මාර්ගයෙන් සභාවට ඉදිරිපත් කළ යුතු ය.

(2) ආයුර්වේද වෛද්‍යවරයකු වශයෙන් සාමාන්‍ය නාම ලේඛනයෙහි ලියාපදිංචි කිරීම සඳහා ඉදිරිපත් කරනු ලැබූ ඉල්ලීමක්—

(අ) 55 වෙනි වගන්තියෙහි (1) වෙනි උපවගන්තිය යටතෙහි එ වැනි ලියාපදිංචි කිරීමකට ඉල්ලුම්කරුට හිමිකමක් නැතැ යි යන හේතුව පිට, හෝ

(ආ) 57 වෙනි වගන්තියෙහි (1) වෙනි උපවගන්තියෙහි නියමිත යම් හේතුවක් පිට,

මිස සභාව විසින් ප්‍රතික්ෂේප නො කළ යුතු ය.

(3) ආයුර්වේද වෛද්‍යවරයකු වශයෙන් විශේෂ නාම ලේඛනයෙහි ලියාපදිංචි කිරීම සඳහා ඉදිරිපත් කරනු ලබන ඉල්ලීමක්—

(අ) 55 වෙනි වගන්තියෙහි (2) වෙනි උප වගන්තිය යටතෙහි එ වැනි ලියාපදිංචි කිරීමකට ඉල්ලුම්කරුට හිමිකමක් නැතැ යි යන හේතුව පිට, හෝ

(ආ) 57 වෙනි වගන්තියෙහි (1) වෙනි උප වගන්තියෙහි නියමිත යම් හේතුවක් පිට,

මිස සභාව විසින් ප්‍රතික්ෂේප නො කළ යුතු ය.

(3) ආයුර්වේද වෛද්‍යවරයකු වශයෙන් සාමාන්‍ය නාම ලේඛනයෙහි හා විශේෂ නාම ලේඛනයෙහි යන ලේඛන දෙකෙහි ම ලියා පදිංචි කිරීම සඳහා ඉල්ලීමක් ඉදිරිපත් කළ හැකිය.

53. (1) ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා ඉදිරිපත් කරනු ලබන සෑම ඉල්ලීමක් ම, මේ පනත යටතෙහි සභාව විසින් සම්පාදනය කරනු ලැබූ ව්‍යවස්ථාවලින් නියම කළ හැකි ආකාරීයක ලිපිගත කොට, ලේඛනාධිකාරීවරයාගේ මාර්ගයෙන් සභාවට ඉදිරිපත් කළ යුතු ය.

ආයුර්වේද ඖෂධ සංයෝගකයන් හා ආයුර්වේද සාත්තු සේවකයන් වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා කරනු ලබන ඉල්ලීම්.

(2) ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා ඉදිරිපත් කරනු ලැබූ ඉල්ලීමක්—

(අ) 56 වෙනි වගන්තිය යටතෙහි එ වැනි ලියාපදිංචි කිරීමක් සඳහා ඉල්ලුම්කරුට හිමිකමක් නැතැ යි යන හේතුව පිට, හෝ

(ආ) 57 වෙනි වගන්තියෙහි (1) වෙනි උපවගන්තියේ නියමිත යම් හේතුවක් පිට,

මිස සභාව විසින් ප්‍රතික්ෂේප නො කළ යුතු ය.

54. ආයුර්වේද වෛද්‍යවරයකු හෝ ආයුර්වේද ඖෂධ සංයෝගකයකු වශයෙන් යම් තැනැත්තකුගේ ලියාපදිංචි කිරීම, සභාව විසින් ඉහතින් අවලංගු කරනු ලැබුවේ ද ඒ තැනැත්තා විසින් අවස්ථානුකූල ව ආයුර්වේද වෛද්‍යවරයකු හෝ ආයුර්වේද ඖෂධ සංයෝගකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා ඉල්ලීමක් ඉදිරිපත් කළ හැකි ය. සභාව විසින් ඒ ඉල්ලීම් පිළිගෙන මේ කොටසෙහි විධිවිධාන අනු ව ඒ සම්බන්ධයෙන් සුදුස්සක් කළ හැකි ය.

ලියාපදිංචි කිරීම ඉහතින් අවලංගු කරනු ලැබූ තැනැත්තන් විසින් ලියාපදිංචි කරනු ලැබීම සඳහා ඉදිරිපත් කරනු ලබන ඉල්ලීම්.

55. (1) යම් තැනැත්තකු—

(අ) ලංකාවේ පුරවැසියකු ; හා

(ආ) ස්වදේශීය වෛද්‍ය මණ්ඩලය විසින් ප්‍රදානය කරනු ලැබූ අභිඥන පත්‍රයක් හෝ ආයුර්වේද වෛද්‍ය සභා ආඥාපනත යටතෙහි ආයුර්වේද වෛද්‍ය සභාව විසින් නියමිත දිනයෙහි හෝ ඊට පෙර දෙනු ලැබූ සහතිකයක් දරන්නකු ; හෝ

(ඇ) මේ පනත යටතෙහි පිහිටවනු ලැබූ ආයුර්වේද විද්‍යාල හා ආරෝග්‍යශාලා මණ්ඩලය විසින් ප්‍රදානය කරනු ලැබූ අභිඥන පත්‍රයක් දරන්නකු ; හෝ

(ඈ) ඇමතිවරයා විසින් ගැසට් පත්‍රයේ ප්‍රසිද්ධ කරනු ලැබූ ආඥාවකින් මේ පනතේ කාර්යයන් සඳහා අනුමත කරනු ලැබූ ආයතනයක් වශයෙන් ප්‍රකාශ කරනු ලැබූ ලංකාවේ හෝ ඉන්දියාවේ වෙන යම් ආයතනයකින් ප්‍රදානය කරනු ලැබූ අභිඥන පත්‍රයක් දරන්නකු ; හෝ

(ඉ) කාර්යක්ෂම ලෙස ආයුර්වේද වෛද්‍ය කාර්යයෙහි යෙදීමට සුදුසු දැනීමක්, පළපුරුද්දක් හා දක්ෂකමක් තමහට තිබෙන බවට සභාව සැහීමට පත් කරන්නකු,

ආයුර්වේද වෛද්‍යවරයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා සුදුසුකම්.

නො වූ විට ආයුර්වේද වෛද්‍යවරයකු වශයෙන් සාමාන්‍ය නාම ලේඛන යෙහි ලියාපදිංචි කරනු ලැබීම සඳහා ඔහුට හිමිකමක් නො තිබිය යුතු ය.

(2) (අ) ලංකාවේ පුරවැසියකු වීමෙන් ; හා

(ආ) ආයුර්වේදයේ යම් විශේෂ අංශයක් සම්බන්ධයෙන් නම්හට විශේෂ දැනීමක් හා සාහෙන පළපුරුද්දක් හා දක්ෂකමක් තිබෙන බවට සභාව සැඟීමට පත් කිරීමෙන්, මිස ආයුර්වේද වෛද්‍යවරයකු වශයෙන් විශේෂ නාම ලේඛනයෙහි ලියාපදිංචි කරනු ලැබීම සඳහා කිසි ම තැනැත්තකුට හිමිකමක් නො තිබිය යුතු ය.

එ සේ වුව ද, (අ) ඡේදයෙහි හා (ආ) ඡේදයෙහි අවශ්‍යතා සම්පූර්ණ කිරීමට අතිරේක ව, ආයුර්වේද වෛද්‍යවරයකු වශයෙන් සාමාන්‍ය නාම ලේඛනයෙහි නම ලියාපදිංචි කරනු ලැබුවහොත් මිස, ඇමති වරයා විසින් නියම කරනු ලබන දිනයක සිට විශේෂ නාම ලේඛනයෙහි නම ලියාපදිංචි කිරීම සඳහා කිසි ම තැනැත්තකුට හිමිකමක් නො තිබිය යුතු ය.

ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා සුදුසුකම්.

56. (අ) ලංකාවේ පුරවැසියකු වීමෙන් ; හා

(ආ) අවස්ථාවෝචිත පරිදි කාර්යක්ෂම ලෙස ආයුර්වේද ඖෂධ සංයෝග කිරීමේ විද්‍යාව හෝ ආයුර්වේද සාත්තු සේවය සම්බන්ධයෙන් තමහට භාහෙන දැනීමක්, පළපුරුද්දක් හා දක්ෂකමක් තිබෙන බවට සභාව සැඟීමට පත් කිරීමෙන්,

මිස ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා කිසිම තැනැත්තකුට හිමිකමක් නො තිබිය යුතුය.

ලියාපදිංචි කිරීම ප්‍රතිකෂෙප කළ හැකි හෝ අවලංගු කළ හැකි හෝ අත්හිටවිය හැකි හේතු.

57. (1) ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා යම් තැනැත්තකු විසින් ඉදිරිපත් කරනු ලැබූ ඉල්ලීමක් සභාව විසින් ආඥාවක මාර්ගයෙන් ප්‍රතිකෂෙප කළ හැකි ය. නැතහොත් පහත සඳහන් හේතු උඩ, එ වැනි වෛද්‍යවරයකු, ඖෂධ සංයෝගකයකු හෝ සාත්තු සේවකයකු වශයෙන් යම් තැනැත්තකු ලියාපදිංචි කරනු ලැබීම අවලංගු කළ හැකි ය. නැතහොත් නියමිත කාලසීමාවක් සඳහා අත්හිට විය හැකි ය. එනම් :—

(අ) ඔහු එ වැනි වෛද්‍යවරයකු, ඖෂධ සංයෝගකයකු හෝ සාත්තු සේවකයකු වීමට නුසුදුසු බව දැක්වෙන පරිදි වරදක් සම්බන්ධයෙන් බලය ලත් අධිකරණයක් විසින් ඔහු වරදකරු කරනු ලැබීම ; හෝ

(ආ) එ වැනි වෛද්‍යවරයකු, ඖෂධ සංයෝගකයකු හෝ සාත්තු සේවකයකු වශයෙන් යම් වැරදි හැසිරීමක් සම්බන්ධයෙන් ඔහු වරදකරු වීම ; හෝ

(ඇ) එ වැනි ලියාපදිංචි කිරීමක් සඳහා සුදුසුකම වූ යම් අභිඤ්ඤා පත්‍රයක් හෝ සහතික පත්‍රයක් ඔහුට අහිමි කිරීම.

(2) (1) වෙති උපවගන්තියෙහි (අ) ඡේදයෙහි සඳහන් යම් වරදක් සම්බන්ධයෙන්, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍ය වරයකු, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාන්තු සේවකයකු වූ යම් තැනැත්තකුට විරුද්ධ ව අධිකරණයක් ඉදිරිපිට යම් නඩු පැවරීමක් කරනු ලැබූ අවස්ථාවක, අධිකරණය විසින් ඒ නීතිකාන්ත සම්බන්ධයෙන් අවසාන නඩු නින්දාවක්, ආඥාවක් හෝ වෙනත් නිශ්චයක් කරනු ලබන තුරු, සභාව විසින් ආඥාවකින් වෛද්‍යවරයකු, ඖෂධ සංයෝගකයකු හෝ සාන්තු සේවකයකු වශයෙන් අවස්ථාවෝචිත පරිදි ඒ තැනැත්තාගේ ලියාපදිංචි කිරීම අත්හිට විය හැකි ය.

(3) යම් තැනැත්තකු ආයුර්වේද වෛද්‍යවරයකු වශයෙන් සාමාන්‍ය නාම ලේඛනය හා විශේෂ නාම ලේඛනය යන දෙකෙහි ම ලියාපදිංචි කරනු ලැබූ අවස්ථාවක, සාමාන්‍ය නාමලේඛනයෙහි ඔහුගේ ලියාපදිංචි කිරීම අවලංගු කරනු ලැබුවේ නම්, විශේෂ නාම ලේඛනයෙහි ඔහුගේ ලියාපදිංචි කිරීම ද සභාව විසින් ආඥාවක මාර්ගයෙන් අවලංගු කළ යුතු ය.

(4) ප්‍රතික්‍ෂේප කිරීමේ හෝ අවලංගු කිරීමේ හෝ අත්හිටවීමේ ආඥාවක් කිරීමකට විරුද්ධ ව කරුණු දැක්වීමේ අවස්ථාවක් යම් තැනැත්තකුට දෙනු ලබන තුරු (1) වෙති උපවගන්තිය හෝ (2) වෙති උපවගන්තිය හෝ (3) වෙති උපවගන්තිය යටතෙහි එ වැනි තැනැත්තකුට විරුද්ධ ව සභාව විසින් ආඥාවක් නිකුත් නොකළ යුතු ය. එ සේ කරුණු දක්වනු ලබන යම් අවස්ථාවකදී—

(අ) ඒ තැනැත්තාට විරුද්ධ ව සාක්ෂි ගෙන හැර දැක්වීමට හා නඩුව ඉදිරිපත් කිරීමට නීතිඥයකුගේ ද, සභාවට උපදෙස් දීමට හා අධිකරණ විනිශ්චය සහායකයකු වශයෙන් ක්‍රියා කිරීමට නීතිඥයකුගේ ද සේවාවන් සභාව විසින් ලබාගත හැකි ය;

(ආ) ඒ තැනැත්තා විසින් තමා වෙනුවෙන් සාක්ෂි ගෙන හැර දැක්වීමට හා තමාගේ නඩුව ඉදිරිපත් කිරීමට ද නීතිඥයකුගේ සේවාවන් ලබා ගත හැකි ය.

(5) යම් තැනැත්තකු සම්බන්ධයෙන් සභාව විසින් (1) වෙති උපවගන්තිය හෝ (2) වෙති උපවගන්තිය හෝ (3) වෙති උපවගන්තිය යටතෙහි කරනු ලැබූ ප්‍රතික්ෂේප කිරීමේ හෝ අවලංගු කිරීමේ හෝ අත්හිටවීමේ කිසි ම ආඥාවක්, (6) වෙති වගන්තිය යටතෙහි ආඥාවට විරුද්ධ ව ඇමතිවරයාට ආයාචනයක් ඉදිරිපත් කළ හැකි කාලසීමාව ඉකුත් වන තුරු ද, ඒ වගන්තිය යටතෙහි එයට විරුද්ධ ව ආයාචනයක් නිසියාකාර ඇමතිවරයා වෙත ඉදිරිපත් කරනු ලැබූ අවස්ථාවක ආයාචනයෙහි දී ඒ ආඥාව අනුමත කළහොත් මිස, හා අනුමත කරන තුරු එය ක්‍රියාත්මක නො විය යුතු ය.

58. ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ අයුර්වේද සාන්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා යම් තැනැත්තකු විසින් ඉදිරිපත් කරනු ලැබූ ඉල්ලීමකට

සභාව විසින් කරනු ලැබූ ආඥාවට පිටපත් භාරදීම.

අවසර දෙමින් හෝ එය ප්‍රතිකෂේප කරමින් හෝ එ වැනි වෛද්‍ය වරයකු, ඖෂධ සංයෝගකයකු හෝ සාත්තු සේවකයකු වශයෙන් යම් තැනැත්තකුගේ ලියාපදිංචි කිරීම අවලංගු කරමින් හෝ අත්හිට වමින් සභාව විසින් කරනු ලැබූ ආඥාවක පිටපත් ලේඛකාධිකාරිවරයා විසින් ඒ තැනැත්තාට ලියාපදිංචි කරනු ලැබූ තැපෑලෙන් යැවිය යුතු ය.

සභාව විසින් කරනු ලැබූ ආඥාවල බලපෑම හා ඒ ආඥා ක්‍රියාත්මක කිරීම ලේඛකාධිකාරි වරයාගේ කම බව. සත්‍ය

59. (1) ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා ඉදිරිපත් කරනු ලැබූ යම් තැනැත්තකුගේ ඉල්ලීමකට අවසර දෙමින් සභාව විසින් කරනු ලැබූ ආඥාවක්, ඒ ආඥාවේ නියමිත දිනයෙහි දී ක්‍රියාත්මක විය යුතු ය. තවද අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍යවරයන්ගේ නාම ලේඛනයෙහි ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ නාම ලේඛනයෙහි හෝ ආයුර්වේද සාත්තු සේවකයන්ගේ නාම ලේඛනයෙහි ඒ දිනයෙහි සිට ලියාපදිංචි කරනු ලැබීමට ඒ තැනැත්තාට හිමිකමක් ලැබිය යුතු ය. ඒ තැනැත්තාගේ නම ද, මේ පනත යටතෙහි සභාව විසින් සම්පාදනය කරනු ලැබූ ව්‍යවස්ථාවලින් නියම කරනු ලැබිය හැකි ඒ තැනැත්තා සම්බන්ධ එ වැනි විස්තර ද, 60 වෙනි වගන්තියෙහි (2) වෙනි උපවගන්තියෙහි විධිවිධානවලට යටත් ව නාම ලේඛනයෙහි දැනුලත් කිරීම ලේඛකාධිකාරිවරයාගේ යුතුකම විය යුතු ය.

(2) ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් යම් තැනැත්තකුගේ ලියාපදිංචි කිරීම අවලංගු කරමින් සභාව විසින් කරනු ලැබූ ආඥාවක් ක්‍රියාත්මක වන අවස්ථාවක, ඒ තැනැත්තාගේ නම හා විස්තර, ආයුර්වේද වෛද්‍යවරයන්ගේ නාම ලේඛනයෙන්, ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ නාම ලේඛනයෙන් හෝ ආයුර්වේද සාත්තු සේවකයන්ගේ නාම ලේඛනයෙන් අවස්ථාවෝචිත පරිදි අස් කිරීම ලේඛකාධිකාරිවරයාගේ යුතුකම විය යුතු ය.

(3) ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් යම් තැනැත්තකුගේ ලියාපදිංචි කිරීම අත්හිටවමින් සභාව විසින් කරනු ලැබූ ආඥාවක් ක්‍රියාත්මක වන අවස්ථාවක, එ සේ අත්හිටවනු ලැබූ කාලය තුළ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාත්තු සේවකයකු කෙරෙහි අවස්ථාවෝචිත පරිදි මේ පනතින් පවරනු ලබන අයිතිවාසිකම් හා වරප්‍රසාද ඔහු විසින් ක්‍රියාවේ යෙදීම හෝ භුක්ති විඳීම නො කල යුතු ය.

ලියාපදිංචි කිරීමේ ගාස්තු.

60. (1) ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කිරීමේ ගාස්තු, මේ පනත යටතෙහි සභාව විසින් සම්පාදනය කරනු ලැබූ ව්‍යවස්ථාවලින් නියම කරනු ලැබිය හැකි ගණනක් විය යුතු ය.

(2) අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කිරීමේ ගාස්තු, යම් තැනැත්තකු විසින් ගෙවන තුරු ලේඛකාධිකාරීවරයා විසින් ඒ තැනැත්තාගේ නම ආයුර්වේද වෛද්‍ය වරයන්ගේ නාම ලේඛනයෙහි, ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ නාම ලේඛනයෙහි හෝ ආයුර්වේද සාත්තු සේවකයන්ගේ නාම ලේඛනයෙහි ලියාපදිංචි නො කළ යුතු ය.

61. ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් තැනැත්තකු ලියා පදිංචි කරනු ලබන අවස්ථාවක, මේ පනත යටතේ සභාව විසින් පනවනු ලැබූ ව්‍යවස්ථා මගින් නියම කරනු ලැබිය හැකි අන්දමේ ආකෘතියෙන් යුත් ලියාපදිංචි කිරීමේ සහතිකයක් ලේඛකාධිකාරී විසින් ඒ තැනැත්තා වෙත ලියාපදිංචි කළ තැපෑලෙන් යැවිය යුතු ය.

ලියාපදිංචි කිරීමේ සහතිකය.

62. අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍යවරයන්ගේ නාම ලේඛනයෙහි, ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ නාම ලේඛනයෙහි හෝ ආයුර්වේද සාත්තු සේවකයන්ගේ නාම ලේඛනයෙහි තමා සම්බන්ධයෙන් සඳහන් නො වූ ද තම වෘත්තියට අදාළ වූ ද යම් පිළිගත් සුදුසුකමක්, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍ය වරයකු විසින් ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු විසින් හෝ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාත්තු සේවකයකු විසින් ලබා ගන්නා අවස්ථාවක, මේ පනත යටතේ සභාව විසින් පනවනු ලැබූ ව්‍යවස්ථා මගින් නියම කරනු ලැබිය හැකි ප්‍රමාණයේ ගාස්තුවක් ගෙවූ විට, තමා සම්බන්ධයෙන් ඒ අලුත් සුදුසුකම ඒ නාම ලේඛනයෙහි ඇතුළු කරවා ගැනීමට ඒ තැනැත්තාට බලය ලැබිය යුතු ය.

අතිරේක සුදුසුකම ලේඛකාල ඇතුළත් කිරීම.

මේ වගන්තියෙහි “පිළිගත් සුදුසුකම” යන්නෙන් ආයුර්වේද වෛද්‍ය සභාව විසින් මේ පනතේ කාර්යයන් සඳහා පිළිගත් යම් සුදුසුකමක් අදහස් වේ.

63. (1) ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා යම් තැනැත්තකුගේ ඉල්ලීම ප්‍රතික්ෂේප කරමින් හෝ ඒ ලියාපදිංචි කිරීම අවලංගු කරමින් හෝ අත්හිටවමින් මේ කොටස යටතේ සභාව විසින් යම් ආඥාවක් පනවනු ලබන අවස්ථාවක, ඒ තැනැත්තා විසින් තමා වෙත ඒ ආඥාව දන්වනු ලැබීමෙන් පසු දින දහහතරක් ඇතුළත, ඒ ආඥාවට විරුද්ධ ව ආමතීවරයා වෙත ආයාචනය කළ හැකි ය.

ආයාචන.

(2) (1) වෙනි උපවගන්තිය යටතේ ඉදිරිපත් කරනු ලබන යම් ආයාචනයක් විභාග වීමේ දී, ආයාචක විසින් හෝ සභාව විසින්, නැතහොත් ආයාචක වෙනුවෙන් හෝ සභාව වෙනුවෙන් ඉදිරිපත් කරනු ලැබිය හැකි යම් කරුණු හෝ සාක්ෂි ආමතීවරයා විසින් විභාග කිරීමෙන් පසු, මේ පනතේ යම් විධිවිධානයක් සමඟ නො ගැළපෙන්නක් නො වන්නා වූ ද සාධාරණ ය යි ආමතීවරයාට පෙනී යා හැකි අන්දමේ වූ ද තීරණයක් ආමතීවරයා විසින් ආයාචනය සම්බන්ධයෙන් කළ යුතු ය.

(3) (1) වෙනි උපවගන්තිය යටතේ ඉදිරිපත් කරනු ලබන යම් ආයාචනයක් පිළිබඳ ව ඇමතිවරයාගේ තීරණය අවසාන හා තීරණාත්මක විය යුතු ය. තව ද ආයුර්වේද වෛද්‍යවරයකු, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සත්තු සේවකයකු වශයෙන් යම් තැනැත්තකු ලියාපදිංචි කිරීම සඳහා වූ ඉල්ලීමකට අවසර දිය යුතු ය යි තීරණය වන යම් අවස්ථාවක දී, 60 වෙනි වගන්තියේ (2) වෙනි උපවගන්තියේ විධිවිධානවලට යටත් ව, ඒ තැනැත්තාගේ නම හා ඒ තැනැත්තා පිළිබඳ ව මේ පනත යටතේ සභාව විසින් පනවනු ලැබූ ව්‍යවස්ථා මගින් නියම කරනු ලැබිය හැකි අන්දමේ විස්තර, අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍යවරයන්ගේ නාම ලේඛනයෙහි, ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ නාම ලේඛනයෙහි හෝ ආයුර්වේද සත්තු සේවකයන්ගේ නාම ලේඛනයෙහි ඇතුළත් කිරීම ලේඛකාධිකාරීවරයාගේ යුතුකම විය යුතු ය.

“වෛද්‍යවෘර්ග” යන පටබැඳි නාමය පාවිච්චි කිරීම.

64. (1) අන් කිසි තැනැත්තකුට නො ව, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකුට ස්වකීය තමට පෙර හෝ පසු ව “වෛද්‍යවෘර්ග” යන පටබැඳි නාමය පාවිච්චි කිරීමට හිමිකම් ලැබිය යුතු ය.

(2) (1) වෙනි උපවගන්තියේ විධිවිධාන උල්ලංඝනය කරන යම් තැනැත්තකු වරදකට වරදකරු විය යුතු ය.

“නීත්‍යනුකූල ව හෝ නිසි පරිදි සුදුසුකම් ලත් ආයුර්වේද වෛද්‍යවරයා” යන්නෙහි අර්ථය.

65. යම් ලිඛිත නීතියක කායඝීයන් සඳහා, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු නීත්‍යනුකූල ව හෝ නිසි පරිදි සුදුසුකම් ලත් ආයුර්වේද වෛද්‍යවරයකු ලෙස සැලකිය යුතු ය.

“නීත්‍යනුකූල ව හෝ නිසි පරිදි සුදුසුකම් ලත් ආයුර්වේද ඖෂධ සංයෝගකයකු” යන්නෙහි අර්ථය.

66. යම් ලිඛිත නීතියක කායඝීයන් සඳහා ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු නීත්‍යනුකූල ව හෝ නිසි පරිදි සුදුසුකම් ලත් ආයුර්වේද ඖෂධ සංයෝගකයකු ලෙස සැලකිය යුතු ය.

ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරුන්ගේ වරප්‍රසාද.

67. (1) ලියාපදිංචි කරනු ලැබූ සෑම ආයුර්වේද වෛද්‍යවරයකු ම ආයුර්වේද වෘත්තියෙහි නියුක්ත වීමට හිමිකම් ලැබිය යුතු ය.

(2) පහත දැක්වෙන කරුණු උදෙසා තමා විසින් ඉල්ලා සිටිනු ලබන යම් සාධාරණ මුදලක් සඳහා බලය ඇති අධිකරණයක නඩුවක් මගින් නිසි නීති මාර්ගයකින් නඩු පැවරීමට හා ඒ මුදල අය කර ගැනීමටත් ලියාපදිංචි කරනු ලැබූ සෑම ආයුර්වේද වෛද්‍යවරයකුට හිමිකම් ලැබිය යුතු ය:—

- (අ) ස්වකීය වෘත්තීය කායඝීයෙහි දී ඉටු කරනු ලැබූ යම් සේවාවන් සඳහා හෝ දෙනු ලැබූ උපදෙස් සඳහා හෝ කරනු ලැබූ වැඩ සඳහා වූ ගාස්තුව;
- (ආ) තමා විසින් සපයනු ලැබූ යම් ඖෂධ වර්ග සඳහා, ඖෂධ සංයෝග සඳහා හෝ උපකරණ සඳහා හෝ කැමට හෝ බීමට ගන්නා බෙහෙත් ද්‍රව්‍ය සඳහා අය කරන මුදල; හෝ
- (ඇ) යම් රෝගියකුට වෛද්‍ය ප්‍රතිකාර ලබා දීමේ කාර්යයන් සම්බන්ධ ව හෝ ඒ සඳහා තමා විසින් දරනු ලැබූ විය හියදැම්.

68. (1) 67 වෙනි වගන්තියේ (2) වෙනි උපවගන්තියෙහි සඳහන් කරනු ලැබූ කවර විස්තරයකින් වුව ද යුක්ත වූ යම් ගාස්තුවක්, මුදලක් හෝ විය හියදමක් අය කර ගැනීම සඳහා යම් අධිකරණයක යම් නඩුවක් පැවරීමට හෝ පවත්වාගෙන යාමට ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු නො වන කිසි ම තැනැත්තකුට හිමිකම් නො ලැබිය යුතු ය.

ලියාපදිංචි නො කරනු ලැබූ ආයුර්වේද වෛද්‍ය වරයන්ගේ අපොහොසත් කම්.

69. (1) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු නො වන තැනැත්තකු—

ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු වශයෙන් ව්‍යාජ ලෙස පෙනී සිටීම හෝ ලියාපදිංචි නො වූ සිටිය දී ලාභය තැනූ ආයුර්වේද වෛද්‍යවරයකු වශයෙන් එම වෘත්තියෙහි නියුක්ත වීම වරදක් බව.

(අ) තනිව ම හෝ අන් කිසි වචනයක් සමඟ හෝ අකුරු සමඟ සම්බන්ධ කොට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන පටලැදි නම ඉංග්‍රීසියෙන් හෝ ඊට සමාන පාඨය අන් කිසි භාෂාවකින් පාවිච්චි කළහොත් ; හෝ

(ආ) ඒ තැනැත්තා ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු ය සි දක්වමින් යම් නාමයක්, පටලැදි නාමයක්, එකතුවක් හෝ විස්තරයක් පාවිච්චි කළහොත්,

ඔහු වරදකට වරදකරු විය යුතු ය.

(2) ආයුර්වේද වෛද්‍යවරයන්ගේ විශේෂ නාම ලෝඛනයෙහි නම ඇතුළත් තැනැත්තකු නො වන ලියාපදිංචි කරනු ලැබූ යම් ආයුර්වේද වෛද්‍යවරයකු තමන්ගේ නම එ ලෙස ඇතුළත් කර ඇතැ සි දක්වන යම් නාමයක්, පටලැදි නාමයක්, එකතුවක් හෝ විස්තරයක් පාවිච්චි කළහොත්, හෝ එ සේ දක්වන යම් ආකාරයක යම් ක්‍රියාවක් අන් ලෙසකින් කළහොත්, ඔහු වරදකට වරදකරු විය යුතු ය.

(3) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු නො වන යම් තැනැත්තකු ආයුර්වේද වෛද්‍ය ක්‍රමයෙහි හෝ ආයුර්වේද ශල්‍ය වෛද්‍ය විද්‍යාවෙහි ලාභය තැනූ නියුක්ත වුවහොත්, ඔහු වරදකට වරදකරු විය යුතු ය.

70. (1) ලියාපදිංචි කරනු ලැබූ සෑම ආයුර්වේද ඖෂධ සංයෝගකයකුට ම ආයුර්වේද ඖෂධ සංයෝගයෙහි නියුක්ත වීමට හිමිකම් තිබිය යුතු ය.

වෘත්තියෙහි යෙදීමට ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයන් හට හා ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාත්තු සේවකයන් හට හිමිකම් ලැබිය යුතු බව.

(2) ලියාපදිංචි කරනු ලැබූ සෑම ආයුර්වේද සාත්තු සේවකයකුටම ආයුර්වේද සාත්තු සේවයෙහි යෙදීමට හිමිකම් තිබිය යුතු ය.

71. (1) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාත්තු සේවකයකු නො වන තැනැත්තකු—

ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ව්‍යාජ ලෙස පෙනී සිටීම වරදක් බව.

(අ) තනිව ම හෝ අන් කිසි වචනයක් සමඟ හෝ අකුරු සමඟ සම්බන්ධ කොට අවස්ථාවෝචිත පරිදි “ලියාපදිංචි කළ ආයුර්වේද ඖෂධ සංයෝගක” හෝ “ලියාපදිංචි කළ ආයුර්වේද සාත්තු සේවක” යන පටලැදි නාමය ඉංග්‍රීසියෙන් හෝ ඊට සමාන පාඨය අන් කිසි භාෂාවකින් පාවිච්චි කළහොත් ; හෝ

(ආ) අවස්ථාවෝචිත පරිදි ඒ තැනැත්තා ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාත්තු සේවකයකු ය යි දක්වන යම් නාමයක්, පටබැඳි නාමයක්, එකතුවක් හෝ විස්තරයක් පාවිච්චි කළහොත්,

ඔහු, එ සේ කිරීමට (2) වෙනි උපවගන්තිය ප්‍රකාර හිමිකම් ලැබී නැතොත්, වරදකට වරදකරු විය යුතු ය.

(2) ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ නිෂ්පාදනාගාරයක අයිතිකරු වශයෙන් 10 වෙනි වගන්තිය යටතේ ලියාපදිංචි කරනු ලැබ සිටින තැනැත්තකු විසින්, තමා ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු නො වුව ද, ඒ ඖෂධ නිෂ්පාදනාගාරයේ ව්‍යාපාරික කටයුතු සඳහා, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු විසින් පාවිච්චි කරනු ලැබිය හැකි යම් නාමයක්, පටබැඳි නාමයක්, එකතුවක් හෝ විස්තරයක් පාවිච්චි කළ හැක්කේ—

(අ) ඒ ඖෂධ නිෂ්පාදනාගාරයෙහි බෙහෙත්, ඖෂධ වර්ග හෝ විෂ ද්‍රව්‍ය වෙළෙඳාම හෝ සංයෝග කිරීම පෞද්ගලික ව පරිපාලනය කිරීමට හා කළමනා කිරීමට ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු සේවයෙහි යෙදවුණොත්, හා

(ආ) එ ලෙස සේවයෙහි යොදනු ලබන ඖෂධ සංයෝගකයාගේ නම සභාව වෙත ලිපියකින් දන්වා යවා ඇතොත් ය.

ලියාපදිංචි නො වී සිටිය දී, ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු වශයෙන් ලාභය තකා වෘත්තියෙහි යෙදීම වරදක් බව.

72. ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකු හෝ ආයුර්වේද සාත්තු සේවකයකු නො වන යම් තැනැත්තකු අවස්ථාවෝචිත පරිදි ආයුර්වේද ඖෂධ සංයෝගයෙහි හෝ ආයුර්වේද සාත්තු සේවයෙහි ලාභය තකා නියුක්ත වුවහොත්, ඔහු වරදකට වරදකරු විය යුතු ය.

ඇතැම් තැනැත්තන් මේ පනත යටතේ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන් ලෙස සලකනු ලබන බව.

73. මේ පනත යටතේ තබනු ලබන ආයුර්වේද වෛද්‍යවරුන්ගේ නාම ලේඛනයක් ලෙස, 51 වෙනි වගන්තියේ (3) වෙනි උපවගන්තියේ ප්‍රකාර සලකනු ලබන, යම් ලේඛනයක ස්වකීය නම ඇතුළත් කොට ඇති සෑම තැනැත්තකු ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු වශයෙන් සලකනු ලැබිය යුතු ය.

VIII වෙනි කොටස

සාමාන්‍ය කරුණු

ස්වදේශීය වෛද්‍ය දෙපාර්තමේන්තුවේ සාමාජිකයන් ඉදිරිපසින් සේවයෙහි යෙදවීම.

74. මීට පෙර ස්වදේශීය වෛද්‍ය දෙපාර්තමේන්තුව යන නමින් හඳුන්වනු ලැබූ දෙපාර්තමේන්තුවෙහි පදවි නාමය වෙනස් කරනු ලැබූ නමුදු, නියම කරනු ලැබූ දිනයෙහි ඒ දෙපාර්තමේන්තුවේ කාර්ය මණ්ඩලයෙහි සාමාජිකයන් වශයෙන් නිල දරන හෝ ඒ දිනයෙහි

ඒ දෙපාර්තමේන්තුවේ යම් අන්දමකින් සේවයෙහි යෙදී සිටින සියලු ම තැනැත්තන්, මේ පනතින් සංස්ථාපිත ආයුර්වේද දෙපාර්තමේන්තුවෙහි නිල දැරීම හෝ සේවයෙහි යෙදීම ඉදිරියටත් කළ යුතු ය.

75. (1) වෙන යම් ලිඛිත නීතියකින් හෝ එය යටතේ නිකුත් කරනු ලැබූ, සම්පාදනය කරනු ලැබූ, නියම කරනු ලැබූ හෝ බලය පවරනු ලැබූ වෙන යම් ලිඛිත නීතියක, යම් දැන්වීමක, බලපත්‍රයක, නිවේදනයක, ආකෘති පත්‍රයක හෝ වෙනත් ලේඛනයක යම් විධි විධානයක “ස්වදේශීය වෛද්‍ය කොමසාරිස්” යන පාඨය යම් තැනක සඳහන් වේද, ඒ වෙනුවට “ආයුර්වේද කොමසාරිස්” යන පාඨය ආදේශ කළ යුතු ය. ඒ අනුකූල ව ස්වදේශීය වෛද්‍ය කොමසාරිස් හැඳින්වීමට “කොමසාරිස්” යන කෙටි යෙදුම එ වැනි විධිවිධානයක යම් තැනක යොදා තිබේ ද ඒ කෙටි යෙදුම ආයුර්වේද කොමසාරිස් හඳුන්වන ලෙස කියවා පහදා ගත යුතු ය.

ස්වදේශීය වෛද්‍ය කොමසාරිස් වරයාගේ පදවි නාමය වෙනස් කිරීමේ ප්‍රතිඵලයක් වශයෙන් වෙනත් ලිඛිත නීති ආදිය සංශෝධනය කිරීම හා ගිවිසුම් ආදිය සදහා අදාළ කිරීම.

(2) (නියම කරනු ලැබූ දිනයට පෙර සංස්ථාපිත පරිදි) ස්වදේශීය වෛද්‍ය දෙපාර්තමේන්තුවේ යම් නිලයක පදවි නාමය වෙනස් කරනු ලැබුවේ නම්—

(අ) ඒ පදවි නාමය සම්බන්ධයෙන් මේ උපවගන්තියෙහි විධිවිධාන අදාළ විය යුතු ය සි ගැසට් පත්‍රයෙහි ප්‍රසිද්ධ කරනු ලැබූ ආඥාවකින් ආමන්තරය විසින් ප්‍රකාශ කළ හැකි ය.

(ආ) ඒ ප්‍රකාශය කරනු ලැබීමෙන් පසු, වෙන යම් ලිඛිත නීතියකින් නිකුත් කරනු ලැබූ, සම්පාදනය කරනු ලැබූ, නියම කරනු ලැබූ හෝ බලය පවරනු ලැබූ වෙන යම් ලිඛිත නීතියක හෝ යම් දැන්වීමක, බලපත්‍රයක, නිවේදනයක, ආකෘති පත්‍රයක හෝ වෙනත් ලේඛනයක යම් විධිවිධානයක යම් තැනක ඒ පදවි නාමය සඳහන් වේ ද, ආයුර්වේද දෙපාර්තමේන්තුවෙහි අනුරූප නිලයට දෙනු ලැබූ අලුත් පදවි නාමය ඒ වෙනුවට ආදේශ කළ යුතු ය.

(3) ස්වදේශීය වෛද්‍ය කොමසාරිස් හෝ ඔහුගේ නිල තත්ත්වය අනු ව ඒ දෙපාර්තමේන්තුවෙහි යම් නිලධාරියකු විසින් හෝ සමග නියම කරනු ලැබූ දිනයට පෙර කරනු ලැබූ, නිකුත් කරනු ලැබූ, හෝ ඉෂ්ට කරනු ලැබූ මොන යම් අන්දමක වුව ද සැම ගිවිසුමක්, පොරොන්දු පත්‍රයක් හෝ වෙනත් නීත්‍යානුකූල ලේඛනයක් හෝ ලේඛනයක් නියම කරනු ලැබූ දිනයෙහි හා ඉන්පසු ආයුර්වේද කොමසාරිස් හෝ ආයුර්වේද දෙපාර්තමේන්තුවෙහි ඔහුගේ නිල තත්ත්වය අනු ව අනුරූප නිලය දරන නිලධාරියා විසින් හෝ සමග කළ යුතු හෝ කරනු ලැබූ, නිකුත් කළ යුතු හෝ නිකුත් කරනු ලැබූ, ඉෂ්ට කළ යුතු හෝ ඉෂ්ට කරනු ලැබූ, ලෙස සැලකිය යුතු ය. එ වැනි යම් ගිවිසුමක, පොරොන්දු පත්‍රයක හෝ වෙනත් නීත්‍යානුකූල ලේඛනයක හෝ ලේඛනයක (නියම කරනු ලැබූ දිනයට පෙර සංස්ථාපිත) ස්වදේශීය වෛද්‍ය දෙපාර්තමේන්තුවෙහි යම් නිලධාරියකු සම්බන්ධයෙන් කරනු ලබන යම් සඳහන් කිරීමක්, ආයුර්වේද දෙපාර්තමේන්තුවෙහි අනුරූප නිලය දරන නිලධාරියා සම්බන්ධයෙන් කරනු ලැබූ සඳහන් කිරීමක් වශයෙන් කියවා පහදා ගත යුතු ය.

ස්වදේශීය
වෛද්‍ය
විද්‍යාලයේ හා
ස්වදේශීය
වෛද්‍ය
ආරෝග්‍යශාලා
වේ නම් වෙනස්
කිරීම හා
ආනුෂංගික විධි
විධාන.

76. (1) නියම කරනු ලැබූ දිනයෙහි හා ඉන්පසු ස්වදේශීය වෛද්‍ය විද්‍යාලය, ආයුර්වේද වෛද්‍ය විද්‍යාලය වශයෙන් නම් කොට හඳුන්වනු ලැබිය යුතු ය. තව ද ස්වදේශීය වෛද්‍ය ආරෝග්‍යශාලාව, ආයුර්වේද මහාරෝග්‍යශාලාව වශයෙන් නම් කොට හඳුන්වනු ලැබිය යුතු ය.

(2) මීට පෙර ස්වදේශීය වෛද්‍ය විද්‍යාලය නමින් හඳුන්වනු ලැබූ විද්‍යාලයෙහි හෝ මීට පෙර ස්වදේශීය වෛද්‍ය ආරෝග්‍යශාලාව නමින් හඳුන්වනු ලැබූ ආරෝග්‍යශාලාවෙහි පදවි නාමය වෙනස් කරනු ලැබූ නමුදු, නියම කරනු ලැබූ දිනයෙහි ඒ විද්‍යාලයෙහි හෝ ආරෝග්‍යශාලාවෙහි කාර්ය මණ්ඩලයෙහි සාමාජිකයන් වශයෙන් නිල දරන හෝ ඒ දිනයෙහි ඒ විද්‍යාලයෙහි හෝ ඒ ආරෝග්‍යශාලාවෙහි යම් අන්දමකින් සේවයෙහි යෙදී සිටින සියලු ම තැනැත්තන්, අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍ය විද්‍යාලයෙහි හෝ ආයුර්වේද මහාරෝග්‍යශාලාවෙහි නිල දැරීම හෝ සේවයෙහි යෙදීම ඉදිරියටත් කළ යුතු ය.

(3) වෙන යම් ලිඛිත නීතියකින් හෝ එය යටතේ නිකුත් කරනු ලැබූ, සම්පාදනය කරනු ලැබූ, නියම කරනු ලැබූ හෝ බලය පවරනු ලැබූ වෙන යම් ලිඛිත නීතියක හෝ යම් දැන්වීමක, බලපත්‍රයක, නිවේදනයක, ආකාරී පත්‍රයක හෝ වෙනත් ලේඛනයක යම් විධිවිධානවල “ස්වදේශීය වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති” යන පාඨය යම් තැනක සඳහන් වේ ද, “ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති” යන පාඨය ඒ වෙනුවට ආදේශ කළ යුතු ය. තවද, “ස්වදේශීය වෛද්‍ය ආරෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී” යන පාඨය යම් තැනක සඳහන් වේ ද, “ආයුර්වේද මහාරෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී” යන පාඨය ඒ වෙනුවට අදේශ කළ යුතු ය; ඒ අනුකූලව ස්වදේශීය වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති හෝ ස්වදේශීය වෛද්‍ය ආරෝග්‍ය ශාලාවේ වෛද්‍ය අධිකාරී හැඳින්වීම සඳහා “විද්‍යාලයාධිපති” හෝ “වෛද්‍ය අධිකාරී” යන කෙටි යෙදුම එ වැනි යම් විධිවිධානයක යම් තැනක යොදනු ලැබුවේ ද, ඒ කෙටි යෙදුම අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍ය විද්‍යාලයේ විද්‍යාලයාධිපති හෝ මහායුර්වේද ආරෝග්‍යශාලාවේ වෛද්‍ය අධිකාරී සම්බන්ධයෙන් කරනු ලැබූ හැඳින්වීමක් වශයෙන් කියවා පහදා ගත යුතු ය.

(4) (නියම කරනු ලැබූ දිනයට පෙර සංස්ථාපිත පරිදි) ස්වදේශීය වෛද්‍ය විද්‍යාලයෙහි හෝ ස්වදේශීය වෛද්‍ය ආරෝග්‍යශාලාවෙහි යම් නිලයක පදවි නාමය වෙනස් කරනු ලැබුවහොත්—

(අ) මේ වගන්තියේ විධිවිධාන ඒ පදවි නාමය සම්බන්ධයෙන් අදාළ විය යුතු ය සි ගැසට් පත්‍රයෙහි පළ කරනු ලබන ආඥාවකින් ආමතිවරයා විසින් ප්‍රකාශ කළ හැකි ය;

(ආ) තවද ඒ ප්‍රකාශය කරනු ලැබීමෙන් පසු, වෙන යම් ලිඛිත නීතියකින් නිකුත් කරනු ලැබූ, සම්පාදනය කරනු ලැබූ, නියම කරනු ලැබූ හෝ බලය පවරනු ලැබූ වෙන යම් ලිඛිත නීතියක හෝ යම් දැන්වීමක, බලපත්‍රයක, නිවේදනයක, ආකාරී පත්‍රයක හෝ වෙනත් ලේඛනයක යම් විධිවිධානයක යම් තැනක

ඒ පදවි නාමය සඳහන් වේ ද, අවස්ථාවෝචිත පරිදි අයුර්වේද වෛද්‍ය විද්‍යාලයෙහි හෝ ආයුර්වේද මහාරෝග්‍යාලාවෙහි අනු රූප නිලයට දෙනු ලැබූ අළුත් පදවි නාමය ඒ පදවි නාමය වෙනුවට ආදේශ කළ යුතු ය.

(5) ස්වදේශීය වෛද්‍ය විද්‍යාලයාධිපති විසින් හෝ ඔහු සමඟ හෝ ස්වදේශීය වෛද්‍ය ආරෝග්‍යාලාවේ වෛද්‍ය අධිකාරී විසින් හෝ ඔහු සමඟ හෝ ඒ විද්‍යාලයේ යම් නිලධරයකුගේ නිල තත්ත්වය අනු ව ඔහු විසින්, නියම කරනු ලැබූ දිනයට පෙර කරනු ලැබූ, නිකුත් කරනු ලැබූ, ඉෂ්ට කරනු ලැබූ, මොන යම් අන්දමක වුව ද සෑම ගිවිසුමක්, පොරොන්දු පත්‍රයක් හෝ වෙනත් නීත්‍යානුකූල ලේඛනයක් හෝ ලේඛනයක් නියම කරනු ලැබූ දිනයෙහි හා ඉන්පසු අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍ය විද්‍යාලයාධිපති විසින් හෝ ඔහු සමඟ හෝ ආයුර්වේද මහා ආරෝග්‍යාලාවේ වෛද්‍ය අධිකාරී විසින් හෝ ඔහු සමඟ හෝ ඒ විද්‍යාලයෙහි හෝ ආරෝග්‍යාලාවෙහි අනුරූප පදවිය දරන නිලධරයාගේ නිල තත්ත්වය අනු ව ඔහු සමඟ කළ යුතු හෝ කරනු ලැබූ, නිකුත් කළ යුතු හෝ නිකුත් කරනු ලැබූ, ඉෂ්ට කළ යුතු හෝ ඉෂ්ට කරනු ලැබූ ලෙස සැලකිය යුතු ය; තවද (නියම කරනු ලැබූ දිනයට පෙර සංස්ථාපිත පරිදි) ස්වදේශීය වෛද්‍ය විද්‍යාලයේ හෝ ස්වදේශීය වෛද්‍ය ආරෝග්‍යාලාවේ යම් නිලධරයකු සම්බන්ධයෙන් එ බඳු යම් ගිවිසුමක, පොරොන්දු පත්‍රයක හෝ වෙනත් නීත්‍යානුකූල ලේඛනයක හෝ ලේඛනයක කරනු ලැබූ යම් සඳහන් කිරීමක්, අවස්ථාවෝචිත පරිදි ආයුර්වේද වෛද්‍ය විද්‍යාලයෙහි හෝ ආයුර්වේද මහාරෝග්‍යාලාවෙහි අනුරූප නිලය දරන නිලධරයා සම්බන්ධයෙන් කරනු ලැබූ සඳහන් කිරීමක් වශයෙන් කියවා පහදා ගත යුතු ය.

77. (1) ආයුර්වේද වෛද්‍ය කර්මයේ හා ශල්‍ය වෛද්‍ය විද්‍යාවේ කායභීයන් සඳහා යම් භාණ්ඩයක්, ද්‍රව්‍යයක් හෝ ඖෂධයක් නිෂ්පාදනය කිරීම, විකිණීම, භූපසීම, බෙදා හැරීම හෝ පිළියෙල කිරීම තහනම් කිරීමට, විධිමත් කිරීමට හෝ පාලනය කිරීමට අවශ්‍ය ය යි නියෝග පැනවීමට බලය පවරනු ලැබූ බලධරයා විසින් සැලකිය හැකි අන්දමේ සියලු කරුණු පිළිබඳ ව ඒ අන්දමේ සියලු විධිවිධාන ඇතුළු ආයුර්වේද නීති සංග්‍රහයක් නියම කරමින් මේ පනත යටතේ නියෝග පැනවිය හැකි ය. මෙහි මීට පෙර පවරනු ලැබූ බලතලවල සාමාන්‍යත්වයට හානියක් නො වන පරිදි, ඒ නීති සංග්‍රහය මගින් මෙහි පහත දැක්වෙන කරුණු සියල්ල හෝ ඉන් යමක් පිළිබඳ ව විධිවිධාන සැපයිය හැකි ය:—

ආයුර්වේද නීති සංග්‍රහය.

(අ) ඒ කායභීය සඳහා යම් භාණ්ඩයක්, ද්‍රව්‍යයක් හෝ ඖෂධයක්, අවස්ථාවෝචිත පරිදි වසක්, විෂ ද්‍රව්‍යයක් හෝ අන්තරාය දායක ඖෂධයක් වශයෙන් ප්‍රකාශ කිරීම;

(ආ) එ බඳු ලියාපදිංචි කිරීම හෝ එ බඳු බලපත්‍ර සඳහා, ඉල්ලුම් පත්‍ර ඉදිරිපත් කිරීම ඇතුළු ව එ බඳු විධිමත් කිරීම හෝ පාලනය කිරීම ක්‍රියාවෙහි යෙදවීමේ කායභීය සඳහා ලියාපදිංචි කිරීමේ හෝ බලපත්‍ර නිකුත් කිරීමේ ක්‍රමයක් ආරම්භ කිරීම හා ක්‍රියාත්මක කිරීම සහ එ බඳු ලියාපදිංචි කිරීම හෝ එ බඳු බලපත්‍ර, ප්‍රදානය කිරීම, ප්‍රතික්ෂේප කිරීම හා අවලංගු කිරීම;

(ඇ) එ සේ නිෂ්පාදනය කිරීමේ දී, විකිණීමේ දී, සැපයීමේ දී, බෙදා හැරීමේ දී හෝ පිළියෙල කිරීමේ දී අනුගමනය කළ යුතු නිවාරණෝපයන් හා සම්පූර්ණ කළ යුතු කොන්දේසි ;

(ඈ) එ සේ නිෂ්පාදනය කිරීමෙහි, විකිණීමෙහි, සැපයීමෙහි, බෙදා හැරීමෙහි හෝ පිළියෙල කිරීමෙහි නියුක්ත තැනැත්තන් විසින් තැබිය යුතු හා පවත්වාගෙන යා යුතු පොත් හා සටහන් සහ ඔවුන් විසින් සැපයිය යුතු වාර්තා ;

(ඉ) එ සේ නිෂ්පාදනය කිරීම, විකිණීම, සැපයීම, බෙදා හැරීම, හෝ පිළියෙල කිරීම කර ගෙන යනු ලබන ස්ථානයද ඒ කායඝී සඳහා තබනු ලබන හා පවත්වාගෙන යනු ලබන වාර්තා හා පොත් පත් ද පරීක්ෂා කිරීම ;

(ඊ) ඉහත කී කරුණුවලට ආනුෂංගික වූ හෝ ඊට සම්බන්ධ වූ වෙනත්ම කරුණු.

(2) ආයුර්වේද නීති සංග්‍රහය මගින්, ඒ නීති සංග්‍රහයේ විධිවිධාන වලට සම්පූර්ණ බලය හා බලපෑම ලබා දීමේ කාර්යයට අවශ්‍ය විය හැකි පමණට, ඒ සංග්‍රහයේ සඳහන් අන්දමේ විෂ ද්‍රව්‍ය, අභිත් හා අන්තරායදායක ඖෂධ ආඥපනතේ යම් විධිවිධාන, එ සේ සඳහන් යම් තැනැත්තන් පත්තියකට හෝ යම් කරුණුවලට, එ සේ සඳහන් යම් සුලු වෙනස්කම්වලට යටත් ව, අදාළ නො විය යුතු යයි හෝ අදාළ විය යුතු ය යි විධිවිධාන සැපයිය හැකි ය.

එ සේ වුව ද, සුරා බදු ආඥපනත පරිපාලනය කිරීමේ විෂය හෝ කාර්යය, අගමැතිවරයා විසින් පවරා දෙනු ලැබූ ආමතිවරයාගේ පූර්ව එකඟත්වය නැති ව, ඒ ආඥපනත පිළිබඳ ව ඒ නීති සංග්‍රහයේ එබඳු කිසි ම විධිවිධානයක් නො සැපයිය යුතු ය.

78. යම් නියෝගයක විධිවිධාන කඩ කරන හෝ යම් නියෝගයක විධිවිධානවලට අනුකූල ව ක්‍රියා නො කරන හැම තැනැත්තකු ම වරදකට වරදකරු විය යුතු ය.

79. ලියාපදිංචි කරනු ලැබූ යම් ආයුර්වේද ආරෝග්‍යශාලාවකදී, ලියා පදිංචි කරනු ලැබූ යම් ආයුර්වේද ඖෂධ නිෂ්පාදනාගාරයක දී, ලියා පදිංචි කරනු ලැබූ යම් ආයුර්වේද ඖෂධශාලාවක දී හෝ ලියාපදිංචි කරනු ලැබූ යම් ආයුර්වේද බෙහෙත් ගබඩාවක දී හෝ එබන්දක් සම්බන්ධයෙන් මේ පනත යටතේ වරදක් සිදු කරනු ලබන අවස්ථාවක, ඒ වරද කළ තැනැත්තාට විරුද්ධ ව ඒ වරද පිළිබඳ ව ඈරඹිය හැකි යම් ක්‍රියා මාර්ගයකට හානියක් නො වන පරිද්දෙන්, අවස්ථාවෝචිත පරිදි, ඒ ආරෝග්‍යශාලාවේ, ඖෂධ නිෂ්පාදනාගාරයේ, ඖෂධශාලාවේ හෝ බෙහෙත් ගබඩාවේ අයිතිකරු වශයෙන් එවකට ලියාපදිංචි කරනු ලැබූ තැනැත්තා ද එවකට එය භාර ව සිටින තැනැත්තා ද, තමාගේ දනුම නොමැති ව ඒ වරද කරනු ලැබූ බව හෝ ඒ වරද කරනු ලැබීම වැළැක්වීම සඳහා නිසි සෑම උනන්දුවක් ම තමා දැක් වූ බව ඔප්පු නො කළහොත්, ඔහු ඒ වරදට වරදකරු විය යුතු ය.

නියෝග කඩ කිරීම වරදක් බව.

ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලා, ඖෂධ නිෂ්පාදනාගාර, ඖෂධශාලා හා බෙහෙත් ගබඩා සම්බන්ධ වරද.

80. මේ පනත යටතේ වරදක් සිදු කරන සෑම තැනැත්තකු සුළු අපරාධ විනිශ්චයකරුවකු ඉදිරිපිට දී පැවැත්වෙන ලගු නඩු විභාගය කින් පසු වරදකරු වූ විට, රුපියල් පන්සියයකට නො වැඩි දඩයකට යටත් විය යුතු ය.

මේ පනත යටතේ වැරදි සඳහා දඩවුව.

81. 1951 අංක 17 දරණ උප්පැන්න හා මරණ ලියාපදිංචි කිරීමේ පනත යටතේ මරණය ලියාපදිංචි කරනු ලැබූ, ලියාපදිංචි කරනු ලැබූ යම් ආයුර්වේද වෛද්‍යවරයකුගේ, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයකුගේ හෝ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඝාතකු සේවකයකුගේ නම ආයුර්වේද වෛද්‍ය සභාවට දැනුම් දීම හෝ දැනුම්දීමට සැලැස්වීම, උප්පැන්න හා මරණ පිළිබඳ ලෙඩකාධිකාරීගේ යුතුකම විය යුතු ය.

ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන්ගේ, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ හා ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සත්තු සේවකයන්ගේ මරණ දැනුම් දීම, ලෙඩකාධිකාරීගේ යුතුකම බව.

82. (1) මේ පනතේ ප්‍රතිපත්ති හා විධිවිධාන ඉෂ්ට කිරීමේ හා ක්‍රියාවේ යෙදීමේ කාර්යය සඳහා ඇමතිවරයා විසින් නියෝග පැනවිය හැකි ය.

නියෝග.

(2) විශේෂ වශයෙන් හා (1) වෙනි උප වගන්තිය මගින් පවරනු ලැබූ බලතලවල සාමාන්‍යත්වයට හානියක් නො වන පරිදි, මේ පනත මගින් නියෝග පනවනු ලැබීමට බලය පවරනු ලැබූ යම් කැරණක් සම්බන්ධයෙන් ඇමතිවරයා විසින් නියෝග පැනවිය හැකි ය.

(3) ඇමතිවරයා විසින් පනවනු ලැබූ කිසි නියෝගයක්, උත්තර මන්ත්‍රී මණ්ඩලය විසින් හා නියෝජිත මන්ත්‍රී මණ්ඩලය විසින් අනුමත කරනු ලැබ, ඒ අනුමතිය පිළිබඳ දැන්වීමක් ගැසට් පත්‍රයෙහි පළ කරනු ලබන තෙක්, වලංගු නො විය යුතු ය.

83. ආයුර්වේදය අනුව වෛද්‍ය ක්‍රමය, ශල්‍ය ක්‍රමය, ඖෂධ සංයෝගය හෝ සත්තු සේවය පිළිබඳ වෘත්තියට හෝ එහි යෙදෙන්නන්ට හෝ ඔවුන් සම්බන්ධයෙන් වෛද්‍ය ආඥාපනතේ විධිවිධාන අදාළ නො විය යුතු ය.

ආයුර්වේදය අනුව වෛද්‍ය ක්‍රමය, ශල්‍ය ක්‍රමය, ඖෂධ සංයෝගය හෝ සත්තු සේවය පිළිබඳ වෘත්තියට 90 වෙනි අධිකාරය අදාළ නො විය යුතු බව.

84. වෛද්‍ය ආඥාපනතේ 40 වෙනි වගන්තිය මෙසින් අවලංගු කරනු ලැබේ.

90 වෙනි අධිකාරයේ 40 වෙනි වගන්තිය අවලංගු කිරීම

85. 1949 අංක 25 දරණ ආහාර හා ඖෂධ පනතේ 63 වෙනි වගන්තිය, ඒ වගන්තියේ (3) වෙනි උප වගන්තියේ (අ) ඡේදයෙහි "ඇතුළත් වේ" යන්නේ සිට ඒ ඡේදයේ කෙළවර දක්වා වූ සියලු වචන වෙනුවට "ආයුර්වේද පනතෙහි ඒ පදයේ අර්ථානුගත ව ලියාපදිංචි කළ ආයුර්වේද වෛද්‍යවරයෙක් ඇතුළත් වේ; තවද" යන වචන ආදේශ කිරීමෙන් මෙසින් සංශෝධනය කරනු ලැබේ.

1949 අංක 25 දරන පනත සංශෝධනය කිරීම.

172 වෙති
අභිකාරය.
සංශෝධනය
කිපීම.

86. ආයුර්වේද නීති සංග්‍රහය ක්‍රියාත්මක වන තුරු මේ පනතෙහි
උපලේඛනයෙහි සඳහන් කරනු ලැබූ සංශෝධනවලට යටත් ව විෂ
ද්‍රව්‍ය, අඛණ්ඩ හා අන්තරායදායක ඖෂධ වර්ග ආඥාපනත ක්‍රියාත්මක
විය යුතු ය.

219 වෙති
අභිකාරය හා
1941 අංක 17
දරන ආඥාපනත
අවලංගු කිරීම.

87. ආයුර්වේද වෛද්‍ය සහ ආඥාපනත සහ 1941 අංක 17 දරණ
ස්වදේශීය වෛද්‍ය ආඥාපනත මෙයින් අවලංගු කරනු ලැබේ.

ස්වදේශීය
වෛද්‍ය
මණ්ඩලයේ
දේපල රජය
වෙත පැවරීම.

88. ස්වදේශීය වෛද්‍ය මණ්ඩලයේ සියලු වංචල හා නිශ්චල
දේපල මෙයින් රජය වෙත පවරනු ලැබ, රජයේ දේපල විය යුතු ය.

අර්ථ නිරූපණය.

89. මේ පනතෙහි පද සංසන්දනයෙන් විරුද්ධාර්ථයක් අවශ්‍ය
නො වුවහොත් —

“අනුමත කරනු ලැබූ ආයුර්වේද අධ්‍යාපන ආයතනය” යන්නෙන්
මේ පනතේ කාර්යයන් සඳහා ඇමතිවරයා විසින් අනුමත
කරනු ලැබූ යම් ආයුර්වේදීය අධ්‍යාපන ආයතනයක් අදහස්
වේ;

“ආයුර්වේදය” යන්නට සිද්ධි, හා යුනානි හා දේශීය චිකිත්සා
ක්‍රමවල වෛද්‍ය කාර්යය හා ශල්‍ය කාර්යය ද ආසියාතික රට
රටවලට දේශීය වූ ද, ඒ ඒ රටවල රජය මගින් එ සේ ය සි
පිළිගනු ලැබූ ද වෙන යම් වෛද්‍ය ක්‍රමයක් ද ඇතුළත් වෙයි.
තවද “ආයුර්වේදීය” යන පාඨය එ පරිද්දෙන් පහද ගත
යුතු ය.

“ආයුර්වේද ඖෂධ නිෂ්පාදනාගාරය” යන්නෙන් ආයුර්වේද
ඖෂධ හෝ බෙහෙත් වර්ග සාදනු ලබන, සකස් කරනු
ලබන හෝ සංශෝග කරනු ලබන යම් ස්ථානයක් අදහස්
වේ.

“ස්වදේශීය වෛද්‍ය මණ්ඩලය” යන්නෙන්, 1941 අංක 17
දරන ස්වදේශීය වෛද්‍ය ආඥාපනත යටතේ පිහිටුවනු ලැබූ
ස්වදේශීය වෛද්‍ය මණ්ඩලය අදහස් වේ;

“ස්වදේශීය වෛද්‍ය විද්‍යාලය” යන්නෙන්, නියමිත දිනයට
පෙරාතුව ම වූ දිනයෙහි ස්වදේශීය වෛද්‍ය මණ්ඩලය
මගින් පාලනය කරනු ලැබූ ස්වදේශීය වෛද්‍ය විද්‍යාලය
අදහස් වේ;

“ඖෂධශාලාව” යන්නෙන් රෝගවලින් පෙළෙන නැහැත්තන්
හට බාහිර ප්‍රතිකාර කිරීම සඳහා පාවිච්චි කරනු ලබන හෝ
පාවිච්චි කිරීමට අදහස් කරනු ලබන (කුමන විස්තරයකින්
යුක්ත වුව ද) යම් ස්ථානයක් අදහස් වේ. එහෙත් ඖෂධ
නිෂ්පාදනාගාරයක් එයට ඇතුළත් නො වේ;

“ආරෝග්‍යශාලාව” යන්නෙන් යම් රෝගයකින් හෝ දුර්වලතාව
කින් පෙළෙන නැහැත්තන් භාර ගැනීම, සාත්තු කිරීම හා
ප්‍රතිකාර කිරීම සඳහා පාවිච්චි කරනු ලබන හෝ පාවිච්චි
කිරීමට අදහස් කරනු ලබන (කුමන විස්තරයකින් යුක්ත

වුව ද) යම් ස්ථානයක් අදහස් වන අතර සාන්තු නිවාසයක් හෝ මාතෘ නිවාසයක් ද ඊට ඇතුළත් වේ; එහෙත් ඖෂධ ශාලාවක් එයට ඇතුළත් නො වේ;

“ ස්වදේශීය වෛද්‍ය ආරෝග්‍යශාලාව ” යන්නෙන් නියමිත දිනයට පෙරාතුව ම වූ දිනයෙහි ස්වදේශීය වෛද්‍ය මණ්ඩලය මගින් පාලනය කරනු ලැබූ ස්වදේශීය වෛද්‍ය ආරෝග්‍ය ශාලාව සහ ඊට සම්බන්ධ ඖෂධ නිෂ්පාදනාගාරය, ඖෂධ ගබඩාව හා ඖෂධ ශාලාව අදහස් වේ;

“ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ආරෝග්‍යශාලාව ” යන්නෙන්, මේ පනත යටතේ ආයුර්වේද ආරෝග්‍යශාලාවක් වශයෙන් ලියාපදිංචි කරනු ලැබූ ආරෝග්‍යශාලාවක් අදහස් වේ;

“ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද සාන්තු සේවකයා ” යන්නෙන් මේ පනත යටතේ ආයුර්වේද සාන්තු සේවකයකු වශයෙන් ලියාපදිංචි කරනු ලැබූ තැනැත්තෙක් අදහස් වේ;

“ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ නිෂ්පාදනාගාරය ” යන්නෙන් මේ පනත යටතේ ආයුර්වේද ඖෂධ නිෂ්පාදනාගාරයක් වශයෙන් ලියාපදිංචි කරනු ලැබූ ඖෂධ නිෂ්පාදනාගාරයක් අදහස් වේ;

“ ලියාපදිංචි කරනු ලැබූ ඖෂධ සංයෝගකයා ” යන්නෙන් මේ පනත යටතේ ආයුර්වේද ඖෂධ සංයෝගකයකු වශයෙන් ලියාපදිංචි කරනු ලැබූ තැනැත්තෙක් අදහස් වේ;

“ ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා ” යන්නෙන් මේ පනත යටතේ ආයුර්වේද වෛද්‍යවරයකු වශයෙන් ලියාපදිංචි කරනු ලැබූ තැනැත්තකු අදහස් වන අතර 73 වෙනි වගන්තිය යටතේ එ ලෙස ලියාපදිංචි කරනු ලැබී ඇතැ යි සලකනු ලබන යම් තැනැත්තෙක් ද ඊට ඇතුළත් වේ;

“ ආයුර්වේද සාන්තු සේවකයන්ගේ ලේඛනය ” යන්නෙන් මේ පනත යටතේ ආයුර්වේද සාන්තු සේවකයන් ලියාපදිංචි කිරීම සඳහා ආයුර්වේද වෛද්‍ය සභාව විසින් තබනු ලබන ලේඛනය අදහස් වේ;

“ ආයුර්වේද වෛද්‍යවරයන්ගේ නාම ලේඛනය ” යන්නෙන් ආයුර්වේද වෛද්‍යවරයන් ලියාපදිංචි කිරීම සඳහා මේ පනත යටතේ ආයුර්වේද වෛද්‍ය සභාව මගින් තබනු ලබන සාමාන්‍ය නාම ලේඛනය හෝ විශේෂ නාම ලේඛනය අදහස් වන අතර, ආයුර්වේද වෛද්‍යවරයන්ගේ සාමාන්‍ය නාම ලේඛනයක් හෝ ආයුර්වේද වෛද්‍යවරයන්ගේ විශේෂ නාම ලේඛනයක් හෝ 51 වෙනි වගන්තියේ (3) වෙනි උප වගන්තිය යටතේ ආයුර්වේද වෛද්‍යවරයන්ගේ විශේෂ නාම ලේඛනයක් වශයෙන් සලකනු ලබන යම් නාම ලේඛනයක් ද ඊට ඇතුළත් වේ;

“ ආයුර්වේද ඖෂධ සංයෝගකයන්ගේ නාම ලේඛනය ” යන්නෙන් මේ පනත යටතේ ආයුර්වේද ඖෂධ සංයෝගකයන් ලියාපදිංචි කිරීම සඳහා ආයුර්වේද වෛද්‍ය සභාව විසින් තබනු ලබන නාම ලේඛනය අදහස් වේ;

උපලේඛනය

විෂ ද්‍රව්‍ය, අබිත් හා අත් තරායදායක ඖෂධ වර්ග ආඥාපනත (172 වෙනි අධිකාරය) වෙනස් කිරීම

2 වෙනි වගන්තිය.

(1) “වෛද්‍යවරයා”, “දන්ත වෛද්‍යවරයා” හා “ඖෂධ සංයෝගකයා” යන පදවල විස්තර අත්හරිනු ලැබුවාක් මෙන් :—

(2) “භාජනය” යන්නෙහි විස්තරයට ඉක්බිති ව ම පහත දැක්වෙන අලුත් විස්තරය ඇතුළත් කරනු ලැබුවාක් මෙන් :—

“දන්ත වෛද්‍යවරයා” යන්නෙන් වෛද්‍ය ආඥාපනත යටතේ දන්ත වෛද්‍යවරයෙකු වශයෙන් ලියාපදිංචි කරනු ලැබූ තැනැත්තෙක් අදහස් වේ;

(3) “ප්‍රාදේශීය බලමණ්ඩලය” යන්නෙහි විස්තරයට ඉක්බිති ව ම පහත දැක්වෙන අලුත් විස්තර ඇතුළත් කරනු ලැබුවාක් මෙන් :—

“වෛද්‍යවරයා” යන්නෙන් වෛද්‍ය ආඥාපනත යටතේ වෛද්‍යවරයෙකු ලෙස ලියාපදිංචි කරනු ලැබූ තැනැත්තෙකු අදහස් වන අතර, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයෙක් ද ඊට ඇතුළත් වේ;

“ඖෂධ සංයෝගකයා” යන්නෙන් වෛද්‍ය ආඥාපනත යටතේ ඖෂධ සංයෝග යකු වශයෙන් ලියාපදිංචි කරනු ලැබූ තැනැත්තෙකු අදහස් වන අතර, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයෙක් ද ඊට ඇතුළත් වේ;

“ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයා” යන්නෙන් ආයුර්වේද පනත යටතේ ආයුර්වේද ඖෂධ සංයෝගකයෙකු වශයෙන් ලියාපදිංචි කරනු ලැබූ තැනැත්තෙකු අදහස් වන අතර, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධාගාරයක් ව්‍යාපාර කාර්යයන් සඳහා, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද ඖෂධ සංයෝගකයෙකු විසින් පවිත්‍ර කළ හැකි යම් නාමයක්, පවිත්‍ර නාමයක්, එකතුවක් හෝ විස්තරයක් පාවිච්චි කිරීමට, ඒ පනතේ 71 වෙනි වගන්තියේ (2) වෙනි උපවගන්තියේ ප්‍රකාර, හිමිකම් ඇති යම් තැනැත්තෙක් ද ඊට ඇතුළත් වේ;

“ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන්නට ආයුර්වේද පනතෙහි ඊට දී ඇති අර්ථය ම ඇත්තේ ය.

10 වෙනි වගන්තිය.

ඒ වගන්තියේ (අ) ඡේදයෙහි “වෛද්‍යවරයෙක්” යන වචන අත්හරිනු ලැබුවාක් මෙන්.

12 වෙනි වගන්තිය.

12 වෙනි වගන්තිය අවලංගු කරනු ලැබුවාක් මෙන්.

13 වෙනි වගන්තිය.

ඒ වගන්තියේ (2) වෙනි උපවගන්තියෙහි “වෛද්‍යවරයා” යන වචනය අත්හරිනු ලැබුවාක් මෙන්.

22 වෙනි වගන්තිය.

ඒ වගන්තියේ (3) වෙනි උපවගන්තියෙහි (අ) ඡේදයෙහි “වෛද්‍යවරයා” යන වචනය අත්හරිනු ලැබුවාක් මෙන්.

31 වෙනි වගන්තිය.

ඒ වගන්තියේ (2) වෙනි උපවගන්තියෙහි “ලියාපදිංචි කරනු ලැබූ වෛද්‍යවරයා” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

34 වෙනි වගන්තිය.

(1) ඒ වගන්තියේ (1) වෙනි උපවගන්තියෙහි “ලියාපදිංචි කරනු ලැබූ වෛද්‍යවරයා” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්,

(2) ඒ වගන්තියේ (4) වෙනි උපවගන්තියේ (ආ) ඡේදයෙහි “ලියාපදිංචි කරනු ලැබූ වෙදරාල” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

ඒ වගන්තියේ (ආ) ඡේදයෙහි “ලියාපදිංචි කරනු ලැබූ වෙදරාල” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

35 වෙනි වගන්තිය.

(1) ඒ වගන්තියේ පාර්ශ්ව සටහන වෙනුවට පහත දැක්වෙන අලුත් පාර්ශ්ව සටහන ආදේශ කරනු ලැබුවාක් මෙන් :—

41 වෙනි වගන්තිය.

“අබිත් සහතික ලබා ගැනීම සඳහා වූ ඉල්ලුම් පත්‍ර ගැන කටයුතු කිරීමට මණ්ඩල පත් කිරීම”

(2) ඒ වගන්තියේ (1) වෙනි උපවගන්තිය අවලංගු කරනු ලැබුවාක් මෙන්.

(3) ඒ වගන්තියෙහි (2) වෙනි උපවගන්තිය (1) වෙනි උපවගන්තිය යනුවෙන් ද, (3) වෙනි උපවගන්තිය (2) වෙනි උපවගන්තිය යනුවෙන් ද, (4) වෙනි උපවගන්තිය (3) වෙනි උපවගන්තිය යනුවෙන් ද, (5) වෙනි උපවගන්තිය (4) වෙනි උපවගන්තිය යනුවෙන් ද, (6) වෙනි උපවගන්තිය (5) වෙනි උපවගන්තිය යනුවෙන් ද, යළිත් අංක යොදනු ලැබුවාක් මෙන්.

(4) ඒ උපවගන්තියේ යළිත් අංක යොදනු ලැබූ 2 වෙනි උපවගන්තියෙහි—

(අ) “වෙදරාලවරුන් පිසින් ලියාපදිංචි කිරීම” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරුන්ගේ අබිත් සහතික” යන වචන;

(ආ) “ලියාපදිංචි කිරීම නියම කිරීම හෝ ප්‍රතිරෝධ කිරීම” යන වචන වෙනුවට “එ බඳු ඉල්ලුම් පත්‍ර සඳහා අවසර දීම හෝ ප්‍රතිරෝධ කිරීම” යන වචන;

සහ

(ඇ) “වෙදරාල” යන වචනය වෙනුවට “ආයුර්වේද වෛද්‍යවරයා” යන වචන;

ආදේශ කරනු ලැබුවාක් මෙන්.

(5) ඒ වගන්තියේ යළිත් අංක යොදනු ලැබූ (3) වෙනි උපවගන්තියෙහි “වෙදරාලවරයකු ලියාපදිංචි කිරීම” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකුගේ අබිත් සහතිකය” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

(6) ඒ වගන්තියේ යළිත් අංක යොදනු ලැබූ (5) වෙනි උපවගන්තියෙහි “ඔහුගේ ප්‍රදේශයෙහි ලියාපදිංචි කරනු ලැබූ වෙදරාලවරු” යන වචන වෙනුවට “අබිත් සහතික නිකුත් කරනු ලැබ සිටින ඔහුගේ ප්‍රදේශයෙහි ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරු” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

(1) ඒ වගන්තියේ පාර්ශ්ව සටහන වෙනුවට පහත දැක්වෙන අලුත් පාර්ශ්ව සටහන ආදේශ කරනු ලැබුවාක් මෙන් :—

42 වෙනි වගන්තිය.

“ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන්ගට අබිත් සැපයීම.”

(2) ඒ වගන්තියේ (1) වෙනි උපවගන්තියෙහි ආරම්භයේ සිට “වෙදරාළ” තෙක් වූ වචන වෙනුවට පහත දැක්වෙන වාක්‍යය ආදේශ කරනු ලැබුවාක් මෙන් :—

“ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු විසින් අඹින් සහතිකයක් සඳහා කරනු ලැබූ ඉල්ලීමකට මණ්ඩලය විසින් ඉඩ දෙනු ලබන අවස්ථාවකදී, ආණ්ඩුවේ දිශාපතිවරයා විසින් ඒ සහතිකය ඒ වෛද්‍යවරයා වෙත නිකුත් කළ යුතු ය”.

(3) ඒ වගන්තියේ (2) වෙනි උපවගන්තියෙහි—

(අ) “වෙදරාළ කෙනකු ලියාපදිංචි කිරීම” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකුගේ අඹින් සහතිකය” යන වචන, සහ

(ආ) “වෙදරාළ” යන වචන වෙනුවට “ඒ වෛද්‍යවරයා” යන වචන ද ආදේශ කරනු ලැබුවාක් මෙන්.

(4) ඒ වගන්තියේ (3) වෙනි උපවගන්තියේ (අ) ඡේදයෙහි—

(අ) “වෙදරාළ” යන වචන වෙනුවට “ආයුර්වේද වෛද්‍යවරයා” යන වචන; සහ

(ආ) “ලියාපදිංචි කිරීමේ සහතිකය” යන වචන වෙනුවට “අඹින් සහතිකය” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

(5) ඒ වගන්තියේ (3) වෙනි උපවගන්තියේ (ආ) ඡේදයෙහි, “වෙදරාළ” යන වචනය වෙනුවට “ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

45 වෙනි වගන්තිය.

“හෝ වෙදරාළ කෙනකු” යන වචන සහ “හෝ වෙදරාළ වරයා” යන වචන අන්තර්ගත ලැබුවාක් මෙන්.

56 වෙනි වගන්තිය.

ඒ වගන්තියේ (2) වෙනි උපවගන්තියෙහි “වෛද්‍ය ආඥාපනත” යන වචන වෙනුවට පහත දැක්වෙන ඡේදය ආදේශ කරනු ලැබුවාක් මෙන්.

“වෛද්‍ය ආඥාපනත සහ, වෛද්‍යවරයා ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු වන අවස්ථාවක, ලංකා වෛද්‍ය සභාව වෙත නො ව ආයුර්වේද පනත යටතේ පිහිටුවනු ලැබූ ආයුර්වේද වෛද්‍ය සභාව වෙත කාරණය යොමු කළ යුතු ය.”

72 වෙනි වගන්තිය.

ඒ වගන්තියේ (අ) ඡේදයෙහි “හෝ වෙදරාළවරයකු වශයෙන්” යන වචන අන්තර්ගත ලැබුවාක් මෙන්.

දෙවෙනි උපලේඛනය

1. 10 වෙනි නියෝගයේ (3) වෙනි ඡේදයෙහි,

(අ) “පාරිභෝගිකයන් හා වෙදරාළවරයන්” යන වචන වෙනුවට “පාරිභෝගිකයන් හා අඹින් සහතික නිකුත් කරනු ලැබ සිටින ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන්ගේ” යන වචන; සහ

(ආ) “වෙදරාළ” යන වචනය වෙනුවට “වෛද්‍යවරයා” යන වචනය ද ආදේශ කරනු ලැබුවාක් මෙන්.

2. 15 වෙනි වගන්තියෙහි—

(අ) ඒ නියෝගයේ (1) වෙනි ඡේදයෙහි—

“වෙදරාළවරයා” යන වචනය වෙනුවට “අඹින් සහතික නිකුත් කරනු ලැබ සිටින ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන, සහ

“පාරිභෝගිකයාගේ හෝ වෙදරාලයේ සහතිකය” යන වචන වෙනුවට
 “ලියාපදිංචි කිරීම පිළිබඳ ව පාරිභෝගිකයාගේ සහතිකය හෝ
 ලියා පදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයාගේ අඹිත්
 සහතිකය” යන වචන ද,

ආදේශ කරනු ලැබුවාක් මෙන්.

(ආ) ඒ නියෝගයේ (2) වෙනි ඡේදයෙහි “වෙදරාල” යන වචනය සඳහන්
 වන තැම තැන ම ඒ වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද
 වෛද්‍යවරයා” යන වචන ද ආදේශ කරනු ලැබුවාක් මෙන්.

3. 16 වෙනි නියෝගයෙහි “වෙදරාල” යන වචනය වෙනුවට “ලියාපදිංචි කරනු
 ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

4. 4 වෙනි කොටසෙහි, “වෙදරාලවරු” යන ශීර්ෂය වෙනුවට “ලියාපදිංචි
 කරනු ලැබූ ආයුර්වේද වෛද්‍යවරු” යන ශීර්ෂය ආදේශ කරනු ලැබුවාක් මෙන්.

5. 26 වෙනි නියෝගයෙහි, “වෙදරාලවරුන් වශයෙන් ලියාපදිංචි වීම සඳහා”
 යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයන් විසින්”
 අඹිත් සහතික සඳහා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

6. 27 වෙනි නියෝගයෙහි, “ලියාපදිංචි කිරීමේ සහතිකය” යන වචන වෙනු
 වට “අඹිත් සහතික” යන වචන ද, “වෙදරාල” යන වචනය වෙනුවට
 “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ද ආදේශ කරනු
 ලැබුවාක් මෙන්.

7. 28 වෙනි නියෝගයෙහි, “වෙදරාලවරු” යන වචනය වෙනුවට “අඹිත්
 සහතික නිකුත් කරනු ලැබ සිටින, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරු”
 යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

8. 29 වෙනි නියෝගයෙහි, “වෙදරාලවරු” යන වචනය වෙනුවට “ලියාපදිංචි
 කරනු ලැබූ ආයුර්වේද වෛද්‍යවරු” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

9. 30 වෙනි නියෝගයෙහි, “වෙදරාල” යන වචනය වෙනුවට “අඹිත් සහතික
 යක් නිකුත් කරනු ලැබ සිටින ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ
 කරනු ලැබුවාක් මෙන්.

10. 31 වෙනි නියෝගයෙහි,—

(අ) “නියෝගය” යන වචනය වෙනුවට “නියෝගයේ (1) සිට (4)
 දක්වා වූ ඡේදයන්” යන වචන හා අංක;

(ආ) “වෙදරාලවරු” යන වචනය වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද
 වෛද්‍යවරු” යන වචන; හා

(ඇ) “එය අදාළවේ” යන වචන වෙනුවට “ඒවා අදාළ වේ” යන වචන ද
 ආදේශ කරනු ලැබුවාක් මෙන්.

11. 31 වෙනි නියෝගයට ඉක්මිනි ව ම පහත දැක්වෙන අයුත් නියෝගය
 ආතුලන කරනු ලැබුවාක්, මෙන් :—

“32. අඹිත් සහතිකයක් නැති වූ හෝ විකෘති වූ අවස්ථාවක දී, ඒ සහතික
 කයේ සැබෑ පිපහක් ආණ්ඩුවේ දිසාපතිවරයා විසින් හෝ අඹිත් නිලධාරී
 තැන විසින් නිකුත් කළ හුණු ය. මුල් සහතිකයේ ඇති අංකය ම සැබෑ
 පිටපතෙහි ද නිකිය යුතු ය.”

12. අංක 5 දරන අඹිත් ආකෘති පත්‍රයෙහි,

(අ) “වෙදරාලවරු” යන වචන වෙනුවට, “අඹිත් සහතික නිකුත් කරනු
 ලැබ සිටින, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරු” යන වචන;

(ආ) “ලියාපදිංචි කිරීමේ සහතිකය” යන වචන වෙනුවට “අඹිත් සහතිකය”
 යන වචන; හා

(අ) “වෙදරාළ” යන වචනය එහි සඳහන් වන සෑම තැනක ම ඒ වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ද ආදේශ කරනු ලැබුවාක් මෙන්.

13. අංක 9 දරන අඛිත් ආකෘති පත්‍රයෙහි,

(අ) “වෙදරාළවරයකු වශයෙන් ලියාපදිංචි කරනු ලැබීම සඳහා” යන වචන වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු විසින් අඛිත් සහතිකයක් සඳහා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

(ආ) 6 වෙනි, 7 වෙනි, හා 8 වෙනි කඳුණු අත්හිටිනු ලැබුවාක් මෙන්.

(ඇ) අංක 9 දරන කඳුණු අංක 6 දරන කඳුණු වශයෙන් ද, අංක 10 දරන කඳුණු අංක 7 දරන කඳුණු වශයෙන් ද යලිත් අංක යොදනු ලැබුවාක් මෙන්.

14. අංක 10 දරන අඛිත් ආකෘති පත්‍රය වෙනුවට, පහත දැක්වෙන ආකෘති පත්‍රය ආදේශ කරනු ලැබුවාක් මෙන් :—

“(27 වෙනි නියෝගය) අංක 10 දරන අඛිත් ආකෘති පත්‍රය

**ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකුගේ අඛිත් සහතිකය
(අත්සතු කළ නො හැකි ය).**

මෙහි උපලේඛනයෙහි සඳහන් කරනු ලබන විස්තරයෙන් හා ප්‍රමාණයෙන් යුත් අඛිත් එ සේ සඳහන් කරනු ලබන කාලයකට සපයනු ලැබීමට, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයකු වන.....පදිංචි.....ට හිමිකම් ඇතැයි ද, එසේ සඳහන් කරනු ලබන අඛිත් නිලධාරියාගෙන් ඒ අඛිත් ප්‍රමාණය මුහුට ලබා ගත හැකි බව ද, විෂ ද්‍රව්‍ය, අඛිත් හා අත්තරාදායක මාෂව වර්ග ආඥපනතේ 4 පරිච්ඡේදය යටතේ සහතික කරමි.

උපලේඛනය

මාස හයකට වෙන් කර ඇති අඛිත් ප්‍රමාණය හා වර්ගය :—

අඛිත් ලබා ගත හැකි අඛිත් නිලධාරියා :—

.....
ආණ්ඩුවේ දිසාපතිගේ හෝ ආණ්ඩුවේ සහකාර දිසාපතිගේ අත්සන.

දිනය : 19.....”

15. අංක 11 දරන අඛිත් ආකෘති පත්‍රයෙහි,

(අ) “වෙදරාළවරු” යන වචනය වෙනුවට “අඛිත් සහතික නිකුත් කර ලැබ සිටින, ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරු” යන වචන;

(ආ) “වෙදරාළ” යන වචනය වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන; හා

(ඇ) “ලියාපදිංචි කිරීමේ සහතිකය” යන වචන වෙනුවට “අඛිත් සහතිකය” යන වචන ද ආදේශ කරනු ලැබුවාක් මෙන්.

16. අංක 20 දරන අඛිත් ආකෘති පත්‍රයෙහි “හෝ වෙදරාළ” යන වචන හා “හෝ වෙදරාළ” යන වචන එහි සඳහන් වන සෑම තැනක ම අත්හිටිනු ලැබුවාක් මෙන්.

17. අංක 21 දරන අඛිත් ආකෘති පත්‍රයෙහි “වෙදරාළ” යන වචනය වෙනුවට “ලියාපදිංචි කරනු ලැබූ ආයුර්වේද වෛද්‍යවරයා” යන වචන ආදේශ කරනු ලැබුවාක් මෙන්.

PARLIAMENT OF CEYLON

1st Session 1960-61



AYURVEDA ACT, No. 31 of 1961

Date of Assent : June 2, 1961

Printed on the Orders of Government

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1961



AYURVEDA ACT

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L. D.—O. 25/58.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A DEPARTMENT OF AYURVEDA; FOR THE REGISTRATION OF AYURVEDIC HOSPITALS, AYURVEDIC PHARMACIES, AYURVEDIC DISPENSARIES AND AYURVEDIC STORES, FOR THE ESTABLISHMENT OF AN AYURVEDIC MEDICAL COUNCIL TO REGISTER AYURVEDIC PRACTITIONERS, AYURVEDIC PHARMACISTS AND AYURVEDIC NURSES, AND DEAL WITH MATTERS RELATING TO THEIR PROFESSIONAL CONDUCT; FOR THE ESTABLISHMENT OF AN AYURVEDIC COLLEGE AND HOSPITAL BOARD TO DISCHARGE CERTAIN FUNCTIONS IN RELATION TO THE COLLEGE OF AYURVEDIC MEDICINE, THE CENTRAL HOSPITAL OF AYURVEDA AND THE PHARMACY, HERBARIUM AND DISPENSARY ATTACHED THERETO; FOR THE ESTABLISHMENT OF AN AYURVEDIC RESEARCH COMMITTEE TO DISCHARGE CERTAIN FUNCTIONS IN RELATION TO RESEARCH IN AYURVEDA; TO REPEAL THE INDIGENOUS MEDICINE ORDINANCE, No. 17 OF 1941, AND THE AYURVEDIC MEDICAL COUNCIL ORDINANCE; TO MAKE CONSEQUENTIAL AMENDMENTS IN THE MEDICAL ORDINANCE, THE POISONS, OPIUM AND DANGEROUS DRUGS ORDINANCE, AND THE FOOD AND DRUGS ACT, No. 25 OF 1949; AND TO MAKE PROVISION FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE AFORESAID MATTERS.

[Date of Assent: 2nd June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ayurveda Act, No. 31 of 1961, and shall come into operation on such date (hereinafter referred to as the "appointed date") as may be appointed by the Minister by Order published in the *Gazette*.

Short title and date of operation.

PART I.

THE DEPARTMENT OF AYURVEDA.

2. There shall be a Department of Ayurveda (hereinafter referred to as "the Department") to carry out the objects specified in section 7.

A Department of Ayurveda to be established.

Appointment of the Commissioner for Ayurveda and other officers.

3. (1) There shall be appointed a person to be or to act as the Commissioner for Ayurveda (hereinafter referred to as "the Commissioner") who shall be the Head of the Department.

(2) There may be appointed such number of Deputy Commissioners for Ayurveda, Assistant Commissioners for Ayurveda and other officers as may be necessary for the purpose of carrying out the objects specified in section 7.

Delegation of the Commissioner's powers and duties.

4. The Commissioner may delegate any of his powers or duties to any Deputy Commissioner for Ayurveda or Assistant Commissioner for Ayurveda.

Minister's power to authorise any officer to exercise or perform any power or duty of a Deputy Commissioner or an Assistant Commissioner for Ayurveda.

5. The Minister may, by Order published in the *Gazette*, authorise any officer of the Department to exercise or perform any power or duty of a Deputy Commissioner for Ayurveda or an Assistant Commissioner for Ayurveda.

Commissioner to be subject to directions of Minister.

6. In the exercise and performance of his powers and duties under this Act, the Commissioner shall be subject to such general or special directions as may be issued, from time to time, by the Minister.

Objects of the Department.

7. Subject to the availability of moneys granted from the Consolidated Fund of Ceylon, the Department shall be responsible for carrying out the following objects:—

(a) the provision of establishments and services necessary for the treatment of disease, and generally for the preservation and promotion of the health of the people according to ayurveda;

(b) the encouragement of the study of, and research in, ayurveda by the grant of scholarships and other facilities to persons employed or proposed to be employed in the Department and by the grant of financial aid and other assistance to institutions providing courses of study or engaged in research in ayurveda; and

(c) the taking, development or encouragement of measures for the investigation of disease, and for the improvement of public health, according to ayurveda.

PART II.

POWERS OF THE COMMISSIONER.

8. In carrying out the objects specified in section 7, the Commissioner may establish and maintain, or cause to be established or maintained, ayurvedic hospitals, ayurvedic pharmacies and herbariums, ayurvedic dispensaries and ayurvedic stores.

Establishment and maintenance of ayurvedic hospitals, etc., by the Commissioner.

9. In carrying out the objects specified in section 7, the Commissioner may, with the prior approval of the Minister, grant any sum out of moneys voted for the purpose by Parliament—

Financial assistance by the Commissioner.

(a) to the Ayurvedic Medical Council;

(b) to any institution established and maintained for the training of practitioners of ayurveda;

(c) to any institution referred to in section 8;

(d) to any other institution established and maintained for the promotion of ayurveda; and

(e) to any deserving person for the prosecution of his studies in ayurveda.

10. (1) On and after such date as may be appointed in that behalf by the Minister by Order published in the *Gazette*, no premises shall be used for the purpose of an ayurvedic hospital, ayurvedic pharmacy, ayurvedic dispensary or ayurvedic store, unless such premises are for the time being registered by the Commissioner as an ayurvedic hospital, ayurvedic pharmacy, ayurvedic dispensary or ayurvedic store, as the case may be, and the person carrying on such hospital, pharmacy, dispensary or store, in such premises is for the time being registered by the Commissioner as the proprietor thereof.

Ayurvedic hospitals, pharmacies, dispensaries and stores to be registered.

(2) The date appointed by Order published under sub-section (1) shall be a date not earlier than three months after the date of the publication of that Order.

(3) Where any premises are used for the purpose of an ayurvedic hospital, ayurvedic pharmacy, ayurvedic dispensary or ayurvedic store, in contravention of the provisions of sub-section (1), the person for the time being in charge of such hospital, pharmacy, dispensary or store, shall be guilty of an offence.

(4) Regulations may be made under this Act for or in respect of all or any of the following matters :—

- (a) the making of applications for the registration of any premises as an ayurvedic hospital, ayurvedic pharmacy, ayurvedic dispensary or ayurvedic store;
- (b) the form of such applications and the particulars to be contained therein;
- (c) the fee to be charged for such registration;
- (d) the period for which such registration shall be effective and the grant of certificates of renewal of such registration upon payment of the prescribed fee;
- (e) the circumstances in which such registration may be refused or cancelled;
- (f) the circumstances in which the renewal of such registration may be refused;
- (g) appeals to the Minister against the refusal of applications for such registration or the renewal of such registration or against the cancellation of such registration and the finality of the decisions made by the Minister on such appeals;
- (h) the conditions which shall be complied with in relation to registered ayurvedic hospitals, pharmacies, dispensaries and stores;
- (i) the records and books which shall be kept and maintained in registered ayurvedic hospitals, pharmacies, dispensaries and stores;
- (j) the returns to be furnished from time to time in respect of registered ayurvedic hospitals, pharmacies, dispensaries and stores, and the particulars to be contained therein, including particulars as to the number and description of cases admitted or treated and as to the staff employed therein;
- (k) the rates of fees and charges which may be charged or made at registered ayurvedic hospitals, pharmacies, dispensaries and stores.

- (l) the powers of entry into, and inspection of, registered ayurvedic hospitals, pharmacies, dispensaries and stores;
- (m) the registers to be kept and maintained by the Commissioner for the purpose of the registration of ayurvedic hospitals, pharmacies, dispensaries and stores; and
- (n) the proper maintenance and administration of registered ayurvedic hospitals, pharmacies, dispensaries and stores, and the health, safety and proper care and treatment of persons treated in such hospitals and dispensaries.

PART III.

THE AYURVEDIC MEDICAL COUNCIL.

11. (1) There shall be a Council which shall be called the Ayurvedic Medical Council, in this Part referred to as "the Council", and which shall, subject to the provisions of sub-section (2), consist of the following members:—

Constitution
of the
Ayurvedic
Medical
Council.

- (a) the Commissioner;
- (b) the Principal of the College of Ayurvedic Medicine;
- (c) two members elected by the teachers of the College of Ayurvedic Medicine from themselves;
- (d) one member elected by the teachers of each approved ayurvedic teaching institution from themselves;
- (e) three members elected by the registered ayurvedic practitioners from themselves; and
- (f) not more than ten members appointed by the Minister of whom—
 - (i) not more than three shall be so appointed from persons who are not registered ayurvedic practitioners,
 - (ii) at least three shall be so appointed from a panel of ten nominated by the All Ceylon Ayurvedic Practitioners' Congress, and

- (iii) at least two shall be so appointed from registered ayurvedic practitioners who are not members of the All Ceylon Ayurvedic Practitioners' Congress.

(2) The Minister may, without assigning any reason, remove from office, by Order published in the *Gazette*, any member of the Council who is appointed by him.

(3) Any member of the Council removed from office by the Minister shall not be eligible for appointment or election as such member for a period of three years from the date of his removal.

(4) The Council may, from time to time, delegate any power, duty or function of the Council to a committee or committees consisting of members of the Council. Any such delegation may be made subject to such conditions or restrictions as the Council may deem necessary.

Term of office of members of the Council.

12. Each member of the Council, other than the Commissioner and the Principal of the College of Ayurvedic Medicine, shall, unless he vacates office earlier, hold office for a term of three years and shall be eligible for re-election or reappointment:

Provided that a person elected or appointed as a member of the Council in succession to any person who has ceased to be a member of the Council before the expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.

Vacation of office by members of Council.

13. (1) A member of the Council, other than the Commissioner and the Principal of the College of Ayurvedic Medicine, shall be deemed to have vacated office—

- (a) where he is not a public officer, on sending his resignation in writing to the President of the Council;
- (b) where he is not a public officer, on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council;

- (c) where he is a member elected under paragraph (c) or paragraph (d) of sub-section (1) of section 11, on his ceasing to hold the post or office by virtue of which he was qualified for election as a member of the Council;
- (d) where he is an appointed member, on his removal from office by the Minister;
- (e) on his ceasing to be a registered ayurvedic practitioner, or on the taking effect of an order made by the Council under this Act suspending his registration as an ayurvedic practitioner;
- (f) on his being convicted of any offence under the Penal Code; or
- (g) on the expiry of his term of office.

(2) The Commissioner shall be deemed to have vacated office as a member of the Council on his ceasing to hold office as Commissioner.

(3) The Principal of the College of Ayurvedic Medicine shall be deemed to have vacated office as a member of the Council on his ceasing to hold office as Principal of the College of Ayurvedic Medicine.

14. Any vacancy in the Council shall be filled by the election or appointment of a member, as the case may be, in accordance with the provisions of this Part.

Filling up of vacancies.

15. (1) The Commissioner shall be the President of the Council.

The President and the Vice-President of the Council.

(2) The members of the Council shall elect from themselves a Vice-President of the Council.

(3) The President, and in his absence the Vice-President, of the Council shall preside at any meeting of the Council. Where neither the President nor the Vice-President of the Council is present at any meeting of the Council, the members of the Council attending that meeting shall elect from themselves a chairman for that meeting.

16. The quorum for a meeting of the Council shall be six.

Quorum.

17. Subject to the provisions of section 15, section 16 and section 44, the Council may regulate its own procedure.

Regulation of procedure of the Council.

The Council to be the authority responsible for the registration of ayurvedic practitioners, ayurvedic pharmacists and ayurvedic nurses, and the regulation and control of their professional conduct.

18. The Council shall, in accordance with the provisions of this Act, be the authority responsible for—

- (a) recommending to the Minister whether any ayurvedic teaching institution should be approved by him for the purposes of this Act;
- (b) the registration of persons as ayurvedic practitioners;
- (c) the registration of persons as ayurvedic pharmacists;
- (d) the registration of persons as ayurvedic nurses;
- (e) the cancellation, or suspension, of such registration; and
- (f) the making of rules for—
 - (i) the regulation and control of the professional conduct of ayurvedic practitioners, ayurvedic pharmacists, and ayurvedic nurses; and
 - (ii) any of the matters referred to in paragraphs (b) to (e) of this section.

Registrar and other officers and servants of the Council.

19. (1) The Council—

- (a) shall appoint a Registrar of the Council who shall also act as Secretary of the Council; and
- (b) may appoint such other officers and servants of the Council as may be necessary for carrying out the work of the Council.

(2) The officers and servants of the Council shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made by the Council under this Act.

(3) The Council may, in accordance with rules made by the Council under this Act, establish and regulate a provident fund for the benefit of its officers and servants and make contributions to such fund out of the funds of the Council.

The Council to be a body corporate.

20. (1) The members for the time being of the Council shall be a body corporate with the name of "The Ayurvedic Medical Council" and shall have

perpetual succession and may sue and be sued in such name and adopt, alter and use a corporate seal which shall be judicially noticed.

(2) The Council may acquire and hold any movable or immovable property and dispose of any of its properties and enter into contracts and do all such other acts as may be necessary for the exercise of its powers and the discharge of its functions and duties.

21. (1) Such sums as may, from time to time,—

Funds of the
Council.

(a) be granted for the purposes of the Council by the Commissioner under this Act, or

(b) be paid to, or recovered by, the Council as fees under this Act,

shall form part of the funds of the Council.

(2) There shall be paid out of the funds of the Council—

(a) the remuneration payable under section 45 to members of the Council for attendance at meetings of the Council, and to the officers and servants of the Council; and

(b) all other expenditure incurred by the Council in the exercise of its powers and the discharge of its functions and duties under this Act.

PART IV.

THE AYURVEDIC COLLEGE AND HOSPITAL BOARD.

22. (1) There shall be a Board which shall be called the Ayurvedic College and Hospital Board, hereafter in this Part referred to as “the Board”, and which shall consist of—

The Ayurvedic
College and
Hospital Board.

(a) the Commissioner;

(b) the Principal of the College of Ayurvedic Medicine;

(c) the Medical Superintendent of the Central Hospital of Ayurveda;

(d) an officer of the Department of Education appointed by the Minister on the recommendation of the Minister of Education;

- (e) one member appointed by the Minister from the teachers of the College of Ayurvedic Medicine;
- (f) two members elected by the teachers of the College of Ayurvedic Medicine from themselves;
- (g) one member appointed by the Minister from the teachers of approved Ayurvedic teaching institutions;
- (h) two members elected by the holders of diplomas granted or recognized by the Board of Indigenous Medicine, or by the Ayurvedic College and Hospital Board, from themselves;
- (i) not more than four members appointed by the Minister from the registered ayurvedic practitioners of whom not more than two shall be so appointed from a panel of six nominated by the All Ceylon Ayurvedic Practitioners' Congress; and
- (j) two members appointed by the Minister from persons who are not registered ayurvedic practitioners.

(2) The Minister may, without assigning any reason, remove from office, by Order published in the *Gazette*, any member of the Board who is appointed by him:

Provided that no member of the Board appointed by the Minister on the recommendation of the Minister of Education shall be removed from office except with the concurrence of the Minister of Education.

(3) Any member of the Board removed from office by the Minister shall not be eligible for appointment or election as such member for a period of three years from the date of his removal.

Term of office
of members of
the Board.

23. Each member of the Board, other than the Commissioner, the Principal of the College of Ayurvedic Medicine and the Medical Superintendent of the Central Hospital of Ayurveda, shall, unless he vacates his office earlier, hold office for a term of three years and shall be eligible for re-election or re-appointment:

Provided that a person elected or appointed as a member of the Board in succession to any person who has ceased to be a member of the Board before the

expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.

24. (1) A member of the Board, other than the Commissioner, the Principal of the College of Ayurvedic Medicine and the Medical Superintendent of the Central Hospital of Ayurveda, shall be deemed to have vacated office—

Vacation of office by members of the Board.

- (a) where he is not a public officer, on sending his resignation in writing to the Chairman of the Board; or
- (b) where he is not a public officer, on his absence without excuse sufficient in the opinion of the Board from three consecutive meetings of the Board;
- (c) where he is an elected member, on his ceasing to hold the post or office by virtue of which he was qualified for election as a member of the Board;
- (d) where he is an appointed member, on his removal from office by the Minister;
- (e) where he is a member appointed under paragraph (d) of sub-section (1) of section 22, on his ceasing to be an officer of the Department of Education;
- (f) where he is a member appointed under paragraph (e) or paragraph (f) or paragraph (g) of sub-section (1) of section 22, on his ceasing to hold the post or office by virtue of which he was qualified for appointment under that paragraph as a member of the Board; or
- (g) on the expiry of his term of office.

(2) The Commissioner shall be deemed to have vacated the office of a member of the Board on his ceasing to hold the office of Commissioner.

(3) The Principal of the College of Ayurvedic Medicine shall be deemed to have vacated office as a member of the Board on his ceasing to hold the office of Principal of the College of Ayurvedic Medicine.

(4) The Medical Superintendent of the Central Hospital of Ayurveda shall be deemed to have vacated office as a member of the Board on his ceasing to hold the office of Medical Superintendent of the Central Hospital of Ayurveda.

Filling up
of vacancies.

25. Any vacancy in the Board shall be filled by the election or appointment of a member, as the case may be, in accordance with the provisions of this Part.

Chairman of the
Board.

26. (1) The Commissioner shall be the Chairman of the Board.

(2) The Chairman of the Board shall preside at any meeting of the Board. In the absence of the Chairman from any meeting of the Board, the members of the Board attending that meeting shall elect from themselves a chairman for that meeting.

Quorum.

27. The quorum for a meeting of the Board shall be six.

Regulation of
proceedings of
the Board.

28. Subject to the provisions of section 26, section 27 and section 44, the Board shall regulate its own procedure.

Delegation of
powers,
functions or
duties of the
Board to
Committees.

29. The Board may, from time to time, delegate any power, function or duty of the Board to a committee or committees consisting of members of the Board. Any such delegation may be made subject to such conditions or restrictions as the Board may deem necessary.

Powers of the
Board.

30. The Board shall have the following powers:—

- (a) to determine the courses of instruction to be given to students admitted to the College of Ayurvedic Medicine, hereafter in this Part referred to as "the College";
- (b) to determine and hold examinations for students of the College;
- (c) to determine the diplomas to be granted by the Council and the conditions to be fulfilled for qualifying for the award of such diplomas;
- (d) to determine and hold external examinations for enabling persons who are not students of the College to obtain diplomas of the Council, and to make such rules as are necessary for that purpose;
- (e) to institute and award exhibitions, bursaries, medals and other prizes to students of the College;
- (f) to regulate and control the admission of students to the College;
- (g) to regulate the residence, discipline, and moral, mental and physical well-being of the students of the College;
- (h) to appoint examiners for the examinations held by the Council;

- (i) to make recommendations to the Minister as to the fees to be paid to such examiners;
- (j) to make recommendations to the Minister as to the administration of the College and, in particular, as to the fees to be charged for admission to the College;
- (k) to grant diplomas or degrees *honoris causa*; and
- (l) to make recommendations to the Minister as to the administration of the Central Hospital of Ayurveda, and, in particular, as to the charges to be made in respect of patients admitted to that Hospital.

31. There shall be appointed a Registrar of the College who shall also act as the Secretary of the Board.

Registrar of the College.

32. The remuneration payable under section 45 to members of the Board for attendance at meetings of the Board, and all other expenditure incurred by the Board in the exercise of its powers and the discharge of its functions and duties under this Act, shall be paid out of the moneys voted for the purpose by Parliament.

Expenditure of the Board.

PART V.

THE AYURVEDIC RESEARCH COMMITTEE.

33. (1) There shall be a Committee which shall be called the Ayurvedic Research Committee, hereafter in this Part referred to as "the Committee", and which shall consist of the Commissioner, and nine other members appointed by the Minister of whom one shall be from the teaching staff of the College of Ayurvedic Medicine and another shall be from the regular medical staff of the Central Hospital of Ayurveda.

Constitution of the Ayurvedic Research Committee.

(2) The Minister may, without assigning any reason, remove from office, by Order published in the *Gazette*, any member of the Committee who is appointed by him.

34. Each member of the Committee, other than the Commissioner, shall, unless he vacates his office earlier, hold office for a term of three years and shall be eligible for re-appointment.

Tenure of office of members of the Committee.

Provided that a person appointed as a member of the Committee in succession to any person who has ceased to be a member of the Committee before the expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.

Vacation of office by members of the Committee.

35. (1) A member of the Committee, other than the Commissioner, shall be deemed to have vacated office—

- (a) where he is not a public officer, on sending his resignation in writing to the Minister;
- (b) where he is not a public officer, on his absence without excuse sufficient in the opinion of the Committee from three consecutive meetings of the Committee;
- (c) on his removal from office by the Minister; or
- (d) on the expiry of his term of office.

(2) The Commissioner shall be deemed to have vacated the office of a member of the Committee on his ceasing to hold the office of Commissioner.

Filling up of vacancies.

36. Any vacancy in the Committee shall be filled by the appointment of a member in accordance with the provisions of this Part.

Chairman of the Committee.

37. (1) The Commissioner shall be the Chairman of the Committee.

(2) The Chairman of the Committee shall preside at any meeting of the Committee. In the absence of the Chairman from any meeting of the Committee, the members of the Committee attending that meeting shall elect from themselves a chairman for that meeting.

Quorum.

38. The quorum for a meeting of the Committee shall be three.

Regulation of proceedings of the Committee.

39. Subject to the provisions of section 37, section 38 and section 44, the Committee shall regulate its own procedure.

Expenditure of the Committee.

40. The remuneration payable under section 45 to members of the Committee for attendance at meetings of the Committee, and all other expenditure incurred by the Committee in the exercise of its powers and the discharge of its functions and duties under this Act, shall be paid out of such moneys as may be voted for the purpose by Parliament.

41. (1) It shall be the duty of the Committee to advise the Minister as to the carrying out of research in all branches of ayurveda with a view to the promotion of its development, and, in particular, as to the carrying out of research in respect of the following matters:—

Duties of the Committee.

- (a) ayurvedic literature;
- (b) fundamentals in ayurvedic doctrine;
- (c) ayurvedic clinical treatment; and
- (d) ayurvedic drugs, pharmacology and pharmacopoeia.

(2) It shall be the duty of the Committee to carry out all such directions as may be issued to the Committee by the Minister in respect of the following matters:—

- (a) the maintenance of libraries, museums, herbariums, laboratories, or other institutions;
- (b) the publication of ayurvedic manuscripts, ayurvedic text-books and other ayurvedic journals or papers;
- (c) the compilation and publication of an ayurvedic pharmacopoeia;
- (d) the standardisation of ayurvedic drugs;
- (e) all such other matters as may be necessary for the performance of the duties specified in sub-section (1).

PART VI.

SPECIAL PROVISIONS APPLICABLE TO BODIES ESTABLISHED UNDER THIS ACT.

42. In this Part, unless the context otherwise requires, the expression "Body" means any Council, Board, or Committee, established under this Act.

Definition of the expression "Body" for the purposes of this Part.

43. A Body shall, in the exercise of its powers and the discharge of its functions and duties under this Act, be subject to such general or special directions as may be issued, from time to time, by the Minister.

A Body to be subject to general and special directions of the Minister.

44. (1) Every question which comes up for consideration before a Body shall be dealt with at a meeting of the Body and shall be determined by the majority of the members of the Body present and voting.

Proceedings of any Body.

(2) In the event of an equality of votes on any question considered at a meeting of a Body, the Chairman of that meeting shall have a casting vote in addition to his original vote.

(3) All acts done at any meeting of a Body shall, notwithstanding that it be afterwards discovered that there was some defect in the election or appointment of any member thereof or that any such member was disqualified, be as valid as if every such member had been duly elected or appointed and was qualified to be such member.

(4) No act or proceeding of a Body shall be invalidated by reason only of any vacancy in the Body.

45. The members of a Body shall be paid such remuneration for attendance at meetings of the Body as may be determined by the Minister with the concurrence of the Minister of Finance.

46. No suit or prosecution shall lie—

(a) against a Body for any act which in good faith is done or purports to be done by the Body under this Act; and

(b) against any member, officer, servant or agent of the Body for any act which in good faith is done or purports to be done by him under this Act or on the direction of the Body.

47. No writ against person or property shall be issued against a member of a Body in any action brought against the Body.

48. A Body shall be deemed to be a Scheduled institution within the meaning of the Bribery Act, No. 11 of 1954, and the provisions of that Act shall be construed accordingly.

49. (1) A Body may make rules in respect of all or any of the following matters:—

(a) the matters in respect of which the Body is required or authorised to make rules under any other provision of this Act;

(b) the meetings of the Body and the procedure to be followed at such meetings; and

Remuneration for attendance at a meeting of a Body.

Protection for action taken under this Act or on the direction of a Body.

No writ to issue against person or property of a member of a Body.

A Body deemed to be a Scheduled Institution within the meaning of the Bribery Act.

Power of a Body to make rules.

- (c) any other matter connected with the affairs of the Body.
- (2) No rule made by a Body under this Act shall have effect until it is approved by the Minister and published in the *Gazette*.
- (3) The Minister shall not, without the prior concurrence of the Minister of Finance, approve any rule made by the Ayurvedic Medical Council in respect of any matter referred to in sub-section (2) or sub-section (3) of section 19.

PART VII.

REGISTRATION OF AYURVEDIC PRACTITIONERS, PHARMACISTS AND NURSES.

50. In this Part—

- (a) “ the Council ” means the Ayurvedic Medical Council; and
- (b) “ the Registrar ” means the Registrar of the Council.

Definition of certain expression for the purposes of this Part.

51. (1) The Council shall keep and maintain—

- (a) a general register and a special register for the registration of ayurvedic practitioners;
- (b) a register for the registration of ayurvedic pharmacists; and
- (c) a register for the registration of ayurvedic nurses.

Registers.

(2) The Registrar shall be the officer of the Council responsible for keeping and maintaining the registers referred to in sub-section (1).

(3) With effect from the appointed date, the property in the general register, and the special register, of practitioners of indigenous medicine maintained by the Board of Indigenous Medicine shall vest in the Council, and such general register shall be deemed to be a general register of ayurvedic practitioners maintained by the Council under this Act, and such special register shall be deemed to be a special register of ayurvedic practitioners maintained by the Council under this Act.

52. (1) Every application for registration as an ayurvedic practitioner in the general register or the special register shall be made in writing to the Council through the Registrar in such form as may be prescribed by rules made by the Council under this Act.

Applications for registration as ayurvedic practitioners.

(2) An application for registration as an ayurvedic practitioner in the general register shall not be refused by the Council except—

- (a) on the ground that the applicant is not entitled to such registration under sub-section (1) of section 55, or
- (b) on any ground specified in sub-section (1) of section 57.

(3) An application for a registration as an ayurvedic practitioner in the special register shall not be refused by the Council except—

- (a) on the ground that the applicant is not entitled to such registration under sub-section (2) of section 55, or
- (b) on any ground specified in sub-section (1) of section 57.

(4) An application may be made for registration as an ayurvedic practitioner in both the general register and the special register.

53. (1) Every application for registration as an ayurvedic pharmacist or ayurvedic nurse shall be made in writing to the Council through the Registrar in such form as may be prescribed by rules made by the Council under this Act.

(2) An application for registration as an ayurvedic pharmacist or ayurvedic nurse shall not be refused by the Council except—

- (a) on the ground that the applicant is not entitled to such registration under section 56, or
- (b) on any ground specified in sub-section (1) of section 57.

54. An application for registration as an ayurvedic practitioner or ayurvedic pharmacist may be made by any person whose registration as such practitioner or pharmacist, as the case may be, has been previously cancelled by the Council, and the Council may entertain such application and dispose of it in accordance with the provisions of this Part.

Applications for registration as ayurvedic pharmacists and ayurvedic nurses.

Applications for registration by persons whose registration has been previously cancelled.

55. (1) No person shall be entitled to be registered in the general register as an ayurvedic practitioner unless he—

Qualifications for registration as an ayurvedic practitioner.

- (a) is a citizen of Ceylon; and
- (b) is the holder of a diploma granted by the Board of Indigenous Medicine, or a certificate issued on or before the appointed date, by the Ayurvedic Medical Council under the Ayurvedic Medical Council Ordinance; or
- (c) is the holder of a diploma granted by the Ayurvedic College and Hospital Board established under this Act; or
- (d) is the holder of a diploma granted by any other institution in Ceylon or India which has been declared to be an approved institution for the purposes of this section by the Minister by Order published in the *Gazette*; or
- (e) satisfies the Council that he possesses sufficient knowledge, experience and skill for the efficient practice of ayurveda.

(2) No person shall be entitled to be registered in the special register as an ayurvedic practitioner unless he—

- (a) is a citizen of Ceylon; and
- (b) satisfies the Council that he possesses a special knowledge and sufficient experience and skill in any particular branch of ayurveda:

Provided, however, that from such date as may be appointed by the Minister no person shall be entitled to be registered in the special register unless, in addition to satisfying the requirements of paragraph (a) and paragraph (b), he is registered in the general register as an ayurvedic practitioner.

56. No person shall be entitled to be registered as an ayurvedic pharmacist or ayurvedic nurse unless he—

Qualifications for registration as an ayurvedic pharmacist or ayurvedic nurse.

- (a) is a citizen of Ceylon; and
- (b) satisfies the Council that he possesses sufficient knowledge, experience and skill for the efficient practice of ayurvedic pharmacy or ayurvedic nursing, as the case may be.

Grounds on which registration may be refused, cancelled or suspended.

57. (1) The Council may, by order, refuse the application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist, ayurvedic nurse, or cancel, or suspend for a specified period, the registration of any person as such practitioner or pharmacist or nurse on any of the following grounds:—

- (a) that he has been convicted by a competent court of any offence which shows him to be unfit to be such practitioner or pharmacist or nurse; or
- (b) that he has been guilty of any misconduct in his capacity as such practitioner or pharmacist or nurse; or
- (c) that he has been deprived of any diploma or certificate which has constituted the qualification for such registration.

(2) When any proceedings have been instituted before a court against any person who is a registered ayurvedic practitioner or registered ayurvedic pharmacist or registered ayurvedic nurse, in respect of any offence referred to in paragraph (a) of sub-section (1), the Council may, by order, suspend the registration of that person as such practitioner, pharmacist or nurse, as the case may be, until a final judgment, order or other determination is made or entered by such court in those proceedings.

(3) Where a person is registered as an ayurvedic practitioner in both the general register and the special register, the Council shall, if his registration in the general register is cancelled, by order cancel his registration in the special register.

(4) No order of refusal, cancellation or suspension shall be made by the Council under sub-section (1) or sub-section (2) or sub-section (3) in respect of any person until such person has been given an opportunity of being heard against the making of such order. At any such hearing—

- (a) the Council may employ the services of a lawyer to lead the evidence and present the case against such person and of another lawyer to advise the Council and to act as judicial assessor; and
- (b) such person may employ the services of a lawyer to lead evidence on his behalf and present his case

(5) No order of refusal, cancellation or suspension made by the Council under sub-section (1) or sub-section (2) or sub-section (3) in respect of any person shall take effect until the expiry of the period within which an appeal may be preferred against it to the Minister under section 63, and, in the event of an appeal being duly preferred against it to the Minister under that section, unless and until the order is confirmed in appeal.

58. A copy of an order made by the Council allowing or refusing an application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, or cancelling or suspending the registration of any person as such practitioner, pharmacist or nurse, shall be sent by registered post to such person by the Registrar.

Service of
copies of
orders made by
the Council.

59. (1) An order made by the Council allowing the application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, shall take effect on the date specified in the order, and shall entitle that person to be registered, with effect from that date, in the appropriate register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses, as the case may be. It shall be the duty of the Registrar, subject to the provisions of sub-section (2) of section 60, to enter the name of, and such particulars as may be prescribed by rules made by the Council under this Act relating to, such person in such register.

Effect of orders
made by the
Council and
duty of
Registrar to
give effect to
such orders.

(2) Where an order made by the Council cancelling the registration of any person as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse takes effect, it shall be the duty of the Registrar to remove the name and particulars of that person from the register of ayurvedic practitioners, the register of ayurvedic pharmacists, or the register of ayurvedic nurses, as the case may be.

(3) Where an order made by the Council suspending the registration of any person as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse takes effect, he shall not exercise or enjoy, during the period of such suspension, the rights and privileges conferred by this Act on a registered ayurvedic practitioner, registered ayurvedic pharmacist or registered ayurvedic nurse, as the case may be.

Registration fee.

60. (1) The fee for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse shall be such sum as may be prescribed by rules made by the Council under this Act.

(2) The Registrar shall not register the name of any person in the register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses until the fee for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, as the case may be, is paid by that person.

Certificate of registration.

61. Where a person is registered as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, the Registrar shall send by registered post to such person a certificate of registration in such form as may be prescribed by rules made by the Council under this Act.

Insertion of additional qualifications in the registers.

62. Where a registered ayurvedic practitioner, registered ayurvedic pharmacist or registered ayurvedic nurse obtains any recognised qualification relating to his profession which is not specified in the register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses, as the case may be, in respect of him, such person shall be entitled, on payment of such fee as may be prescribed by rules made by the Council under this Act, to have such new qualification inserted in that register in respect of him.

In this section, "recognised qualification" means any qualification recognised for the purpose of this Act by the Ayurvedic Medical Council.

Appeals.

63. (1) Where an order is made by the Council under this Part refusing the application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, or cancelling or suspending such registration, such person may, within fourteen days after the communication of that order to him, appeal against that order to the Minister.

(2) Upon the hearing of any appeal preferred under sub-section (1), the Minister shall, after hearing any representations or evidence that may be adduced by or on behalf of the appellant or of the Council, give such decision not inconsistent with any provision of this Act upon the appeal as to the Minister may seem just.

(3) The decision of the Minister on any appeal preferred under sub-section (1) shall be final and conclusive, and in any case where such decision is that an application for the registration of any person as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse shall be allowed, it shall be the duty of the Registrar, subject to the provisions of sub-section (2) of section 60, to enter the name of, and such particulars as may be prescribed by rules made by the Council under this Act relating to, that person in the register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses, as the case may be.

64. (1) A registered ayurvedic practitioner, and no other person, shall be entitled to use the title "Vaidyacharya" either before or after his name.

Use of the title "Vaidyacharya".

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence.

65. For the purposes of any written law, a registered ayurvedic practitioner shall be deemed to be a legally or duly qualified practitioner of ayurveda.

Meaning of "legally or duly qualified practitioner of ayurveda".

66. For the purposes of any written law, a registered ayurvedic pharmacist shall be deemed to be a legally or duly qualified ayurvedic pharmacist.

Meaning of "legally or duly qualified ayurvedic pharmacist".

67. (1) Every registered ayurvedic practitioner shall be entitled to practise ayurveda.

Privileges of registered ayurvedic practitioners.

(2) Every registered ayurvedic practitioner shall be entitled to sue for and recover in due course of law by action in a court of competent jurisdiction any reasonable sum claimed by him as—

- (a) fees for any services rendered or advice given or work done in his professional capacity;
- (b) charges for any medicines, medicinal preparations or appliances or medicated articles of food or drink, supplied by him; or
- (c) expenses incurred by him in connection with or for the purposes of the medical treatment of any patient.

68. No person who is not a registered ayurvedic practitioner shall be entitled to institute or maintain an action-at-law in any court for the recovery of any fees, charges or expenses of any description referred to in sub-section (2) of section 67.

Disabilities of unregistered ayurvedic practitioners.

69. (1) A person who, not being a registered ayurvedic practitioner,—

- (a) uses the title of “registered ayurvedic practitioner” in English or its equivalent in any other language, either alone or in combination with any other word or letters; or
- (b) uses any name, title, addition or description implying that such person is a registered ayurvedic practitioner,

shall be guilty of an offence.

(2) Any registered ayurvedic practitioner who, not being a person whose name is included in the special register of ayurvedic practitioners, uses any name, title, addition or description or otherwise does any act of any kind, implying that his name is so included shall be guilty of an offence.

(3) Any person who, not being a registered ayurvedic practitioner, practises for gain ayurvedic medicine or surgery shall be guilty of an offence.

70. (1) Every registered ayurvedic pharmacist shall be entitled to practise ayurvedic pharmacy.

(2) Every registered ayurvedic nurse shall be entitled to practise ayurvedic nursing.

71. (1) A person who, not being a registered ayurvedic pharmacist or a registered ayurvedic nurse,—

- (a) uses the title of “registered ayurvedic pharmacist” or “registered ayurvedic nurse”, as the case may be, in English or its equivalent in any other language, either alone or in combination with any other word or letters; or
- (b) uses any name, title, addition or description implying that he is a registered ayurvedic pharmacist or a registered ayurvedic nurse, as the case may be,

shall, unless he is entitled to do so by virtue of sub-section (2) be guilty of an offence.

Pretence to be a registered ayurvedic practitioner, or practising for gain as an ayurvedic practitioner when not registered to be an offence.

Registered ayurvedic pharmacists and registered ayurvedic nurses entitled to practise.

Pretence to be a registered ayurvedic pharmacist or a registered ayurvedic nurse to be an offence.

(2) A person who is registered under section 10 as the proprietor of a registered ayurvedic pharmacy may, notwithstanding that he is not a registered ayurvedic pharmacist, use, for the purposes of the business of such pharmacy, any name, title, addition or description which may be used by a registered ayurvedic pharmacist, if—

(a) he employs a registered ayurvedic pharmacist to personally superintend and manage the sale or dispensing of medicines, drugs or poisons at such pharmacy, and

(b) the name of the pharmacist so employed has been notified in writing to the Council.

72. Any person who, not being a registered ayurvedic pharmacist, or a registered ayurvedic nurse, practises for gain ayurvedic pharmacy or ayurvedic nursing, as the case may be, shall be guilty of an offence.

Practising for gain as an ayurvedic pharmacist or ayurvedic nurse when not registered to be an offence.

73. Every person whose name is included in any register which, by virtue of sub-section (3) of section 51, is deemed to be a register of ayurvedic practitioners maintained under this Act shall be deemed to be a registered ayurvedic practitioner.

Certain persons deemed to be registered as ayurvedic practitioners under this Act.

PART VIII.

GENERAL.

74. Notwithstanding the change of designation of the Department heretofore called the Department of Indigenous Medicine, all persons holding office as members of the staff of that Department at the appointed date or otherwise employed in that Department at that date shall continue in office or employment in the Department for Ayurveda constituted by this Act.

Continuation in employment of members of the Department of Indigenous Medicine.

75. (1) Wherever, in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by or under any other written law, the expression "Commissioner of Indigenous Medicine" occurs, there shall be substituted therefor the expression "Commissioner for Ayurveda"; and accordingly wherever in any such provision the abbreviation "Commissioner" is used to denote the Commissioner

Amendment of other written laws, etc., consequent on the change of designation of the Commissioner of Indigenous Medicine, and savings for contracts, etc.

of Indigenous Medicine, such abbreviation shall be read and construed as a reference to the Commissioner for Ayurveda.

(2) If the designation of any office in the Department of Indigenous Medicine (as constituted prior to the appointed date) is altered—

(a) the Minister may, by Order published in the *Gazette*, declare that the provisions of this sub-section shall apply in relation to that designation; and

(b) upon such declaration being made, then, wherever that designation occurs in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by any other written law, there shall be substituted for that designation the new designation assigned to the corresponding office in the Department for Ayurveda.

(3) Every contract, agreement or other instrument or document whatsoever made, issued or executed prior to the appointed date by or in favour of the Commissioner of Indigenous Medicine or any officer of that Department in his capacity as such, shall be deemed on and after the appointed date to be and to have been made, issued, or executed by or in favour of the Commissioner for Ayurveda or the officer holding the corresponding office in the Department for Ayurveda in his capacity as such; and any reference in any such contract, agreement, or other instrument or document to any officer in the Department of Indigenous Medicine (as constituted prior to the appointed date) shall be read and construed as a reference to the officer holding the corresponding office in the Department for Ayurveda.

76. (1) On and after the appointed date, the College of Indigenous Medicine shall be called and known as the College of Ayurvedic Medicine, and the Hospital of Indigenous Medicine shall be called and known as the Central Hospital of Ayurveda.

(2) Notwithstanding the change of designation of the College heretofore called the College of Indigenous Medicine, or of the Hospital heretofore called the Hospital of Indigenous Medicine, all persons holding office as members of the staff of that College or that Hospital at the appointed date or otherwise employed

Change of name of the College of Indigenous Medicine and the Hospital of Indigenous Medicine and consequential provisions.

in that College or that Hospital at that date shall continue in office or employment in the College of Ayurvedic Medicine or the Central Hospital of Ayurveda, as the case may be.

(3) Wherever, in any provisions of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by or under any other written law, the expression "Principal of the College of Indigenous Medicine" occurs, there shall be substituted therefor the expression "Principal of the College of Ayurvedic Medicine", or the expression "Medical Superintendent of the Hospital of Indigenous Medicine" occurs, there shall be substituted therefor the expression "Medical Superintendent of the Central Hospital of Ayurveda"; and accordingly wherever in any such provision the abbreviation "Principal" or "Medical Superintendent" is used to denote the Principal of the College of Indigenous Medicine or the Medical Superintendent of the Hospital of Indigenous Medicine, such abbreviation shall be read and construed as a reference to the Principal of the College of Ayurvedic Medicine or the Medical Superintendent of the Central Hospital of Ayurveda, as the case may be.

(4) If the designation of any office in the College of Indigenous Medicine or the Hospital of Indigenous Medicine (as constituted prior to the appointed date) is altered—

(a) the Minister may, by Order published in the *Gazette*, declare that the provisions of this sub-section shall apply in relation to that designation; and

(b) upon such declaration being made, then, wherever that designation occurs in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by any other written law, there shall be substituted for that designation the new designation assigned to the corresponding office in the College of Ayurvedic Medicine or the Central Hospital of Ayurveda, as the case may be.

(5) Every contract, agreement, or other instrument or document whatsoever made, issued, or executed prior to the appointed date by or in favour of the

Principal of the College of Indigenous Medicine or the Medical Superintendent of the Hospital of Indigenous Medicine or any officer of that College or that Hospital in his capacity as such, shall be deemed on and after the appointed date to be and to have been made, issued, or executed by or in favour of the Principal of the College of Ayurvedic Medicine or the Medical Superintendent of the Central Hospital of Ayurveda, as the case may be, or of the officer holding the corresponding office in that College or that Hospital in his capacity as such; and any reference in any such contract, agreement, or other instrument or document to any officer of the College of Indigenous Medicine or of the Hospital of Indigenous Medicine (as constituted prior to the appointed date) shall be read and construed as a reference to the officer holding the corresponding office in the College of Ayurvedic Medicine or the Central Hospital of Ayurveda, as the case may be.

Ayurvedic
Code.

77. (1) Regulations may be made under this Act prescribing an Ayurvedic Code containing all such provisions in respect of all such matters as the authority empowered to make such regulations may deem necessary to prohibit, regulate or control the manufacture, sale, supply, distribution or dispensing of any article, substance or drug for the purpose of Ayurvedic medicine and surgery. Such Code may, without prejudice to the generality of the powers hereinbefore conferred, make provision in respect of all or any of the following matters:—

- (a) the declaration of any article, substance or drug as a poison, poisonous substance or dangerous drug, as the case may be, for that purpose;
- (b) the introduction and operation of a system of registration or licensing for the purpose of effecting such regulation or control, including the making of applications for such registration or such licences, and the grant, refusal and cancellation of such registration or such licences;
- (c) the precautions to be taken, and the conditions to be complied with, in such manufacture, sale, supply, distribution or dispensing;
- (d) the books and records to be kept and maintained, and the returns to be furnished, by persons engaged in such manufacture, sale, supply, distribution or dispensing;

(e) the inspection of the premises in which such manufacture, sale, supply, distribution or dispensing is carried on, and of the records and books kept and maintained for that purpose;

(f) any other matters incidental to or connected with the matters aforesaid.

(2) The Ayurvedic Code may, in so far as it may be necessary for the purpose of giving full force and effect to the provisions of that Code, provide that any such provisions of the Poisons, Opium, and Dangerous Drugs Ordinance or the Excise Ordinance as are specified in that Code shall not apply, or shall apply subject to any such modifications so specified, to or in relation to any class of persons or any matters so specified :

Provided, however, that no such provision shall be made in that Code in respect of the Excise Ordinance without the prior concurrence of the Minister to whom the subject or function of the administration of that Ordinance has been assigned by the Prime Minister.

78. Every person who contravenes or fails to comply with the provisions of any regulation shall be guilty of an offence.

Contravention of regulations an offence.

79. Where an offence under this Act is committed in or in relation to any registered ayurvedic hospital, any registered ayurvedic pharmacy, any registered ayurvedic dispensary or any registered ayurvedic store, then, without prejudice to any proceedings that may be taken in respect of such offence against the person by whom it was committed, the person for the time being registered as the proprietor of such hospital, pharmacy, dispensary or store, as the case may be, as well as the person for the time being in charge thereof shall each be guilty of such offence unless he proves that such offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of such offence.

Offences in relation to registered ayurvedic hospitals, pharmacies, dispensaries and stores.

80. Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

Punishment for offences under this Act.

Duty of Registrar-General to notify the deaths of registered ayurvedic practitioners, registered ayurvedic pharmacists and registered ayurvedic nurses.

81. It shall be the duty of the Registrar-General of Births and Deaths to notify or to cause to be notified to the Ayurvedic Medical Council the name of any registered ayurvedic practitioner, registered ayurvedic pharmacist or registered ayurvedic nurse whose death is registered under the Births and Deaths Registration Act, No. 17 of 1951.

Regulations.

82. (1) The Minister may make regulations for the purpose of carrying out and giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of any matter for which regulations are authorised by this Act to be made.

(3) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

83. The provisions of the Medical Ordinance shall not apply to or in relation to the practice of, or persons practising, medicine, surgery, pharmacy or nursing according to ayurveda.

84. Section 40 of the Medical Ordinance is hereby repealed.

85. Section 63 of the Food and Drugs Act, No. 25 of 1949, is hereby amended, in sub-section (3) of that section, by the substitution, in paragraph (a) of that sub-section, for all the words from "includes" to the end of that paragraph, of the words "includes a registered ayurvedic practitioner within the meaning of that term in the Ayurveda Act; and".

86. Until the coming into force of the Ayurvedic Code, the Poisons, Opium and Dangerous Drugs Ordinance shall have effect subject to the modifications specified in the Schedule to this Act.

87. The Ayurvedic Medical Council Ordinance, and the Indigenous Medicine Ordinance, No. 17 of 1941, are hereby repealed.

Chapter 90 not to apply to the practice of medicine, surgery, pharmacy or nursing according to ayurveda.

Repeal of section 40 of Chapter 90.

Amendment of Act No. 25 of 1949.

Modification of Chapter 172.

Repeal of Chapter 219 and Ordinance No. 17 of 1941.

88. All movable and immovable property of the Board of Indigenous Medicine is hereby transferred to, and shall be the property of, the Crown.

Transfer of property of Board of Indigenous Medicine to the Crown.

89. In this Act, unless the context otherwise requires,—

Interpretation.

“ approved ayurvedic teaching institution ” means any ayurvedic teaching institution approved by the Minister for the purposes of this Act;

“ ayurveda ” includes the Siddha and Unani and Desiya Chikitsa systems of medicine and surgery and any other system of medicine indigenous to Asian countries and recognised as such by their respective Governments and the expression “ ayurvedic ” shall be construed accordingly;

“ ayurvedic pharmacy ” includes any place where ayurvedic drugs or medicines are manufactured, prepared or compounded;

“ Board of Indigenous Medicine ” means the Board of Indigenous Medicine established under the Indigenous Medicine Ordinance, No. 17 of 1941;

“ College of Indigenous Medicine ” means the College of Indigenous Medicine which, on the day immediately preceding the appointed date, was administered by the Board of Indigenous Medicine ;

“ dispensary ” means any premises (howsoever described) used or intended to be used for the outdoor treatment of persons suffering from illness, but does not include a pharmacy ;

“ hospital ” means any premises (howsoever described) used or intended to be used for the reception, nursing and treatment of persons suffering from any illness or infirmity, and includes a nursing home or maternity home, but does not include a dispensary;

“ Hospital of Indigenous Medicine ” means the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto which, on the day immediately preceding the appointed date, were administered by the Board of Indigenous Medicine;

“registered ayurvedic hospital” means a hospital registered under this Act as an ayurvedic hospital;

“registered ayurvedic nurse” means a person registered under this Act as an ayurvedic nurse;

“registered ayurvedic pharmacy” means a pharmacy registered under this Act as an ayurvedic pharmacy;

“registered ayurvedic pharmacist” means a person registered as an ayurvedic pharmacist under this Act;

“registered ayurvedic practitioner” means a person registered as an ayurvedic practitioner under this Act, and includes any person who is deemed to be so registered under section 73;

“register of ayurvedic nurses” means the register maintained by the Ayurvedic Medical Council under this Act for the registration of ayurvedic nurses;

“register of ayurvedic practitioners” means the general register, or the special register, maintained by the Ayurvedic Medical Council under this Act for the registration of ayurvedic practitioners, and includes any register which is deemed to be a general register of ayurvedic practitioners or a special register of ayurvedic practitioners under sub-section (3) of section 51; and

“register of ayurvedic pharmacists” means the register maintained by the Ayurvedic Medical Council under this Act for the registration of ayurvedic pharmacists.

SCHEDULE

Modification of the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 172)

Section 2: (1) As though the definitions of “medical practitioner”, “dentist” and “pharmacist” were omitted.

- (2) As though, immediately after the definition of " container ", there were inserted the following new definition:—

“ dentist ” means a person registered as a dentist under the Medical Ordinance;’.

- (3) As though, immediately after the definition of " local authority "; there were inserted the following new definitions:—

“ medical practitioner ” means a person registered as a medical practitioner under the Medical Ordinance, and includes a registered ayurvedic practitioner;

“ pharmacist ” means a person registered as a pharmacist under the Medical Ordinance, and includes a registered ayurvedic pharmacist;

“ registered ayurvedic pharmacist ” means a person registered as an ayurvedic pharmacist under the Ayurveda Act, and includes any person who, by virtue of sub-section (2) of section 71 of that Act, is entitled to use, for the purposes of the business of a registered ayurvedic pharmacy, any name, title, addition or description which may be used by a registered ayurvedic pharmacist ;

“ registered ayurvedic practitioner ” has the same meaning as in the Ayurveda Act;’.

Section 10: As though in paragraph (a) of that section, there were omitted the words “ a vederala, ”.

Section 12: As though section 12 were repealed.

Section 13 : As though in sub-section (2) of that section, there were omitted the word “ vederala, ”.

Section 22 : As though in paragraph (a) of sub-section (3) of that section, there were omitted the word “ vederalas, ”.

Section 31: As though in sub-section (2) of that section, there were substituted, for the words “ registered vederalas. ”, the words “ registered ayurvedic practitioners. ”.

Section 34 (1) As though in sub-section (1) of that section, there were substituted, for the words “ registered vederalas. ”, the words “ registered ayurvedic practitioners. ”.

- (2) As though in paragraph (b) of sub-section (4) of that section, there were substituted, for the words “ registered vederala ”, the words “ registered ayurvedic practitioner ”.

Section 35: As though in paragraph (b) of that section, there were substituted, for the words "registered vederala", the words "registered ayurvedic practitioner".

Section 41: (1) As though for the marginal note to that section, there were substituted the following new marginal note:—

" Appointment of
boards to deal
with applications
for opium
certificates. "

(2) As though sub-section (1) of that section were repealed.

(3) As though sub-section (2), sub-section (3), sub-section (4), sub-section (5) and sub-section (6) of that section were renumbered as sub-section (1), sub-section (2), sub-section (3), sub-section (4) and sub-section (5).

(4) As though in renumbered sub-section (2) of that section, there were substituted—

(a) for the words "registration by vederalas", the words "opium certificates by registered ayurvedic practitioners";

(b) for the words "direct or refuse registration", the words "grant or refuse such applications"; and

(c) for the word "vederala.", the words "ayurvedic practitioner. "

(5) As though in renumbered sub-section (3) of that section, there were substituted, for the words "registration of a vederala", the words "opium certificate of a registered ayurvedic practitioner".

(6) As though in renumbered sub-section (5) of that section, there were substituted, for the words "vederalas registered in his district.", the words "the registered ayurvedic practitioners in his district to whom opium certificates have been issued."

Section 42: (1) As though for the marginal note to that section, there were substituted the following new marginal note:—

" Supply of opium
to registered
ayurvedic
practitioners. "

- (2) As though in sub-section (1) of that section, there were substituted, for all the words from "The" to "vederala", the following:—

"Where an application for an opium certificate by a registered ayurvedic practitioner is granted by the Board, the Government Agent shall issue such certificate to such practitioner".

- (3) As though in sub-section (2) of that section, there were substituted—

- (a) for the words "registration of a vederala", the words "opium certificate of a registered ayurvedic practitioner"; and
(b) for the words "the vederala", the words "such practitioner".

- (4) As though in paragraph (a) of sub-section (3) of that section, there were substituted—

- (a) for the word "vederala", the words "ayurvedic practitioner"; and
(b) for the words "certificate of registration", the words "opium certificate".

- (5) As though in paragraph (b) of sub-section (3) of that section, there were substituted, for the word "vederala", the words "ayurvedic practitioner".

Section 45: As though the words "or a vederala" and the words "or vederalas." were omitted.

Section 56: As though in sub-section (2) of that section, there were substituted, for the words "Medical Ordinance," the following:—

"Medical Ordinance and, where the medical practitioner is a registered ayurvedic practitioner, refer the case to the Ayurvedic Medical Council established under the Ayurveda Act and not to the Ceylon Medical Council,".

Section 72: As though in paragraph (b) of that section, there were omitted the words "or as a vederala".

Second Schedule:

- (1) As though in paragraph (3) of regulation 10, there were substituted—

- (a) for the words "consumers and vederalas", the words "consumers, and of registered ayurvedic practitioners to whom opium certificates have been issued,"; and

- (b) for the word "vederala", the word "practitioner".

(2) As though in regulation 15—

(a) there were substituted in paragraph (1) of that regulation—

(i) for the word “vederalas”, the words “registered ayurvedic practitioners to whom opium certificates have been issued”, and

(ii) for the words “consumer’s or vederala’s certificate”, the words “consumer’s certificate of registration or registered ayurvedic practitioner’s opium certificate”; and

(b) there were substituted in paragraph (2) of that regulation, for the word “vederala”, wherever it occurs therein, the words “registered ayurvedic practitioner”.

(3) As though in regulation 16, there were substituted, for the word “vederala”, the words “registered ayurvedic practitioner”.

(4) As though there were substituted in Part IV, for the heading “Vederalas”, the heading “Registered Ayurvedic Practitioners”.

(5) As though in regulation 26, there were substituted, for the words “to be registered as vederalas”, the words “for opium certificates by registered ayurvedic practitioners”.

(6) As though in regulation 27, there were substituted, for the words “Certificate of registration”, the words “Opium certificates”, and for the word “vederala”, the words “registered ayurvedic practitioner”.

(7) As though in regulation 28, there were substituted, for the word “vederalas”, the words “registered ayurvedic practitioners to whom opium certificates have been issued”.

(8) As though in regulation 29, there were substituted, for the word “vederalas”, the words “registered ayurvedic practitioners”.

(9) As though in regulation 30, there were substituted, for the word “vederala”, the words “ayurvedic practitioner to whom an opium certificate has been issued.”.

(10) As though in regulation 31, there were substituted—

(a) for the word “Regulation”, the words and figures “Paragraphs (1) to (4) of regulation”;

(b) for the word “vederalas”, the words “registered ayurvedic practitioners”; and

(c) for the words “it applies”, the words “they apply”.

- (11) As though immediately after regulation 31, there were inserted the following new regulation:—

“ 32. In the case of a lost or mutilated opium certificate, the Government Agent or opium officer shall issue a true copy of that certificate. The true copy must bear the same number as the original certificate.”.

- (12) As though in Opium Form No. 5, there were substituted—

(a) for the word “VEDERALAS”, the words “REGISTERED AYURVEDIC PRACTITIONERS TO WHOM OPIUM CERTIFICATES HAVE BEEN ISSUED”;

(b) for the words “Certificate of Registration”, the words “Opium Certificate”; and

(c) for the word “Vederala”, wherever it occurs therein, the words “Registered Ayurvedic Practitioner”.

- (13) As though in Opium Form No. 9,—

(a) there were substituted, for the words “TO BE REGISTERED AS A VEDERALA”, the words “FOR AN OPIUM CERTIFICATE BY A REGISTERED AYURVEDIC PRACTITIONER”;

(b) there were omitted the items 6, 7 and 8; and

(c) items 9 and 10 were renumbered as items 6 and 7.

- (14) As though for Opium Form No. 10, there were substituted the following:—

“ (Regulation 27) Opium Form No. 10

OPIUM CERTIFICATE OF A
REGISTERED AYURVEDIC
PRACTITIONER

(Not transferable)

I certify under Chapter IV of the Poisons, Opium and Dangerous Drugs Ordinance that, of, who is a registered ayurvedic practitioner, is entitled to be supplied with opium of the description and quantity specified in the

Schedule hereto for the period so specified and that he may obtain such opium from the opium officer so specified.

Schedule.

Quantity and kind of opium allowed for six months:—

Opium officer from whom the opium may be obtained:—

.....
Signature of Government Agent or Assistant Government Agent.

Date: , 19 . . .

(15) As though in Opium Form No. 11, there were substituted—

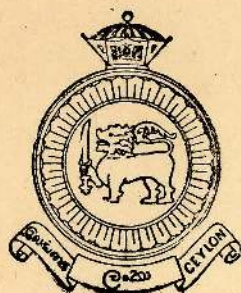
- (a) for the word "VEDERALAS", the words "REGISTERED ARURVEDIC PRACTITIONERS TO WHOM OPIUM CERTIFICATES HAVE BEEN ISSUED";
- (b) for the word "Vederala", the words "Registered Ayurvedic Practitioner"; and
- (c) for the words "Certificate of Registration", the words "Opium Certificate".

(16) As though in Opium Form No. 20, there were omitted the words "OR VEDERALA", and the words "or Vederala" wherever they occur in that Form.

(17) As though in Opium Form No. 21, there were substituted, for the word "Vederala", the words "Registered Ayurvedic Practitioner".

PARLIAMENT OF CEYLON

1st Session 1960-61



Anuradhapura Preservation Board Act, No. 32 of 1961

Date of Assent : 2nd June, 1961

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Anuradhapura Preservation Board Act,
No. 32 of 1961

L. D.—O. 51/60.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD FOR THE PRESERVATION AND DEVELOPMENT OF ANURADHAPURA AND SUCH OTHER AREAS AS MAY BE BROUGHT UNDER THE CONTROL OF THE BOARD, AND TO MAKE PROVISION FOR MATTERS INCIDENTAL TO OR CONNECTED THEREWITH.

[Date of Assent: 2nd June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Anuradhapura Preservation Board Act, No. 32 of 1961, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

PART I

ESTABLISHMENT OF ANURADHAPURA
PRESERVATION BOARD

2. (1) With effect from such date as the Minister may appoint by notification published in the *Gazette* (hereafter in this Act referred to as the "appointed date"), there shall be established a Board which shall be called the Anuradhapura Preservation Board.

Anuradhapura
Preservation
Board.

(2) The Board shall, by the name assigned to it by sub-section (1), be a body corporate and shall have perpetual succession and a common seal and may by its name sue and be sued.

3. (1) The Board shall consist of—

Constitution
of the Board.

(a) five members appointed by the Minister, one of whom shall be an officer of the General Treasury,

(b) the person for the time being holding the office of Archaeological Commissioner, and

(c) the person for the time being holding the office of the Government Town Planner.

(2) The Minister shall appoint one of the members of the Board to be the Chairman of the Board.

(3) A person shall be disqualified for appointment, or for continuing, as a member of the Board—

(a) if he is a Senator or Member of Parliament;
or

(b) if he, directly or indirectly, has any interest in a subsisting contract with, or in any work being done for, the Board except as a shareholder (other than a director) in an incorporated company; or

(c) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his duties as a member of the Board.

(4) Where the Chairman, or an appointed member, of the Board is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, then, if such Chairman or member is not the member who is an officer of the General Treasury, the Minister may appoint any person to act in his place and, if such Chairman or member is the member who is an officer of the General Treasury, the Minister may appoint any other officer of the General Treasury to act in his place.

(5) Every member of the Board shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of five years. Any member of the Board who vacates office by effluxion of time shall be eligible for reappointment.

(6) A member who is not a public officer may resign from the office of member by letter addressed by him to the Minister.

(7) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the appointment of a member thereof.

(8) Any appointed member of the Board may be removed from office by the Minister without assigning any reason and the removal of any member from office by the Minister shall not be called in question in any Court.

(9) A member of the Board who is, directly or indirectly, interested in a contract proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board. The disclosure shall be

recorded in the minutes of such meeting and such member shall not take part in any deliberation or decision of such Board with respect to such contract.

(10) All or any of the members of the Board may be paid such remuneration out of the funds of the Board, in such manner and at such rates, as may be determined by the Minister.

4. (1) The seal of the Board shall be in the custody of such person as the Board may decide from time to time. Seal of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed to any instrument or document except in the presence of the Chairman or some other member of the Board, and the General Manager of the Board, both of whom shall sign the instrument or document in token of their presence.

5. The quorum for any meeting of the Board shall be five. Quorum for meeting of Board.

6. (1) The Board may appoint such officers and servants as it considers necessary for the efficient discharge of its functions: Appointment of officers and servants.

Provided that a person who is not a citizen of Ceylon, according to the law for the time being in force relating to citizenship of Ceylon, shall not be appointed an officer or servant of the Board without the prior sanction of the Minister.

(2) The officers and servants of the Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made under section 23.

(3) No person who has directly or indirectly, by himself or his partner or agent, any share or interest, except as a shareholder (other than a director), in an incorporated company, in any contract made by or on behalf of the Board shall become or remain an officer or servant of the Board.

PART II

FUNCTIONS AND POWERS OF THE BOARD

7. (1) The Board may, subject to the other provisions of this Act, discharge all or any of its functions and exercise all or any of its powers within the area (in this Act referred to as the "Area of Authority") consisting of—

- (a) the area declared by the Order of the Minister to be Anuradhapura for the purpose of this Act, and
- (b) such other areas as may be declared by like Order to be within the control of the Board.

(2) No Order made by the Minister under sub-section (1) shall have effect until it has been approved by the Senate and the House of Representatives and published in the *Gazette*.

(3) Nothing in sub-section (1) shall be deemed to preclude the Board from maintaining any office or stores outside the Area of Authority.

(4) The Minister may, by Order published in the *Gazette*, direct that the Board shall cease to discharge or exercise all or any of its functions or powers within the whole or any part of the Area of Authority; and every such Order shall be complied with by the Board.

8. (1) The Minister shall, by notification published in the *Gazette*, divide the Area of Authority into—

- (a) the Controlled Area, and
- (b) the Outer Area.

The limits of each such area shall be specified in the notification.

(2) If any local authority within the Area of Authority is likely to be affected by the division of that area into the Controlled Area and the Outer Area, the Minister shall, in making such division, consult the Minister to whom the subject or function of local government has been assigned by the Prime Minister.

Area of
Authority.

Controlled
Area and
Outer Area.

9. The functions of the Board shall be—

- (a) the preservation and maintenance of places of religious, historical, or archaeological value;
- (b) the preservation and maintenance of ancient monuments;
- (c) the restoration and preservation of ancient shrines;
- (d) the provision of essential facilities to pilgrims and other visitors;
- (e) the development of the new town of Anuradhapura and other areas so as to facilitate the preservation of places of religious, historical, or archaeological value;
- (f) the provision of housing accommodation for the poorer classes;
- (g) the provision of all civic amenities;
- (h) the promotion of public health;
- (i) the promotion of the study of religion and culture;
- (j) to undertake or promote any scheme necessary for, or connected with, the preservation of places of religious, historical, or archaeological value;
- (k) to establish and maintain, within the Controlled Area, any public utility service for the benefit of people inhabiting, or resorting to, such area;
- (l) to undertake or promote any scheme for the comfort, convenience, or welfare, of people within the Area of Authority;
- (m) to promote and operate within the Area of Authority schemes of—
 - (i) irrigation,
 - (ii) water-supply,
 - (iii) drainage,
 - (iv) generation, transmission and supply of electrical energy, and
 - (v) flood control,

- (n) to construct and maintain roads, streets, bridges or other thoroughfares within the Area of Authority;
- (o) to promote and control irrigation and fisheries within the Area of Authority;
- (p) to promote afforestation within the Area of Authority;
- (q) to control soil erosion within the Area of Authority; and
- (r) to prevent and control plant and animal diseases within the Area of Authority.

Roads and
waterworks.

10. (1) The Board may construct and maintain any roads.

(2) The Board may construct waterworks for the supply of water for industrial or domestic purposes, or may supply water to any Government Department, local authority or any other person.

(3) The Board may determine and levy rates or fees for the supply of water whether in bulk or by retail, and such rates or fees may be levied from any consumer of water supplied by the Board whether such consumer is a Government Department, a local authority or any other person.

Works
requiring
sanction of
the Board.

11. (1) Save as otherwise prescribed, no person shall, on or after the appointed date, undertake or cause to be undertaken, within the Area of Authority, the excavation, conservation or restoration of, or alteration to, any place, monument or shrine of religious, historical or archaeological value, without the prior sanction of the Board or otherwise than in accordance with such conditions as may be imposed by by-laws or directions made or issued by the Board.

(2) Save as otherwise prescribed, no person shall, on or after the appointed date, construct in the Controlled Area any roads, irrigation works or waterworks, without the prior sanction of the Board or otherwise than in accordance with such conditions as may be imposed by by-laws or directions made or issued by the Board.

12. Notwithstanding anything in any other written law, no person shall, on or after the appointed date, undertake or cause to be undertaken within the Controlled Area any scheme or work for the establishment, maintenance or operation of any installation for the generation or transmission of electrical energy without the prior sanction of the Board or otherwise than in accordance with such conditions as may be imposed by by-laws or directions made or issued by the Board.

Provisions relating to the generation and supply of electrical energy within the Controlled Area.

13. The Board may establish its own departments or agencies for the purpose of any work of planning, designing, construction or operation, or make contracts or other arrangements for such purposes with Government departments, local authorities, educational and research institutions, or any other person:

Other activities of the Board.

Provided, however, that the Board shall not, without the prior sanction of the Minister, enter into any such contract or arrangements with any individual or firm not resident in Ceylon or with any company not formed and registered in Ceylon.

14. (1) In the Area of Authority the Board shall, notwithstanding the provisions of Part XI of the Crown Lands Ordinance, No. 8 of 1947, be the sole authority responsible for and charged with the administration of that Ordinance, and accordingly, every reference in any provision of that Ordinance, to the Land Commissioner or any other officer of Government entrusted with any duties in respect of Crown lands shall, for the purposes of the application of that Ordinance in the Area of Authority, be deemed to be a reference to the Board or to any such officer of the Board as may be authorised by the Board for the purpose of that provision.

Crown lands.

(2) The Board shall, notwithstanding anything in any other written law, be the sole authority for making recommendations to the Minister in regard to the exercise of such powers of the Governor-General in the Area of Authority as are conferred by the Crown Lands Ordinance, No. 8 of 1947, or by any other written law relating to Crown lands.

(3) The Board may use any Crown land in the Area of Authority for any of its purposes or reserve any such land for future use.

(4) Every lease of any Crown land, whether with or without buildings, within the Area of Authority granted prior to the appointed date and subsisting on that date shall be deemed to be a lease granted by the Board and may be enforced or acted upon as fully and effectually as if the Board had been a party to such lease.

(5) Where under any written law or agreement it is necessary to grant any Crown land within the Area of Authority on lease to any person, such land shall be granted on lease to such person by the Board.

15. (1) Where any land or any interest in any land in the Area of Authority is required by the Board for any of its purposes, that land or interest may be acquired under the Land Acquisition Act, No. 9 of 1950, by the Government for the Board, and the provisions of that Act shall, save as otherwise provided in sub-section (2), apply for the purpose of the acquisition of that land or interest.

(2) In any case where any land or any interest in any land is to be acquired under the Land Acquisition Act, No. 9 of 1950, for any purpose of the Board and public notice of the intention to acquire that land or interest is published as required by that Act at any time within the period of five years commencing from the appointed date, the following provisions shall apply for the purpose of determining the amount of compensation to be paid in respect of that land or interest, notwithstanding anything to the contrary in that Act:—

(a) the market value of the land shall be deemed to be the market value which the land would have had at the appointed date if it then was in the same condition as it is at the time of acquisition, and

(b) in ascertaining the market value of the land at the appointed date no account shall be taken of any benefit or increase in value

Compulsory
acquisition
of land in
Area of
Authority.

which may have accrued or of any expectation of benefit or increase in value likely to accrue, directly or indirectly, from any work of development or other operation of the Government after September 25, 1942, or from any work of development or other operation of the Board in pursuance of this Act.

16. (1) The Board may, by notice published and displayed in accordance with the provisions of sub-section (2), require every person who claims any right, title or interest to or in any land situated in such part of the Area of Authority as is described in the notice to prefer his claims in writing to the Board within such time as may be specified in the notice.

Possession of land in Area of Authority otherwise than under Land Acquisition Act, No. 9 of 1950.

(2) The notice referred to in sub-section (1) shall be published in the *Gazette* and in at least one newspaper in the Sinhala language, one newspaper in the Tamil language, and one newspaper in the English language, and shall be displayed, in accordance with direction of the Board, at conspicuous places in such part of the Area of Authority as is described in the notice.

(3) Where the Board requires for any of its purposes any land situated in such part of the Area of Authority as is described in a notice published and displayed under the preceding provisions of this section and where no claim of any right, title or interest to or in that land has been made to the Board as required by that notice or all the claims made in respect of that land are, after due investigation, considered by the Board to be invalid, the Board may take possession of that land and cause any work to be done thereon, notwithstanding that no proceedings under the Land Acquisition Act, No. 9 of 1950, have been taken in respect of that land.

(4) Any person authorised in writing in that behalf by the Board may, for and on behalf of the Board, take possession of any land referred to in sub-section (3).

(5) Where any person who is authorised in writing by the Board to take possession of any land referred to in sub-section (3) is unable to take possession of that land because of any obstruction or resistance

which has been offered, he shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction where that land is situated, be entitled to an order of that court directing the Fiscal to deliver possession of that land to him for and on behalf of the Board.

(6) Where an order under sub-section (5) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and in writing report to that court the manner in which that order is executed.

(7) For the purpose of executing an order issued by a Magistrate's Court under sub-section (5), the Fiscal or any person acting under his direction may use such force as may be necessary to enter the land to which that order relates and to eject any person offering obstruction or resistance and to deliver possession of such land for and on behalf of the Board.

(8) No person shall offer any obstruction or resistance to any person who is acting in pursuance of sub-section (4).

17. (1) Any land of which possession is taken by the Board under section 16 shall, with effect from the date of commencement of such possession, vest absolutely in the Board free from all encumbrances.

(2) No person claiming any right, title or interest to or in any land of which possession has been taken by the Board under section 16 shall, save as provided in sub-section (3), be entitled to institute any suit or other legal proceeding against the Board in respect of that land, or of the taking of possession thereof by the Board or of the doing of any work thereon by or under the authority of the Board.

(3) Any person who would but for the provisions of sub-section (1) have any right, title or interest to or in any land of which possession has been taken by the Board under section 16 may institute in a court of competent jurisdiction an action against the Board for a declaration of such right, title or interest and for obtaining compensation from the Board in respect of that land.

(4) The amount of compensation which is to be awarded to any person in an action under sub-section (3) shall, save as otherwise provided in sub-section (5),

be determined on the basis on which compensation would be determined under the Land Acquisition Act, No. 9 of 1950, if the land in respect of which compensation is to be awarded was acquired under that Act.

(5) Where compensation is to be awarded to any person in an action under sub-section (3) in respect of a land of which possession has been taken by the Board at any time within the period of five years commencing on the appointed date, the provisions of paragraph (b) of sub-section (2) of section 15 shall apply for the purpose of determining the amount of such compensation.

18. The Board may exercise all or any of the following powers:—

General
powers.

- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of, any immovable or movable property;
- (b) to cause the construction of such dams, barrages, tanks, reservoirs, power houses, power structures, electrical transmission lines, sub-stations, drainage canals, and such other works and structures, as may be required;
- (c) to stock its reservoirs and water-courses with fish;
- (d) to construct, maintain and operate irrigation works;
- (e) to receive and accept donations and contributions for the restoration and maintenance of any ancient monument or place of religious value or for any other work which the Board is empowered to undertake under this Act;
- (f) to undertake the resettlement of the population displaced by its operations;
- (g) to execute such other works, and carry out such other operations, as may be necessary for the purpose of discharging its functions under this Act;

- (h) to do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated including the provision by the Board and assistance of the provision by others of facilities for training persons required to carry out the work of the Board;
- (i) to establish a provident fund, and provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Board;
- (j) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Board;
- (k) to delegate to any officer of the Board any such function of the Board as the Board may consider necessary so to delegate for the efficient discharge of its functions;
- (l) to enter into and perform, either directly or through authorised agents, all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Board;
- (m) to make rules in relation to its officers and servants, including their appointment, promotion, remuneration, dismissal, disciplinary control, conduct and the grant of leave to them;
- (n) to make rules in respect of the administration of the affairs of the Board;
- (o) to excavate any place of religious, historical or archaeological value;
- (p) to preserve and maintain ancient monuments and places of religious, historical or archaeological value;
- (q) to do all other things which, in the opinion of the Board, are necessary to facilitate the proper discharge of its functions.

19. (1) The Board may, subject to such limitations, qualifications, and conditions as may be prescribed, and subject to the approval of the Minister, impose and levy rates on the annual value of any immovable property or any species of immovable property situated within the Controlled Area.

Power to
impose and
levy rates.

(2) The Board may under this section impose different rates for different areas or parts of the Controlled Area according to the services provided by the Board for each such area or part.

(3) Where the Board, in imposing any rates for any year, resolves to levy without alteration the same rate as was in force during the preceding year, the approval of the Minister shall not be required for the imposition and levy of such rates.

20. There shall be exempt from any rate imposed under section 19—

Exemption
from rates.

(a) all lands or buildings wholly or mainly used for religious, educational, or charitable purposes;

(b) all buildings in charge of military sentries;

(c) all burial and cremation grounds;

(d) any immovable property which the Board may specially exempt from such rate on the ground of the poverty of the owner;

(e) in the case of any defined portion of a rate, declared by resolution of the Board to be levied for the purposes of any special public service, any immovable property situated within any area which is not benefited by such service, or within which other provision is made for the said or a like service to the satisfaction of the Board.

21. (1) It shall be lawful for the Board, subject to the approval of the Minister, to borrow from the Government or any person or persons such sum or sums of money as may be necessary for any of the purposes of the Board.

Powers to
borrow.

(2) Every loan raised by the Board shall be subject to such rate or rates of interest and to such conditions for the repayment thereof as may be approved by the Minister.

(3) For the purpose of securing the repayment of the sum or sums borrowed by the Board and interest accruing thereon, the Board may mortgage and assign to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, the proceeds of rates or taxes levied or imposed under this Act or any portion thereof, or any property belonging to the

Board or any other source of income accruing to the Board excluding the money specially voted by the Government under the Anuradhapura Preservation Scheme.

(4) All securities given in respect of loans under this Part shall be free of stamp duty.

Special powers
in respect of
Area of
Authority.

22. (1) The written laws for the time being specified in the First Schedule shall have effect in the Area of Authority subject to the modification that it shall be lawful for the Board—

(a) to make or issue for the whole or any specified part of the Area of Authority any by-laws, rules, regulations, orders or notifications under any such written law; and

(b) to exercise and discharge in the Area of Authority or any part thereof all or any of the powers or functions vested by any such written law in any authority, officer or person,

in like manner as though the references in any such written law to the authority, officer or person empowered to make or issue such by-laws, rules, regulations, orders or notifications or to exercise or discharge such powers and functions include references to the Board.

(2) The written laws for the time being specified in the Second Schedule to this Act shall have effect in the Controlled Area subject to the modification that it shall be lawful for the Board—

(a) to make or issue for the whole or any specified part of the Controlled Area any by-laws, rules, regulations, orders or notifications under any such written law; and

(b) to exercise and discharge in the Controlled Area or any part thereof all or any of the powers or functions vested by any such written law in any authority, officer or person,

in like manner as though the references in any such written law to the authority, officer or person empowered to make or issue such by-laws, rules, regulations, orders or notifications or to exercise or discharge such powers and functions include references to the Board.

(3) No authority, officer or person in whom any powers or functions are vested by any written law for the time being specified in the First Schedule or the Second Schedule to this Act, shall within the Area of Authority or within the Controlled Area, as the case may be, exercise or discharge any of those powers or functions except where necessary for the purpose of executing or carrying out any contract or arrangement made by the Board under section 13.

(4) The Board may—

(a) by by-law made under section 24 of this Act apply any provision of any written law for the time being specified in the Third Schedule to this Act, with or without modification, to any part of the Area of Authority which is not within the operation of such written law, or

(b) make for any part of the Area of Authority which is not within the operation of any written law for the time being specified in the Third Schedule to this Act any by-law which could, if such part had been within the operation of such written law, have been made by the appropriate local authority.

(5) Any power or function which the Board is authorised by paragraph (b) of sub-section (1) or paragraph (b) of sub-section (2) to exercise or discharge, may be exercised or discharged on behalf of the Board by any member of the Board or by any such officer of the Board as is authorised in writing in that behalf by the Chairman.

23. (1) The Board may make rules in respect of all or any of the following matters:—

Power to
make rules.

(a) any matter which has to be determined under sub-section (2) of section 6;

(b) the appointment, promotion, dismissal and disciplinary control of its officers and servants;

(c) the meetings of the Board and the procedure to be followed at such meetings.

(2) No rule made under sub-section (1) shall have effect until it has been approved by the Minister.

(3) The Minister may, with the concurrence of the Minister of Finance, approve of any rule made by the Board in respect of any matter referred to in paragraph (a) or paragraph (b) of sub-section (1).

Power to make
by-laws.

24. (1) The Board may make by-laws in respect of all or any of the following matters:—

- (a) any matter which is required by this Act to be prescribed, or for or in respect of which by-laws are required or authorised by this Act to be made;
- (b) the regulation of the terms and conditions subject to which electrical energy will be supplied by the Board within the Controlled Area for industrial or domestic use and the price to be paid for electrical energy so supplied;
- (c) the recovery, whether in a summary manner or otherwise, of the charges due in respect of the supply of electrical energy within the Controlled Area for industrial or domestic purposes;
- (d) the regulation, supervision, inspection and control of premises used for the purpose of carrying on any trade or business within the Controlled Area;
- (e) the regulation, supervision and control of itinerant vendors within the Controlled Area;
- (f) the regulation, supervision, inspection and control of lodging-houses within the Controlled Area;
- (g) the regulation, supervision, inspection and control of pilgrims' rests within the Controlled Area;
- (h) the regulation and control of any society or association concerned with any place of religious, historical or archaeological value;
- (i) the control of the use of water for industrial or domestic use within the Area of Authority;
- (j) the prevention of the pollution of water within the Area of Authority;
- (k) the prevention of damage to places of religious, historical, or archaeological value, within the Area of Authority;

- (l) the conditions, restrictions and exemptions subject to which any rate imposed under this Act shall be levied;
- (m) the recovery, whether in a summary manner or otherwise, of rates or fees for the supply of water for industrial or domestic purposes;
- (n) the regulation of fishing in waters within the Area of Authority;
- (o) the ejection of persons trespassing on such lands within the Area of Authority as are under the control of the Board;
- (p) the regulation of the transport or movement of cattle;
- (q) the regulation of the use of roads within the Area of Authority;
- (r) the regulation of the erection of buildings within the Area of Authority.

(2) No by-law made under sub-section (1) shall have effect until it has been approved by the Minister, confirmed by the Senate and the House of Representatives, and published in the *Gazette*.

(3) Every by-law made under sub-section (1) and approved by the Minister and confirmed by the Senate and the House of Representatives shall upon its publication in the *Gazette* be as valid and effectual as if it were herein enacted.

PART III

FINANCE AND ACCOUNTS

25. The Board shall have its own fund. All moneys received by the Board, including such sums as may be voted by Parliament for the use of the Board, shall be credited to the fund, and all payments made by the Board shall be made therefrom.

Fund of the Board.

26. Notwithstanding anything in any other written law the Board shall not be liable to pay any tax on its profits or income or on the donations or contributions received and accepted by it.

Exemption from income tax.

27. (1) The Board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

Accounts, audit and annual report.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance-sheet containing a summary of the assets and liabilities of the Board made up to the first-mentioned date. The revenue and expenditure account and the balance-sheet shall be signed by the Chairman and by such officer of the Board as may be authorised by the Board to do so.

(3) The accounts of the Board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the funds of the Board as the Minister may, with the concurrence of the Minister of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Board shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Board by such person or persons as the Auditor-General may authorise in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorised, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Board and ascertain the correctness of the balance-sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance-sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board.

28. (1) The Board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

Documents to be transmitted to the Minister to be placed before the Senate and the House of Representatives.

(a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,

(b) a copy of the revenue and expenditure account,

(c) a copy of the balance-sheet, and

(d) a report by such Board on its work for the period for which the revenue and expenditure account and balance-sheet have been made up.

(2) The Minister shall lay copies of the documents transmitted to him under sub-section (1) before the Senate and the House of Representatives.

29. (1) The Minister may, with the concurrence of the Minister of Finance, make regulations for all or any of the following matters:—

Minister's power to make regulations.

(a) any matter which has to be determined under sub-section (10) of section 3;

(b) the manner in which the accounts of the Board shall be kept and audited.

(2) No regulation made by the Minister under sub-section (1) shall have effect until it has been approved by the Senate and the House of Representatives and published in the *Gazette*.

PART IV.

STAFF OF THE BOARD

30. The Board shall, in consultation with the Minister, appoint to the staff of the Board a General Manager.

General Manager.

Appointment of
public officers
and local
Government
officers.

31. (1) At the request of the Board any officer of the public service or the Local Government Service or the Local Government Service Commission may, with the consent of the officer and the Secretary to the Treasury or the Local Government Service Commission, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

(2) The provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall *mutatis mutandis* apply in relation to any officer in the public service who is temporarily appointed to the staff of the Board, and the provisions of sub-section (3) of the aforesaid section 9 shall *mutatis mutandis* apply in relation to any officer in the public service who is permanently appointed to such staff.

(3) Where an officer in the Local Government Service is temporarily appointed to the staff of the Board,—

(a) he shall be subject to the same disciplinary control as any other member of such staff;

(b) if, at the time of his temporary appointment to the staff of the Board his substantive post in the Local Government Service was a post declared to be pensionable by the Local Government Service Commission,—

(i) he shall, while in the employ of the Board, be deemed to be temporarily released by the Local Government Service Commission for temporary employment under a local authority in a post other than a scheduled post and accordingly regulation 22 of the Local Government Service Pension Scheme Regulations, 1952, shall apply to him; and

(ii) in respect of him the Board shall pay to the Local Government Service Commission for every complete month during which he is in the employ of the Board such sum not exceeding twenty-five per centum of the salary payable to him in his

substantive post in the Local Government Service as may be agreed upon by the Board and that Commission.

(4) Where an officer in the Local Government Service is permanently appointed to the staff of the Board,—

(a) he shall be deemed to have left the Local Government Service;

(b) if, at the time of his permanent appointment to the Board his substantive post in the Local Government Service was a post declared to be pensionable by the Local Government Service Commission,—

(i) he shall be eligible for such an award under the rules and regulations of that Commission as might have been made to him if he had been retired from the Local Government Service on the ground of ill-health on the date of his permanent appointment to the staff of the Board;

(ii) the amount of any such award made under those rules and regulations shall not be paid to him unless his employment in the staff of the Board is terminated by retirement on account of age, ill-health or by the abolition of the post held by him in such staff or on any other ground approved by the Commission; and

(iii) in the event of his death while in the employ of the Board, such an award as might have been made in respect of him under those rules and regulations if he had died immediately before his permanent appointment to the staff of the Board may be made in respect of him.

(5) Where an officer of the Local Government Service Commission is temporarily appointed to the staff of the Board or permanently appointed to that staff, the appointment shall be on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and that Commission.

(6) Where an officer of the Local Government Service Commission is temporarily appointed to the staff of the Board he shall be subject to the same disciplinary control as any other member of such staff.

(7) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Abolition of posts or offices by the Board.

32. (1) The Board may abolish a post or office which it may deem not necessary subject to,—

(a) in any case where the holder of the office or post at the time of its abolition is not a member of the Local Government Service, the payment of such compensation as such holder would have been entitled to in like circumstances if his office or post had been abolished by the former Anuradhapura Urban Council;

(b) in any case where such holder is a member of the Local Government Service, the payment of such compensation or other award as he may be entitled to receive under the rules or regulations of the Local Government Service Commission.

(2) Where the holder of any post or office abolished under sub-section (1) is a person who, immediately prior to his appointment to the staff of the Board, was an officer of the public service or the Local Government Service, such person may be reappointed to the public service or Local Government Service, as the case may be, on terms and conditions not less favourable than the terms and conditions subject to which he was an officer of the public service or the Local Government Service on the day immediately prior to his appointment to the staff of the Board.

PART V

MISCELLANEOUS

Dissolution of Village Committees in Controlled Area.

33. (1) Where any village area or any part of a village area is, by Order under section 7 (1) included in such part of the Area of Authority as forms the Controlled Area, that village area or that part of a

village area is hereby excluded from the operation of the Village Communities Ordinance with effect from the date on which that Order comes into force, and the Village Committee for any village area which is so excluded from the operation of that Ordinance is hereby dissolved with effect from the aforesaid date, notwithstanding anything in any other written law.

(2) All the property, rights, debts, liabilities and obligations of every Village Committee dissolved by sub-section (1) are hereby transferred to and vested in the Board with effect from the date of the dissolution of that Village Committee, and any such property which is immovable property of the Crown vested in that Village Committee subject to any conditions shall be held by the Board subject to those conditions.

(3) Every by-law which has been or is deemed to have been made by a Village Committee dissolved by sub-section (1) and which is in force at the date of the dissolution of that Village Committee shall be in force as though it were a by-law made by the Board under section 22 (4) (b) and may be amended or rescinded by by-law made by the Board under that section.

(4) Where only a part of a village area is, by virtue of sub-section (1), excluded from the operation of the Village Communities Ordinance with effect from any date, every by-law which has been or is deemed to have been made by the Village Committee for that village area and which is in force at that date shall continue in force in that part as though it were a by-law made by the Board under section 22 (4) (b) and may be amended or rescinded by by-law made by the Board under that section.

34. (1) The town of Anuradhapura is hereby excluded from the operation of the Urban Councils Ordinance, No. 61 of 1939, with effect from the date of the establishment of the Board, and the Special Commissioner appointed by Order under section 196 of that Ordinance to administer the affairs of that town and to exercise the powers and perform the duties of an Urban Council shall, with effect from that date, cease to hold office, administer such affairs, exercise such powers, and perform such duties, notwithstanding anything in that Ordinance or any other written law.

Town of
Anuradhapura
excluded from
operation of the
Urban
Councils
Ordinance,
No. 61 of
1939, and the
Special
Commissioner
appointed
for that town
to cease to
administer the
affairs of that
town.

(2) All the property, rights, debts, liabilities and obligations which were transferred to and vested in the Special Commissioner referred to in sub-section (1) by virtue of the operation of section 196 of the Urban Councils Ordinance, No. 61 of 1939, are hereby transferred to and vested in the Board with effect from the date of the exclusion of the town of Anuradhapura from the operation of that Ordinance, and any such property which is immovable property of the Crown vested in such Special Commissioner subject to any conditions shall be held by the Board subject to those conditions.

(3) Every by-law which has been or is deemed to have been made under the Urban Councils Ordinance, No. 61 of 1939, in respect of the town of Anuradhapura, and which is in force at the date of the exclusion of that town from the operation of that Ordinance shall continue in force as though it were a by-law made by the Board under section 22 (4) (b) and may be amended or rescinded by by-law made by the Board under that section.

Officers and servants of the Anuradhapura Urban Council to become officers and servants of the Board.

35. (1) All officers and servants of the former Anuradhapura Urban Council who are in office on the day immediately prior to the date of the establishment of the Board, other than the officers in the Local Government Service, shall, on that date, become officers and servants of the Board and shall hold their offices as nearly as practicable by the same tenure and upon the same or not less favourable terms and conditions as under that Council, and while performing the same or the corresponding duties shall, as nearly as practicable, receive no less salary or remuneration or allowances and be entitled to receive no less pensions and gratuities, if any, than they would have been entitled to receive from that Council.

(2) The Board may distribute the business to be performed by any officer or servant referred to in sub-section (1) in such manner as the Board may think just and every such officer or servant shall perform such duties in relation to that business as may be directed by the Board.

36. No local authority shall, without the prior approval of the Minister, be constituted in the Controlled Area, notwithstanding anything in any other written law.

Establishment of local authorities in the Controlled Area.

37. (1) In the discharge of its functions and the exercise of its powers the Board shall be subject to and act in accordance with such general or special directions as the Minister may, from time to time, issue.

Minister's directions to the Board.

(2) The Minister shall, in issuing directions under sub-section (1) with regard to any matter affecting the functions of any other Minister, act in consultation with that other Minister.

38. (1) Any officer or servant of the Board who is generally or specially authorised in that behalf by the Board may, at all reasonable times, enter upon any land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Board or of making any survey, examination, or investigation, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Board.

Power to enter any land or premises.

(2) Any person who without lawful excuse obstructs any officer of the Board while acting in pursuance of sub-section (1) shall be guilty of an offence under this Act.

39. (1) Every member, officer and servant of the Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be a public servant within the meaning of the Penal Code.

Members and employees of the Board deemed to be public servants.

(2) The members, officers and servants of the Board shall, for the purposes of the Public Servants (Liabilities) Ordinance, be deemed to be public servants.

(3) The officers of the Board shall, for the purposes of paragraph (d) of section 7 of the Post Office Ordinance, be deemed to be officers of the public service.

40. No suit or other legal proceedings shall lie against the Board for any damage caused or likely to be caused by any act which in good faith is done or purported to be done under this Act.

Protection for action taken under this Act.

41. All forests owned by, or under the supervision or control of, the Board shall be deemed to be reserved forests for the purposes of sections 6 and 7 of the Forest Ordinance.

Forests of the Board.

Power of
Minister to
modify certain
written laws.

42. For the purpose of enabling the Board to exercise, perform or discharge, within the Controlled Area, any power, duty or function under the Weights and Measures Ordinance, No. 37 of 1946, the Food and Drugs Act, No. 25 of 1949, the Motor Traffic Act, No. 14 of 1951, or the Town and Country Planning Ordinance, No. 13 of 1946, the Minister may, by Order published in the *Gazette*, declare that any such Ordinance or Act shall, in its application within that Area, have effect subject to such modifications as may be specified in the Order.

Special
provision to
meet
unforeseen
difficulties.

43. For the purpose of enabling the Board to effectively exercise or discharge its powers or functions within the Area of Authority, the Minister may, by Order published in the *Gazette*, issue all such directions as may be necessary with a view to providing for any unforeseen or special circumstances or to determining or adjusting any question or matter for the determination or adjustment of which no provision or no effective provision is made by this Act.

Offences and
penalties.

44. (1) Every person who contravenes any provision of this Act or of any by-law made by the Board under section 24 shall be guilty of an offence under this Act.

(2) Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(3) No court shall take cognisance of any offence under this Act except on a complaint by an officer of the Board who is authorised by the Board to make such complaint.

Effect of
other laws.

45. The provisions of this Act or of any by-law, regulation, Order or notification made or issued under this Act shall have effect notwithstanding anything in any other written law.

Amendment of
Schedules.

46. The Minister may, by Order published in the *Gazette*, amend any Schedule to this Act.

47. In this Act unless the context otherwise requires— Interpretation.

- “ Board ” means the Anuradhapura Preservation Board established under section 2;
- “ Chairman ” means the person appointed under this Act to be or to act as the Chairman of the Board;
- “ former Anuradhapura Urban Council ” means the Urban Council which was constituted for the town of Anuradhapura under the Urban Councils Ordinance, No. 61 of 1939, and was subsequently dissolved by Order made and published under section 196 of that Ordinance;
- “ General Treasury ” means the Department of Government known as the General Treasury;
- “ local authority ” means any Municipal Council, Urban Council, Town Council or Village Committee;
- “ town of Anuradhapura ” means the area declared to be the town of Anuradhapura under the Urban Councils Ordinance, No. 61 of 1939;
- “ village area ” has the same meaning as in the Village Communities Ordinance.

FIRST SCHEDULE

(Section 22).

- Antiquities Ordinance, No. 9 of 1940.
Anuradhapura (Preservation) Ordinance, No. 34 of 1942.
Cattle Trespass Ordinance (Chapter 331).
Crown Landmarks Ordinance (Chapter 314).
Fauna and Flora Protection Ordinance (Chapter 325).
Flood Protection Ordinance (Chapter 309).
Forest Ordinance (Chapter 311).
Land Development Ordinance (Chapter 320).
Lands Resumption Ordinance (Chapter 313).
Mines, Quarries and Minerals Ordinance, No. 55 of 1947.
Pilgrimages Ordinance (Chapter 133).
Thoroughfares Ordinance (Chapter 148).
Tolls Ordinance (Chapter 150).
Written law enacted under any of the aforesaid Ordinances.

SECOND SCHEDULE

(Section 22).

Auctioneers and Brokers Ordinance (Chapter 98).
Boats Ordinance (Chapter 151).
Butchers Ordinance (Chapter 201).
Cattle Ordinance (Chapter 330).
Cemeteries and Burials Ordinance (Chapter 181).
Dog Registration Ordinance (Chapter 334).
Entertainment Tax Ordinance, No. 12 of 1946.
Housing and Town Improvement Ordinance (Chapter 199).
Nuisances Ordinance (Chapter 180).
Public Performances Ordinance (Chapter 134).
Rabies Ordinance (Chapter 333).
Resthouses Act, No. 12 of 1951.
Street Collections Regulation Ordinance (Chapter 335).
Suburban Dairies and Laundries Ordinance (Chapter 183).
Vehicles Ordinance (Chapter 155).
Written Law enacted under any of the aforesaid Ordinances or Acts.

THIRD SCHEDULE

(Section 22).

Municipal Councils Ordinance, No. 29 of 1947.
Urban Councils Ordinance, No. 61 of 1939.
Town Councils Ordinance, No. 3 of 1946.
Village Communities Ordinance (Chapter 198).

PARLIAMENT OF CEYLON

1st Session 1960-61



Agricultural Products (Guaranteed Prices and Control of Hulling and Milling) Act, No. 33 of 1961

Date of Assent : 2nd June, 1961

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1st Session 1961-62



Agricultural Products

(Guaranteed Prices and Control
of Milling and Milling) Act

No. 33 of 1961

Date of Assent: 2nd June 1961

Printed at the Office of Government

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*Agricultural Products (Guaranteed Prices and
Control of Hulling and Milling)
Act, No. 33 of 1961*

L.D.—O. 4/8.

AN ACT TO PROVIDE FOR THE GRADING OF, AND THE FIXING OF GUARANTEED PRICES FOR, CERTAIN AGRICULTURAL PRODUCTS OF CEYLON; TO REQUIRE THE COMMISSIONER OF AGRARIAN SERVICES, AND PURCHASERS AUTHORISED BY HIM, TO PAY THE GUARANTEED PRICES FOR THE PURCHASE OF AGRICULTURAL PRODUCTS TO WHICH SUCH PRICES APPLY; TO CONTROL THE HULLING AND MILLING OF PADDY; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent : 2nd June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Agricultural Products (Guaranteed Prices and Control of Hulling and Milling) Act, No. 33 of 1961.

Short title.

2. The Commissioner may, by order published in the *Gazette* and in such other manner as he may consider suitable for giving publicity to the order, specify from time to time the grade or grades of any scheduled agricultural product.

Grading of a scheduled agricultural product.

3. The Commissioner may, after consultation with the Guaranteed Prices Advisory Committee and with the approval of the Minister given after consultation with the Minister of Finance, by order published in the *Gazette* and in such other manner as he may consider suitable for giving publicity to the order fix from time to time—

Fixing of a guaranteed price for, or a guaranteed price for each or any of the different grades of, a scheduled agricultural product.

(a) a guaranteed price for a scheduled agricultural product which is not graded under this Act, and

(b) a guaranteed price for each or any of the different grades of a scheduled agricultural product which is graded under this Act.

2 *Agricultural Products (Guaranteed Prices and Control of Hulling and Milling) Act, No. 33 of 1961*

4. (1) The Guaranteed Prices Advisory Committee shall consist of—

- (a) the Commissioner of Agrarian Services who shall be the Chairman of such Committee ;
- (b) an officer of the General Treasury nominated by the Minister of Finance ; and
- (c) five other members appointed by the Minister from among persons who appear to him to have experience and shown capacity in agricultural, commercial or financial matters or in administration.

(2) Regulations may be made prescribing the procedure in regard to the conduct of the business of the Guaranteed Prices Advisory Committee. Subject to any such regulations, that Committee may regulate its own procedure.

5. (1) The Commissioner may purchase, and authorise officers of the Department of Agrarian Services to purchase on his behalf, any scheduled agricultural product.

(2) The Commissioner may authorise any society registered under the Co-operative Societies Ordinance or any officer of Government, who is not an officer of the Department of Agrarian Services to purchase any scheduled agricultural product.

(3) The Commissioner may establish or cause to be established purchasing stations to which producers may bring any scheduled agricultural product for sale.

(4) The Commissioner may establish stores for the storage of any scheduled agricultural product.

6. Any officer or society registered under the Co-operative Societies Ordinance, authorised by the Commissioner under section 5 is referred to in this Act as an " authorised purchaser ".

7. Where a scheduled agricultural product is graded under this Act, the Commissioner or any authorised purchaser shall not purchase any quantity of such product which is not of any grade specified under this Act for such product.

The Guaranteed Prices Advisory Committee.

Power of the Commissioner to purchase or authorise other persons to purchase scheduled agricultural products, to establish or cause the establishment of purchasing stations, and to establish stores.

Authorised purchasers.

Purchase of graded scheduled agricultural products by the Commissioner or an authorised purchaser.

8. Where there is a guaranteed price fixed under this Act for a scheduled agricultural product or for any grade of a scheduled agricultural product, the Commissioner or an authorised purchaser shall not pay for the purchase of such product or such grade of such product a price other than such guaranteed price.

The Commissioner or an authorised purchaser to pay the guaranteed price for a scheduled agricultural product.

9. (1) The Commissioner or any authorised purchaser who is an officer of the Department of Agrarian Services shall not purchase any scheduled agricultural product from any person other than the producer of such product or any purchaser authorised under section 5 (2).

From whom the Commissioner or an authorised purchaser may purchase a scheduled agricultural product.

(2) A purchaser authorised under section 5 (2) shall not purchase any scheduled agricultural product from any person other than the producer of such product.

10. The loss, if any, incurred in any year by the Commissioner in the purchase, processing, distribution and sale of scheduled agricultural products shall be met out of moneys voted for the purpose by Parliament or by resolution of the House of Representatives.

Losses incurred by the Commissioner in purchase, processing, distribution and sale of scheduled agricultural products to be met out of moneys voted for the purpose.

11. (1) Except under the authority of a licence issued by the Commissioner, no person shall carry on the business of hulling or milling paddy :

Control of the hulling or milling of paddy.

Provided that the preceding provisions of this sub-section shall not apply to any such business which has been commenced before the coming into operation of this Act and which is carried on by any person other than a person carrying on such business for the Department of Agrarian Services :

Provided, further, that it shall not be a contravention of the preceding provisions of this section if a person who has commenced to carry on such business for the Department of Agrarian Services before the coming into operation of this Act and who has applied for a licence under this Act within the time allowed to him by sub-section (2) continues to carry on such business until the determination of his application for the licence.

(2) Every application for a licence to carry on any such business as is specified in sub-section (1) shall be in the prescribed form. Every person carrying on the business of hulling or milling paddy for the Department of Agrarian Services on the date of the coming into operation of this Act may apply to the Commissioner for a licence within one month after that date.

(3) The Commissioner may, in his discretion, issue or refuse to issue a licence to an applicant therefor.

(4) Where the Commissioner refuses to issue a licence to an applicant therefor, he shall cause notice of the refusal to be given to the applicant.

(5) Every licence authorising the carrying on of any such business as is specified in sub-section (1) shall be in the prescribed form.

(6) A licence issued under sub-section (1) shall be subject to such conditions as may be specified in that licence.

(7) The Commissioner may cancel a licence issued under sub-section (1) if the licensee contravenes or fails to comply with any condition to which the licence is subject.

(8) Where the Commissioner cancels a licence under sub-section (7), he shall cause notice of the cancellation to be given to the licensee.

(9) An applicant for a licence who is aggrieved by the decision of the Commissioner refusing to issue the licence, and a licensee who is aggrieved by the decision of the Commissioner cancelling his licence may, within twenty-eight days after the date of such decision, appeal in writing from such decision to the Minister.

(10) The Minister's decision on any appeal under sub-section (9) shall be final and conclusive and shall not be called in question in any court.

(11) Except under the authority of a permit issued by the Commissioner, no person shall—

(a) install or cause to be installed in any place,
or

(b) transfer or cause to be transferred from
one location to another,

a huller or mill for hulling or milling paddy.

12. The Commissioner may, by order published in the *Gazette* and in such other manner as he may consider suitable for giving publicity to the order, specify—

Power to specify the quantity and quality of rice to be produced by persons hulling or milling paddy for the Department of Agrarian Services.

- (a) the quantity of rice which shall be produced by the hulling or milling of any quantity of paddy furnished by an officer of the Department of Agrarian Services to a person hulling or milling paddy for that Department ; and
- (b) the requirements as to the quality of the rice that is to be produced by such person out of paddy so furnished.

13. No person carrying on the business of hulling or milling paddy for the Department of Agrarian Services shall contravene or fail to comply with an order made under section 12.

Hullers or millers of paddy for the Department of Agrarian Services not to contravene order under section 12.

14. (1) For the purpose of ascertaining whether the provisions of this Act are being complied with, the Commissioner or any officer authorised in that behalf by him may—

Powers of entry, inspection, etc.

- (a) enter and inspect, at any reasonable hour of the day or night, any stores or other premises of an authorised purchaser or any place where a person is carrying on the business of hulling or milling paddy, or any stores of such person maintained for the purpose of such business ;
- (b) require, by written direction, any authorised purchaser or any person carrying on any such business to furnish to the Commissioner or such authorised officer, within such period as may be specified in that direction, a return containing such particulars as he may require ; and
- (c) inspect, and take copies of, any records kept, in compliance with any regulation made under this Act, by any authorised purchaser or by any person carrying on any such business.

(2) Every person to whom a direction under paragraph (b) of sub-section (1) is issued shall comply with that direction within such time as is specified in the direction.

Regulations.

15. (1) The Minister may make regulations—

(a) in respect of all matters which are required by this Act to be prescribed ;

(b) in respect of the records to be maintained by persons carrying on the business of hulling or milling paddy ;

(c) in respect of the records to be maintained and the procedure to be followed in the purchase, storage and disposal of scheduled agricultural products by authorised purchasers who are not officers of the Department of Agrarian Services ;

(d) prescribing the conditions to which the purchase of scheduled agricultural products by authorised purchasers who are not officers of the Department of Agrarian Services shall be subject ;

(e) prescribing the conditions to which persons carrying on the business of hulling or milling paddy shall be subject ;

(f) prescribing the fee for the issue of any licence under this Act ;

(g) for the purpose of facilitating the identification of paddy delivered to hullers or millers to be hulled or milled ; and

(h) in respect of all matters necessary for carrying out the provisions or giving effect to the principles of this Act.

(2) No regulation made by the Minister under sub-section (1) shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

Offences.

16. (1) Every person who contravenes or fails to comply with any of the provisions of this Act or of any regulation made under this Act, or

makes a false statement in any return furnished in compliance with a direction under section 14 or in any record kept in compliance with any regulation made under this Act, shall be guilty of an offence.

(2) Where, for the purpose of hulling or milling any quantity of paddy, the Commissioner engages any person carrying on the business of hulling or milling paddy, then,—

(a) if that person disposes of the quantity of paddy delivered to him by the Commissioner in any manner other than by hulling or milling such quantity and delivering the quantity produced by the hulling or milling to the Commissioner in accordance with the terms of the engagement of that person by the Commissioner, or

(b) if that person delivers to the Commissioner rice which is not produced by the hulling or milling of the quantity of paddy delivered to him by the Commissioner,

that person shall be guilty of an offence.

(3) Where, for the purpose of being hulled or milled, any paddy is delivered by the Commissioner to any person carrying on the business of hulling or milling paddy, then, if any other person purchases or otherwise acquires from the first-mentioned person any quantity of the paddy delivered to the first-mentioned person by the Commissioner, such other person shall be guilty of an offence.

(4) Where an employee is convicted of an offence under this Act committed by him in his capacity as such employee, the employer of such employee or, if such employer is absent from Ceylon, the person who at the time of the commission of such offence was the manager or having the control of the business in which such employee was employed at such time by such employer shall also be guilty of such offence unless such employer or such person proves that such offence was committed without his knowledge and that he exercised due diligence to prevent the commission of such offence.

Offences by bodies of persons.

17. Where any offence under this Act is committed by a body of persons, then,—

(a) if such body is a corporation, every director of such corporation, and

(b) if such body is a firm, every partner of such firm,

shall be deemed to be guilty of such offence :

Provided that such director or partner shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge and that he exercised due diligence to prevent the commission of such offence.

Penalties.

18. Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding five hundred rupees or to both such imprisonment and fine.

Offences to be cognizable.

Cap. 16.

19. Notwithstanding anything to the contrary in the First Schedule to the Criminal Procedure Code, every offence under this Act shall be a cognizable offence within the meaning of that Code.

Certain officers to be peace officers.

Cap. 16.

20. Every officer of a rank not below that of a Field Officer of the Department of Agrarian Services shall be deemed to be a peace officer within the meaning of the Criminal Procedure Code for exercising, for the purposes of this Act, any power conferred on a peace officer by that Code.

Directions to which the Commissioner and his Deputies and Assistants are to be subject.

21. (1) The Commissioner shall, in the exercise of his powers and the discharge of his duties under this Act, be subject to the general directions of the Minister.

(2) Every Deputy Commissioner or Assistant Commissioner shall, in the exercise of his powers and the discharge of his duties under this Act, be subject to the control and direction of the Commissioner.

Powers of the Commissioner which may be exercised by his Deputies and Assistants.

22. Any of the powers of the Commissioner under this Act other than the powers under section 2 and section 3 may be exercised—

(a) by a Deputy Commissioner in any part of

*Agricultural Products (Guaranteed Prices and
Control of Hulling and Milling)
Act, No. 33 of 1961* . 9

(b) by an Assistant Commissioner in the area to which he is appointed.

23. The Minister may, by Order published in the *Gazette*, amend the Schedule to this Act or replace it with a fresh Schedule.

Amendment of
the Schedule
to this Act.

24. In this Act unless the context otherwise requires—

Interpretation.

“ Assistant Commissioner ” means an Assistant Commissioner of Agrarian Services ;

“ Commissioner ” means the Commissioner of Agrarian Services ;

“ Deputy Commissioner ” means a Deputy Commissioner of Agrarian Services ;
and

“ scheduled agricultural product ” means any such agricultural product produced in Ceylon as is for the time being specified in the Schedule to this Act.

SCHEDULE

1. Black pepper
2. Coffee
3. Cow pea
4. Dried chillies
5. Gingelly
6. Green gram
7. Groundnut
8. Kurakkan
9. Maize
10. Mustard
11. Paddy
12. Red onions
13. Sorghum
14. Tamarind
15. Turmeric
16. Toor Dhall
17. Potatoes
18. Cotton.

PARLIAMENT OF CEYLON

1st Session 1960-61



Young Men's Buddhist Association, Dehiwala-Mount Lavinia Act, No. 34 of 1961

Date of Assent : June 2, 1961

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*Young Men's Buddhist Association,
Dehiwala-Mount Lavinia Act, No. 34 of 1961*

AN ACT TO INCORPORATE THE YOUNG MEN'S BUDDHIST
ASSOCIATION, DEHIWALA-MOUNT LAVINIA.

[Date of Assent: 2nd June, 1961]

WHEREAS an Association, called and known as "The Young Men's Buddhist Association, Dehiwala-Mount Lavinia", has heretofore been established at Dehiwala-Mount Lavinia for the purpose of effectually carrying out and transacting all matters connected with the said Association according to the rules agreed to by its members:

Preamble.

And whereas the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated, and it will be for the public advantage to grant the application:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Young Men's Buddhist Association, Dehiwala-Mount Lavinia Act, No. 34 of 1961.

Short title.

2. From and after the passing of this Act, the President, Vice-Presidents, and members of the Board of Directors for the time being of the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, and such and so many persons as now are members of the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, or shall hereafter be admitted members of the corporation hereby constituted, shall be and become a corporation with continuance for ever under the style and name of "The Young Men's Buddhist Association, Dehiwala-Mount Lavinia", and by that name shall and may sue and be sued in all courts, with full power and authority to have and use a common seal and alter the same at its pleasure.

Incorporation of the Young Men's Buddhist Association, Dehiwala-Mount Lavinia.

3. The general objects for which the corporation is constituted are hereby declared to be—

General objects of the corporation.

(1) the encouragement of the study and practical observance of Buddhism;

- (2) the propagation of Buddhism;
- (3) the advancement of the social, cultural, and educational welfare of the residents of Dehiwala-Mount Lavinia; and
- (4) the promotion of the moral, intellectual, and physical welfare of the members.

Management.

4. (1) The affairs of the corporation shall, subject to the rules in force for the time being of the corporation as hereinafter provided, be administered by a Board of Directors consisting of the President, two Vice-Presidents, the Honorary General Secretary, and the Honorary Treasurer respectively of the corporation, and not less than ten other members, to be elected respectively in accordance with the rules for the time being of the corporation.

(2) The first Board of Directors shall consist of Dr. D. T. R. Gunawardena, President; Mudaliyar W. Dahanaike, Vice-President; Mr. Simon Wickremasinghe, Vice-President; Mr. J. H. Ratnayake, Honorary General Secretary; Mr. T. Ediriweera, Honorary Treasurer; and Messrs. T. H. S. Amarassekera, A. D. de Alwis, A. G. R. de Silva, P. S. de Silva, P. T. de Silva, B. E. G. C. Fernando, P. G. T. Munidasa, S. de S. Thenuwara, L. I. Wickremasinghe, and L. H. Wijetunga.

Rules of the corporation.

5. The rules set forth in the Schedule shall for all purposes be the rules of the corporation:

Provided, however, that nothing in this section contained shall be held or construed to prevent the corporation at all times hereafter, at any duly constituted general meeting, from making fresh rules, or from altering, amending, adding to, or cancelling any of the rules set forth in the Schedule or which may hereafter be made by the corporation.

Amendment of rules.

6. No rule in the Schedule, nor any rule which may hereafter be passed at a general meeting, shall be altered, added to, amended, or cancelled, except by a vote of two-thirds of the members present at a general meeting of the Association, and unless such amendment or cancellation shall have been previously approved by the Board of Directors.

Members to be subject to rules.

7. All members of the corporation shall be subject to the rules in force for the time being of the corporation.

8. All debts and liabilities of the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, existing at the time of the coming into operation of this Act shall be paid by the corporation hereby constituted, and all debts due to and subscriptions and contributions payable to the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, shall be paid to the said corporation for the purposes of this Act.

Debts due by and payable to the Association.

9. The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of two of the members of the Board of Directors, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

How the seal of the corporation is to be affixed.

10. The corporation shall be capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the corporation for the purposes of this Act and subject to the rules for the time being of the said corporation, with full power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

Corporation may hold property, movable and immovable.

11. Nothing in this Act contained shall prejudice or affect the rights of Her Majesty the Queen, Her heirs, and successors, or of any body politic or corporate, or of any other persons, except such as are mentioned in this Act, and those claiming by, from, or under them.

Saving of the rights of the Crown and others.

SCHEDULE

Rules of The Young Men's Buddhist Association, Dehiwala-Mount Lavinia.

I. NAME AND OBJECTS

1. The name of the Association shall be the Young Men's Buddhist Association, Dehiwala-Mount Lavinia. It shall be known in Sinhala as the "Dehiwala-Galkissa Tharuna Baudha Samitiya".

Name

2. The objects of the Association shall be—

Objects.

(1) the encouragement of the study and practical observance of Buddhism

4 *Young Men's Buddhist Association,
Dehiwala-Mount Lavinia Act, No. 34 of 1961*

- (2) the propagation of Buddhism;
- (3) the advancement of the social, cultural and educational welfare of the residents of Dehiwala-Mount Lavinia; and
- (4) the promotion of the moral, intellectual, and physical welfare of the members.

II. PATRON

Election of Patron.

3. The Association shall have a Patron who shall be elected at a general meeting of the Association by the vote of at least two-thirds of those present and voting at the meeting. The person so elected shall continue as Patron for life, unless such person resigns earlier or is replaced by a resolution passed at a general meeting by at least two-thirds of those present and voting at the meeting.

III. MEMBERSHIP

Eligibility for membership.

4. There shall be three classes of members, namely, life, active, and associate members. Every male person over 18 years of age, who has any or all of the objects of the Association in view, shall be eligible for membership, provided, however, that only Buddhists shall be eligible for life or active membership.

Enrolment of members.

5. A person may become a member of the Association only upon the enrolment by the Board of Directors as a life, active, or associate member, provided, however, that all persons who were life, active, or associate members at the time of the incorporation of the Association shall continue as such members without re-enrolment. Active members may apply for enrolment as life members. The Board of Directors shall have the right to reject any application for membership without assigning any reason therefor.

Subscription of life members.

6. Every life member shall pay a fee of Rs. 250 on his enrolment as a life member.

Admission fee of active and associate members.

7. Every active or associate member shall pay an admission fee of Rs. 5 on his enrolment.

Subscription of active and associate members.

8. Every active or associate member shall pay a quarterly subscription of Rs. 2.50. The subscription for the quarter in which he is enrolled shall be paid at his enrolment, and thereafter subscriptions shall be paid every quarter not later than January, April, July, and October respectively.

Duties of members.

9. Every member shall act in accordance with the rules of the Association and abide by any rules framed by the Board of Directors for the conduct of the business of the Association.

Termination of membership.

10. (1) The membership of a member may terminate by his resignation or death, or by the withdrawal of membership by the Board of Directors.

(2) The Board of Directors may withdraw the membership of any member for (a) non-payment of subscription for more than two quarters, or (b) conduct unbecoming of a member of the Association.

(3) A person whose membership has been withdrawn by the Board of Directors may not be re-enrolled until he shall have complied with any conditions for re-enrolment prescribed by the Board of Directors. Such a person may, however, have his membership restored on an appeal to members at a special general meeting of the Association, provided that two-thirds of the members present at such meeting are in favour of restoring such membership.

(4) Any person ceasing to be a member of the Association shall forthwith vacate any office, or membership of any body, to which he may have been elected or appointed by virtue of his having been a member of the Association.

IV. GENERAL MEETINGS

11. General meetings, annual or special, of the Association may be convened by the Board of Directors. Fourteen days' notice of every such meeting, setting out the business to be transacted thereat, shall be given to every member.

Convening
of general
meetings.

12. Twenty members, excluding associate members, shall form a quorum at a general meeting.

Quorum.

13. Only a life or active member, who has held such membership for a period of not less than 12 months continuously, shall be qualified to vote at a general meeting. All questions shall be decided by the vote of the majority of members present and voting at the meeting, except where otherwise prescribed. In the case of an equality of votes, the President or other member presiding at the meeting shall have a casting vote in addition to his original vote.

Voting.

14. The annual general meeting shall be held during the first quarter of each year. A copy of the report of the Board of Directors and the audited statement of accounts for the previous year shall be sent to each member together with the notice convening the meeting.

Annual
general
meeting.

15. The business at the annual general meeting shall be—

Business
at annual
general
meeting.

(1) to consider the report of the Board of Directors and the accounts for the previous year;

(2) to elect the Board of Directors;

(3) to elect office-bearers for the ensuing year;

(4) to appoint an Auditor or Auditors for auditing the accounts of the current year; and

(5) any other business included in the notice convening the meeting, or of which 7 days' notice has been given to the General Secretary by any life or active member.

Special general meeting on requisition of members.

16. (1) A special general meeting of the Association shall be convened by the Board of Directors on receipt of a requisition signed by not less than 25 life or active members setting out the subject-matter proposed to be discussed at such meeting.

(2) No matters other than those specified in the notice convening the meeting shall be discussed at such meeting.

Rulings of President.

17. On any matter not provided for in the rules in this Part, the ruling of the President or other member presiding at the meeting shall be final, and binding on the meeting.

V. BOARD OF DIRECTORS

Election of Board of Directors.

18. (1) There shall be a Board of Directors consisting of 15 life or active members. Only those who have been life or active members for a period of not less than two years shall be eligible for election to the Board of Directors. The Board of Directors shall be elected at the annual general meeting. At every such meeting held after the election of the first Board, the three members of the Board who have held office for the longest period shall vacate office and be replaced by three other members who shall be elected at that meeting, provided that, where more than three members have held office for equally long periods, the three members who are to vacate office shall be decided by lot.

(2) Retiring members shall be eligible for re-election.

(3) A vacancy in the Board, however caused, occurring between two annual general meetings shall be filled by another life or active member elected by the remaining members of the Board. Any member so elected to the Board shall be deemed to have taken the place of the member whom he succeeded, for purposes of vacation of office and replacement.

Duties of Board of Directors.

19. (1) All business of the Association shall be conducted by or on the authority of the Board of Directors.

(2) The Board of Directors shall approve of a design of, and provide, a seal for the Association. The seal shall be used on all instruments executed by or on behalf of the Association and on agreements and contracts entered into by it. It shall not be affixed to any instrument or document except upon the authority of the Board of Directors and in the presence of two members of the Board who shall sign their names on the instrument or document in token of their presence.

(3) All property, movable and immovable, and all funds of the Association shall be vested in the Board of Directors.

(4) The Board shall have power to sell, and buy or otherwise acquire, property for the Association, to enter into agreements and contracts relating to mortgages, leases, and other matters, provided, however, that the Board shall not sell, mortgage, lease, or otherwise alienate, any immovable property belonging to the Association without the prior approval of the members at a general meeting.

(5) The Board shall have power to deposit the funds of the Association in any bank or banks chosen by it and may authorise any member or members of the Board to operate the accounts on behalf of the Association.

(6) The Board shall have power to appoint Assistants to the General Secretary and the Treasurer, and Branch Secretaries, and it may appoint Committees of members (and Chairmen and Secretaries to such Committees) to carry out the work of any specified branches of activity, or perform any specified tasks, and it may terminate any such appointment.

(7) The Board shall have power to frame rules for the conduct and guidance of all persons employed by it or housed in the premises of the Association.

(8) At the end of each year terminating on December 31, the Board shall prepare a report on the activities of the Association for the past year and statements showing the income and expenditure during that year, and the assets and liabilities at the end of that year, for presentation at the annual general meeting.

20. (1) The Board of Directors shall meet at least once a month, or as often as may be necessary, to conduct the business of the Association.

Meeting of
the Board
of Directors.

(2) Meetings shall be convened by the President, or the General Secretary, or by any one of them at the written request of not less than five members of the Board. Three days' notice of the meeting shall be given to members except in very urgent circumstances.

(3) Five members of the Board shall form a quorum.

(4) Decisions of the Board of Directors shall be by the vote of the majority of those present and voting at any meeting.

VI. OFFICE-BEARERS

21. (1) The Association shall have the following principal honorary office-bearers:—

Election of
office-bearers.

(a) a President;

(b) two Vice-Presidents;

(c) a General Secretary; and

(d) a Treasurer.

(2) The office-bearers mentioned in paragraph (1) shall be elected at the annual general meeting from among the members of the Board of Directors and shall hold office until the next annual general meeting.

22. The President of the Association shall preside at all general meetings and meetings of the Board of Directors at which he is present. In the absence of the President, one of the Vice-Presidents may preside at any meeting. In the absence of the President and the Vice-Presidents, from any meeting, any life or active member elected by the meeting may preside at that meeting.

Duties of
President
and Vice-
Presidents.

23. The General Secretary shall have the custody of the seal of the Association. He shall keep a register of members, and a book for recording the minutes of general meetings and of

Duties of
General
Secretary.

meetings of the Board of Directors, and all such other books and records as may be necessary to conduct the business of the Association.

24. (1) The Treasurer shall receive all monies paid to the Association and shall maintain proper records of their receipt, expenditure, or other disposal, provided, however, that the Board of Directors may direct that any monies paid in for any particular project of the Association shall be received and accounted for by another member of the Board of Directors specially appointed a treasurer for that particular purpose.

(2) The Treasurer, or any other treasurer specially appointed by the Board of Directors for a particular purpose, shall hold, deposit in a Bank, or otherwise dispose of, all monies received by him according to the directions of the Board of Directors.

VII. RULES OF THE ASSOCIATION

25. On any matter not provided for in these rules the decision of the Board of Directors shall be final and binding on all members.

26. These rules shall not be amended, rescinded, or added to, except upon a resolution presented at a general meeting on the authority of the Board of Directors, and passed at such meeting by the vote of at least two-thirds of those present and voting at the meeting.

Duties of Treasurer.

Matters not provided for.

How rules may be amended.

PARLIAMENT OF CEYLON

1st Session 1960-61



Companies Tax Act, No. 35 of 1961

Date of Assent : June 6, 1961

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Companies Tax Act

No. 35 of 1961

Date of Assent: June 6, 1961

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AN ACT TO IMPOSE ON COMPANIES INCORPORATED IN CEYLON AND HAVING A SHARE CAPITAL A TAX COMPUTED BY REFERENCE TO THE AMOUNT OF THE SHARE CAPITAL, TO IMPOSE A TAX OF A FIXED AMOUNT ON COMPANIES INCORPORATED IN CEYLON BUT LIMITED BY GUARANTEE AND HAVING NO SHARE CAPITAL AND ON COMPANIES INCORPORATED OUTSIDE CEYLON AND CARRYING ON BUSINESS IN CEYLON, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: 6th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Companies Tax Act, No. 35 of 1961.

Short title.

2. The provisions of this Act shall not apply to—

Companies to which this Act shall not apply.

(a) any company which commences on or after the relevant date to carry on any industrial undertaking and in respect of which a certificate declaring it to be an approved company for the purposes of this Act is issued under the hand of both the Controller of Finance and the Director of Industries, or

(b) any company which has been registered before the relevant date and the profits and income of which are exempt from income tax by virtue of the provisions of section 7A or section 7B of the Income Tax Ordinance, for the period during which such exemption lasts, or

(c) any company registered under section 19 of the Companies Ordinance, No. 51 of 1938, as a company with limited liability, without the addition of the word "Limited" to its name, or

(d) any company incorporated for promoting commerce, art, science, religion, charity, education, or other useful object and exempted from the provisions of this Act by Order made by the Minister of Finance.

Charge of
the tax.

3. (1) Subject to the other provisions of this Act, there shall be charged for each financial year—

- (a) from every company incorporated in Ceylon and carrying on business on or after the relevant date and having a share capital, a tax computed at the rate of fifty rupees for every ten thousand rupees of the share capital of that company as on the relevant date, in the case of the financial year ending on March 31, 1962, and, in the case of each of the subsequent financial years, on the date of commencement of each such financial year,
- (b) from every company incorporated in Ceylon and carrying on business on or after the relevant date but limited by guarantee and having no share capital, a tax of five thousand rupees, and
- (c) from every company incorporated outside Ceylon and having a place of business in Ceylon on or after the relevant date, a tax of fifty rupees for every ten thousand rupees of its capital employed in Ceylon, but so however that, in the case of the financial year ending on March 31, 1962, the tax payable shall not be less than five thousand rupees.

(2) A tax charged under sub-section (1) is hereafter in this Act referred to as "the tax".

(3) For the purposes of sub-section (1), the expression "capital employed in Ceylon", means all property, movable and immovable, used by a company incorporated outside Ceylon for carrying on its business in Ceylon but does not include the liabilities of such company incurred in carrying on its business in Ceylon or any sum invested by such company in any industry approved for the purposes of this Act by the Minister of Finance by Order published in the *Gazette*.

4. Where any company, to which the provisions of paragraph (a) of section 3 (1) apply, takes steps to reduce its share capital and such reduction is effected on or before March 31, 1961, then,—

- (a) if before such reduction the share capital of that company exceeded, and the issued share capital of that company did not

Computation of
the tax for the
financial year
ending on
March 31, 1962,
on reduction
of the share
capital of
a company.

exceed one million rupees, the tax to be charged from that company for the financial year ending on March 31, 1962, shall be computed on the amount of its reduced share capital or one million rupees, whichever is more, and

- (b) if before such reduction the share capital and the issued share capital of that company each exceeded one million rupees, the tax to be charged from that company for that financial year shall be computed on the amount of its reduced share capital or on the amount of its issued share capital as on the relevant date, whichever is more.

5. Where a company which is liable to the tax under this Act for any financial year is also liable to the land tax under the Land Tax Act for that year, then, if the amount of the tax under this Act is less than the amount of the land tax, such company shall not be liable to the tax under this Act for that year.

Company liable to the tax under this Act and to the land tax under the Land Tax Act shall not be liable to pay the tax under this Act if the amount of such tax is less than the amount of the land tax.

6. Where the aggregate of—

- (a) the tax to which a company is liable under this Act for any financial year, and
 (b) the income tax to which that company is liable under the Income Tax Ordinance for the year of assessment ending on the day preceding the date of commencement of that financial year,

Set off against the tax payable by a company under this Act.

exceeds eighty per centum of the assessable income of that company for that year of assessment and the whole or any part of such excess cannot as required by section 75B of that Ordinance be set off against the income tax to which that company is liable, the amount which cannot be so set off shall be set off against the tax to which that company is liable under this Act for that financial year.

The provisions of this section in so far as they relate to income tax shall apply to the Income Tax Ordinance as if they were also provisions of that Ordinance.

7. (1) A company liable to the tax for any financial year shall pay the tax to the Registrar of Companies within thirty days after the date of commencement of that financial year.

Payment of the tax.

(2) Where a company liable to the tax fails to pay any amount of the tax for any financial year within the period required by sub-section (1), the Registrar of Companies shall, by notice in writing, require that company to pay, within a period of fourteen days after the date of the service of such notice, such amount to the Registrar. If such company fails to pay such amount within the period of fourteen days so specified in the notice, such amount shall be deemed to be in default and shall be a charge on all the assets of such company, and the company shall be deemed to be a defaulter for the purposes of this Act.

Proceedings
for the
recovery of
the tax.

8. Where the amount of the tax for any financial year is in default, the Registrar of Companies may issue a certificate containing particulars of such amount, and the name and the place of business of such defaulter to a Magistrate having jurisdiction in the division in which such place is situate. The Magistrate shall thereupon summon the defaulter before him to show cause why proceedings for the recovery of the amount of the tax in default should not be taken against such defaulter, and, if sufficient cause is not shown, the amount of the tax in default shall by order of the Magistrate be recovered as if it were a fine imposed by the Magistrate on such defaulter.

Powers conferred
on the Registrar
of Companies
for the purposes
of this Act.

9. (1) The Registrar of Companies or any officer authorised in that behalf by such Registrar may direct any company to furnish such returns as may be necessary for the purposes of this Act, and may inspect, and make copies of any entries in, the books, records and all other documents of the company in order to ascertain whether the company is liable to the tax or the amount of the tax which the company is liable to pay.

(2) Every company shall comply with any direction given under sub-section (1) and shall permit and assist any person empowered to do so by that sub-section to inspect, and make copies of any entries in, any books, records or other documents of the company.

Offences.

10. If any company—

- (a) contravenes any provisions of this Act,
- (b) furnishes for the purposes of this Act any return which is, or any part of the contents of which is, to the knowledge of the company untrue or incorrect, or

- (c) does not comply with any direction given by the Registrar of Companies, or any officer authorised in that behalf by the Registrar, under section 9,

the company and every director, manager, secretary, or other officer of that company shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to pay a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

11. All sums paid to or recovered by the Registrar of Companies as tax under this Act shall be credited by the Registrar to the Consolidated Fund of Ceylon.

Sums paid or recovered as tax to be credited to the Consolidated Fund of Ceylon.

12. (1) Where any amount paid as the tax by a company for any financial year is in excess of the amount with which that company was properly chargeable for that financial year, that company shall, upon a claim made in writing by the company in that behalf to the Deputy Secretary to the Treasury, be entitled to a refund of the sum paid in excess.

Refund of sums paid in excess as the tax for any financial year.

(2) Any sum payable to any company under subsection (1) shall be paid out of the Consolidated Fund of Ceylon.

13. This Act shall have effect notwithstanding anything to the contrary in any other written law or in any instrument governing the management or functions of any company liable to the tax.

This Act to prevail over any other written law or instrument.

14. In this Act, unless the context otherwise requires,—

Interpretation.

“ company ” means any company incorporated or registered under any law in force in Ceylon or elsewhere;

“ financial year ” means the period which commences on April 1, 1961, and ends on March 31, 1962, and every subsequent period of twelve months commencing on April 1; and

“ relevant date ” means the fifteenth day of September, 1960.

for the purpose of this section, the amount of the tax shall be the amount of the tax as determined under the provisions of this section.

the amount of the tax shall be the amount of the tax as determined under the provisions of this section, and the amount of the tax shall be the amount of the tax as determined under the provisions of this section.

11. All sums paid to or received by the Secretary of Companies as tax under this Act shall be credited to the Consolidated Fund.

12. If any sum paid as the tax by a company for any financial year is in excess of the amount which that company was properly chargeable with that tax, that company shall, upon a demand made in writing by the company in that behalf to the Public Secretary to the Treasury, be entitled to a refund of the sum paid in excess.

13. If any sum paid to any company under sub-section (1) shall be paid out of the Consolidated Fund.

14. This Act shall have effect notwithstanding anything to the contrary in any other written law or in any instrument governing the management or conduct of any company liable to the tax.

15. In this Act, unless the context otherwise requires—

“company” means any company incorporated or registered under any law in force in British India;

“financial year” means the period which commences on April 1 1901 and ends on March 31 1902 and every subsequent period of twelve months commencing on April 1 and

“relevant date” means the fifteenth day of September 1901.

PARLIAMENT OF CEYLON

1st Session 1960-61



Temporary Residence Tax Act, No. 36 of 1961

Date of Assent : 8th June, 1961

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PARLIAMENT OF CANADA

1st Session 1960-61



Temporary Residence Tax Act

No. 36 of 1961

Enacted by the Queen's Most Excellent Majesty in Council

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*Temporary Residence Tax Act,
No. 36 of 1961*

L. D.—O. 38/60.

AN ACT TO MAKE PROVISION FOR THE LEVY AND RECOVERY OF A TAX COMPUTED WITH REFERENCE TO THE STAY IN CEYLON OF CERTAIN PERSONS WHO ARE NOT CITIZENS OF CEYLON, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: 8th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Temporary Residence Tax Act, No. 36 of 1961. Short title.

2. (1) Subject to the other provisions of this Act, there shall be charged from every person— Charge of the tax.

(a) who is not a citizen of Ceylon, and

(b) who, on or after the relevant date, remains in Ceylon—

(i) under the authority of a *visa* granted to him for a period exceeding three months in one calendar year; or

(ii) under the authority of more than one *visa* granted to him for periods which when added together will exceed three months; or

(iii) after the expiration of the period for which he is authorised to remain in Ceylon by a *visa* granted to him,

a tax (hereafter in this Act referred to as "the tax") for the period of his stay in Ceylon computed at the rate of four hundred rupees for a year or any part of a year exceeding one month.

(2) Any person who, under sub-section (1) is liable to pay the tax, is hereafter in this Act referred to as a "person subject to the tax".

3. (1) The following persons shall be exempt from the tax:— Exemptions from the tax

(i) any person referred to in paragraph (a), paragraph (c), paragraph (ca) or paragraph (cb) of section 2(1) of the principal enactment

- and the spouse and every dependent child, parent, brother or sister of any person referred to in the aforesaid paragraphs, and every member of the official staff of any person referred to in the aforesaid paragraphs;
- (ii) any person referred to in paragraph (b) of section 2 (1) of the principal enactment and—
- (a) every member of the official staff of that person;
- (b) the spouse and every dependent child, parent, brother or sister of that person and of every member of his official staff;
- (c) every such person in the domestic establishment of the person aforesaid or of every member of his official staff as is the holder of a valid passport issued by the Government of the country which duly accredited him to the Government of Ceylon;
- (iii) any person who has entered, or enters, or is under an agreement to enter, the service of the Government of Ceylon or of any local authority or of any corporation, and the spouse and every dependent child of such person;
- (iv) any person who is an expert, adviser, technician or official who is exempt from the payment of income tax under the Income Tax Ordinance;
- (v) any person who is in the service of any undertaking in Ceylon which is commenced after the date on which this Act comes into operation and in respect of which a certificate is issued by the Secretary to the Treasury or an officer authorised by him to the effect that foreign capital is invested in such undertaking with the approval of the Government of Ceylon;
- (vi) any person who has not attained the age of sixteen years;
- (vii) any person who is certified by the Director of Education to be a full time student in any educational institution in Ceylon recognised by the Director;

- (viii) any person who is a member of the crew of a ship in the territorial waters of Ceylon; and
- (ix) any class or description of persons which, or any person belonging to such class or description who, is exempted from the provisions of this Act by Order made by the Minister and published in the *Gazette*.

(2) In this section—

“ corporation ” means a corporation established under the Government-Sponsored Corporations Act, No. 19 of 1955, or under the State Industrial Corporations Act, No. 49 of 1957, or any corporation specified in the Schedule to this Act, and

“ local authority ” means any Municipal Council, Urban Council, Town Council or Village Committee.

4. (1) The tax shall—

Liability to
pay the tax.

(A) in the case of a person who is the holder of a *visa* which was granted before the date of commencement of this Act and which expires on or before the fifteenth day of September, 1961, be paid within one month after the date of commencement of this Act;

(B) in the case of a person who is the holder of a *visa* which was granted before the date of commencement of this Act and which expires after the fifteenth day of September, 1961,—

(a) in respect of the period commencing on the relevant date, or where that *visa* was granted after the relevant date, on the date of the grant of that *visa* and ending on the fifteenth day of September, 1961, be paid within one month after the date of commencement of this Act, and

(b) in respect of each subsequent period, exceeding one month and not exceeding twelve months of that *visa*, be paid within one month after the date of commencement of each such period;

(C) in the case of a person to whom a *visa* is granted after the date of commencement of this Act—

- (a) if the period for which he is authorised to remain in Ceylon by that *visa* does not exceed one year, be paid on the date of the grant of that *visa*, and
- (b) if the period for which he is authorised to remain in Ceylon by that *visa* exceeds one year—

- (i) in respect of the first twelve months of his stay in Ceylon, be paid on the date of the grant of that *visa*, and

- (ii) in respect of each subsequent period, exceeding one month and not exceeding twelve months, of that *visa*, be paid within one month after the date of commencement of each such period; and

(D) in the case of any person who remains in Ceylon after the expiration of the period for which he is authorised to remain in Ceylon by the *visa* granted to him, be paid within one month after the date of commencement of this Act in respect of the period of his stay in Ceylon commencing on or after the relevant date and ending on the date of such payment,

and such person shall be liable to pay the tax to the Controller.

(2) Notwithstanding the provisions of subsection (1) of this section, any person who is subject to the tax may apply to the Controller for permission to pay the tax in instalments and, on receipt of such an application, the Controller may, if he is satisfied that the applicant is an employee in any trade in respect of which a Wages Board has been set up in accordance with the provisions of the Wages Boards Ordinance, No. 27 of 1941, permit the applicant to pay the tax in such instalments as the Controller may determine.

(3) The Controller may, on the application of any person who is subject to the tax, grant an extension of time, not exceeding three months, for the payment of the tax if such person has, within three months before the date on which the tax falls due, paid in accordance with the provisions of sub-section (1) the tax which he was earlier liable to pay.

(4) Where under the provisions of sub-section (1) the tax is paid by any person upon the grant, after the commencement of this Act, of a *visa* to him and the period for which he is authorised to remain in Ceylon by that *visa* is less than one year, that person shall not be entitled to pay the tax upon the extension of the period of such *visa* if the aggregate of the periods for which he is authorised to remain in Ceylon before and after such extension does not exceed one year.

(5) Any person subject to the tax who fails to pay the tax to the Controller within the period, or on the date, required under the preceding provisions of this section shall, without prejudice to any proceedings which may be taken against him for the recovery of the tax, be guilty of an offence under this Act and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

5. (1) Where any person subject to the tax fails to pay such tax to the Controller within the period, or on the date, required under section 4, the Controller shall by notice in writing require such person to pay, within such period as shall be specified in the notice, the amount of such tax to the Controller and where such person fails to pay such amount within the period specified in the notice, such amount shall be deemed to be in default.

Provisions
for recovery
of tax.

(2) Where the amount of the tax is in default, the Controller may issue a certificate containing particulars of such amount and the name and address of such defaulter to the Magistrate having jurisdiction in the area in which such defaulter is resident. The Magistrate shall, thereupon, summon the defaulter before him to show cause why proceedings for the recovery of the amount of the tax in default should not be taken against such defaulter, and, if sufficient

cause is not shown, the amount of the tax in default shall by order of the Magistrate be recovered as if it were a fine imposed on the defaulter by the Magistrate.

6. The failure of a person subject to the tax to pay the amount of such tax within the period, or on the date, required under section 4 shall be a ground on which any *visa* granted to that person under the principal enactment may be cancelled by the Controller under that enactment, and the provisions of that enactment shall, in their application in the case of that person and such *visa*, have effect accordingly.

7. For the purpose of determining the period of stay in Ceylon of any person who is the holder of a *visa* and who is subject to the tax, that *visa* shall be conclusive proof of his period of stay in Ceylon.

8. All sums paid to or recovered by the Controller as tax under this Act shall be credited by the Controller to the Consolidated Fund of Ceylon.

9. The rate of the tax may be altered from time to time by Order made by the Minister, approved by the House of Representatives and published in the *Gazette*.

10. The Minister may, by Order published in the *Gazette*, amend or vary the provisions of the Schedule to this Act.

11. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the principal enactment, and accordingly the payment by any person, who remains in Ceylon after the expiration of the period for which he is authorised to so remain by the *visa* granted to him, of the tax to which he is liable under this Act shall not be construed, or be deemed to be construed, to affect any proceedings which may be taken under that enactment against him for remaining in Ceylon in contravention of any provisions of that enactment.

Failure to pay the tax to be a ground for the cancellation of *visa*.

Visa to be conclusive proof of a person's period of stay in Ceylon.

Sums paid or recovered as tax to be credited to the Consolidated Fund of Ceylon.

Alteration of the tax.

Power to vary or amend the Schedule to this Act.

Provisions of this Act to be in addition to and not in derogation of the provisions of the principal enactment.

12. In this Act, unless the context otherwise requires,— Interpretation.

“ Controller ” means the Controller of Immigration and Emigration;

“ principal enactment ” means the Immigrants and Emigrants Act, No. 20 of 1948, as amended by any subsequent Act;

“ relevant date ” means the fifteenth day of September, 1960; and

“ *visa* ” means a *visa* granted under the principal enactment and includes any temporary residence permit, or endorsement, or extension of the period of the *visa*, granted or issued under that enactment.

Schedule (Section 3 (2)).

1. The Gal Oya Development Board established under the Gal Oya Development Board Act, No 51 of 1949.
2. The Air Ceylon Limited established under the Air Ceylon (Incorporation) Act, No. 7 of 1951.
3. The Milk Board established under the Milk Board Act, No. 12 of 1954.
4. The Ceylon Institute of Scientific and Industrial Research established under the Ceylon Institute of Scientific and Industrial Research Act, No. 15 of 1955.
5. The Ceylon Transport Board established under the Motor Transport Act, No. 48 of 1957.
6. The Ceylon State Plantations Corporation established under the Ceylon State Plantations Corporation Act, No. 4 of 1958.
7. The Port (Cargo) Corporation established under the Port (Cargo) Corporation Act, No. 13 of 1958.

The following are the names of the various committees and commissions established under the provisions of the Act:

1. The National Planning Commission established under the provisions of the Act No. 1 of 1950.
2. The National Development Board established under the provisions of the Act No. 2 of 1950.
3. The National Industrial Development Board established under the provisions of the Act No. 3 of 1950.
4. The National Agricultural Development Board established under the provisions of the Act No. 4 of 1950.
5. The National Water Development Board established under the provisions of the Act No. 5 of 1950.
6. The National Road Development Board established under the provisions of the Act No. 6 of 1950.
7. The National Air Development Board established under the provisions of the Act No. 7 of 1950.
8. The National Space Development Board established under the provisions of the Act No. 8 of 1950.
9. The National Atomic Energy Commission established under the provisions of the Act No. 9 of 1950.
10. The National Space Research Commission established under the provisions of the Act No. 10 of 1950.

PARLIAMENT OF CEYLON

1st Session 1960-61



Medical (Amendment) Act, No. 37 of 1961

Date of Assent : 17th June, 1961

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Medical (Amendment) Act, No. 37 of 1961

L. D.—O. 30/59.

AN ACT TO AMEND THE MEDICAL ORDINANCE.

Chapter 90,
Vol. III,
page 6.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Medical (Amendment) Act, No. 37 of 1961.

Short title.

2. Section 23 of the Medical Ordinance (hereinafter referred to as the "principal enactment"), as amended by Act No. 23 of 1955, is hereby further amended by the insertion, immediately after subsection (3A) of that section, of the following new sub-section:—

Amendment of
section 23
of Chapter
90.

"(3B) The Registrar shall enter in a separate part of the appropriate register kept under subsection (1) the name of any person whose application for registration as a medical practitioner, dentist or nurse is allowed by the Medical Council under section 61H and, if such person leaves Ceylon, shall strike off his name from the register."

3. The following new section is hereby inserted in Part X of the principal enactment immediately after the heading "SUPPLEMENTARY" and shall have effect as section 61H of that enactment:—

Insertion of
new section
61H in the
principal
enactment.

"Registration as medical practitioners, dentists or nurses of certain persons not qualified under the preceding provisions of this Ordinance.

61H. Notwithstanding anything in any other provision of this Ordinance, any person who is resident in Ceylon temporarily and who is not qualified to be registered under the preceding provisions of this Ordinance as a medical practitioner, dentist or nurse may in writing apply to the Medical Council to be registered as a medical practitioner, dentist or nurse for the period of his temporary residence in Ceylon, if he—

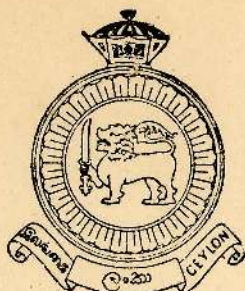
(a) is possessed of sufficient knowledge and skill for efficient practice as a medical practitioner, dentist or nurse, and

(b) is in Ceylon on the invitation of the Government or the University of Ceylon for the purpose of practising as a medical practitioner, dentist or nurse,

and the Medical Council shall allow the application if it is satisfied that the applicant is qualified to make the application under the preceding provisions of this section.”

PARLIAMENT OF CEYLON

1st Session 1960-61



School Teachers Pension (Amendment) Act, No. 38 of 1961

Date of Assent : June 17th, 1961

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School Teachers Pension (Amendment) Act,
No. 38 of 1961

L. D.—O. 49/59.

AN ACT TO AMEND THE SCHOOL TEACHERS PENSION
(AMENDMENT) ACT, NO. 23 OF 1957.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the School Teachers Pension (Amendment) Act, No. 38 of 1961.

Short title.

2. Section 5 of the School Teachers Pension (Amendment) Act, No. 23 of 1957, is hereby amended in sub-section (1) of that section, by the substitution, for all the words from " if prior to his retirement " to " granted to him ", of the following:—

Amendment of section 5 of the School Teachers Pension (Amendment) Act, No. 23 of 1957.

" if prior to his retirement he was entitled to have his name entered in such Register, his name may be entered in such Register as from the date he was entitled to have his name so entered in such Register, and accordingly a pension may be granted to him with effect from the date of his retirement ".

It is the duty of the Registrar to see that the
provisions of the Act are carried out, and by the authority of the
Registrar as follows:

1. This Act may be cited as the *Registrar's Act* (Amendment) Act, No. 32 of 1961.

2. Section 2 of the *Registrar's Act* (Amendment) Act, No. 32 of 1961, is hereby amended in the manner (1) of that section of the said Act, and the words therein shall read as follows:—

“(1) If prior to his registration he was entitled to have his name entered in such Register, he shall not be entitled to have his name so entered in such Register, and accordingly a provision may be made to have such name removed from the Register.”

PARLIAMENT OF CEYLON

1st Session 1960-61



Local Authorities (Term of Office) Act, No. 39 of 1961

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*Local Authorities (Term of Office) Act,
No. 39 of 1961*

L. D.—O. 14/60.

AN ACT TO AMEND THE LAW RELATING TO LOCAL AUTHORITIES FOR THE PURPOSE OF RESOLVING DOUBTS AS TO THE DURATION OF THEIR TERM OF OFFICE.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Local Authorities (Term of Office) Act, No. 39 of 1961. Short title.

2. The Municipal Councils Ordinance, No. 29 of 1947, the Urban Councils Ordinance, No. 61 of 1939, the Town Councils Ordinance, No. 3 of 1946, and the Local Authorities Elections Ordinance, No. 53 of 1946, are hereby amended in the manner specified in the Schedule to this Act. Amendment of Ordinances relating to local authorities.

Schedule.

<i>Ordinance.</i>	<i>Section or Schedule.</i>	<i>Amendments.</i>
The Municipal Councils Ordinance, No. 29 of 1947, (as amended by Act No. 38 of 1953).	10	.. In sub-section (1) of that section, for the words "third year thereafter", substitute the words "third year thereafter (inclusive of the year in which such term of office commenced)".
The Urban Councils Ordinance, No. 61 of 1939, (as amended by Act No. 53 of 1946 and Act No. 38 of 1953).	16	.. In sub-section (1) of that section, for the words "third year thereafter", substitute the words "third year thereafter (inclusive of the year in which such term of office commenced)".
The Town Councils Ordinance, No. 3 of 1946, (as amended by Act No. 53 of 1946 and Act No. 38 of 1953).	16	.. In sub-section (1) of that section, for the words "third year thereafter", substitute the words "third year thereafter (inclusive of the year in which such term of office commenced)".

2 Local Authorities (Term of Office) Act,
No. 39 of 1961

Ordinance	Section or Schedule	Amendments.
The Local Authorities Elections Ordinance, No. 53 of 1946, (as amended by Act No. 5 of 1949 and Act No. 38 of 1953).	Seventh Schedule	In section 17 set out in column III of the SEVENTH SCHEDULE and relating to the term of office of members of Village Committees, in sub-section (2) of that section, for the words "third year after such election", substitute the words "third year after the year in which such election was held".

PARLIAMENT OF CEYLON

1st Session 1960-61



Public Performances (Amendment) Act, No. 40 of 1961

Date of Assent : June 17, 1961

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PARLIAMENT OF CEYLON

1st Session 1951-52



Public Performances

(Amendment) Act No. 40 of 1951

Date of Assent: June 17, 1951

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Public Performances (Amendment) Act,
No. 40 of 1961

L. D.—O. 68/59.

AN ACT TO AMEND THE PUBLIC PERFORMANCES
ORDINANCE.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Public Performances (Amendment) Act, No. 40 of 1961.

Short title.

2. The long title of the Public Performances Ordinance, hereinafter referred to as "the principal enactment", is hereby amended by the substitution, for the words "PUBLIC PERFORMANCES.", of the words "PUBLIC PERFORMANCES AND CARNIVALS."

Amendment of the long title of Chapter 134.

3. Section 2 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 2 of the principal enactment.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"carnival" includes any fête, fancy fair, and any other similar entertainment to which the public are admitted, whether on payment or otherwise, but does not include any public performance;

"local authority" means any Urban Council, Town Council, or Village Committee; and

"public performance" includes—

(a) every public dramatic representation;

(b) every exhibition of pictures or optical effects by means of a cinematograph, magic lantern, or other similar apparatus;

(c) every exhibition of dancing, conjuring, juggling, or acrobatic performances, every boxing contest, circus, concert, or other stage entertainment,

but does not include any carnival or any performance on private premises to which the public are not admitted whether on payment or otherwise.'

4. The following new sections are hereby inserted immediately after section 3, and shall have effect as sections 3A, 3B, and 3C, of the principal enactment:—

“ Prohibition of holding of carnival without licence.

3A. (1) No person shall hold any carnival in any area within the administrative limits of any local authority except under a licence issued in that behalf by that authority.

(2) A licence under sub-section (1) shall not be issued by a local authority except with the concurrence of the Inspector-General of Police.

(3) It shall be a condition of every such licence that the licensee shall not promote or permit gambling of any kind whatsoever within the premises in which the carnival is held, and that he shall not conduct or promote any lottery within such premises or in connection with such carnival.

(4) A licence issued by a local authority to any person may be suspended or cancelled by such authority if it is satisfied that such person has contravened any condition of such licence or any provision of this Ordinance or of any by-law made thereunder.

Prohibition of gambling in premises where carnivals are held, and of lotteries in connection with such carnivals.

3B. No person shall promote, or participate in, gambling of any kind whatsoever within the premises in which any carnival is held, or conduct or promote any lottery within such premises or in connection with such carnival.

Power of local authority to make by-laws for the regulation of carnivals.

3C. (1) A local authority may make by-laws for the regulation, inspection, and control of carnivals, and in particular, without prejudice to the generality of the power so conferred, in respect of all or any of the following matters:—

- (a) the fees to be paid for the issue of licences relating to carnivals;
- (b) the conditions of such licences; and
- (c) the protection of the public against fire, overcrowding, disorder, or other dangers.

(2) Every by-law made by a local authority shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the by-law.

(3) Every by-law made by a local authority shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any by-law which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything done thereunder.”

5. Section 4 of the principal enactment is hereby amended, in sub-section (1) thereof, by the substitution, for the words “person infringing any rule”, of the words “person contravening the provisions of section 3A or section 3B or of any rule or by-law”.

Amendment of section 4 of the principal enactment.

6. Section 5 of the principal enactment is hereby amended by the substitution, for the words “public performances”, of the words “public performances or carnivals”.

Amendment of section 5 of the principal enactment.

17. Every law made by a local authority shall, as soon as convenient after its publication in the Gazette, be brought before the Senate and the House of Representatives for approval. Any law which is not so approved shall be deemed to be rescinded as from the date of its passage, but without prejudice to anything then in force.

(2) Every law made by a local authority shall, as soon as convenient after its publication in the Gazette, be brought before the Senate and the House of Representatives for approval. Any law which is not so approved shall be deemed to be rescinded as from the date of its passage, but without prejudice to anything then in force.

(3) Every law made by a local authority shall, as soon as convenient after its publication in the Gazette, be brought before the Senate and the House of Representatives for approval. Any law which is not so approved shall be deemed to be rescinded as from the date of its passage, but without prejudice to anything then in force.

(4) Every law made by a local authority shall, as soon as convenient after its publication in the Gazette, be brought before the Senate and the House of Representatives for approval. Any law which is not so approved shall be deemed to be rescinded as from the date of its passage, but without prejudice to anything then in force.

Section 23 of the Copyright Act, 1911
Every law made by a local authority shall, as soon as convenient after its publication in the Gazette, be brought before the Senate and the House of Representatives for approval. Any law which is not so approved shall be deemed to be rescinded as from the date of its passage, but without prejudice to anything then in force.

Section 23 of the Copyright Act, 1911
Every law made by a local authority shall, as soon as convenient after its publication in the Gazette, be brought before the Senate and the House of Representatives for approval. Any law which is not so approved shall be deemed to be rescinded as from the date of its passage, but without prejudice to anything then in force.

PARLIAMENT OF CEYLON

1st Session 1960-61



Railways (Amendment) Act, No. 41 of 1961

Date of Assent : June 17, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Railways (Amendment) Act
No. 41 of 1961

Date of Assent: June 17, 1961

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Railways (Amendment) Act, No. 41 of 1961

L. D.—O. 25/59.

AN ACT TO AMEND THE RAILWAYS ORDINANCE.

Chapter 153,
(Vol. IV.,
page 90).

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Railways (Amendment) Act, No. 41 of 1961. Short title.

2. Section 31 of the Railways Ordinance, hereinafter referred to as the "principal enactment", is hereby amended as follows:— Amendment of
section 31 of
Chapter 153

(1) by the substitution, for all the words from "the General Manager" to the end of the second proviso in that section, of the following:—

"the General Manager shall, before the line is opened for traffic, cause to be erected and afterwards maintained good and efficient gates, bars, or barriers which are capable of being moved to such a position that they make the railway impassable at the intersection of the railway and the road, or to such a position that they make the road impassable at such intersection; and the gates, bars, or barriers shall be moved to and kept in the first mentioned position except when engines or trains passing along the railway have occasion to cross the road:

Provided that the Minister may in any case order that the gates, bars, or barriers shall—

(a) be so constructed as to be capable of being moved to such a position that they make the road, and not the railway, impassable at the intersection of the railway and the road, or to such a position that they do not make either the road or the railway impassable, and

(b) be moved to and kept in the position mentioned first in paragraph (a) of this proviso only when engines or trains passing along the railway have occasion to cross the road,

and in such case the gates, bars, or barriers shall be erected, maintained, and moved to and kept in position, accordingly.”; and

(2) by the substitution, for the words “in case any such gates”, of the words “in case any such gates, bars, or barriers”.

3. Section 34 of the principal enactment is hereby amended as follows:—

(a) by the repeal of sub-section (2) of that section and the substitution therefor of the following sub-section:—

“(2) Any person who, at a time when any engine or train approaching along a railway is within sight or hearing or is due,—

(a) moves any gate, bar, or barrier, erected and maintained by the General Manager at the intersection of such railway and a road, from the position in which such road is made impassable to a position in which the road is made passable; or

(b) in any way impedes or interferes with any person in charge of such gate, bar, or barrier while in the execution of his duty; or

(c) passes or attempts to pass, or drives or attempts to drive, any animal, vehicle or other thing across such railway,

shall be guilty of an offence and liable to a fine not exceeding one hundred rupees.”; and

(b) in the marginal note to sub-section (2) of that section by the substitution, for the word “gates.”, of the words “gates, etc.”.

PARLIAMENT OF CEYLON

1st Session 1960-61



Criminal Procedure Code (Amendment) Act, No. 42 of 1961

Date of Assent : June 17, 1961

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PARLIAMENT OF CEYLON

1951



Criminal Procedure Code
(Amendment) Act No. 45 of 1951

Date of Assent: June 17, 1951

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*Criminal Procedure Code (Amendment) Act,
No. 42 of 1961*

L. D.—O. 15/60.

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, No. 42 of 1961.

Short title.

2. Section 122 of the Criminal Procedure Code, hereinafter referred to as the "principal enactment", is hereby amended in sub-section (3) of that section by the substitution, for the words, "Neither the accused", of the words and figures "Save as otherwise provided in section 122A, neither the accused".

Amendment of section 122 of Chapter 16.

3. The following new sections are hereby inserted immediately after section 122, and shall have effect as sections 122A and 122B, of the principal enactment.

Insertion of new sections 122A and 122B in the principal enactment.

Certified copies of information given under section 121 (1) and of certain statements recorded under section 122 (1).

122A. (1) Where in pursuance of any information given under sub-section (1) of section 121 proceedings are instituted in a Magistrate's Court under section 148, the accused or his proctor shall be entitled to obtain from the proper authority a certified copy of such information and of any statement made under sub-section (1) of section 122 by the person against whom or in respect of whom the accused is alleged to have committed an offence.

(2) In this section, the expression "proper authority",—

(a) in relation to any information or statement contained in an Information Book kept by an officer in charge of a police station, means such officer, and

(b) in relation to any information or statement contained in an Information Book kept by an inquirer, means such inquirer.

2 Criminal Procedure Code (Amendment) Act,
No. 42 of 1961

Certified
copies obtained
under section
122A to be
admissible
in evidence.

122B. In any proceedings under this Code, the production of a certified copy of any information or statement obtained under section 122A shall be *prima facie* evidence of the fact that such information was given, or that such statement was made, to the police officer or inquirer by whom it was recorded; and notwithstanding the provisions of any other law, it shall not be necessary to call such officer or inquirer as a witness solely for the purpose of producing such certified copy.

PARLIAMENT OF CEYLON

1st Session 1960-61



Civil Courts (Special Provisions) Act, No. 43 of 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Civil Courts (Special Provisions)
Act No. 43 of 1961

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Civil Courts (Special Provisions) Act,
No. 43 of 1961

L. D.—O. 15/60.

AN ACT TO MAKE PROVISION FOR THE PRODUCTION IN CIVIL COURTS OF CERTIFIED COPIES OF COMPLAINTS AND STATEMENTS MADE TO A POLICE OFFICER OR AN INQUIRER AND OF PLANS AND SKETCHES PREPARED BY A POLICE OFFICER OR AN INQUIRER.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Civil Courts (Special Provisions) Act, No. 43 of 1961.

Short title.

2. Where a party to any proceedings in a civil court requires for the purposes of such proceedings a certified copy of any complaint or statement made to a police officer or an inquirer, whether in the course of any investigation or otherwise, or of any plan or sketch prepared by a police officer or an inquirer on information furnished by any person or persons, such party shall, upon the payment by such party to the appropriate authority of the fee specified in the Schedule hereto, be entitled to obtain a certified copy of such complaint, statement, plan or sketch, as the case may be.

Issue of certified copies of statements or complaints made to, or of plans or sketches prepared by, police officers or inquirers.

3. Notwithstanding anything to the contrary in any other law, a certified copy of any complaint, statement, plan or sketch obtained under section 2 by a party to any proceedings in a civil court may, without the police officer or inquirer to whom the complaint or statement was made or by whom the plan or sketch was prepared being called as a witness, be produced in such proceedings by such party in proof of the fact that the complaint or statement was made, or that the information on which the plan or sketch was prepared was furnished to such police officer or inquirer by any person or persons, if the person by whom the complaint or statement was made or every person who furnished the information on which the plan or sketch was prepared has deposed to the fact of having made such complaint or statement or of having furnished such information as the case may be:

Production of certified copies.

Provided, however, that the court may, of its own motion, or upon application made by any party to such proceedings, require the production of the book in which such complaint or statement was first recorded or the original of such plan or sketch, as the case may be, or require that the person to whom such complaint or statement was made or by whom such plan or sketch was prepared be summoned as a witness.

Interpretation.

4. In this Act—

“ appropriate authority ”—

- (a) in relation to any information or statement recorded in an Information Book kept by an officer in charge of a police station, means such officer;
- (b) in relation to any plan or sketch prepared by a police officer attached to a police station, means the officer in charge of that police station; and
- (c) in relation to any information or statement recorded in an Information Book kept by an inquirer for any area or any plan or sketch prepared by an inquirer for any area, means the inquirer for such area;

“ civil court ” has the same meaning as in the Civil Procedure Code; and

“ inquirer ” and “ police officer ” have the same meaning as in the Criminal Procedure Code.

Cap. 86.

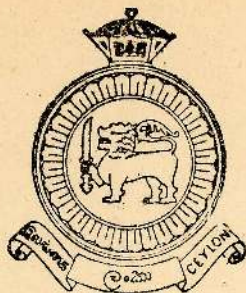
Cap. 16.

Schedule

	<i>Rs. c.</i>
For a certified copy of any statement or complaint	36 for every folio of 120 words.
For a certified copy of any plan or sketch ...	1 0

PARLIAMENT OF CEYLON

1st Session 1960-61



Control of Publications on Horse-racing Act, No. 44 of 1961

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Control of Publications on Horse-Racing Act,
No. 44 of 1961

L. D.—O. 64/59.

AN ACT TO PREVENT THE PRINTING, PUBLICATION OR COMMUNICATION OF ANY MATTER RELATING TO HORSE-RACING IN OR OUTSIDE CEYLON, THE IMPORTATION OF ANY NEWSPAPER, BOOK, MAGAZINE OR OTHER PUBLICATION WHICH IN THE OPINION OF THE PRINCIPAL COLLECTOR OF CUSTOMS OR OTHER OFFICER AUTHORISED BY HIM CONTAINS WHOLLY OR MAINLY MATTERS CONNECTED WITH HORSE-RACING, AND THE SALE OR DISTRIBUTION OF ANY ARTICLE SO PRINTED, PUBLISHED, COMMUNICATED OR IMPORTED, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Control of Publications on Horse-racing Act, No. 44 of 1961.

Short title.

2. No person shall—

(a) print, publish or communicate any matter connected with, or incidental to, or descriptive of, the running of racehorses in or outside Ceylon or any race-meeting held or to be held in or outside Ceylon, or

Prohibition of the printing, publication or communication, or the importation, of any matter relating to horse-racing and the sale or distribution thereof.

(b) import any newspaper, book, magazine or other publication which, in the opinion of the Principal Collector of Customs or other officer authorised by him in that behalf, contains wholly or mainly any matter connected with, or incidental to, or descriptive of, the running of racehorses, or any race-meeting held or to be held, in or outside Ceylon, or

2 *Control of Publications on Horse-Racing Act,*
No. 44 of 1961

- (e) distribute or sell, or offer for sale, any article printed, published, communicated or imported in contravention of the preceding provisions of this section:

Provided, however, that the preceding provisions of this section shall have no application to—

- (a) the publication by an approved racing club in conformity with the provisions of the Lotteries Ordinance of any notice or advertisement relating to the promotion or conduct of any lottery in connection with a horse-race, or

- (b) the printing, publication, distribution or sale in conformity with the provisions of this Act of the official race-card of an approved racing club, or

- (c) the communication by an approved racing club to the owner or trainer of any racehorse, or by that owner or trainer to that club, of any matter connected with the running of such racehorse, or

- (d) the publication by an approved racing club of the finding in any inquiry or investigation by that club into the running of any racehorse or any matter connected therewith, or

- (e) the printing or publication by an approved racing club—

- (i) of the programme of races for any racing season in accordance with the constitution of that club,

- (ii) of the racing calendar required to be published by that club in accordance with the rules of that club,

- (iii) of the list of entries of horses for the races to be run at any race-meeting for the purpose of distribution only to owners and trainers of such horses and to officials of that club, and

- (iv) of the lists of the handicaps allotted to horses entered, and of the acceptances of horses, for the races to be run on any day for the purpose of distribution only to the owners and trainers of such horses and to persons performing any official duties on that day, or

- (f) the printing, publication, distribution or sale at the end of each racing year by an approved racing club of the results of the race-meetings held by that club during that year, or
- (g) the importation by any person with the prior approval of the Minister of any book or other literature printed or published in any other country relating to the form of, and other matters connected with, racehorses in that country, or
- (h) the importation by an approved racing club conducting any lottery under the Lotteries Ordinance in connection with any horse-race to be run outside Ceylon, of any publication containing the entries for that race and the results of that race.

3. (1) No person shall print the official race-card of an approved racing club except at the request of the secretary of that club.

Printing of the official race-card of an approved racing club.

(2) Where an approved racing club desires to have an official race-card printed, the secretary of that club shall, not earlier than forty-eight hours before the time of commencement of the race-meeting to which that official race-card will apply, make a request in writing to a printer (hereafter in this Act referred to as the "authorised printer"), to print the official race-card.

Every such request shall—

- (a) contain the name of the authorised printer and the place at which such printer carries on his business of printing, and
- (b) specify the number of copies of the official race-card required to be printed.

A copy of such request shall be transmitted immediately to the Permanent Secretary by the secretary making the request.

(3) No authorised printer shall—

- (a) print any copies of an official race-card in excess of the number specified in the request of the secretary, or
- (b) communicate the contents of an official race-card required to be printed by him to any other person.

(4) An authorised printer shall maintain at the place at which he carries on his business of printing a register of the number of copies of any official race-card which he has printed and delivered from time to time at the request of the secretary of any approved racing club. Every such register shall be open for inspection at such place to the Permanent Secretary or other person authorised by him to make such inspection.

Sale of the official race-card of an approved racing club.

4. (1) No person other than a person authorised in that behalf in writing by the secretary of an approved racing club shall sell an official race-card.

(2) An official race-card shall not be sold by an approved racing club—

(a) except at such places as are set apart by that club for the purpose within the several enclosures of the race-course, or

(b) to any person other than to a person who is admitted to the race-meeting to which that official race-card applies either as a member of that club or on his paying the fee charged by that club for admission to that race-meeting, or

(c) earlier than two hours before the time fixed for the commencement of the first race specified in that official race-card.

Application of the Customs Ordinance and Post Office Ordinance.

Cap. 185.

5. (1) The Customs Ordinance shall apply in relation to any newspaper, book, magazine or other publication the importation of which is prohibited by section 2 of this Act in like manner as that Ordinance applies in relation to articles the importation of which into Ceylon is prohibited by any Ordinance.

Cap. 146.

(2) The Post Office Ordinance shall in relation to the transmission by post of newspapers, books, magazines or other publications have effect as though in section 19 of that Ordinance the following new paragraph were inserted immediately after paragraph (d) of that section:—

“(dd) any newspaper, book, magazine or other publication which contains wholly or mainly any matter connected with, or incidental to, or descriptive of, the running of racehorses, or any race-meeting held or to be held, in or outside Ceylon;”

6. (1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence under this Act.

Offences.

(2) Subject as otherwise provided, where an offence under this Act is committed by a body of persons, then,—

(a) if that body of persons is a body corporate, every director and other officer of that body corporate, and

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence.

(3) Subject as otherwise provided, where an offence under this Act is committed by an approved racing club, the secretary and every steward of that club shall be deemed to be guilty of that offence.

(4) A director or an officer of a body corporate, or a partner of a firm, or the secretary or a steward of an approved racing club, shall not be deemed to be guilty of an offence under this Act if he proves that that offence was committed without his knowledge and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions and in all the circumstances.

7. Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Punishment
for offences
under this
Act.

8. No suit or prosecution shall lie—

Protection for
action taken
under this Act.

(a) against the Principal Collector of Customs or the Postmaster-General for any act which in good faith is done or purported to be done by any officer of the Customs or the Postmaster-General's Department on the direction of the Principal Collector of Customs or the Postmaster-General, as the case may be; or

(b) against any such officer for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Principal Collector of Customs or the Postmaster-General.

6 *Control of Publications on Horse-Racing Act,*
No. 44 of 1961

Interpretation.

9. In this Act, unless the context otherwise requires,—

“ approved racing club ” means the Ceylon Turf Club or the Galle Gymkhana Club;

“ official race-card ” means the programme of a race-meeting to be held by an approved racing-club on any day, such programme containing the race results of previous race-meetings held by that club; and

“ race-meeting ” has the same meaning as in the Betting on Horse-racing Ordinance.

Cap. 36.

PARLIAMENT OF CEYLON

1st Session 1960-61



Entertainment Tax (Amendment) Act, No. 45 of 1961

Date of Assent : June 17th, 1961

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*Entertainment Tax (Amendment) Act,
No. 45 of 1961*

L. D.—O. 35/59.

AN ACT TO AMEND THE ENTERTAINMENT TAX ORDINANCE, NO. 12 OF 1946.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Entertainment Tax (Amendment) Act, No. 45 of 1961.

Short title.

2. Section 8 of the Entertainment Tax Ordinance, No. 12 of 1946, is hereby amended as follows:—

Amendment of section 8 of Ordinance No. 12 of 1946.

- (1) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

“(2A) Where,—

- (a) as respects any entertainment to be held within the administrative district of Colombo, the President of the Arts Council of Ceylon established under the Arts Council of Ceylon Act, No. 18 of 1952, or
- (b) as respects any entertainment to be held within any other administrative district, the Government Agent of that administrative district,

issues to the proprietor of such entertainment a certificate to the effect that the performers in such entertainment are all amateurs, then, if such proprietor, not less than three days before the first performance of such entertainment in the area within the administrative limits of any local authority by whom the entertainment tax is imposed, produces such certificate to the proper officer of such local authority, all payments for admission to any of the first ten performances of such entertainment in such area shall be exempt from and shall not be subject to such tax: and

(1) in sub-section (2) of that section, by the
substitution for the expression "and
section (1) of the expression "and section
(1) or sub-section (2)

PARLIAMENT OF CEYLON

1st Session 1960-61



Gal Oya Development Board (Amendment) Act, No. 46 of 1961

Date of Assent : June 17, 1961

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

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Gal Oya Development Board
(Amendment) Act No. 46 of 1951

Date of Assent: June 12, 1951

Printed on the Order of Government

Printed at the Government Press, Colombo, by the Government Printer, Colombo.

Gal Oya Development Board (Amendment) Act,
No. 46 of 1961

L. D.—O. 5/60.

AN ACT TO AMEND THE GAL OYA DEVELOPMENT BOARD
ACT, NO. 51 OF 1949.

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Gal Oya Development Board (Amendment) Act, No. 46 of 1961.

Short title.

2. Section 24 of the Gal Oya Development Board Act, No. 51 of 1949, is hereby amended, in paragraph (a) of that section, by the substitution, for all the words from "imported" to "purposes," of the following:—

Amendment of section 24 of Act No. 51 of 1949.

"imported by, or for, the Board, or purchased out of bond by the Board, for any of its purposes,".

An Act to amend the Gas Development Board
Act, No. 51 of 1949.

Enacted by the Queen's Most Excellent Majesty

By a Statute in Her Majesty's most Excellent Majesty
in full and with the advice and consent of the Senate and
the House of Representatives of Ceylon in this present
Parliament assembled, and by the authority of the
Senate, as follows:—

1. This Act may be cited as the Gas Develop-
ment Board (Amendment) Act, No. 48 of 1951.

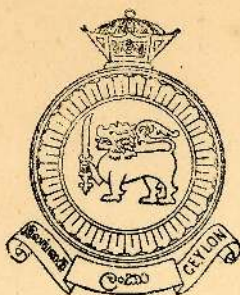
2. Section 24 of the Gas Development Board
Act, No. 51 of 1949, is hereby amended, in paragraph
(a) of that section by the substitution for all the
words from "imposed" to "purpose" of the
following:—

"imposed by or for the Board, or purchased
out of bond by the Board, for any of its
purposes."

Amendment of
Section 24 of
Act No. 51 of
1949.

PARLIAMENT OF CEYLON

1st Session 1960-61



Port of Colombo Labour Reserve (Gratuities) Act, No. 47 of 1961

Date of Assent : June 19, 1961

Printed on the Orders of Government

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Part of Colombo Labour
Reserve (Gratuities)
Act No 47 of 1961

Date of Assent: June 20, 1961

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*Port of Colombo Labour Reserve (Gratuities)
Act, No. 47 of 1961*

L. D.—O. 41/59.

AN ACT TO PROVIDE FOR THE PAYMENT OF GRATUITIES AND CERTAIN OTHER SUMS IN RESPECT OF PERSONS WHO, AT THE TIME OF THE DISSOLUTION OF THE LABOUR RESERVE ESTABLISHED UNDER THE PORT OF COLOMBO (ADMINISTRATION) ACT, NO. 10 OF 1950, WERE IN THAT RESERVE.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Port of Colombo Labour Reserve (Gratuities) Act, No. 47 of 1961.

Short title.

2. (1) This section shall apply to every person who, at the time of the dissolution of the Labour Reserve established under the Port of Colombo (Administration) Act, No. 10 of 1950, was in that Reserve.

Gratuities payable by the Port Commissioner in respect of persons who, at the time of the dissolution of the Labour Reserve established under Act No. 10 of 1950 were in that Reserve.

(2) In respect of the period during which a person to whom this section applies was employed or was deemed to have been employed under the Port of Colombo (Administration) Act, No. 10 of 1950, the Port Commissioner shall,—

(a) where that person is an employee of the Port (Cargo) Corporation, pay to that Corporation, or

(b) where that person is not an employee of that Corporation, pay to him,

as a gratuity to him, a sum which shall,—

(i) where that period consists of twelve months or more, be calculated at the rate of fifteen days' wages for every twelve months in that period and one and one-fourth days' wages for every complete month in such part less than twelve months as may be left out of that period, and

(ii) where that period is less than twelve months, be calculated at the rate of one and one-fourth days' wages for every complete month in that period

2 *Port of Colombo Labour Reserve (Gratuities)*
Act, No. 47 of 1961

Provided that—

(a) where the amount of any contributions paid by employers in respect of the aforesaid person to the Provident Fund established for the Port of Colombo on May 1, 1955, and known as the "Provident Fund, Commercial Workmen, Port of Colombo", is less than the amount of the gratuity which the Port Commissioner is liable under the preceding provisions of this sub-section to pay in respect of the aforesaid person, the amount of such gratuity shall be reduced by deducting therefrom the amount of such employers' contributions; and

(b) where the amount of such employers' contributions is equal to or more than the amount of such gratuity, the Port Commissioner shall be exempt from the liability to pay such gratuity.

(3) The wages referred to in sub-section (2) shall,—

(a) where any person to whom this section applies is an employee of the Port (Cargo) Corporation, be calculated at the monthly rate or daily rate applicable to him immediately on his transfer to that Corporation, or

(b) where any person to whom this section applies is not such an employee, be calculated at the monthly rate or daily rate which, if he had been transferred to that Corporation on August 1, 1958, would have been applicable to him immediately on his transfer, and

(c) include the cost of living allowance and the dearness allowance but shall not include any other allowance or any payment for overtime work.

(4) The gratuities which the Port Commissioner is liable to pay under sub-section (2) shall be paid out of the Fund maintained by him under section 7 of the Port of Colombo (Administration) Act, No. 10 of 1950,

and, where that Fund is insufficient to pay all such gratuities, the amount of the deficiency shall be paid out of the Consolidated Fund of Ceylon.

(5) Any sum which is paid by the Port Commissioner under this section to the Port (Cargo) Corporation in respect of any employee of that Corporation shall—

- (a) be credited by such Corporation to the individual account of such employee in any provident fund which such Corporation may establish for its employees, or
- (b) be transferred by such Corporation to any provident fund which the Government may establish for workers under any other written law:

Provided that such sum shall, if a written request in that behalf is made by such employee to the Chairman of the Board of Directors of such Corporation, be paid by such Corporation to such employee instead of being disposed of according to the preceding provisions of this sub-section.

3. (1) A person to whom section 2 applies and who is an employee of the Port (Cargo) Corporation may, —

- (a) where the amount of the employers' contributions made in respect of him to the Provident Fund mentioned in sub-section (2) of section 2 is credited under section 58 of the Port (Cargo) Corporation Act, No. 13 of 1958, to his individual account in any provident fund established by such Corporation, make a written request to the Chairman of the Board of Directors of such Corporation, or
- (b) where the amount of such employers' contributions is transferred under the aforesaid section 58 to any provident fund established by the Government for workers, make a written request to the administrators of that provident fund,

that such sum as he is entitled to under sub-section (2) in respect of such employers' contributions be paid to him.

Disposal of employers' contributions to the Provident Fund mentioned in section 2 (2).

4 *Port of Colombo Labour Reserve (Gratuities)
Act, No. 47 of 1961*

(2) Upon a request being made under sub-section (1) by any person to whom section 2 applies and who is an employee of the Port (Cargo) Corporation, he shall,—

(a) where the amount of the employers' contributions made in respect of him to the Provident Fund mentioned in sub-section (2) of section 2 is equal to or less than the amount of gratuity payable in respect of him under section 2, be entitled to the payment of the full amount of such employers' contributions; and

(b) where the amount of such employers' contributions is more than the amount of such gratuity, be entitled to the payment of the amount of such employers' contributions reduced by an amount equal to the difference between the amount of such employers' contributions and the amount of such gratuity.

The amount of gratuity referred to in this sub-section is the amount of gratuity without making any deduction therefrom under paragraph (a) of the proviso in sub-section (2) of section 2.

PARLIAMENT OF CEYLON

1st Session 1960-61



Gaming (Amendment) Act, No. 48 of 1961

Date of Assent : June 19, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Gaming (Amendment)

Act No. 48 of 1961

Date of Assent: June 14, 1961

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Gaming (Amendment) Act, No. 48 of 1961

L. D.—O. 12/59.

AN ACT TO AMEND THE GAMING ORDINANCE.

Chapter 88,
Volume 1,
page 676.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Gaming (Amendment) Act, No. 48 of 1961.

Short title.

2. Section 3B (inserted by Act No. 26 of 1957) of the Gaming Ordinance, hereinafter referred to as the "principal enactment", is hereby amended as follows:—

Amendment of
section 3B of
Chapter 88.

(a) in sub-section (1) of that section, by the substitution, for the words "shall manufacture", of the words "shall possess or manufacture"; and

(b) in the marginal note to that section, by the substitution, for the words "the manufacture", of the words "the possession or manufacture".

3. The following new section is hereby inserted immediately after section 3B, and shall have effect as section 3C, of the principal enactment:—

Insertion of
new section
3C in the
principal
enactment.

"Conclusive evidence of the fact that an instrument or appliance is one the importation of which is prohibited by Order made under sub-section (1) of section 3A.

3C. (1) Where in any proceedings in any court it has to be determined whether any instrument or appliance is an instrument or appliance the importation of which is prohibited by Order made under sub-section (1) of section 3A, a certificate under the hand of the officer who is, or is acting as, the Government Factory Engineer to the effect that the first-mentioned instrument or appliance is an instrument or appliance the importation of which is prohibited by such Order shall be received in those proceedings as conclusive evidence of the facts stated therein.

(2) The officer who issues a certificate under sub-section (1) shall not be examined or cross-examined with respect to that certificate.

(3) Every certificate issued under sub-section (1) shall be in the following form:—

I, _____, Government Factory Engineer,*/Acting Government Factory Engineer, do hereby certify that I have examined the instrument or appliance marked and that it is an instrument or appliance the importation of which is prohibited by the Order made under sub-section (1) of section 3A of the Gaming Ordinance and published in *Gazette* No. † of ‡

Signature:

Date:

* Delete inapplicable words.

† State the number of the *Gazette*.

‡ State the date of the *Gazette*."

4. Section 3c inserted in the principal enactment by section 3 of this Act shall apply to proceedings in any court in respect of an offence committed before, on, or after the date of the commencement of this Act.

5. The following new section is hereby inserted immediately after section 8, and shall have effect as section 8A, of the principal enactment:—

" When an article is deemed to be in the possession of a person.

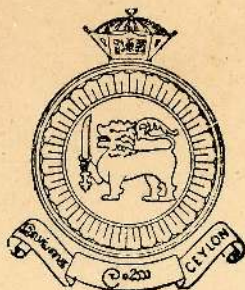
8A. For the purposes of this Ordinance, any article in the order, disposition, power or control of any person shall be deemed to be in his possession."

Application of section 3c inserted in the principal enactment by this Act.

Insertion of new section 8A in the principal enactment.

PARLIAMENT OF CEYLON

1st Session 1960-61



Excise (Amendment) Act, No. 49 of 1961

Date of Assent : June 19, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Excise (Amendment)
Act No. 49 of 1961

Date of Assent: June 19, 1961

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Excise (Amendment) Act, No. 49 of 1961

L. D.—O. 77/58.

AN ACT TO AMEND THE EXCISE ORDINANCE.

[Date of Assent: June 19, 1961]

Chapter 42,
(Vol. I
page 687).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Excise (Amendment) Act, No. 49 of 1961.

Short title.

2. Section 17 of the Excise Ordinance (hereinafter referred to as the "principal enactment"), is hereby amended, in the proviso to that section, as follows:—

Amendment of
section 17 of
Chapter 42.

(1) in paragraph (c) of that proviso, by the substitution, for the semi-colon, of a full-stop; and

(2) by the omission of paragraph (d) of that proviso.

3. Section 21 of the principal enactment, as amended by Ordinance No. 27 of 1943, and as modified by the Proclamation published in *Gazette Extraordinary* No. 9,773 of September 24, 1947, is hereby further amended as follows:—

Amendment of
section 21 of
the principal
enactment.

(1) in sub-section (1) of that section, by the substitution, for the words "The House of Representatives may, by resolution," of the words "The Minister with the concurrence of the Minister of Finance may, by Order published in the *Gazette*,";

(2) in sub-section (2) of that section—

(a) by the substitution, for the words "by a resolution", of the words "by Order published in the *Gazette*"; and

(b) by the substitution, in paragraphs (a), (b) and (c) of that sub-section, for the word "resolution", wherever that word occurs in those paragraphs, of the word "Order";

(3) by the addition, at the end of that section, of the following sub-sections:—

“(3) Every Order under sub-section (1) shall come into force on the date of its publication in the *Gazette* or on such later date as may be specified in the Order, and shall be brought before the House of Representatives within a period of one month from the date of the publication of the Order in the *Gazette*, or, if no meeting of the House of Representatives is held within such period, at the first meeting of the House of Representatives held after the expiry of such period, by a motion that the Order shall be approved. There shall be set out in a schedule to every such motion the text of the Order to which the motion refers.

(4) Any Order under sub-section (1) which the House of Representatives refuses to approve shall, with effect from the date of such refusal, be deemed to be revoked but without prejudice to the validity of anything done thereunder. Notification of the date on which any such Order is deemed to be revoked shall be published in the *Gazette*.”; and

(4) in the marginal note to that section, by the substitution, for the words “resolution of the House of Representatives.”, of the words “the Minister by Order published in the *Gazette*.”.

4. Section 44 of the principal enactment, as amended by Act No. 36 of 1957, is hereby further amended as follows:—

(1) in sub-section (2) of that section, by the substitution, for the words “Government distillery,”, of the words “Government distillery or in a Government warehouse,”; and

Amendment of section 44 of the principal enactment.

(2) by the addition, immediately after sub-section (2) of that section, of the following new sub-section:—

‘ (3) In sub-section (2), “ Government Analyst ” means the person for the time being holding the office of Government Analyst and includes any person for the time being holding the office of Deputy Government Analyst or Assistant Government Analyst. ’

5. Section 53 of the principal enactment is hereby amended by the substitution, for all the words from “ a sum of money ” to “ as the case may be; ”, of the following:—

Amendment of section 53 of the principal enactment.

“ in lieu of such cancellation or suspension or by way of compounding the offence which may have been committed, as the case may be, either such sum of money, not exceeding one thousand rupees, as may be specified in a notice sent by post or otherwise delivered to such person by the Government Agent or such excise officer if the sum so specified is tendered by such person before the expiry of fourteen days after the date of such notice, or the sum so specified and such additional amount, not exceeding ten per centum of the sum so specified, as may be determined by the Government Agent or such excise officer if the sum so specified and the additional amount so determined are tendered by such person before the expiry of twenty-eight days after the date of such notice; ”.

6. Notwithstanding the amendment of section 21 of the principal enactment by this Act, every resolution of the House of Representatives passed under that section and in force on the day immediately preceding the date of commencement of this Act shall, on and after that date, be deemed to be an Order made by the Minister under that section as amended by this Act and accordingly the provisions of sub-section (2) of that section as so amended shall apply to and in relation to such resolution.

Savings.

Section 21 of the Act, every resolution of the House of Representatives passed under that section and in force on the day immediately preceding the date of commencement of this Act shall, on and after that date, be deemed to be an Order made by the Minister under that section as amended by this Act and accordingly the provisions of sub-section (2) of that section as so amended shall apply to and in relation to such resolution.

(3) In sub-section (2) "Government Analyst" means the person for the time being holding the office of Government Analyst and includes any person for the time being holding the office of Deputy Government Analyst or Assistant Government Analyst.

Section 23 of the principal enactment is hereby amended by the substitution for all the words therein of the words "to" as the case may be" by the following:-

"in lieu of such cancellation or suspension or by way of compounding the offence which may have been committed, as the case may be, either such sum of money, not exceeding one thousand rupees, as may be specified in a notice sent by post or otherwise delivered to such person by the Government Analyst or such excise officer if the sum so specified is tendered by such person before the expiry of fourteen days after the date of such notice, or the sum so specified and such additional amount not exceeding ten per centum of the sum so specified, as may be determined by the Government Analyst or such excise officer if the sum so specified and the additional amount so determined are tendered by such person before the expiry of twenty-eight days after the date of such notice."

8. Notwithstanding the amendment of section 21 of the principal enactment by this Act, every resolution of the House of Representatives passed under that section and in force on the day immediately preceding the date of commencement of this Act shall, on and after that date, be deemed to be an Order made by the Minister under that section as amended by this Act and accordingly the provisions of sub-section (2) of that section as so amended shall apply to and in relation to such resolution.

PARLIAMENT OF CEYLON

1st Session 1960-61



Gal Oya Development Board (Amendment) Act, No. 50 of 1961

Date of Assent : June 19, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



Gal Oya Development
Board (Amendment)
Act, No. 50 of 1961

Date of Assent: June 19, 1961

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*Gal Oya Development Board (Amendment)
Act, No. 50 of 1961*

L. D.—O. 7/61.

AN ACT TO AMEND THE GAL OYA DEVELOPMENT BOARD
ACT, NO. 51 OF 1949.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Gal Oya Development Board (Amendment) Act, No. 50 of 1961.

Short title.

2. Section 6 of the Gal Oya Development Board Act, No. 51 of 1949, is hereby amended as follows:—

Amendment of section 6 of Act No. 51 of 1949.

(a) by the renumbering of sub-section (4) of that section as sub-section (5) of that section; and

(b) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section:—

“(4) Notwithstanding anything to the contrary in this Act, the Board may, acting under the authority granted by the Minister by order under his hand, execute, outside the Area of Authority, any such work specified in the order as may be necessary for the discharge of its functions under this Act.”.

AN ACT TO AMEND THE GAL OYA DEVELOPMENT BOARD
ACT, NO. 51 OF 1940.

[Date of Assent: June 19, 1941]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Gal Oya Development Board (Amendment) Act, No. 50 of 1941.

Amendment of section 6 of Act No. 51 of 1940

2. Section 6 of the Gal Oya Development Board Act, No. 51 of 1940, is hereby amended as follows:—

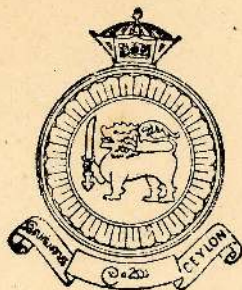
(a) by the renumbering of sub-section (4) of that section as sub-section (5) of that section; and

(b) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section:—

“(4) Notwithstanding anything to the contrary in this Act, the Board may, acting under the authority granted by the Minister by order under his hand, execute, outside the Area of Authority, any such work specified in the order as may be necessary for the discharge of its functions under this Act.”

PARLIAMENT OF CEYLON

1st Session 1960-61



Tax Reserve Certificates (Amendment) Act, No. 51 of 1961

Date of Assent : June 19, 1961

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Tax Reserve Certificates
(Amendment)
Act No. 51 of 1951

Date of Assent: June 19, 1951

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Tax Reserve Certificates (Amendment) Act,
No. 51 of 1961

L. D.—O. 5/61.

AN ACT TO AMEND THE TAX RESERVE CERTIFICATES
ACT, NO. 22 OF 1957.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Tax Reserve Certificates (Amendment) Act, No. 51 of 1961.

Short title.

2. Section 6 of the Tax Reserve Certificates Act, No. 22 of 1957, is hereby repealed and the following new section substituted therefor:—

Replacement of section 6 of Act No. 22 of 1957.

" Surrender value of Certificates.

6. (1) The Minister of Finance may from time to time, by Order published in the *Gazette*, specify the rate of interest in respect of Certificates authorised to be issued under this Act.

(2) The surrender value of any Certificate surrendered under section 5 shall be the aggregate of the denominational value of the Certificate and interest on such denominational value calculated, in respect of each completed period of one month from the date of the Certificate to the date on which the tax is due, at the rate of interest specified in the Order under sub-section (1) which was in force on the date of the Certificate or, if no such Order was in force on the date of the Certificate, at a rate of interest of one per centum per annum. "

Section 17. Interest on money lent or advanced.

Section 18. Interest on bills of exchange.

Section 19. Interest on bills of exchange, when the bill is dishonoured.

Section 20. Interest on bills of exchange, when the bill is dishonoured, and the bill is not payable.

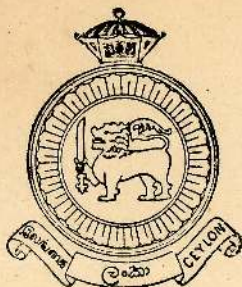
Section 21. Interest on bills of exchange, when the bill is dishonoured, and the bill is not payable, and the bill is not accepted.

Section 22. Interest on bills of exchange, when the bill is dishonoured, and the bill is not payable, and the bill is not accepted, and the bill is not endorsed.

Section 23. Interest on bills of exchange, when the bill is dishonoured, and the bill is not payable, and the bill is not accepted, and the bill is not endorsed, and the bill is not indorsed.

PARLIAMENT OF CEYLON

1st Session 1960-61



Public Service Provident Fund (Amendment) Act, No. 52 of 1961

Date of Assent: June 19, 1961

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Public Service Provident Fund
(Amendment)
Act No. 52 of 1961

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*Public Service Provident Fund (Amendment)
Act, No. 52 of 1961*

L. D.—O. 28/58.

AN ACT TO AMEND THE PUBLIC SERVICE PROVIDENT FUND ORDINANCE, NO. 18 OF 1942, AND TO VALIDATE CONTRIBUTIONS MADE TO THE PUBLIC SERVICE PROVIDENT FUND BY THOSE NON-PENSIONABLE EMPLOYEES OF THE GOVERNMENT WHOSE POSTS OR OFFICES WERE NOT SPECIFIED OR DESCRIBED IN THE SCHEDULE TO THAT ORDINANCE DUE TO INADVERTENCE.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Public Service Provident Fund (Amendment) Act, No. 52 of 1961.

Short title.

2. Section 2 of the Public Service Provident Fund Ordinance, No. 18 of 1942 (hereinafter referred to as the "principal enactment") is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from "those non-pensionable employees" to the end of that sub-section, of the following:—

Amendment of section 2 of Ordinance No. 18 of 1942.

'every non-pensionable employee in the service of the Government whose salary is payable at a monthly rate. Such employee is hereafter in this Ordinance referred to as a "non-pensionable employee".'

3. Section 4 of the principal enactment is hereby amended by the substitution, for the words "scheduled employee", wherever those words occur in that section, of the words "non-pensionable employee".

Amendment of section 4 of the principal enactment.

4. Section 5 of the principal enactment is hereby amended by the substitution, for the words "scheduled employee", of the words "non-pensionable employee".

Amendment of section 5 of the principal enactment.

5. Section 5A of the principal enactment (inserted by Ordinance No. 23 of 1947) is hereby repealed.

Repeal of section 5A of the principal enactment.

2 *Public Service Provident Fund (Amendment)*
Act, No. 52 of 1961

Amendment of
section 12 of
the principal
enactment.

6. Section 12 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows:—

- (a) by the substitution, for the words “ scheduled post ”, of the words “ non-pensionable post ”;
- (b) by the substitution, for the words “ be closed. ”, of the words “ be closed: ”; and
- (c) by the addition, at the end of that sub-section, of the following proviso:—

“ Provided that where any contribution under section 4 which was due from such contributor before such date has not been paid to the Fund before such date, the interest and bonuses referred to in paragraphs (a) and (b) of this sub-section shall be credited to his account, but such account shall not be closed till such time as shall be determined by the Board in order that such contribution may be deducted from his salary and paid, or be otherwise paid, to the Fund; and if such contribution is paid to the Fund before such account is closed, the Fund shall be credited by the Deputy Secretary to the Treasury with a sum equivalent to one and a half times such contribution, and such account shall be credited with a bonus equivalent to one and a half times such contribution, and such account shall then be closed. ”.

7. Section 13 of the principal enactment (as amended by Ordinance No. 23 of 1947), is hereby amended as follows:—

- (a) by the substitution, for all the words from “ if a contributor is transferred ” to “ in any of the following circumstances, ”, of the following:—

“ if a contributor dies while in the service of the Government or leaves the service in any of the following circumstances; and

Amendment of
section 13 of
the principal
enactment.

Public Service Provident Fund (Amendment) 3
Act, No. 52 of 1961

(b) in the marginal note thereto, by the substitution, for the words "death, transfer", of the word "death".

8. Section 18 of the principal enactment (as amended by Act No. 33 of 1952), is hereby amended as follows:—

Amendment of section 18 of the principal enactment.

(a) in sub-section (2) of that section, by the substitution, for the words "scheduled employee", wherever those words occur in that sub-section, of the words "non-pensionable employee";

(b) by the addition, at the end of that section, of the following sub-section:—

'(3) In this section, "pensionable office in the public service" means any office in the public service which has been declared to be pensionable under the Minutes on Pensions.'; and

(c) in the marginal note thereto, by the substitution, for the words "under Government.", of the words "in the public service."

9. The following new section is hereby inserted immediately after section 18, and shall have effect as section 18A, of the principal enactment:—

Insertion of new section 18A in the principal enactment.

Provisions relating to a contributor who becomes eligible for the grant of a pension under the School Teachers Pension Regulations.

18A. (1) Where a contributor who is an uncertificated Government Teacher becomes eligible for the grant of a pension under the School Teachers Pension Regulations published in *Gazette* No. 7,631 of February 24, 1928 (and therein referred to as "rules")—

(a) the account of that contributor shall be closed on the day on which he becomes so eligible;

(b) the aggregate amount of the bonuses credited by Government to the account of that contributor together with the interest accrued on such bonuses shall be paid to Government out of the Fund;

4 *Public Service Prorident Fund (Amendment)*
Act, No. 52 of 1961

(c) the aggregate amount of the compulsory contributions and voluntary contributions, if any, made by that contributor to the Fund together with interest accrued on such contributions shall be paid to that contributor out of the Fund; and

(d) no award under the Minutes on Pensions shall be made to that contributor in respect of any service as an uncertificated Government Teacher which is reckonable for the purposes of any pension payable under the aforesaid Regulations.

(2) In this section, "Government Teacher" means a teacher appointed by the Department of Education to a school administered under the Code of Regulations for Government Schools published in the Supplement to *Gazette* No. 7,726 of August 2, 1929.

Repeal of section 23 of the principal enactment.

10. Section 23 of the principal enactment is hereby repealed.

Amendment of section 25 of the principal enactment.

11. Section 25 of the principal enactment is hereby amended, by the omission of the definitions of "Schedule", "scheduled employee" and "scheduled post".

Repeal of Schedule to the principal enactment.

12. The Schedule to the principal enactment is hereby repealed.

Retrospective effect.

13. The amendments made in the principal enactment by paragraphs (b) and (c) of section 6 of this Act shall be deemed to have taken effect on April 1, 1942, the amendments made in that enactment by paragraphs (b) and (c) of section 8 and by section 9 of this Act shall be deemed to have taken effect on October 1, 1954, and the amendments made in that enactment by sections 2, 3, 4, 5, 6 (a), 7, 8 (a), 10, 11 and 12 of this Act shall be deemed to have taken effect on October 1, 1957.

14. All such contributions as have been made before October 1, 1957, to the Public Service Provident Fund established by the principal enactment by any non-pensionable employee of the Government whose post or office was not specified or described in the Schedule to that enactment shall, notwithstanding that such contributions were not required to be made to that Fund under that enactment, be deemed to have been made by such employee under and for the purposes of that enactment and accordingly such employee shall be deemed to have been a contributor to that Fund during the period in respect of which such contributions were made and to have been entitled to all the benefits from that Fund in respect of that period.

Validation of contributions made to the Public Service Provident Fund by a non-pensionable employee whose post or office was not specified or described in the Schedule to the principal enactment.

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PARLIAMENT OF CEYLON

1st Session 1960-61



Coconut Research (Amendment) Act, No. 53 of 1961

Date of Assent : June 19, 1961

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Act No. 53 of 1961

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*Coconut Research (Amendment) Act,
No. 53 of 1961*

L. D.—O. 28/60.

AN ACT TO AMEND THE COCONUT RESEARCH ORDINANCE.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Coconut Research (Amendment) Act, No. 53 of 1961. Short title.

2. Section 3 of the Coconut Research Ordinance (hereinafter referred to as the "principal enactment"), is hereby amended as follows:— Amendment of section 3 of Chapter 303.

(1) in sub-section (1) (a) of that section, by the substitution, for the words "The Director of Agriculture, who shall be Chairman of the Board.", of the words "The Director of Agriculture."; and

(2) by the insertion, immediately after sub-section (2) thereof, of the following new sub-section:—

“(2A) The Chairman of the Board shall be elected by the members of the Board from themselves.”.

3. Section 4 of the principal enactment, as amended by Ordinance No. 62 of 1946, is hereby amended by the insertion, immediately after sub-section (7A) of that section, of the following new sub-section:— Amendment of section 4 of the principal enactment.

“(7B) The Board may establish and maintain a Medical Aid Fund for the benefit of its officers and servants and their wives and children, make contributions to such Fund out of the moneys at the disposal of the Board, regulate the management and investment of such moneys, and prescribe the contributions to be made to such Fund by, and the payments to be made from such Fund to, such officers and servants.

Validation of past acts done and rules made in relation to the Medical Aid Fund.

4. The amendment made in the principal enactment by section 3 of this Act shall be deemed for all purposes to have had effect from the date of commencement of the principal enactment, and accordingly,—

(a) the Medical Aid Fund heretofore established by the Coconut Research Board for its officers and servants and their wives and children, shall be deemed to have been duly established, and all contributions made to and payments made from that Fund and all acts done in the course of the management and conduct of such Fund prior to the date of commencement of this Act shall be deemed to have been duly made and done under the powers conferred by the principal enactment;

(b) the rules heretofore made by the said Board for the management and regulation of its Medical Aid Fund shall be deemed to have been duly made under the principal enactment and to have been valid and effectual for the purposes for which they were made at all material times prior to the date of commencement of this Act; and

(c) from the date of commencement of this Act, the said rules shall be in force as if they were rules duly made under the principal enactment and may be amended, rescinded, added to or replaced by rules made under that enactment.

5. Section 8 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Replacement of section 8 of the principal enactment.

‘Accounts, audit and annual report.

8. (1) The Board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance-sheet containing a summary of the assets and liabilities of the Board made up to the first-mentioned date. The revenue

and expenditure account and the balance-sheet shall be signed by the Chairman of the Board and by such officer of the Board as may be authorised by the Board to do so.

(3) The accounts of the Board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the funds of the Board as the Minister may, with the concurrence of the Minister of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Board shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Board by such person or persons as the Auditor-General may authorise in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorised, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Board and ascertain the correctness of the balance-sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance-sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board.

(8) The Board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

(a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,

(b) a copy of the revenue and expenditure account,

(c) a copy of the balance-sheet, and

(d) a report by such Board on its work for the period for which the revenue and expenditure account and the balance-sheet have been made up.

(9) The Minister shall cause copies of each of the documents specified in sub-section (8) of this section to be laid before the Senate and the House of Representatives.

6. The principal enactment, as amended by Act No. 2 of 1959, is hereby further amended by the insertion, immediately after section 10B of that enactment, of the following new sections which shall have effect as sections 10C and 10D of that enactment:—

Addition of
new sections
10C and 10D
to the
principal
enactment.

“ Exemption
from
customs
duty.

10C. The Board shall be exempt from the payment of any customs duty on any goods imported or purchased out of bond by the Board for the purposes of the Board, if the Minister in consultation with the Minister of Finance approves of such exemption.

Appointment
of public
officers
to the
staff of
the Board.

10D. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Board, sub-section (2) of section 26 of the Government-Sponsored Corporations Act, No. 19 of 1955, shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Board, sub-section (3) of section 26 of the Government-Sponsored Corporations Act, No. 19 of 1955, shall, *mutatis mutandis*, apply to and in relation to him.

(4) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.”

The financial statement as submitted by the Board of Directors shall be audited by the auditor appointed by the Board of Directors and the report thereon shall be submitted to the Board of Directors and the report thereon shall be submitted to the Board of Directors.

180. The Board shall be a body of not less than five members, one of whom shall be a person who has entered into a contract with the Government by which he has agreed to serve the Government for a period of not less than three years, and the Board shall be appointed by the Board of Directors in consultation with the Minister of Finance and subject to the approval of the Board of Directors.

181. At the request of the Board of Directors, the Board shall be empowered to appoint any person to the office of auditor, with the consent of the Minister of Finance, and the Board shall be empowered to terminate the appointment of any person appointed as auditor, and such period as may be determined by the Board. With like consent, the Board shall be empowered to appoint any person to the office of auditor.

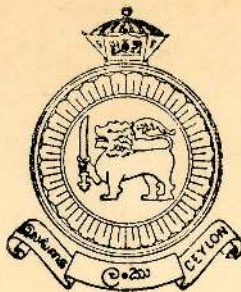
(2) Where any other person is appointed as auditor, he shall be appointed by the Board of Directors, and the Board shall be empowered to terminate the appointment of any person appointed as auditor, and such period as may be determined by the Board. With like consent, the Board shall be empowered to appoint any person to the office of auditor.

(3) Where any other person is appointed as auditor, he shall be appointed by the Board of Directors, and the Board shall be empowered to terminate the appointment of any person appointed as auditor, and such period as may be determined by the Board. With like consent, the Board shall be empowered to appoint any person to the office of auditor.

(4) Where the Board resolves to appoint any person to the office of auditor, the person who has entered into a contract with the Government by which he has agreed to serve the Government for a period of not less than three years, and the Board shall be empowered to terminate the appointment of any person appointed as auditor, and such period as may be determined by the Board. With like consent, the Board shall be empowered to appoint any person to the office of auditor.

PARLIAMENT OF CEYLON

Ist Session 1960-61



Factories (Amendment) Act, No. 54 of 1961

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PARLIAMENT OF CEYLON

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L. D.—O. 53/58.

AN ACT TO AMEND THE FACTORIES
ORDINANCE, No. 45 OF 1942.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Factories (Amendment) Act, No. 54 of 1961.
2. Part I of the Factories Ordinance, No. 45 of 1942, hereinafter referred to as the "principal enactment" is hereby repealed and the following new Part is substituted therefor:—

Short title.

Replacement of Part I of Ordinance No. 45 of 1942.

"PART I.

NOTICE OF INTENTION TO OCCUPY
OR USE A FACTORY.

Notice of intention to commence the occupation of, or the use of any premises as, a factory.

2. On and after such date as may be fixed in that behalf by the Minister by notification published in the *Gazette*, no person shall commence the occupation of, or the use of any premises as, a factory unless he has, at least one month before the date on which it is intended to commence such occupation or use, served on the chief inspector or the inspector for the district a written notice stating the intention to commence, and the date on which it is intended to commence, such occupation or use, and specifying the name and address of such person, the situation of the factory or premises, the nature of the work to be carried on therein and the particulars in respect of such matters relating to the factory or premises as may be prescribed:

Provided that such person may, after serving such notice, commence such occupation or use on a date earlier than that specified in the notice if he has obtained written permission to do so from the chief inspector or the inspector for the district.

Penalty for
contravention
of section 2.

3. (1) Every person who commences the occupation of, or the use of any premises as, a factory in contravention of section 2 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred rupees.

(2) A person who is convicted of an offence under sub-section (1) shall, within a period of fourteen days after the date of the conviction, serve on the chief inspector or the inspector for the district a written notice stating the situation of the factory or premises in respect of which the offence was committed, the name and address of such person, the nature of the work carried on in the factory or premises and the particulars in respect of such matters relating to the factory or premises as may be prescribed.

(3) Any person who fails to comply with the provisions of sub-section (2) shall be guilty of an offence and shall, on conviction, be liable to a fine of two hundred rupees and to a further fine of fifty rupees for each day on which that offence continues.

Return to be
furnished in
respect of a
factory
established
before the
date fixed
by the Minister
under section 2.

4. The occupier of a factory, established before the date fixed by the Minister under section 2 and in use on such date, shall, within a period of one month after such date, furnish to the chief inspector or the inspector for the district a return stating the situation and nature of the factory, the name and address of such occupier and the particulars in respect of such matters relating to the factory as may be prescribed.

Notice of
suspension and
resumption of
work in a
factory to be
served on the
chief inspector
or the
inspector for
the district.

5. Where work in any factory has been suspended for a period exceeding six months, the person who, immediately before such work was suspended, was the occupier of that factory—

(a) shall serve on the chief inspector or the inspector for the district a written notice specifying the date on which such work was suspended, and

(b) shall not resume such work therein unless he has, at least fifteen days before the date on which it is intended to resume such work, served on the chief inspector or the inspector for the district a written notice stating the intention to resume, and the date on which it is intended to resume, such work."

3. Section 79 of the principal enactment is hereby amended, in sub-section (2) of that section, as follows:—

Amendment of section 79 of the principal enactment.

(a) by the re-lettering of paragraph (a) as paragraph (aa); and

(b) by the insertion, immediately before re-lettered paragraph (aa), of the following new paragraph:—

"(a) Part I."

4. Section 81 of the principal enactment is hereby amended as follows:—

Amendment of section 81 of the principal enactment.

(1) in sub-section (1) of that section—

(a) by the re-lettering of paragraph (a) as paragraph (aa), and

(b) by the insertion, immediately before re-lettered paragraph (aa), of the following new paragraph:—

"(a) Part I."; and

(2) in sub-section (2) of that section—

(a) by the substitution, for the expression "paragraph (a)", of the expression "paragraph (aa)", and

(b) in the proviso to that sub-section, by the substitution, for the expression "paragraphs (a) and (b)", of the expression "paragraphs (aa) and (b)".

5. Section 82 of the principal enactment is hereby amended by the insertion, immediately after

Amendment of section 82 of the principal enactment.

sub-section (1) of that section, of the following sub-section:—

“(1A) Any person carrying out any work to which sub-section (1) applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so carrying out the work, the place and nature of the work, whether any mechanical power is used, and, if so, its nature, and such other particulars as may be prescribed.”

Replacement of section 88 of the principal enactment.

6. Section 88 of the principal enactment is hereby repealed and the following section is substituted therefor:—

“ Notice of use of mechanical power. 88. The occupier of a factory shall not commence to use mechanical power in such factory unless he has, at least one month before the date on which it is intended to commence the use of such power in such factory, served a written notice on the chief inspector or the inspector for the district stating the nature of such power and specifying such date:

— Provided that such occupier may, after serving such notice, commence to use such power in such factory on a date earlier than that specified in such notice if he has obtained written permission to do so from the chief inspector or the inspector for the district.”

Replacement of section 96 of the principal enactment.

7. Section 96 of the principal enactment is hereby repealed and the following section is substituted therefor:—

“ Administration of the Ordinance. 96. (1) The Commissioner of Labour shall be the officer in charge of the administration of this Ordinance.

(2) Subject to any general or special directions of the Commissioner, any Deputy or Assistant Commissioner of Labour, the chief inspector or any inspector may exercise, perform or discharge any power, duty or function of the Commissioner under this Ordinance or under any regulation made thereunder.”

8. Section 99 of the principal enactment is hereby amended as follows:—

Amendment of section 99 of the principal enactment.

(1) in sub-section (1) of that section, by the substitution, in paragraph (a) of that sub-section, for the words "a factory, and every", of the following:—

"any premises which are stated in a notice under section 2 to be intended to be used as a factory, and any factory and every"; and

(2) by the insertion, immediately after sub-section (2) of that section, of the following sub-section:—

"(2A) A person who has served a notice under section 2, his agents and servants, shall furnish the means required by any officer referred to in sub-section (1) as necessary for entering, inspecting or examining the premises stated in that notice to be intended to be used as a factory."

9. Section 125 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows:—

Amendment of section 125 of the principal enactment.

(1) by the insertion, immediately after the definition of "class or description", of the following new definition:—

" "Commissioner" means the Commissioner of Labour;"; and

(2) by the insertion, immediately after the definition of "maintained", of the following new definition:—

" "occupier" , in relation to a factory, means the person who has ultimate control over the affairs of the factory, and where the control of such affairs is entrusted to a managing agent, includes such managing agent;";

6. *Factories (Amendment) Act, No. 54 of 1961*

Substitution of the word "Commissioner" for the word "Registrar" in the principal enactment.

10. In the principal enactment, for the word "Registrar", wherever that word occurs in that enactment, the word "Commissioner" is hereby substituted.

"any premises which are stated in notice under section 2 to be intended to be used as a factory, and any factory and every"; and

(2) by the insertion, immediately after sub-section (2) of that section, of the following sub-section:—

(2A) A person who has served notice under section 2, his agents and servants, shall furnish the means required by any officer referred to in sub-section (1) as necessary for entering, inspecting or examining the premises stated in that notice to be intended to be used as a factory."

Amendment of section 125 of the principal enactment.

2. Section 125 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows:—

(1) by the insertion, immediately after the definition of "class or description", of the following new definition:—

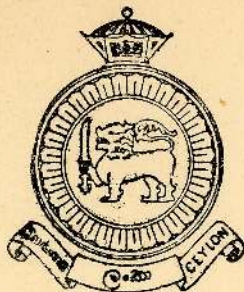
"Commissioner" means the Commissioner of Labour; and

(2) by the insertion, immediately after the definition of "maintained", of the following new definition:—

"occupier", in relation to a factory, means the person who has ultimate control over the affairs of the factory, and where the control of such affairs is entrusted to a managing agent, includes such

PARLIAMENT OF CEYLON

1st Session 1960-61



Requisitioning of Land (Amendment) Act, No. 55 of 1961

Date of Assent : June 19, 1961

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Requisitioning of Land
(Amendment)
Act No. 55 of 1951

Date of Assent: June 19, 1951

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Requisitioning of Land (Amendment) Act,
No. 55 of 1961

L. D.—O. 53/55.

AN ACT TO AMEND THE REQUISITIONING OF LAND ACT, NO. 33 OF 1950, AND, IN REGARD TO CERTAIN LANDS OF WHICH POSSESSION IS DEEMED TO BE TAKEN UNDER THAT ACT AND IN RESPECT OF WHICH PROCEEDINGS UNDER THE REPEALED LAND ACQUISITION ORDINANCE ARE PENDING IN ANY DISTRICT COURT, TO PROVIDE FOR THE METHOD OF DETERMINATION OF THE MARKET VALUE OF SUCH LANDS FOR THE PURPOSES OF THE AWARD OF COMPENSATION.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Requisitioning of Land (Amendment) Act, No. 55 of 1961.

Short title.

2. Section 2 of the Requisitioning of Land Act, No. 33 of 1950, (hereinafter referred to as the "principal Act"), is hereby amended in sub-section (1) of that section as follows:—

Amendment of section 2 of Act No. 33 of 1950.

(1) by the relettering of paragraph (b) of that sub-section as paragraph (c); and

(2) by the insertion, immediately after paragraph (a) of that sub-section, of the following paragraph:—

“(b) for the purpose of implementing any such scheme as is approved by the Prime Minister for the importation, storage or distribution of essential commodities by any Government department, local authority, corporation or co-operative society; or”.

3. Section 4 of the principal Act is hereby amended as follows:—

Amendment of section 4 of the principal Act.

(1) by the substitution, for the word and letter “paragraph (b)”, of the words and letters “paragraph (b) or paragraph (c)”; Digitized by Noolaham Foundation.

2 *Requisitioning of Land (Amendment) Act,*
No. 55 of 1961

- (2) by the substitution, for the words "authorise a person", of the words "authorise a person or co-operative society"; and
- (3) by the substitution, for the words "between such person", of the words "between such person or co-operative society".

Amendment of
section 6 of
the principal
Act.

4. (1) Section 6 of the principal Act is hereby amended as follows:—

- (a) in sub-section (1) of that section, by the insertion, immediately after the first Proviso to that sub-section, of the following new Proviso:—

"Provided, further, that in the case of the land or lands specified in each entry in column I of the Schedule to this Act the rent payable for the purposes of paragraph (a) of sub-section (1) during the period for which possession of such land or lands is retained by virtue of this Act shall be the amount specified in the corresponding entry in column II of that Schedule:";

- (b) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

"(2A) No compensation shall be payable under paragraph (b) of sub-section (1) for any damage done to any land of which possession is deemed to be taken under section 2 of this Act by reason of the demolition of any building or structure which was erected on that land before the appointed date by a competent authority or any person acting on his behalf during the period for which that land was in the occupation of such competent authority or person under the Defence (Miscellaneous) Regulations as having effect whether before or after February 24, 1946.";

- (c) by the renumbering of sub-section (4A) of that section (as amended by Act No. 20 of 1953) as sub-section (4B); and

(d) by the insertion, immediately after sub-section (4) of that section, of the following new sub-section:—

“(4A) In determining for the purposes of sub-section (4) the market value of any land of which possession is deemed to be taken by virtue of section 2 of this Act, no account shall be taken of any appreciation in the value thereof due to any building or structure erected, or any work done, on that land before the appointed date by a competent authority or any person acting on his behalf during the period for which that land was in the occupation of such competent authority or person under the Defence (Miscellaneous) Regulations as having effect whether before or after February 24, 1946.”

(2) The amendments made in the principal Act by sub-section (1) of this section shall be deemed to have come into force on the date on which the principal Act came into operation.

5. Section 16 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, for the words “ authority or person ”, of the words “ authority, person, local authority or co-operative society ”.

Amendment of section 16 of the principal Act.

6. Section 21 of the principal Act is hereby amended by the insertion, immediately after the definition of “ land ”, of the following new definition:—

Amendment of section 21 of the principal Act.

“ local authority ” means any Municipal Council, Urban Council, Town Council or Village Committee;’.

7. Where rent in excess of the amount payable under section 6 (1) (a) of the principal Act was paid in respect of any land of which possession was deemed to have been taken by virtue of section 2 of the principal Act and was terminated before the date of commencement of this Act, such payment shall be deemed to have been valid.

Validation of payment of rent in excess of that payable under section 6 (1) (a) of the principal Act.

Addition of
Schedule to the
principal Act.

8. (1) The principal Act is hereby amended by the addition, at the end thereof, of the following Schedule:—

<i>Column I</i>	<i>Schedule</i>	<i>Column II</i>
<i>Description of land</i>		<i>Rent per month</i>
		<i>Rs. c.</i>
<i>Western Province</i>		
1. Tonbridge situated in Katunayake ...		8 50
2. Goluwapokuna Estate situated in Katunayake		21,520 87
3. Warrings Bungalow Estate (Lot A) situated in Katunayake ...		438 63
4. Warrings Bungalow Estate (Lot C) situated in Katunayake ...		1,446 00
5. Warrings Bungalow Estate (a portion in extent 52A. 3R. 22P.) situated in Katunayake ...		1,071 19
6. Kadirana Group (portion) situated in Katunayake ...		3,156 30
7. Kadirana Estate situated in Katunayake ...		174 00
8. Dambuwa Estate (part) situated in Katunayake ...		88 00
9. Land depicted as lot 16 in Requisition Survey Plan 69 and situated in Katunayake ...		10 00
10. Land depicted as lot 21 in Requisition Survey Plan 69 and situated in Katunayake ...		12 00
11. Land depicted as lot 23 in Requisition Survey Plan 69 and situated in Katunayake ...		2 00
12. Land depicted as lot 30 in Requisition Survey Plan 69 and situated in Katunayake ...		50
13. Land depicted as lot 31 in Requisition Survey Plan 69 and situated in Katunayake ...		2 25
14. Land depicted as lot 32 in Requisition Survey Plan 69 and situated in Katunayake ...		5 66
15. Land depicted as lot 113 in Requisition Survey Plan 69 and situated in Katunayake		50
16. Land depicted as lots 118 and 120 in Requisition Survey Plan 69 and situated in Katunayake ...		5 50
17. Land depicted as lot 121 in Requisition Survey Plan 69 and situated in Katunayake		5 00
18. Land depicted as lot 122 in Requisition Survey Plan 69 and situated in Katunayake		58
19. Land depicted as lot 19 in Requisition Survey Plan 69 and situated in Katunayake ...		18 15
20. Land depicted as lot 21 in Requisition Survey Plan 69B and situated in Katunayake ...		25
21. Land depicted as lot 22 in Requisition Survey Plan 69B and situated in Katunayake ...		25
22. Land depicted as lot 24 in Requisition Survey Plan 69B and situated in Katunayake ...		50

Requisitioning of Land (Amendment) Act, 5
No. 55 of 1961

<i>Column I</i> <i>Description of land</i>	<i>Column II</i> <i>Rent per month</i> <i>Rs. c.</i>
23. Land depicted as lot 25 in Requisition Survey Plan 69B and situated in Katunayake ...	25
24. Land depicted as lot 26 in Requisition Survey Plan 69B and situated in Katunayake ...	25
25. Land depicted as lot 27 in Requisition Survey Plan 69B and situated in Katunayake ...	25
26. Land depicted as lot 28 in Requisition Survey Plan 69B and situated in Katunayake ...	25
27. Land depicted as lot 29 in Requisition Survey Plan 69B and situated in Katunayake ...	25
28. Land depicted as lot 30 in Requisition Survey Plan 69B and situated in Katunayake ...	25
29. Land depicted as lot 31 in Requisition Survey Plan 69B and situated in Katunayake ...	25
30. Land depicted as lot 32 in Requisition Survey Plan 69B and situated in Katunayake ...	25
31. Land depicted as lot 33 in Requisition Survey Plan 69B and situated in Katunayake ...	25
32. Land depicted as lot 36 in Requisition Survey Plan 69B and situated in Katunayake ...	25
33. Land depicted as lot 37 in Requisition Survey Plan 69B and situated in Katunayake ...	25
34. Land depicted as lot 38 in Requisition Survey Plan 69B and situated in Katunayake ...	25
35. Land depicted as lot 39 in Requisition Survey Plan 69B and situated in Katunayake ...	25
36. Land depicted as lot 40 in Requisition Survey Plan 69B and situated in Katunayake ...	25
37. Ekala Mahawatta (lot 1) situated in Ekala ...	1,000 00
38. Yaknaran Kotuwa (lot 2) situated in Ekala ...	308 30
39. Yaknaran Kotuwa (lot 3) situated in Ekala ...	308 30
40. Land in extent 17.5 perches situated in Katunayake ...	3 50
41. Land in extent 5.2 perches situated in Katunayake ...	75
42. Land in extent 4.6 perches situated in Katunayake ...	1 75
43. Land in extent 0.5 perch situated in Katunayake ...	25
44. Land in extent 7.7 perches situated in Katunayake ...	1 25
45. Land in extent 10 perches situated in Katunayake ...	1 50
46. Land in extent 9.5 perches situated in Katunayake ...	1 25
47. Land in extent 10 perches situated in Katunayake ...	1 75

6 *Requisitioning of Land (Amendment) Act,
No. 55 of 1961*

<i>Column I</i> Description of land	<i>Column II</i> Rent per month Rs. c.
48. Land in extent 1.2 perches situated in Katunayake	75
49. Land in extent 1 perch situated in Katunayake	25
50. Land in extent 2.1 perches situated in Katunayake	75
51. Land in extent 2.3 perches situated in Katunayake	1 00
52. Land in extent 5 perches situated in Katunayake	1 00
53. Land in extent 9 perches situated in Katunayake	1 25
54. Land in extent 4.8 perches situated in Katunayake	75
55. Land in extent 6.5 perches situated in Katunayake	1 75
56. Land in extent 4.5 perches situated in Katunayake	50
57. Land in extent 2.2 perches situated in Katunayake	1 00
58. Land in extent 4.5 perches situated in Katunayake	1 25
59. Land in extent 3.5 perches situated in Katunayake	1 00
60. Land in extent 3.2 perches situated in Katunayake	1 00
61. Josita Estate (Part) situated in Ekala ...	112 00
62. Cinco Estate (Part) situated in Ekala ...	48 00
63. Ekala Estate (Part) situated in Ekala ...	200 00
64. Land depicted as lot 5 in Requisition Survey Plan 71A, known as Dagonna and situated in Horahena	93 00
65. Lands known as Kurunduwatte and Boralesgamuwa situated in Gangodawila ...	12 00
66. Pelendegahakanatta situated in Gangodawila	23 00
67. Kekunagahawatte situated in Gangodawila ...	12 00
68. Kekunagahawatte (No. 2) situated in Gangodawila	28 62
69. Land depicted as lots 5 and 6 in Requisition Survey Plan 42 situated in Gangodawila ...	40 00
70. Land depicted as lot 7 in Requisition Survey Plan 42 situated in Gangodawila ...	30 00
71. Kimbulapitiya (lot 5) situated in Horahena ...	21 50
72. Dagonna (lot 21) situated in Horahena ...	153 00
73. Kimbulapitiya (lot 8) situated in Horahena ...	84 00
74. Kimbulapitiya (lot 6) situated in Horahena ...	14 50
75. Kimbulapitiya (lot 7) situated in Horahena ...	44 00

Requisitioning of Land (Amendment) Act, 7
No. 55 of 1961

<i>Column I</i> <i>Description of land</i>	<i>Column II</i> <i>Rent per month</i>
	<i>Rs. c.</i>
76. Kimbulapitiya (lot 4) situated in Horahena ...	26 00
77. Land depicted as lot 3 in Requisition Survey Plan 7B situated in Gangodawila ...	336 00
78. Land depicted as lots 14 and 18 in Requisition Survey Plan 7 situated in Gangodawila ...	107 00
79. Land described as Block 2A situated in Gangodawila ...	1 00
80. Land depicted as lot 15 in Requisition Survey Plan 7 situated in Gangodawila ...	30 00
81. Micadewatte Estate, Colombo District ...	906 64
82. No. 556, Second Division, Maradana, Colombo (presently No. 555)	163 00
83. No. 47, Church Street, Colombo ...	48 90
84. No. 24, Galpotte Street, Colombo ...	69 27
85. No. 9, Hyde Park Corner, Colombo ...	16 30
86. Numbers 31 and 33, Galle Road, Bambalapitiya, Colombo ...	105 45
87. No. 259, Layards Broadway, Colombo ...	40 16
88. No. 336, Deans Road, Colombo ...	124 53
89. No. 371, Grandpass Road, Colombo ...	28 03
90. No. 138, Skinners Road South, Colombo ...	40 16
91. No. 44, Cotta Road, Colombo ...	73 35
92. No. 429, Havelock Road, Colombo ...	28 40
93. No. 85, Main Street, Colombo ...	183 38
94. Numbers 177 and 179, Galle Road, Wellawatte, Colombo ...	104 58
95. No. 103, Havelock Road, Colombo ...	56 55
96. No. 74, Deans Road, Colombo ...	40 12
97. No. 218, Deans Road, Colombo ...	44 82
98. No. 24, Silversmith Street, Colombo ...	27 67
99. No. 198, Bankshall Street, Colombo ...	203 00
100. No. 219, Main Street, Colombo ...	478 16
101. No. 893, Maradana Road, Colombo ...	48 65
102. No. 198, Wolfendhal Street, Colombo ...	20 25
103. No. 200, Wolfendhal Street, Colombo ...	20 25
104. No. 202, Wolfendhal Street, Colombo ...	20 25
105. No. 625 (part), Aluthmawatte Road, Colombo	32 29
106. No. 129 (part), Church Road, Mattakuliya, Colombo ...	22 71
107. No. 416, Baseline Road, Colombo ...	52 72

8 *Requisitioning of Land (Amendment) Act,*
No. 55 of 1961

<i>Column I</i>	<i>Column II</i>
<i>Description of land</i>	<i>Rent per month</i>
	<i>Rs. c.</i>
108. No. 277, Galle Road, Wellawatte, Colombo	24 32
109. No. 93, Pickerings Road, Colombo ...	36 42
110. No. 369, Aluthmawatte Road, Colombo ...	38 88
111. No. 238, Dam Street, Colombo ...	89 65
112. No. 146, Nagalagam Street, Colombo ...	17 90
113. No. 19, Ramsay Road, Colombo ...	40 88
114. No. 35, Norris Road, Colombo ...	69 15
115. No. 327, Galle Road, Kollupitiya, Colombo	72 72
116. No. 137, St. Michaels Road, Colombo ...	60 75
117. No. 194, Dematagoda Road, Colombo ...	81 50
118. Numbers 65, 65/1, 65/2, 65/3, 65/6, 65/7, 65/8, 65/9, 65/10 and 12, 65/11 and 69, St. Sebastian Street, Colombo ...	1,515 90
119. No. 77, St. Sebastian Road, Colombo ...	37 75
120. No. 226, Sea Street, Colombo ...	68 20
121. Land depicted as lot 3 in Requisition Survey Plan 11 known as Kottambagahakelawatta and situated in Kalutara District ...	72 00
122. Land described as lot 10 in Requisition Survey Plan 11 known as Kottambagahakelawatte and situated in Kalutara District ...	31 00
123. Land described as lot 15 in Requisition Survey Plan 11 known as Kottambagahakelawatte and situated in Kalutara District ...	20 55
124. " Beatrice Villa " (building only) situated in Kalutara ...	52 68
<i>Southern Province</i>	
125. Numbers 148 and 150, Main Street, Galle ...	142 92
<i>Eastern Province</i>	
126. Veppandudakadu } Thirukkaikuda } Snug Cove } Karimalaiuttu } Nachchikuda }	Situating in Trincomalee 2,648 00
127. Nachchikudakani } Nallathanniodaikadu }	Situating in Trincomalee 539 04
128. Sinnakunchikadu situated in Trincomalee ...	2 00 "

(2) The amendment made in the principal Act by sub-section (1) of this section shall be deemed to have come into force on the date on which the principal Act came into operation.

9. Where in respect of any land of which possession is deemed to be taken by virtue of section 2 of the principal Act proceedings under the repealed Land Acquisition Ordinance are pending in any District Court on the date on which this Act comes into force, then, for the purposes of determining the amount of compensation to be awarded under that Ordinance for any such land, the market value of such land shall, notwithstanding anything in that Ordinance, be the market value which such land would have at the time of awarding compensation if it had remained in the condition in which it was at the date on which possession thereof was taken by a competent authority under regulation 34 of the Defence (Miscellaneous) Regulations as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, of the Parliament of the United Kingdom.

Method of determination of the market value of lands of which possession is deemed to be taken under section 2 of the principal Act and in respect of which proceedings under the repealed Land Acquisition Ordinance are pending in any District Court.

Article 51 - Fundamental Duties

1. It shall be the duty of every citizen of India to -

- (a) abide by the Constitution and respect its ideals and institutions, the National Flag and National Anthem;
- (b) cherish and follow the noble ideals which inspired the national struggle for freedom; and
- (c) pay taxes.

2. It shall be the duty of every citizen of India to -

- (a) value and protect the rich cultural heritage and diversity of India; and
- (b) protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for the living creatures.

3. It shall be the duty of every citizen of India to -

- (a) save public property; and
- (b) protect the public property.

4. It shall be the duty of every citizen of India to -

- (a) defend the country and render national service when called upon to do so; and
- (b) stand guard against all forms of terrorism and secessionism.

5. It shall be the duty of every citizen of India to -

- (a) promote harmony and brotherhood among all people and to renounce practices derogatory to the dignity of women; and
- (b) promote the spirit of international brotherhood and to renounce practices derogatory to the dignity of women.

PARLIAMENT OF CEYLON

1st Session 1960-61



Special Areas (Colombo) Development (Amendment) Act, No. 56 of 1961

Date of Assent : June 19, 1961

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Special Areas (Colombo)
Development (Amendment)
Act No. 56 of 1961

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*Special Areas (Colombo) Development
(Amendment) Act, No. 56 of 1961*

L. D.—O. 4/53.

AN ACT TO AMEND THE SPECIAL AREAS (COLOMBO)
DEVELOPMENT ORDINANCE, NO. 40 OF 1947.

[Date of Assent : 19th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Special Areas (Colombo) Development (Amendment) Act, No. 56 of 1961.

Short title.

2. Section 6 of the Special Areas (Colombo) Development Ordinance, No. 40 of 1947 (hereinafter referred to as the "principal enactment") is hereby amended, in sub-section (2) of that section, by the substitution, for all the words, figures and letters from "shall be payable" to the end of that sub-section, of the following:—

Amendment of section 6 of Ordinance No. 40 of 1947.

"shall be payable by the Board to the person who for the time being would be entitled to occupy such land but for the fact that possession thereof is so retained and the rent so payable shall be a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of such land during that period under a lease granted immediately before the beginning of that period whereby the tenant undertakes to pay all usual rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain such land in a state to command that rent."

3. The following new section is hereby inserted immediately after section 6, and shall have effect as section 6A, of the principal enactment:—

Insertion of new section 6A in the principal enactment.

"Payment of compensation under the Defence (Compensation) Regulations, 1941, in respect of lands in special areas.

6A. Any compensation payable by the Crown to any person under paragraph (b) of regulation 2 (1) of the Defence (Compensation) Regulations, 1941, in respect of any land referred to in section 3 (1) (a) may, if such compensation has not been already paid by the Crown to such person, be paid to such person by

the Board for and on behalf of the Crown. The payment of such compensation to such person by the Board under the preceding provisions of this section shall operate as a satisfaction in full of such person's claim to such compensation from the Crown."

4. The following new section is hereby inserted immediately after section 43, and shall have effect as section 43A, of the principal enactment:—

" Rules
relating to
Provident
Fund and
grant of
gratuities.

43A. (1) The Board may make rules for or in respect of the following matters:—

(a) the establishment, regulation, administration and management of a Provident Fund for the grant of benefits to officers and servants (other than daily-paid servants) of the Board, the circumstances in which, and the conditions and restrictions subject to which, such officers and servants will be eligible for such grants, fixing the contributions to be made thereto by the Board and such officers and servants and the payments to be made therefrom to such officers and servants or their nominees, authorising the contributions of such officers and servants to be deducted from their salaries, prescribing the procedure for making such deductions, authorising the payment of all such contributions into the Fund and authorising the investment of moneys paid into the Fund and all matters incidental to or connected with the Fund, for which no express provision is made; and

Insertion of
new section
43A in the
principal
enactment.

(b) the establishment, regulation, administration and management of a Scheme for the grant of gratuities to daily-paid servants of the Board or their widows and children, the circumstances in which, and the conditions and restrictions subject to which, such servants or widows and children will be eligible for such grants, the payments to be made thereunder to such servants or widows and children, and all matters incidental to or connected with such Scheme.

(2) No rule made by the Board under sub-section (1) shall come into force until it is approved by the Minister with the concurrence of the Minister of Finance."

5. Section 44 of the principal enactment is hereby amended as follows:—

Amendment of section 44 of the principal enactment.

(a) in paragraph (d) of sub-section (2) of that section, by the substitution, for the words "regulation made", of the words "regulation or rule made"; and

(b) in paragraph (d) of sub-section (3) of that section, by the substitution, for the words "regulation made", of the words "regulation or rule made".

6. Section 57 of the principal enactment is hereby amended in sub-section (2) of that section, as follows:—

Amendment of section 57 of the principal enactment.

(i) in paragraph (a) of that sub-section, by the substitution, for the words "the Council shall be the successor", of the words "the Council or, where the Council has been dissolved under section 277 of the Municipal Councils Ordinance, No. 29 of 1947, and a Special Commissioner or Special Commissioners is or are appointed under that section, such Special Commissioner or Special Commissioners shall be the successor or successors".

- (ii) in paragraph (b) of that sub-section, by the substitution, for the words "the Council;", of the words "the Council or Special Commissioner or Special Commissioners;";
- (iii) in paragraph (c) of that sub-section, by the substitution, for the words "the Council;", of the words "the Council or Special Commissioner or Special Commissioners;";
- (iv) in paragraph (d) of that sub-section, by the substitution, for the words "fund of the Council;", of the words "Municipal Fund;";
- (v) in paragraph (e) of that sub-section, by the substitution, for the words "the Council;", of the words "the Council or Special Commissioner or Special Commissioners;"; and
- (vi) in paragraph (f) of that sub-section, by the substitution, for the words "the Council.", of the words "the Council or Special Commissioner or Special Commissioners."

Amendment of
section 58 of
the principal
enactment.

7. Section 58 of the principal enactment is hereby amended by the addition, immediately after sub-section (2) of that section, of the following new sub-section:—

"(3) Where a person who is not authorised by the Board to do so executes or causes to be executed any work or does or causes to be done any act in or upon any land in any special area or in or upon any structure on any such land or occupies or uses or causes to be occupied or used any such land or structure at any time during the period commencing on the date on which such land is vested in the Board under this Ordinance and ending on the date on which a development scheme comes into operation for such area, he shall be guilty of an offence."

Amendment of
section 62 of
the principal
enactment.

8. Section 62 of the principal enactment is hereby amended as follows:—

- (1) in sub-section (1) of that section, by the substitution for the expression "applying to

that land the Magistrate", of the following:—

“ applying to that land or in contravention of the provisions of sub-section (3) of section 58, the Magistrate ”; and

- (2) by the insertion, immediately after sub-section (1) of that section, of the following sub-section:—

“ (1A) Where any person is convicted under sub-section (3) of section 58 of the offence of occupying or using any land or structure in any special area without being authorised by the Board to do so, the Magistrate by whom such person is convicted may, on the application of the Board, issue a writ to the Fiscal requiring him before a date specified in the writ to eject such person from such land or structure and deliver possession thereof to the Board. Such writ shall be sufficient authority for the Fiscal or any police officer authorised by him in that behalf to enter such land or structure with such assistants as the Fiscal or such police officer deems necessary and to execute such writ.”.

9. Section 64 of the principal enactment is hereby amended as follows:—

Amendment of section 64 of the principal enactment.

- (1) by the renumbering of that section as sub-section (1) of section 64; and
(2) by the addition, at the end of that section, of the following sub-section:—

“ (2) A land requisitioned for the purpose of fire-gaps under emergency powers shall, although no demolition operations may have been carried out thereon under such powers, be deemed, for the purposes of this Ordinance, to be a land on which demolition operations have been carried out under such powers.”.

10. The amendments made in the principal enactment by section 2, section 3, section 4 and section 9 of this Act shall be deemed to have come into force on the date on which that enactment came into operation.

Certain amendments to the principal enactment to have retrospective effect.

of the ...

...

...

(1) Where any person is convicted under section (2) of the ...

Amendment to section 4 of the Municipal Act, 1902

Section 4 of the Municipal Act is hereby amended as follows:

(1) by the substitution of that section as sub-section (1) of section 4; and

(2) by the addition at the end of that section of the following sub-section:—

(3) A land requisitioned for the purpose of being used under emergency powers shall, although no demolition operations may have been carried out thereon under such powers, be deemed for the purposes of this Ordinance to be a land on which demolition operations have been carried out under such powers.

Section 4 of the Municipal Act, 1902

PARLIAMENT OF CEYLON

1st Session 1960-61



Tea Research Act, No. 57 of 1961

Date of Assent : June 19, 1961

Printed on the Orders of Government

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PARLIAMENT OF CEYLON

1st Session 1961



Tea Research

Act No. 27 of 1961

Date of Assent: June 19, 1961

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Tea Research (Amendment) Act, No. 57 of 1961

L. D.—O. 28/60.

AN ACT TO AMEND THE TEA RESEARCH ORDINANCE.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Tea Research (Amendment) Act, No. 57 of 1961.

Short title.

2. Section 11 of the Tea Research Ordinance (hereinafter referred to as the "principal enactment"), as amended by Act No. 51 of 1953, is hereby further amended in sub-section (1) of that section, by the substitution, for the words "fifty-five cents", of the words "one rupee".

Amendment of section 11 (1) of Chapter 301.

3. Section 12 of the principal enactment, as amended by Act No. 3 of 1959, is hereby further amended as follows:—

Amendment of section 12 of the principal enactment.

(1) by the addition, at the end of sub-section (1) of that section, of the following:—

"Such power and authority shall include the power to make rules subject to the approval of the Minister for any such matters, affairs, objects or purposes."; and

(2) by the addition, at the end of that section, of the following new sub-section:—

"(4) All rules made under sub-section (1) of this section shall be laid, as soon as conveniently may be, on the table of the Senate and the House of Representatives at two successive meetings of the Senate and the House of Representatives, and shall be brought before the Senate and the House of Representatives at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of such motion, or upon any adjournment thereof, the said rules are disapproved by the Senate or the House of Representatives, such rules

shall be deemed to be rescinded, but without prejudice to anything already done thereunder; and such rules, if not so disapproved, shall continue to be of full force and effect. Notice of every such disapproval shall be published in the *Gazette*."

4. The following new section is hereby inserted immediately after section 12A, and shall have effect as section 12B, of the principal enactment:—

" Medical
Aid
Scheme
and
Medical
Aid Fund.

12B. The Board may establish and regulate a Medical Aid Scheme for the benefit of the officers and servants of the Institute and their wives and children, establish, maintain and regulate a Medical Aid Fund for the purposes of such Scheme, make contributions to that Fund out of the moneys at the disposal of the Board, regulate the management and investment of such moneys, and prescribe the contributions to be made to such Fund by, and the payments to be made from such Fund to, such officers and servants."

5. The amendments made in the principal enactment by paragraph (1) of section 3 and by section 4 of this Act shall be deemed for all purposes to have had effect from the date of commencement of that enactment and accordingly—

- (a) the Medical Aid Scheme and the Medical Aid Fund heretofore established for the officers and servants of the Tea Research Institute of Ceylon and their wives and children, shall be deemed to have been duly established, and all contributions made to and payments made from that Fund and all acts done in the course of the management and conduct of such Scheme and such Fund prior to the date of commencement of this Act shall be deemed to have been duly made and done under powers conferred by the principal enactment;
- (b) the rules heretofore made by the Board of the Tea Research Institute of Ceylon for the management and regulation of the Junior Staff Medical Scheme and the Junior Staff

Insertion of new section 12B in the principal enactment.

Validation of past acts done and rules made in relation to the Medical Aid Scheme and the Medical Aid Fund.

Medical Fund of the aforesaid Institute shall be deemed to have been duly made under the principal enactment and to have been valid and effectual for the purposes for which they were made at all material times prior to the date of commencement of this Act; and

- (c) from the date of commencement of this Act, the aforesaid rules shall be in force as if they were rules duly made under the principal enactment and may be amended, rescinded, added to, or replaced by rules made under that enactment.

6. Section 13 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Replacement of section 13 of the principal enactment.

Accounts,
audit and
annual
report.

13. (1) The Board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance-sheet containing a summary of the assets and liabilities of the Board made up to the first-mentioned date. The revenue and expenditure account and the balance-sheet shall be signed by the Chairman of the Board and by such officer of the Board as may be authorised by the Board to do so.

(3) The accounts of the Board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the funds of the Board as the Minister may, with the concurrence of the Minister of Finance, determine.

4 *Tea Research (Amendment) Act, No. 57 of 1961*

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Board shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Board by such person or persons as the Auditor-General may authorise in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorised, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Board and ascertain the correctness of the balance-sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance-sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board.

(8) The Board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

(a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,

(b) a copy of the revenue and expenditure account,

(c) a copy of the balance-sheet, and

(d) a report by such Board on its work for the period for which the revenue and expenditure account and the balance-sheet have been made up.

(9) The Minister shall cause copies of each of the documents specified in subsection (8) of this section to be laid before the Senate and the House of Representatives.'.

7. The principal enactment, as amended by Act No. 2 of 1959, is hereby further amended by the addition, immediately after section 15 of that enactment, of the following new sections which shall have effect as sections 16 and 17 of that enactment:—

Addition of new sections 16 and 17 to the principal enactment.

* Exemption from customs duty.

16. The Board shall be exempt from the payment of any customs duty on any goods imported or purchased out of bond by the Board for the purposes of the Board, if the Minister in consultation with the Minister of Finance approves of such exemption.

Appointment of public officers to the staff of the Institute.

17. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Institute for such period as may be

determined by the Board with like consent, or be permanently appointed to such staff. The provisions of sub-sections (2) and (3) of section 26 of the Government-Sponsored Corporations Act, No. 19 of 1955, shall, *mutatis mutandis*, apply in relation to any officer in the public service who is temporarily or permanently appointed to the staff of the Institute.

(2) Where the Institute employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract."

PARLIAMENT OF CEYLON

1st Session 1960-61



Rubber Research (Amendment) Act, No. 58 of 1961

Date of Assent : June 19, 1961

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Rubber Research (Amendment)

Act No. 58 of 1961

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*Rubber Research (Amendment) Act,
No. 58 of 1961*

L. D.—O. 28/60.

AN ACT TO AMEND THE RUBBER RESEARCH ORDINANCE.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Rubber Research (Amendment) Act No 58 of 1961.

Short title.

2. Section 4 of the Rubber Research Ordinance (hereinafter referred to as the "principal enactment"), as amended by Act No. 27 of 1948, is hereby further amended by the insertion, immediately after sub-section (8B) of that section, of the following new sub-section:—

Amendment of section 4 of Chapter 302.

"(8C) The Board may establish and maintain a Medical Aid Scheme and a Medical Aid Fund for the benefit of its officers and servants and their wives and children, make contributions to such Scheme or Fund out of the moneys at the disposal of the Board, regulate the management and investment of such moneys, and prescribe the contributions to be made to such Scheme or Fund by, and the payments to be made from such Scheme or Fund to, such officers and servants."

3. The amendment made in the principal enactment by section 2 of this Act shall be deemed for all purposes to have had effect from the date of commencement of the principal enactment, and accordingly,—

Validation of past acts done and rules made in relation to the Medical Aid Scheme and the Medical Aid Fund.

(a) the Medical Aid Scheme and the Medical Aid Fund heretofore established by the Rubber Research Board for its officers and servants and their wives and children, shall be deemed to have been duly established, and all contributions made to and payments made from that Scheme and Fund and all acts done in the course of the management and conduct of such

Scheme and Fund prior to the date of commencement of this Act shall be deemed to have been duly made and done under the powers conferred by the principal enactment;

(b) the rules heretofore made by the said Board for the management and regulation of the Senior and Intermediate Staff Medical Scheme and the Assistant Staff Medical Fund of the said Board, shall be deemed to have been duly made under the principal enactment and to have been valid and effectual for the purposes for which they were made at all material times prior to the date of commencement of this Act; and

(c) from the date of commencement of this Act, the said rules shall be in force as if they were rules duly made under the principal enactment and may be amended, rescinded, added to or replaced by rules made under that enactment.

Amendment of section 6 of the principal enactment.

4. Section 6 of the principal enactment, as amended by Act No. 52 of 1957, is hereby amended in sub-section (1) (a) of that section, as follows:—

(1) by the substitution, for the words “one-eighth of a cent”, of the words “one cent”;

(2) by the deletion of the first proviso to that sub-section; and

(3) in the second proviso to that sub-section, by the substitution, for the words “Provided further”, of the word “Provided”.

Replacement of section 8 of the principal enactment.

5. Section 8 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Accounts, audit and annual report.

8. (1) The Board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue

and expenditure account and a balance-sheet containing a summary of the assets and liabilities of the Board made up to the first-mentioned date. The revenue and expenditure account and the balance-sheet shall be signed by the Chairman of the Board and by such officer of the Board as may be authorised by the Board to do so.

(3) The accounts of the Board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the funds of the Board as the Minister may, with the concurrence of the Minister of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Board shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Board by such person or persons as the Auditor-General may authorise in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorised, on such matters, by such person or persons, and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Board and ascertain the correctness of the balance-sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance-sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board.

(8) The Board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

(a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,

(b) a copy of the revenue and expenditure account,

(c) a copy of the balance-sheet, and

(d) a report by such Board on its work for the period for which the revenue and expenditure account and the balance-sheet have been made up.

(9) The Minister shall cause copies of each of the documents specified in sub-section (8) of this section to be laid before the Senate and the House of Representatives.'

6. The principal enactment, as amended by Act No. 2 of 1959, is hereby further amended by the insertion, immediately after section 9B of that enactment, of the following new sections which shall have effect as sections 9C and 9D of that enactment:—

Addition of new sections 9C and 9D to the principal enactment.

“ Exemption from customs duty.

9C. The Board shall be exempt from the payment of any customs duty on any goods imported or purchased out of bond by the Board for the purposes of the Board, if the Minister in consultation with the Minister of Finance approves of such exemption.

Appointment of public officers to the staff of the Board.

9D. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Board, sub-section (2) of section 26 of the Government-Sponsored Corporations Act, No. 19 of 1955, shall *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Board, sub-section (3) of section 26 of the Government-Sponsored Corporations Act, No. 19 of 1955, shall *mutatis mutandis*, apply to and in relation to him.

(4) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.”

PARLIAMENT OF CEYLON

1st Session 1960-61



Local Government Service Pensions (Special Provisions) Act, No. 59 of 1961

Date of Assent : June 19, 1961

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Act No. 59 of 1961

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Local Government Service Pensions (Special Provisions) Act, No. 59 of 1961

L. D.—O. 50/60.

AN ACT TO MAKE PROVISION FOR THE PAYMENT, WITH RETROSPECTIVE EFFECT, OF INCREASED PENSIONS TO CERTAIN MEMBERS WHO HAVE RETIRED FROM THE LOCAL GOVERNMENT SERVICE.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Local Government Service Pensions (Special Provisions) Act, No. 59 of 1961.

Short title.

2. The pensions which are granted under the provisions of the Local Government Service Pension Scheme Regulations, 1952, made under sections 43H (1) (a) and 57 of the Local Government Service Ordinance, No. 43 of 1945, as amended by the Local Government Service (Amendment) Act, No. 8 of 1949, and published in *Gazette* No. 10,429 of July 30, 1952, to members of the Service who have retired after April 1, 1946, but on or before April 1, 1955, shall, with effect from October 1, 1957, be increased in the manner set out in the Schedule hereto.

Increase in pensions granted under the Local Government Service Pension Scheme Regulations, 1952.

3. The increase in pensions enacted by the last preceding section shall be deemed to be granted under the Local Government Service Pension Scheme established by virtue of the provisions of the Local Government Service Pension Scheme Regulations, 1952, referred to in the last preceding section, and the provisions of Part IIIA of the Local Government Service Ordinance, No. 43 of 1945, as amended by the Local Government Service (Amendment) Act, No. 8 of 1949, shall accordingly apply in respect of such increase in pensions.

Increase in pensions to be deemed to be granted under the Local Government Service Pension Scheme.

4. The pensions which are granted under the provisions of section 48 of the Local Government Service Ordinance, No. 43 of 1945, to members of the Service who have retired after April 1, 1946, but on or before April 1, 1955, shall, with effect from October 1, 1957, be increased in the manner set out in the Schedule hereto.

Increase in pensions granted under section 48 of Ordinance No. 43 of 1945.

2 *Local Government Service Pensions (Special Provisions) Act, No. 59 of 1961*

Increase in pensions to be deemed to be granted under section 48 of Ordinance No. 43 of 1945.

5. The increase in pensions enacted by the last preceding section shall be deemed to be granted under the provisions of section 48 of the Local Government Service Ordinance, No. 43 of 1945, and the provisions of sections 50 and 51 of that Ordinance shall accordingly apply in respect of such increase in pensions.

Interpretation.

6. In this Act, unless the context otherwise requires—

“ the Local Government Service ” or “ the Service ” means the Local Government Service constituted by section 13 of the Local Government Service Ordinance, No. 43 of 1945;

“ member ” or “ member of the Service ” means a person holding any post specified or described in the First Schedule to the Local Government Service Ordinance, No. 43 of 1945.

Schedule

1. (a) Where the basic pension (unreduced) is less than Rs. 50 per mensem The pension shall be increased by an amount equal to the basic monthly pension (unreduced) subject to a maximum increase of Rs. 2.50 per mensem.
- (b) Where the basic pension (unreduced) is not less than Rs. 50 per mensem but less than Rs. 100 per mensem The pension shall be increased by an amount equal to five per centum of the amount of such pension.
- (c) Where the basic pension (unreduced) is not less than Rs. 100 per mensem but less than Rs. 300 per mensem The pension shall be increased by an amount equal to three per centum of the amount of such pension.
- (d) Where the basic pension (unreduced) is not less than Rs. 300 per mensem but less than Rs. 500 per mensem The pension shall be increased by an amount equal to two per centum of such pension.
- (e) Where the basic pension (unreduced) is not less than Rs. 500 per mensem The pension shall be increased by an amount equal to one per centum of the amount of such pension subject to a maximum increase of Rs. 12.50 per mensem.

2. Where the amount to which a pension has been increased in accordance with item 1 is less than the amount to which that pension might have been increased if it had been smaller, that pension shall be increased to the last-mentioned amount.



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(සංශෝධන) පනත

ජනවාරි, 1963

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ശബരിമലയിൽ നടന്നുപോകുന്ന
പരമശിവൻ (പരമശിവൻ)

ശബരിമല

ശബരിമലയിൽ നടന്നുപോകുന്ന

പരമശിവൻ (പരമശിവൻ) ശബരിമലയിൽ നടന്നുപോകുന്ന
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1961 අංක 60 දරණ ගම්සභා (සංශෝධන) පනත

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1941 වෙනි අතිරේකය.
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122 වෙනි පිටුව.

[අනුමතිය ලැබූ දිනය: 1961 ජූනි 19]

වර්තමාන පාර්ලිමේන්තුවට රැස් වූ ලංකාවේ උත්තර මන්ත්‍රී මණ්ඩලයේ සහ නියෝජිත මන්ත්‍රී මණ්ඩලයේ අනුශාසනය හා අනුමතිය අනුව හා ඇති ව, එහි ම බලය ප්‍රකාර අත්‍යුත්තම ප්‍රතාපවත් මහා රාජකීය විසින් මෙසේ පනවනු ලැබේ:—

1. මේ පනත 1961 අංක 60 දරන ගම්සභා (සංශෝධන) පනත යනු වෙන් හැඳින්විය හැකි අතර, ඇමතිවරයා විසින් ගැසට් පත්‍රයේ පළ කරනු ලබන ආඥාවකින් නියම කළ හැකි දිනයක සිට ක්‍රියාත්මක විය යුතු ය.

ලුහුඹු නාමය හා ක්‍රියාත්මක වන දිනය.

2. (1) (මෙහි මින්මතු, ප්‍රධාන ආඥාපනත යනුවෙන් සඳහන් කරනු ලබන) ගම් (කායඝී) සභා ආඥාපනතෙහි හා වෙනත් යම් කිසි ලිඛිත නීතියක—

“ගම් (කායඝී) සභා ආඥාපනත හා ගම් (කායඝී) සභාව, පිළිවෙලින්, “ගම් සභා” ආඥාපනත හා “ගම්සභාව” යනුවෙන් හැඳින්විය යුතු බව.

(අ) “ගම් (කායඝී) සභා ආඥාපනත” යන වචන වෙනුවට, “ගම් සභා ආඥාපනත” යන වචන ද,

(ආ) “ගම් (කායඝී) සභාව” යන වචන වෙනුවට, “ගම්සභාව” යන වචන ද, හා

(ඇ) (“ගම්කායඝී සභාව” යනුවෙන් හඟවන) “කායඝී සභාව” යන වචනය වෙනුවට “සභාව” යන වචනය ද

ආදේශ කළ යුතු ය.

(2) යම්කිසි දැන්වීමක, නිවේදනයක, නීත්‍යානුකූල ලේඛනයක හෝ වෙනත් ලේඛනයක හෝ ගම් (කායඝී) සභා ආඥාපනත හා ගම් (කායඝී) සභාවක් පිළිබඳ ව කරන සෑම සඳහනක් ම, පිළිවෙලින් ගම්සභා ආඥාපනත හා ගම්සභාවක් සම්බන්ධයෙන් කරන සඳහනක් වශයෙන් කියවා තේරුම් ගත යුතුය.

3. ප්‍රධාන ආඥාපනතේ 11 වෙනි වගන්තිය, පහත සඳහන් පරිදි මෙසින් සංශෝධනය කරනු ලැබේ:—

ප්‍රධාන ආඥා පනතේ 11 වෙනි වගන්තිය සංශෝධනය කිරීම.

(1) ඒ වගන්තියේ (1) වෙනි උපවගන්තියෙහි—

(අ) “ගම් ප්‍රදේශයක සෑම ගම්මුලාදානි වසමක් ම ඡන්ද දායක කොට්ඨාශයක් වශයෙන් සැලකිය යුතු වන්නේ ය,” යන වචන වෙනුවට, “ගම් ප්‍රදේශයක සෑම ගම්මුලාදානි වසමක් ම හෝ යම් කිසි ගම් මුලාදානි වසමකින් කොටසක් පමණක් එකී ප්‍රදේශයේ පිහිටා තිබේ නම්, එකී කොටස හෝ ඡන්දදායක කොට්ඨාශයක් වශයෙන් සැලකිය යුතුය” යන වචනය ආදේශ කිරීමෙන් ද;

(ආ) එහි දෙ වෙනි අතුරු විධානය වෙනුවට, පහත සඳහන් අතුරු විධානය ආදේශ කිරීමෙන් ද;

“එසේ වුව ද, ඇමතිවරයා විසින් ගැසට් පත්‍රයෙහි

පළ කර වනු ලබන නිවේදනයකින්—

- (අ) (i) දැනට තිබෙන ඡන්දදායක කොට්ඨාශයක්, හෝ
 - (ii) දැනට තිබෙන ඡන්දදායක කොට්ඨාශ දෙකක හෝ ඊට වැඩි ගණනක ඒකාබද්ධ ප්‍රදේශය, හෝ
 - (iii) දැනට තිබෙන ඡන්දදායක කොට්ඨාශ දෙකකට හෝ ඊට වැඩි ගණනක හෝ කොටස්වල ඒකාබද්ධ ප්‍රදේශය, හෝ
 - (iv) දැනට තිබෙන ඡන්දදායක කොට්ඨාශයක හා දැනට තිබෙන වෙනත් ඡන්දදායක කොට්ඨාශයක කොටසක ඒකාබද්ධ ප්‍රදේශය,
- එකී නිවේදනයෙහි සඳහන් යම් යම් සීමාසහිත ව අළුත් ඡන්දදායක කොට්ඨාශ දෙකකට හෝ ඊට වැඩි ගණනකට හෝ නැවත බෙදා වෙන් කිරීම, හෝ

- (ආ) (i) දැනට තිබෙන ඡන්දදායක කොට්ඨාශ දෙකක් හෝ ඊට වැඩි ගණනක්, හෝ
 - (ii) දැනට තිබෙන ඡන්දදායක කොට්ඨාශ දෙකක, හෝ
 - (iii) දැනට තිබෙන ඡන්දදායක කොට්ඨාශයක් හා දැනට තිබෙන වෙනත් ඡන්දදායක කොට්ඨාශයක කොටසක්,
- එකී නිවේදනයෙහි සඳහන් යම් යම් සීමාසහිත ව, අළුත් ඡන්දදායක කොට්ඨාශයකට ඒකාබද්ධ කිරීම” හා,

(2) එකී වගන්තියේ (1) වෙනි උපවගන්තියට ඉක්බිති ව ම පහත සඳහන් අළුත් උපවගන්තිය යෙදීමෙන් ද වේ:—

“(1අ) ගම් ප්‍රදේශයක ඡන්දදායක කොට්ඨාශයක් වශයෙන් (1) වෙනි උප වගන්තිය යටතේ සලකනු ලබන ගම්මුලාදානි වසමක එ බඳු යම් කොටසක සීමා ගැසට් පත්‍ර යෙහි පළ කරනු ලබන නිවේදනයකින් ඇමතිවරයා විසින් තියම කළ යුතු ය.”

4. 11 වෙනි වගන්තියට ඉක්බිති ව ම පහත සඳහන් අලුත් වගන්තිය මෙයින් ඇතුළත් කරනු ලබන අතර, ඒ වගන්තිය ප්‍රධාන ආඥාපනතේ 11 අ. වෙනි වගන්තිය මෙන් බලපෑ යුතු ය.

11 (අ) වෙනි අලුත් වගන්තිය ප්‍රධාන ආඥා පනතෙහි ඇතුළත් කිරීම.
ඡන්දදායක කොට්ඨාශ වෙනස් කිරීමෙන් හෝ අවලංගු කිරීමෙන් හෝ අලුත් ඡන්ද දායක කොට්ඨාශ පිහිටුවීමෙන් ඇති විය හැකි ප්‍රති පලය.

(11අ. (1) 6 වෙනි වගන්තිය යටතේ නිකුත් කරන ලද ආඥාවක් හෝ 11 වෙනි වගන්තිය යටතේ නිකුත් කරන ලද නිවේදනයක් හෝ නිසා, ගම් ප්‍රදේශයක යම් කිසි ඡන්දදායක කොට්ඨාශයක සීමා වෙනස් කරනු ලබන විට, එකී ඡන්දදායක කොට්ඨාශය සඳහා තෝරා පත් කර ගනු ලැබ සිටින නියෝජිතවරයා, එකී ආඥාව හෝ නිවේදනය ක්‍රියාත්මක වීමත් සමග ම, සිය නිලය අත් හැරිය යුතු අතර, එ සඳහා එ අවසථවට අදාළ ලිඛිත නීතියක යුතු අතර, ඒ සඳහා ඒ අවස්ථාවට අදාළ ලිඛිත නීතියක විධිවිධාන අනුව, එකී පුරප්පාඩුව සම්පූර්ණ කිරීම සඳහා එකී ඡන්දදායක කොට්ඨාශයේ අතුරු ඡන්ද විමසීමක් ද පැවැත්විය යුතු ය :

එහෙත්, ඡන්දදායක කොට්ඨාශයේ සීමා වෙනස් කිරීම නිසා අතුරු ඡන්ද විමසීමක් පැවැත්වීම අවශ්‍ය නැතැයි එකී ආඥාවෙන් හෝ නිවේදනය යෙන් හෝ ඊට පසු ව චූ ආඥාවකින් හෝ නිවේදනයකින් ඇමතිවරයා විසින් ප්‍රකාශ කරනු ලබන විට, මේ උපවගන්තියේ කලින් සඳහන් විධිවිධාන, කිසි අවස්ථාවක ඊට අදාළ නො විය යුතු ය.

(2) 6 වෙනි වගන්තිය යටතේ නිකුත් කරන ලද ආඥාවක් හෝ II වෙනි වගන්තිය යටතේ නිකුත් කරන ලද නිවේදනයක් නිසා, ගම් ප්‍රදේශයක අලුත් ඡන්දදායක කොට්ඨාශයක් පිහිටුවනු ලබන විට, අතුරු ඡන්ද විමසීමක් සඳහා ඒ අවස්ථාවට අදාළ ලිඛිත නීතියක විධිවිධාන අනුව ඡන්ද විමසීමක් එසේ පිහිටුවන ලද ඡන්ද කොට්ඨාශය සඳහා පැවැත්විය යුතු ය.

(3) 6 වෙනි වගන්තිය යටතේ නිකුත් කරන ලද ආඥාවක් හෝ 11 වෙනි වගන්තිය යටතේ නිකුත් කරන ලද නිවේදනයක් හෝ නිසා ගම් ප්‍රදේශයක යම්කිසි ඡන්දදායක කොට්ඨාශයක් අවලංගු කරනු ලබන විට, එකී ඡන්ද කොට්ඨාශය සඳහා තෝරා පත්කර ගනු ලැබ සිටින නියෝජිතවරයා, එකී ආඥාව හෝ නිවේදනය ක්‍රියාත්මක වීමත් සමඟ ම සිය නිලය අත් හැරිය යුතු ය.

(4) (1) වෙනි උපවගන්තියේ සඳහන් අතුරු ඡන්ද විමසීමකින් හෝ (2) වෙනි උපවගන්තියේ සඳහන් ඡන්දවිමසීමකින් හෝ තෝරා පත් කර ගනු ලැබූ සෑම නියෝජිතවරයෙක් ම, ඔහු විසින් කලින් සිය නිලය අත් හැර දමනු ලැබේ නම් මිස නැත්නම්, ගම් ප්‍රදේශයේ ඉකුත් මහා ඡන්ද විමසීමේ දී අනිකුත් ඡන්දදායක කොට්ඨාශ සඳහා තෝරා පත් කර ගනු ලැබූ නියෝජිතවරුන්ගේ වලංගු නිල කාලය අවසාන වනතුරු ම සිය නිලය දැරිය යුතු ය.”

5. ප්‍රධාන ආඥාවෙන් 19 වෙනි වගන්තිය මෙයින් අවලංගු කොට, ඒ වෙනුවට පහත සඳහන් අලුත් වගන්තිය ආදේශ කරනු ලැබේ:—

ප්‍රධාන ආඥාවෙන් 19 වෙනි වගන්තිය වෙනුවට අලුත් වගන්තියක් ආදේශ කිරීම.

නිලය අත්හැරීම

19. (1) ගම්සභාවක යම් කිසි නියෝජිතවරයකු තෝරා පත් කර ගනු ලැබීමෙන් පසු ව, සභාවෙන් කලින් ලබා ගත් අවසරයක් නොමැති ව එහි රැස්වීම් තුනකට පිට පිට ම නො පැමිණ තිබේ ය යි පළාත් පාලන සභාකාර කොමසාරිස්වරයා සැහීම කට පත් වුවහොත්, ඔහු විසින් (2) වෙනි උප වගන්තියේ සඳහන් විධිවිධානවලට යටත් ව, ගැසට් පත්‍රයෙහි පළ කරවනු ලබන දැන්වීමකින්, ඒ නියෝජිතවරයා සිය නිලය අත්හැර තිබේ ය යි ප්‍රකාශ කළ යුතුවාක් හැර, ඊට පසු ව, ගැසට්

පත්‍රයෙහි ඒ ප්‍රකාශනය පළ වූ යම් කිසි දිනයක සිට ඒ නියෝජිතවරයා සිය නිලයෙන් අස් විය යුතු ය.

(2) ගම්සභාවක යම්කිසි නියෝජිතවරයකු විසින් සිය නිලය අත්හැර තිබේ ය යි ඒ ගම්සභාවේ සභාපතිවරයාට හා ඒ නියෝජිතවරයාට දන්වා සිටිනු නොලැබ, හෝ ඒ පිළිබඳ ව අවශ්‍ය ය යි පළාත් පාලන සභාකාර කොමසාරිස්වරයා විසින් අදහස් කරනු ලබන යම්කිසි අන්දමට යම්කිසි පරීක්ෂණයක් පවත්වනු නොලැබ හෝ ඔහු විසින් ඒ බව

(1) වෙනි උපවගන්තිය යටතේ ප්‍රකාශ නොකර සිටිය යුතු ය. එ බඳු සැඟ දැන්වීමක් ම ලියාපදිංචි කළ තැපෑලෙන් යැවිය යුතු ය.

(3) ගම්සභාවක නියෝජිතවරයකු එකී සභාවෙන් කලින් ලබා ගත් අවසරයක් නොමැති ව, එකී සභාවේ රැස්වීම් තුනකට පිට පිට ම නොපැමිණ සිටින විට, එකී සභාවේ සභාපතිවරයා විසින් එකී රැස්වීම් එසේ පවත්වා තුන්වෙනි දිනය ඉකුත් වී යාමෙන් පසු ව, දින හතක් ඇතුළත දී, එකී නියෝජිතයා එකී රැස්වීම්වලට පැමිණ නොසිටි බව පළාත් පාලන සභාකාර කොමසාරිස්වරයා වෙත ලියා දන්විය යුතු ය.

(4) ගම්සභාවක යම්කිසි නියෝජිතවරයකු එකී සභාවෙන් කලින් ලබා ගත් අවසරයක් නොමැතිව, රැස්වීම් තුනකට පිට පිට ම නොපැමිණ තිබේ ය යි එකී සභාවේ සභාපතිවරයා හැර වෙනත් යම්කිසි පුද්ගලයකු විසින් පළාත් පාලන සභාකාර කොමසාරිස්වරයා වෙත චෝදනාවක් ඉදිරිපත් කර සිටිනු ලබන විට, පළාත් පාලන සභාකාර කොමසාරිස්වරයා විසින්, එකී චෝදනාවේ සත්‍යාසත්‍යතාව ගැන පරීක්ෂා කර බැලීමට මත්තෙන්, පළාත් පාලන සභාකාර කොමසාරිස්වරයා විසින් නියම කරන පරිදි, රුපියල් විසිපහකට වැඩි නොවන යම්කිසි මුදලක් ඒ සම්බන්ධයෙන්, කවචේරියේ තැන්පත් කර සිටිය යුතු ය යි එකී පුද්ගලයාට නියම කළ හැකි ය.

- (5) (අ) එකී චෝදනාව අසත්‍ය ය යි හෝ එකී චෝදනාව ඉදිරිපත් කරන ලද පුද්ගලයා එය එසේ කර තිබෙන්නේ නිරර්ථක හෝ පීඩාකාරී හෝ ද්වේෂසහගත අදහසින් ය යි පළාත් පාලන සභාකාර කොමසාරිස්වරයාට දැක්නට ලැබේ නම්, හෝ
- (ආ) එකී පුද්ගලයා විසින් එකී චෝදනාව පසු ව ඉල්ලා අස් කර ගනු ලැබේ නම්, හෝ
- (ඇ) එකී චෝදනාව පිළිබඳ ව පළාත් පාලන සභාකාර කොමසාරිස්වරයා විසින් පවත්වනු ලබන යම් කිසි විභාගයකට එකී පුද්ගලයා නොපැමිණේ නම්, හෝ එකී විභාගයේ දී සාක්ෂි දීම එකී පුද්ගලයා ප්‍රතිකේෂ කරයි නම්,

(4) වෙනි උපවගන්තිය යටතේ තැන්පත් කරන ලද මුදල පළාත් පාලන සභාකාර කොමසාරිස්වරයාගේ අභිමතය අනු ව, රාජසන්තක කොට, එය, (4) වෙනි උපවගන්තියේ සඳහන් කළ වෝදනාව ඉදිරිපත් කොට ඇති නියෝජිතවරයා අයත් ගම් සභාවේ පොදු අරමුදලකට බැර කළ යුතු ය.

(6) (4) වෙනි උපවගන්තිය යටතේ තැන්පත් කරන ලද යම්කිසි මුදලක්, එකී මුදල, (5) වෙනි වගන්තිය යටතේ රාජසන්තක කරනු ලැබේ නම් මිස තැන්තම්, පළාත් පාලන සභාකාර කොමසාරිස්වරයා විසින් පවත්වන ලද පරීක්ෂණය අවසාන වීමෙන් පසු ව, එය තැන්පත් කළ පුද්ගලයාට ආපසු දිය යුතු ය.

(7) ගම්සභාවක නියෝජිතවරයකු එකී සභාවෙන් කලින් ලබා ගත් අවසරයක් නොමැති ව, එකී සභාවේ රැස්වීම් තුනකට පිට පිට ම නො පැමිණ තිබේ ය යි පළාත් පාලන සභාකාර කොමසාරිස්වරයා වෙත වෝදනාවක්, එකී වෝදනාව අසත්‍ය බව දැන දැන ම හෝ විශ්වාස කිරීමට හේතු නැති ව හෝ ඉදිරිපත් කරන යම් කිසි තැනැත්තකු වරදකට වැරදිකරුවකු වනවාත් හැර, ඒ පිළිබඳ ව මහෙස්ත්‍රාත්වරයකු ඉදිරිපිට දී පවත්වනු ලබන ලඝු නඩු විභාගයකින් පසු ව, වැරදිකරුවකු බවට පත් කරනු ලැබීමේ දී රුපියල් එකසියයකට වැඩි නො වන දඩයකට හෝ මාස හයකට වැඩි නො වන කාල සීමාවක් සඳහා, දෙආකාරයෙන් එක් ආකාරයක බන්ධනාගාරගත වීමට හෝ එකී දඩය හා බන්ධනාගාරගත වීම යන දඬුවම් දෙකට ම යටත් විය යුතු ය.

(8) (3) වෙනි උපවගන්තියේ සඳහන් විධිවිධාන ඉටු කිරීම ප්‍රතික්ෂේප කරන හෝ ඕනෑකමින් පැහැර හරින හෝ ගම්කායඝී සභාවක සභාපති වරයකු, වරදකට වැරදිකරුවකු වෙතවාත් හැර, ඒ පිළිබඳ ව මහෙස්ත්‍රාත්වරයකු ඉදිරිපිට දී පවත්වනු ලබන ලඝු නඩු විභාගයකින් පසු ව වරදකරුවකු බවට පත් කරනු ලැබීමේ දී, රුපියල් එකසියයකට වැඩි නො වන දඩයකට හෝ මාස හයකට වැඩි නො වන කාලසීමාවක් සඳහා දෙ ආකාරයෙන් එක් ආකාරයක බන්ධනාගාරගත වීමට හෝ ඒ දඩය හා බන්ධනාගාර ගත වීම යන දඬුවම් දෙකට ම යටත් විය යුතු ය.

6. ප්‍රධාන ආඥාපනතේ 25 වෙනි වගන්තිය, එකී වගන්තියේ (1) වෙනි උපවගන්තියෙහි “පළමුවෙනි රැස්වීම” යන වචනවලින් ආරම්භ ව එකී උපවගන්තියේ අවසානය දක්වා ඇති සියලු ම වචන වෙනුවට පහත සඳහන් වචන ආදේශ කිරීමෙන් මෙයින් සංශෝධනය කරනු ලැබේ. එනම් :—

ප්‍රධාන ආඥා පනතේ 25 වෙනි වගන්තිය සංශෝධනය කිරීම.

“ එහි පළමුවෙනි රැස්වීම, දැන්වීමකින් දැනුම් දිය යුතුවා පමණක් නො ව, එකී දැන්වීම, රැස්වීම පැවැත්වීම සඳහා නියමිත

දිනයට යටත්පිරිසෙයින් දින හතකට වත් කලින්—

(අ) රැස්වී පත්‍රයෙහි හෝ එකී සභාවේ කටයුතු කර ගෙන යනු ලබන භාෂාව අනු ව, ලංකාවේ ප්‍රචලිත සිංහල හෝ දෙමළ ප්‍රචාරිත්‍රි පත්‍ර එකක හෝ ඊට වැඩි ගණනක හෝ පළ කළ යුතු ය, තවද

(ආ) එකී සභාවේ තෝරා පත් කරගනු ලැබූ එක් එක් නියෝජිතවරයාට ලියාපදිංචි කළ තැපැලෙන් යැවිය යුතු ය." යනුවෙනි.

ප්‍රධාන ආඥා පනතෙහි 30 වෙනි වගන්තිය සංශෝධනය කිරීම.

7. ප්‍රධාන ආඥාපනතේ 30 වෙනි වගන්තිය, එකී වගන්තියේ (5) වෙනි අනුවේෂ්ඨයෙහි "රුපියල් විෂ්ස" යන වචන වෙනුවට, "රුපියල් පණහ" යන වචන අදේශ කිරීමෙන් මෙයින් සංශෝධනය කරනු ලැබේ.

ප්‍රධාන ආඥා පනතෙහි 30 "ආ" සහ 30 "ඇ" වෙනි අලුත් වගන්ති ඇතුළත් කිරීම.

8. 30අ. වෙනි වගන්තියට ඉක්බිති ව ම පහත සඳහන් අලුත් වගන්ති මෙයින් ඇතුළත් කරනු ලබනවාත් හැර, 1957 අංක 28 දරන පනතින් සංශෝධිත ප්‍රධාන ආඥාපනතේ 30 "ආ" සහ 30 "ඇ" වෙනි වගන්ති වශයෙන් ක්‍රියාත්මක විය යුතු ය. එනම්:—

"ඇතැම් කාරණා යටතේ, සභාපති වරයාගේ බලතල පැවිවීම් කිරීමට හා කායාර් ඉටු කිරීමට ද පළාත් පාලන සභාකාර කොමසාරිස් වරයා තෙරෙහි පැවරී ඇති බලය.

30ආ.—ගම්සභාවක, සභාපතිවරයාගේ නිලය හිඟවන දිනයෙන් ආරම්භ වන හා අලුත් සභාපති වරයකු තෝරා පත් කර ගනු ලබන දිනයෙන් අවසාන වන කාලසීමාව තුළ හෝ අපනීපයක් නිසා හෝ වැළැක්විය නො හැකි අන්දමේ වෙනත් යම් කිසි හේතුවක් නිසා හෝ ගම්සභාවක සභාපති වරයා හෝ උපසභාපතිවරයා හෝ යන මේ දෙ දෙනා ම නො පැමිණ සිටින කාලසීමාව තුළ, සභාව විසින් විධිමත් ලෙස තෝරා පත් කර ගනු ලැබූ සභාපතිවරයකු වශයෙන් එම බලතල පැවිවීම් කිරීමට හෝ එම කාර්ය ඉටු කිරීමට හෝ පළාත් පාලන සභාකාර කොමසාරිස් වරයාට අයිතිවාසිකම තිබිය යුතු ය.

ගම්සභාවේ යෝජනාවකින් සභාපතිවරයා නිලයෙන් පහ කිරීම.

30 "ඇ"—(1) සභාවේ සභාපතිවරයා නිලයෙන් පහ කිරීම පිළිබඳ යෝජනාවක් ගැන සලකා බැලීම සඳහා සභාවේ විශේෂ රැස්වීමක් කැඳවිය යුතු ය යි ගම්සභාවේ මුළු නියෝජිත සංඛ්‍යාවෙන් එක් භාග යකට වඩා අඩු නො වන ගණනක් විසින් ලියවිල්ලකින් ඉල්ලා සිටිනු ලබන කවර අවස්ථාවක දී මුළු ද, පළාත් පාලන සභාකාර කොමසාරිස් වරයා විසින් එකී කාරණය සඳහා සභාවේ විශේෂ රැස්වීමක් වහා ම කැඳවා සිටිය යුතු ය.

(2) (1) වෙනි උපවගන්තිය යටතේ කැඳවන ලද ගම්සභාවක යම්කිසි විශේෂ රැස්වීමක දී, සභාපති ධුරයෙන් එකී සභාවේ සභාපතිවරයා පහ කිරීම සඳහා ඉදිරිපත් කරනු ලබන යෝජනාවක්, එකී සභාවේ මුළු නියෝජිත සංඛ්‍යාවෙන් තුනෙන් දෙ කොටසකට වඩා අඩු නො වන ගණනක් විසින් සඳීර කරනු ලබන විට, එකී යෝජනාව එ සේ සඳීර කරනු ලබන දිනයේ සිට එකී නිලය ඔහු විසින්

අත්හැර දමන ලද හැටියට සැලකිය යුතුමාක් හැර, එකී රැස්වීමට පැමිණ සිටි සභාවේ නියෝජිතවරුන් විසින්, එකී සභාවේ සභාපතිවරයා වශයෙන් සවකීය නියෝජිත සංඛ්‍යාවෙන් ම කෙනකු තෝරා පත් කර ගැනීම පිළිබඳ ව ඡන්ද විමසීමට ක්‍රියා කොට, එ සේ ම, තෝරා පත් කර ගත යුතු ය. එහෙත්, එකී මොන ම ඡන්ද විමසීමක් වත්, 26 වෙනි වගන්තියෙන් සඳහන් ගණපුරණය පැමිණ සිටි නම් මිස නැත්නම්, නො පැවැත්විය යුතු ය.

(3) (2) වෙනි උපවගන්තියෙහි සඳහන් රැස්වීමේ දී සභාපතිවරයා තෝරා පත් කර ගනු නො ලබන විට, හෝ ගණපුරණයක් නොමැතිවීම හේතුවකොට ගෙන එකී රැස්වීමේ දී සභාපතිවරයා තෝරා පත් කර ගැනීම පිණිස ඡන්ද විමසීමක් පවත්වනු නො ලබන විට හෝ පළාත් සැලක සහකාර කොමසාරිස් වරයා විසින්, (8) වෙනි උපවගන්තියේ සඳහන් නියමයන්ට අනුකූලව දැන්වීමක් කර සිටීමෙන්, සභාපතිවරයා තෝරා පත් කර ගනු ලැබීම පිණිස ගම්සභාවේ විශේෂ රැස්වීමක් වන ම කැඳවිය යුතු ය. එහෙත්, 26 වෙනි වගන්තියේ සඳහන් ගණපුරණය, එකී විශේෂ රැස්වීමට පැමිණ නැතිනම්, එකී රැස්වීමේ දී සභාපතිවරයා තෝරා පත් කර ගැනීම පිළිබඳ ඡන්ද විමසීම නො පැවැත්විය යුතු ය. එකී විශේෂ රැස්වීමේ දී සභාපතිවරයා තෝරා පත් කර ගනු නො ලබන විට හෝ ගණපුරණය නොමැති වීම හේතුවකොටගෙන එකී රැස්වීමේ දී සභාපතිවරයා තෝරා පත් කර ගැනීම පිණිස ඡන්ද විමසීම පවත්වනු නො ලබන විට, 29 වෙනි වගන්තිය, මේ උප වගන්තියේ සඳහන් විධිවිධානවලට අනු ව, සභාපති වරයා තෝරා පත් කර ගනු ලැබීමට නො හැකි වීම පිළිබඳ සැදැහුමක්, එකී වගන්තියට ඇතුළත් කරන ලද්දාක් මෙන්, ඊට අදාළ විය යුතු ය.

(4) (1) වෙනි වගන්තිය යටතේ කැඳවන ලද ගම් සභාවක යම් කිසි විශේෂ රැස්වීමක දී, සභාපති ධුරයෙන් එකී සභාවේ සභාපතිවරයා පහ කිරීම සඳහා යෝජනාවක් නිෂ්ප්‍රභ වන විට හෝ, එකී සභාවේ මුළු නියෝජිත සංඛ්‍යාවෙන් තුනෙන් දෙ කොටසකට වඩා අඩු ගණනක් විසින් සඳීර කරනු ලබන විට හෝ, එම සභාපතිවරයා ම නිලයෙන් පහ කිරීම පිළිබඳ යෝජනාවක් ගැන සලකා බැලීම පිණිස එකී සභාවේ වෙනත් කිසි ම රැස්වීමක්, (1) වෙනි වගන්තියේ සඳහන් පටහැනි කිසිවක් ගැන නො සලකා, පළමුවෙන් සඳහන් කරන ලද යෝජනාව නිෂ්ප්‍රභ කරන ලද හෝ සඳීර කරන ලද හෝ දිනයෙන් පසු හය මාසයක් ඇතුළත දී පළාත් පාලන සහකාර කොමසාරිස්වරයා විසින් කැඳවා සිටිය යුතු ය.

(5) මේ වගන්තිය යටතේ පළාත් පාලන සහකාර කොමසාරිස්වරයා විසින් කැඳවනු ලබන සෑම විශේෂ රැස්වීමක ම මූලසුන, පළාත් පාලන සහකාර කොමසාරිස්වරයා විසින් ම දැරිය යුතු නමුත්, එහි තීරණය කළ යුතු මොන ම ප්‍රශ්නයක් සම්බන්ධ යෙන්වත්, ඡන්දය පාවිච්චි කිරීමට ඔහුට අයිතිවාසිකමක් නො ලැබිය යුතු ය.

(6) පළාත් පාලන සහකාර කොමසාරිස්වරයා විසින්, මේ වගන්තිය යටතේ කැඳවන ලද සෑම විශේෂ රැස්වීමක් ම අවසානයේ දී, එකී රැස්වීමේ වාර්තා, 38 වෙනි වගන්තිය යටතේ, ඒ සඳහා තබා තිබෙන පොතක සටහන් කරවීමට සැලැස්විය යුතු වාත් හැර, ඔහු විසින් එකී වාර්තා අත්සන් කළ යුතු ය. අනතුරු ව, ගම්සභාව විසින් එකී වාර්තාවල පිටපතක් වහා ම පළාත් පාලන කොමසාරිස්වරයා වෙත ද යැවිය යුතු ය.

(7) මේ වගන්තිය යටතේ, පළාත් පාලන සහකාර කොමසාරිස්වරයා විසින් කැඳවනු ලබන විශේෂ රැස්වීමක් ගණපුරණය නොමැති වීමට වඩා බාහිර වශයෙන් වූ වෙනත් යම්කිසි හේතුවක් නිසා ඔහු විසින් නියම කරනු ලබන දිනයේ දී පවත්වනු නො ලබන විට, ඔහු විසින්, (8) වෙනි වගන්තියෙහි සඳහන් නියමයන්ට අනුකූලව තව දුරටත් දැනුම් දීමෙන්, හැකි පමණ වාර ගණනක් එකී රැස්වීම පැවැත්වීම සඳහා වෙනත් ඕනෑ ම දිනයක් ඔහු විසින් නියම කළ හැකි ය.

(8) මේ වගන්තිය යටතේ ගම්සභාවක සෑම විශේෂ රැස්වීමක් ම, එකී රැස්වීම පවත්වනු ලබන දිනයට මත්තෙන් දින දෙකකට අඩු නො වන, ලියවිල්ලකින් වූ දැන්වීමක් පළාත් පාලන සහකාර කොමසාරිස්වරයා විසින් සභාවේ එක් එක් නියෝජිතවරයා වෙත වෙන් වෙන් වශයෙන් භාර දීමෙන්, කැඳවිය යුතු ය. එ බඳු යම් කිසි දැන්වීමක්, යම් කිසි හේතුවක් නිසා යම් කිසි නියෝජිතවරයකු හමු වී පෞද්ගලික ව ම ඔහුට භාර දීමට නො හැකි වන විට, එය, ඔහු වෙත තැපෑලෙන් යටනු ලැබීමෙන් හෝ එකී නියෝජිතයා අවසාන වරට වාසය කළ බව දැන ගන්ට තිබෙන ස්ථානයේ තැබීමෙන් හෝ එකී දැන්වීම ඔහු වෙත යථා පරිදි භාර දෙනු ලැබූ සේ සැලකිය යුතු වාත් හැර, තැපෑලෙන් යවන ලද එකී සෑම දැන්වීමක් ම එය, සාමාන්‍යයෙන් තැපෑල් ලැබෙන වේලාවට ලැබුණක් මෙන් ද සැලකිය යුතු ය. සෑම දැන්වීමක ම, රැස්වීම පවත්වන දිනය, වේලාව හා ස්ථානය ද සඳහන් විය යුතු ය.

(9) (1) වෙනි හෝ (2) වෙනි උපවගන්තියෙහි සඳහන් පරිදි, සභාවේ මුළු නියෝජිත සංඛ්‍යාවේ යම් කිසි ප්‍රමාණානුකූල ගණනක් සමන්විත වන ගණන, මුළු සංඛ්‍යාවක් හා භාගයක් වන විට, මේ වගන්තියේ කාර්ය සඳහා, ඊළඟ වැඩි මුළු සංඛ්‍යාව එකී ප්‍රමාණානුකූල ගණන සමන්විත වන ගණන හැටියට සැලකිය යුතු ය.

9. ප්‍රධාන ආඥාපනතේ 39 වෙනි වගන්තිය, එහි “මේ ආඥාපනත ආරම්භයේ දී” යන වචන වෙනුවට, “1938 දෙසැම්බර් මස 31 වෙනි දින” යන වචන හා ඉලක්කම් ආදේශ කිරීමෙන් මෙයින් සංශෝධනය කරනු ලැබේ.

ප්‍රධාන ආඥා පනතේ 39 වෙනි වගන්තිය සංශෝධනය කිරීම.

10. ප්‍රධාන ආඥාපනතේ 43 වෙනි වගන්තිය මෙයින් අවලංගු කොට, ඒ වෙනුවට පහත සඳහන් අලුත් වගන්තිය ආදේශ කරනු ලැබේ. එනම්:—

ප්‍රධාන ආඥා පනතේ 43 වෙනි වගන්තිය වෙනුවට අලුත් වගන්තියක් යෙදීම.

සාමාන්‍ය බලතල

43. මේ ආඥාපනත යටත්, එහි බලතල ක්‍රියාවෙහි යෙදවීම පිණිස ගම්සභාවක් කෙරෙහි (එහි විශේෂයෙන් පවරා තිබෙන ධනත් යම් යම් බල තලවලට හානියක් නො වන ලෙස) මේ ආඥා පනතේ වෙනත් විධිවිධානවලට හා මේ ආඥාපනත යටතේ සම්පාදිත යම් යම් නීති පිතිවලට ද යටත් ව, පහත සඳහන් බලතල ද පැවරී තිබිය යුතු ය. එනම්:—

- (අ) අවශ්‍ය ය යි සභාව විසින් සැලකිය හැකි සියලු තනතුරු හෝ නිල ඇති කිරීම;
- (ආ) (i) පළාත් පාලන සේවා ආඥාපනතේ අර්ථනුකූලව උපලේඛනගත තනතුරක් හැර ගම්සභාවේ සේවයෙහි වෙනත් යම් කිසි තනතුරක් හෝ නිලයක් සඳහා හුදු සුදුසු ය යි සභාව අදහස් කරන යම් වැටුපක්, දීමනා හෝ වෙනත් කිසිම ද,
- (ii) 59 වෙනි වගන්තිය යටතේ සම්පාදනය කිරීමට ඇමතිවරයා කෙරෙහි බලය පැවරී තිබෙන නීති පිතිවලින් නියම කරනු ලබන යම් යම් නියමයන්ට හා කොන් දේසිවලට යටත් ව ද, පළාත් පාලන සහකාර කොමසාරිස්වරයාගේ පූර්ව අනුමැතිය ඇති ව ද, යම් යම් කායාරී සඳහා සභාවේ නිලධාරීන්ට හා සේවක යන්ට වැටුප් අත්තිකාරම් මුදල් දීම ද,
- (ඇ) පළාත් පාලන සේවයට අයත් සාමාජික යකු හැර සභාවේ වෙනත් යම්කිසි නිලධාරී යකු හෝ සේවකයකු අස් කිරීම ද,
- (ඈ) පළාත් පාලන සේවා ආඥාපනතේ අර්ථනුකූල ව උපලේඛනගත තනතුරක් හැර ගම්සභාවේ සේවයෙහි වෙනත් යම් කිසි තනතුරක් හෝ නිලයක් අවලංගු කිරීම ද,

- (ඉ) (i) පළාත් පාලන සේවයෙහි සාමාජිකයන් නො වන සභාවේ නිලධාරීන් හා සේවකයන් තම සේවයෙන් විශ්‍රාම ලැබූ විට, ඔවුන්ට විශ්‍රාම වැටුප් දීම ද ;
- (ii) පළාත් පාලන සේවයට අයත් සාමාජිකයන් නො වන්නා වූ ද (i) වෙනි, අනුවේෂ්ඨය යටතේ සභාවෙන් විශ්‍රාම වැටුප් නො ලබන්නා වූ ද සභාවේ නිලධාරීන්ගේ හා සේවකයන්ගේ ශ්‍රී ලංකා සිද්ධිය සඳහා අර්ථසාධක අරමුදලක් පිහිටුවීම, විධිමත් කිරීම හා එකී අරමුදලට පොදු අරමුදලින් දායක මුදල් ගෙවීම ද,
- (ඊ) පළාත් පාලන සේවයට අයත් සාමාජිකයන් නො වන සභාවේ නිලධාරීන්ට හා සේවකයන්ට නිවාඩු දීම ද,
- (උ) යම් කිසි රාජකාරී කටයුත්තක් ඉටු කිරීම සම්බන්ධයෙන්, දරන ලද විෂයයදම් ආපසු ගෙවීමක් වශයෙන්, සභාවේ නිලධාරීන්ට හා සේවකයන්ට යැපීම් දීමනා හා ගමන් ගාස්තු ගෙවීම සඳහා පොදු අරමුදලෙන් යම් කිසි කොටසක් වැය කිරීම ද,
- (ඌ) එක් එක් සභාවේ හෝ පළාත් පාලන ආයතනයේ හෝ කටයුතු කීපයක් සම්බන්ධයෙන්, යම්කිසි කර්මාන්තයක් එක් ව කරවීම සඳහා හෝ පළාත් පාලන සේවයන්ට අයත් සාමාජිකයකු නො වන යම් කිසි නිලධාරියකු හෝ සේවකයකු සේවයෙහි යොදවා ගැනීම හෝ යම් කිසි නිලධාරියකුට හෝ සේවකයකුට වේතනය ගෙවීම සඳහා හෝ වෙනත් යම් කිසි ගම්සභාවක් සමඟ හෝ පළාත් පාලන ආයතනයක් සමඟ හෝ යම් කිසි වැඩ පිළිවෙළකට ඇතුළත් වීම ද,
- (එ) මාතෘදාරකාභිවෘද්ධි සේවාවන්, සභාව විසින් පිහිටුවා තිබෙන යම් කිසි මාතෘදාර කාභිවෘද්ධි සේවයක කටයුතු සඳහා වින්නඹු මාතාවන් පුහුණු කිරීම, නිවාස යෝජනා ක්‍රම, ඇමතිවරයා විසින් අනුමත කළ හැකි අන්දමේ පුණ්‍යකටයුතු, හෝ වර්ෂාවෙන්, ජල ගැලීම්වලින්, ගින්නෙන් හුම්කම්පාවලින්, සාගතයෙන් හෝ වසංගත රෝගවලින් සිදු වූ ආපදාවලින් සහනය ලබා දීම පිළිබඳ යම් යම් කටයුතු හෝ අන් කිසි කාර්යයක් ද සඳහා පොදු අරමුදලින් යම් කිසි කොටසක් වැය කිරීම ද,

- (ඒ) යම් කිසි ඉඩමක් හෝ ගොඩනැගිල්ලක් මිලයට ගැනීම හෝ බදු ගැනීම ද,
- (ඔ) 39 වෙනි වගන්තියේ ප්‍රකාර සභාව කෙරෙහි පවරා දී තිබෙන හැටියට සැලකෙන, හෝ සභාව විසින් මිලයට ගෙන තිබෙන හෝ එ සේ නැත්නම්, අත්පත් කර ගෙන තිබෙන යම් කිසි ඉඩමක් හෝ ගොඩනැගිල්ලක් විකිණීම, මාරු කිරීම, බදු දීම හෝ බදුකරයක් වශයෙන් දීම හෝ, 40 වෙනි වගන්තිය යටතේ වූ පැවරීමේ නියෝගයකින් සභාව කෙරෙහි පවරා දී තිබෙන යම් කිසි ඉඩමක් හෝ ගොඩනැගිල්ලක් සම්බන්ධයෙන් නම්, එකී ඉඩම හෝ ගොඩනැගිල්ල එකී පැවරීමේ නියෝගයේ සඳහන් කොන් දේසිවලට යටත් ව යම් කිසි පුද්ගලයකුට බදු දීම හෝ බදු කරයක් වශයෙන් දීම, හෝ එකී ඉඩම හෝ ගොඩනැගිල්ල ආණ්ඩුවට ආපසු භාර දීම ද,
- (ඔ) ගම් ප්‍රදේශයේ පදිංචිකරුවන් වෙනුවෙන් හෝ එහි පදිංචිකරුවන්ගෙන් යම් කිසි කොටසක් වෙනුවෙන් හෝ සභාව විසින් පාලනය කරනු ලබන යම් කිසි පොදු සේවයක කටයුතු වෙනුවෙන් හෝ භාරකාරත්වය පිට දේපල ලබා ගැනීම හා තබා ගැනීම හා යම් කිසි පොදු කටයුත්තක් සම්බන්ධයෙන් භාරකාරයා වශයෙන් අන් ලෙසකින් ක්‍රියා කිරීම ද,
- (අඅ) යම් කිසි කර්මාන්තයක් කිරීම සම්බන්ධයෙන් හෝ සේවයක් සැලසීම සම්බන්ධයෙන් හෝ බඩු බාහිරාදිය හෝ උපකරණාදිය සැපයීම සම්බන්ධයෙන් හෝ යම් කිසි පුද්ගලයකු සමඟ යම් කිසි කොන්ත්‍රාත්තුවකට ඇතුළත් වීම ද,
- (ආආ) ග්‍රාමීය කර්මාන්ත සෑදීම හෝ වෙනස් කිරීම, වැඩි දියුණු කිරීම, හෝ නඩත්තු කිරීම සඳහා හා, සභාව කෙරෙහි පවරා තිබෙන හෝ සභාව විසින් අත්පත් කර ගෙන තිබෙන හෝ, එ සේ නැති නම්, සභාවට මාරු කර තිබෙන හෝ මේ ආඥාපනතේ විධිවිධාන හෝ මේ ආඥාපනත යටතේ සම්පාදිත හෝ යම් කිසි ලිඛිත නීතියක ප්‍රකාර සම්පාදිත හැටියට සලකන අතුරු ව්‍යවස්ථාවක් යටතේ පොදු අර මුදලකින් යම් කිසි කොටසක් වැය කිරීම ද,

(ඇආ) තොටුපල් පිහිටුවීම, සභාව විසින් පිහිටුවා තබන්නා කර ගෙන යනු ලබන යම් කිසි තොටුපලක් (තොටුපල්) ගාස්තු පැනවීම හා අය කිරීම හෝ එකතු කිරීමේ අයිතිය බදුදීම හා එකී තොටුපල ආරක්ෂා කිරීම සඳහා ඒ සම්බන්ධයෙන් සම්පාදිත අතුරු ව්‍යවස්ථාවලින්, පොද්ගලික තොටුපලවල් පිහිටුවීම තහනම් කිරීම හෝ සීමා කිරීම ද,

(ඇආ) ගම් ප්‍රදේශය ඈතුලන හා වෙනත් යම් කිසි ගම් ප්‍රදේශයක් ඈතුලන යම් කිසි ස්ථානයක් අතර, හෝ වෙනත් යම් කිසි පළාත් පාලන ආයතනයක පාලන බලසීමා ඈතුලන හෝ පිහිටුවා තබන්නා කර ගෙන යනු ලබන තොටුපලක් සම්බන්ධයෙන් නම්, එ බදු යම් කිසි තොටුපලක් සම්බන්ධයෙන් පනවා තිබෙන හෝ අය කරන (තොටුපල්) ගාස්තු, ඒ පිළිබඳ ව එකී අනික් ගම් ප්‍රදේශයේ ගම්සභාව හෝ එකී පළාත් පාලන ආයතනය හෝ සමග ඈතුලන වී තිබෙන ගිවිසුමෙන් නියමිත යම් ආකාරයකින්, හෝ යම් ප්‍රමාණයක් අනු ව හෝ ඒ ඒ කාරණයේ හැටියට, බෙදීම හා එ බදු තොටුපලක් සම්බන්ධයෙන් එය ගම් ප්‍රදේශයේ සීමාවලින් ඔබ්බට සෑදීම හෝ නඩත්තු කිරීම පිළිබඳ ව යම් කිසි වැඩක් කර ගෙන යාම සඳහා පොදු අරමුදලින් යම් කිසි කොටසක් වැය කිරීම ද,

(ඉඉ) කෘෂිකාර්මික කටයුතු පිළිබඳ අත්හදා බැලීම් පැවැත්වීම හා ගෘහවාසි සතුන් පව්වි ගැස්වීම හා එකී කටයුතු සඳහා ආදර්ශ ගොවිපලවල් හා පව්වි ගවයන් තබන්නා කිරීම සම්බන්ධයෙන් පොදු අර මුදලින් යම් කිසි කොටසක් වැය කිරීම ද,

(ඊඊ) විවා අනාවරණය කිරීම හා නැවැත්වීම, මේ ආඥාපනත හෝ මේ ආඥාපනත යටතේ සම්පාදිත අතුරු ව්‍යවස්ථා හෝ නීති රීති යටතේ වූ සියලුම උල්ලංඝනය කිරීම් අනාවරණය කිරීම, වැළැක්වීම හා නැවැත්වීම හෝ අයිතිකරුවා හෝ පදිංචි කරුවා හැටියට සලකන පුද්ගලයා හෝ විසින් ඉටු නො කරනු ලබන යම් යම් කාරණා ඉටු කිරීම සඳහා ඊට අවසර දී තිබෙන නිලධාරීන් විසින් සවකීය සේවක යන් හා කම්කරුවන් ද කැටුව ඉටුම්වලට හා ගොඩනැගිලිවලට ඈතුඑ වී පරීක්ෂණ පැවැත්වීමට සැලැස්වී ද,

(උඋ) සභාපතිවරයා විසින් හෝ සභාපතිවරයා විසින් ඒ සඳහා අවසර දී ඇති වෙනත් යම් යම් නිලධාරීන් විසින්, මේ ආඥාපනතේ සඳහන් යම් කිසි කාරණයක් සම්බන්ධයෙන් අවශ්‍ය යයි සභාපතිවරයා විසින් අදහස් කරනු ලබන සියලුම පරීක්ෂණයන් පැවැත්වීම හා එබඳු සියලුම පරීක්ෂණයන් සඳහා අවුරුද්දීම හා සාක්ෂි තරුවන් කැඳවීම ද,

(උආ) පළාත් පාලනයට අදාළ කාරණා ගැන සලකා බැලීම සඳහා පවත්වන පළාත් පාලන ආයතනවල යම් කිසි සංගමයක විශේෂයදම් සඳහා ඇමතිවරයා විසින් අනුමත කරනු ලබන යම් යම් දායක මුදල් පොදු අරමුදලින් වෙන්කිරීමද,

(එඑ) පළාත් පාලනයට අදාළ කාරණා ගැන සලකා බැලීම සඳහා පවත්වන ගම්සභාවල නියෝජිතවරුන්ගේ හෝ නිලධාරීන්ගේ යම් කිසි රැස්වීමකට හෝ සම්මේලනයකට සභාවේ අනුමතිය ඇතිව පැමිණෙන සභාවේ නිලධාරීන්ට හෝ සභාවේ රැස්වීම්වලට පැමිණීම සඳහා සභාවේ නියෝජිතවරුන්ට හෝ ගමන් ගාස්තු ගෙවීම සඳහා පොදු අරමුදලින් යම් කිසි කොටසක් වැය කිරීම ද,

(ඒඒ) ප්‍රජා විලිගැනීම හෝ උත්සව කටයුතු හෝ පොදු ජන සැලකිල්ලට භාජනය වූ යම් යම් සිසින් හෝ අවස්ථාවන් හෝ යම් යම් ආගමික, පුණ්‍යමය, සංස්කෘතික, ස්වස්ථායික විනෝදාත්මක හෝ අධ්‍යාපනික කටයුතු හෝ සම්බන්ධයෙන් ඇමතිවරයා ගෙන් කලින් ලබා ගත් ලියවිල්ලකින් වූ අනුමැතිය ඇතිව සභාව විසින් ඕනෑම අවුරුද්දකදී දරනු ලබන මුළු ගණන රුපියල් එක්දාහකට වැඩි නො වන විශදමක් හා සභාව විසින් දරනු ලබන වෙනත් එබඳු යම් යම් විශේෂයදම් ද පොදු අරමුදලින් ලබා ගැනීම ද,

(මම) පොදු විනෝද සංග්‍රහ සඳහා හෝ විනෝද කටයුතු සඳහා හෝ යම් යම් පුස්තකාල, හෝ යම් යම් අධ්‍යාපනික, විද්‍යාත්මක, පුණ්‍යමය, හෝ සුභසාධක අයතන සඳහා හෝ, යම් යම් ආගමික, පුණ්‍යමය, සංස්කෘතික, සෞඛ්‍ය හෝ අධ්‍යාපනික කටයුතු සඳහා හෝ ඇමතිවරයාගෙන් කලින් ලබා ගත් අනුමැතිය ඇති ව සභාව විසින් ඕනෑම අවුරුද්දක දී වෙන් කරනු

ලබන මුළු ගණන රුපියල් පන්සියයකට වැඩි නො වන විශදමක් හා සභාව විසින් වෙන් කරනු ලබන වෙනත් එ බඳු යම් යම් විශතියදම් ද පොදු අරමුදලින් ලබා ගැනීම ද,

(ඕම්) සභාවේ හෝ පොදු මහජනයාගේ හෝ අයිතිවාසිකම් වලට ඉහි කිරීමේ හෝ ආරක්ෂා කිරීමේ හෝ, සභාවේ නියෝජිතවරුන් හෝ නිලධාරීන් හෝ ස්වකීය රාජකාරිය කටයුතු ඉටු කරනු ලැබීමේ දී හෝ ඉටු කරනු ලැබීමට බලාපොරොත්තුවීමේ කායතීය සඳහා ඔවුන් ආරක්ෂා කිරීම පිළිබඳ කටයුතු විධාන කිරීම හෝ ඔවුන් වෙනුවෙන් පෙනී සිටීම හෝ අවශ්‍ය ය යි සභාව විසින් අදහස් කරන යම් යම් කටයුතු එ සේ නීති මගින් විධාන කිරීම හෝ ඒ සඳහා ඔවුන් වෙනුවෙන් පෙනී සිටීම ද,

(අආ) මේ ආඥාපනත යටතේ සම්පාදිත හෝ යම් කිසි ලිඛිත නීතියක ප්‍රකාර සම්පාදිත හැටියට සලකන හෝ අතුරු ව්‍යවස්ථා ක්‍රියාවෙහි යෙදවීම හා එකී අතුරු ව්‍යවස්ථා උල්ලංඝනය කිරීම සම්බන්ධයෙන් ගම්බඳ උසාවියක නඩු පැවරීම ද, හා

(ඇආ) සාමාන්‍යයෙන් සභාවේ බලතල හා කටයුතු ප්‍රබල අන්දමින් ඉටු කිරීම සඳහා අවශ්‍ය සියලු ම දේ කිරීම ද වේ.”

ප්‍රධාන ආඥා පනතෙහි 44, 44අ හා 44ආ වෙති වගන්ති ඇතුළත් කිරීම.

11. පහත සඳහන් අළුත් වගන්තිය, 43 වෙනි වගන්තියට ඉක්බිතිව ම මෙයින් ඇතුළත් කරනු ලබන අතර, ඒ වගන්ති ප්‍රධාන ආඥාපනතේ 44, 44අ හා 44ආ වෙති වගන්ති වශයෙන් වලංගු විය යුතු ය:—

මැණිම් සඳහා අවසර දීමට බලය.

44. (1) සභාව සංස්ථාපනය කර තිබෙන ගම් ප්‍රදේශයේ යම් කිසි පොදු කටයුත්තක් සඳහා යම් කිසි පෞද්ගලික ඉඩමක්, ගොඩනැගිල්ලක් හෝ ස්ථානයක් පරීක්ෂා කිරීම හෝ මැනීම අවශ්‍ය ය යි යම් කිසි ගම්සභාවක සභාපතිවරයාට පෙනී යන කවර අවස්ථාවක දී වුව ද, සභාපතිවරයා විසින් එකී පරීක්ෂණය හා මැනීම එ සේ කරන ලෙස සභාවේ නිලධාරියකුට හෝ සේවකයකුට හෝ නියම කිරීම නීත්‍යානුකූල වනවාත් හැර, එකී නියමය අනු ව, එකී නිලධාරියා විසින් හෝ සේවකයා විසින් ඔහුගේ වැඩකරුවන් ද සමඟ එකී ඉඩමට, ගොඩ නැගිල්ලට හෝ ස්ථානයට ඇතුළු ව, පහත සඳහන් ක්‍රියාවලින් ඕනෑ ම ක්‍රියාවක් එහි දී කරනු ලැබීම ද නීත්‍යානුකූල විය යුතු ය. එනම්:—

- (අ) මැනීමක් කිරීමක් හා සමතල ගැනීම ද,
- (ආ) යටිපස හැරීම හා විදීම ද,

(ඇ) ඉඩම, ගොඩනැගිල්ල හෝ භ්‍රාමය එකී යම් පොදු කටයුත්ත සඳහා සකස් කර ගත හැකි ද, නො හැකි දැ යි හරිහැටි සොයා දැන ගැනීම පිණිස අවශ්‍ය වෙනත් කටයුතු කිරීම ද,

(ඈ) අත්පත් කර ගැනීමට බලාපොරොත්තු වන යම් කිසි ඉඩමක මායිම් හෝ විලි රේඛා හෝ, කිරීමට යෝජනා කර ඇති යම් කිසි වැඩක රේඛා ද ලකුණු කිරීම ද,

(ඉ) එ් ඒ කාරණයට අවශ්‍ය වන පරිදි, දැනට පවතින ගොඩනැගිලිවල, ගස්වල, කණු වල, බිත්තිවල, වැට්ටිවල, හෝ වෙනත් ස්ථිර වස්තුවල ස්ථිර සලකුණු තැබීමෙන් හෝ අලුත් සලකුණු සවි කිරීමෙන් හෝ අලුත් කැපීමෙන් හෝ එකී සමතල, මායිම් හෝ රේඛා ලකුණු කිරීම ද,

(ඊ) එ සේ කිරීමෙන් මැනීමක් සම්පූර්ණ කිරීමට හෝ සමතල ගැනීමට හෝ මායිම් හා රේඛා ලකුණු කිරීමට හෝ යම් අන්දමකින් නො හැකි නම්, එකී වැඩය කර ගෙන යාමට අවහිර ව තිබෙන ඕනෑ ම බාධක යක් කපා ඉවත් කොට දමා ශුද්ධ පවිත්‍ර කිරීම ද වේ.

(2) (1) වෙනි වගන්තියේ සඳහන් ක්‍රියාවලීන් යම් කිසි ක්‍රියාවක් කිරීමේ දී යම් කිසි ඉඩමකට හෝ එහි තිබෙන යම් කිසි දෙයකට හෝ යම් කිසි අලාභ හානියක් සිදු වන විට, එහි අයිතිකරුවාට හෝ අයිතිවාසිකම් කියා සිටීමට හැකි වෙනත් යම් කිසි පුද්ගලයකුට හෝ සභාව විසින් සම්පූර්ණ වන්දි මුදලක් ගෙවිය යුතු ය.

(3) පදිංචිකරුවාගෙන් ලබා ගත් ලියවිල්ලකින් වූ කැමැත්ත හෝ, එකී කැමැත්ත නො දී තිබේ නම්, ගම්සභාවේ සභාපතිවරයාගෙන් ලබා ගත් කැමැත්ත හෝ ඇති ව මිස නැතිනම් (1) වෙනි වගන්තියේ සඳහන් කාරණා සඳහා කිසි ම ගොඩනැගිල්ලකට හෝ පදිංචි ගෘහයකට අයිති කොටුවකට කිසි ම තැනැත්තකු ඇතුළු නො විය යුතු ය.

(4) මේ වගන්තිය යටතේ යම් කිසි ඉඩමක සවිකර තිබෙන සෑම සලකුණක් ම ගම්සභාවට අයිති දේපළක් වශයෙන් සැලකිය යුතු ය.

44. (1) සභාවේ පාලන බලසීමා ඇතුළත යම් කිසි පාරක හෝ මාවතක බැඳ, දිගේලි කර, හෝ දඩාවතේ යමින් සිටින බව පෙනෙන යම් කිසි ගොනෙකු, මිහරකෙකු, අශ්වයකු, බැටළුවකු, එළුවකු හෝ උෂරකු එකී සතා එ් අවස්ථාවේ දී

මාර්ගවල දී හෝ මාවත්වල දී ඇතුළු සතුන් ඇල්ලීම.

බඩු පටවනු හෝ බාණු ලබන කරත්තයකට බැඳ හෝ දිගේලි කර හෝ තිබේ නම් මිස නැත්නම්, අල්ලා ගන්නා ලෙස ද, එ සේ අල්ලා ගන්නා ලද එකී සෑම සතකු ම, ඒ සඳහා සභාව විසින් පිහිටුවා තිබෙන කොටුවකට දමන ලෙස ද, සභාපතිවරයා විසින් යම් කිසි පුද්ගලයකුට අවසර දීම නීත්‍යානුකූල විය යුතු ය.

(2) (1) වෙනි වගන්තිය යටතේ අල්ලා ගන්නා ලද කිසි ම සතකු, එකී සතා වෙනුවෙන් රුපියල් එකක මුදලක් හෝ එකී සතා අල්ලා ගන්නා ලද තැනැත්තාට ගෙවීමට සභාපතිවරයා විසින් සැලැස්විය හැකි පරිදි ඇමතිවරයා විසින්, ගැසට් පත්‍රයෙහි පළ කරවනු ලබන නිවේදනයකින් වරින් වර නියම කරනු ලබන වෙනත් යම් කිසි මුදලක් හෝ එකී සතා (සතුන්) දමන කොටුවේ තබා තිබුණු කාලසීමාව ඇතුළත එක් එක් දවසට සත නිහ බැගින් වූ වැඩිපුර මුදලක් ද ගම්සභාවේ සභාපති වරයාට ගෙවතොත් මිස නැත්නම්, එකී සතා අයිතිකරුවාට භාර නො දිය යුතු ය.

(3) එකී සතා එ සේ අල්ලා ගෙන සතුන් දමන කොටුවට දමනු ලැබීමෙන් පසු ව දින දහයක් ඇතුළත දී යම් කිසි තැනැත්තකු විසින් එකී සතාට අයිතිවාසිකම් කියා සිටිනු නො ලැබතොත්, හෝ (2) වෙනි උපවගන්තියෙන් නියමිත ව ඇති ගාස්තු ගෙවනු නො ලැබෙතොත්, හෝ ගම්සභාව විසින් ඒ සතා ප්‍රසිද්ධ වෙන්දේසියේ විකුණනු ලැබීම නීත්‍යානුකූල වෙනවාත් භාර, රුපියල් දෙකක මුදලක් හෝ ඇමතිවරයා විසින් ගැසට් පත්‍රයෙහි වරින් වර පළ කරනු ලබන නිවේදනයකින් එකී සතා අල්ලා ගන්නා ලද තැනැත්තාට ගෙවීමට නියම කරන වෙනත් යම් කිසි මුදලක් හා සතුන් දමන කොටුවේ දමා සිටින සතාගේ භාරකාරත්වය හා නඩත්තු ව සඳහා දවසකට ශත හැත්තාව බැගින් ගණන් බලන ලද මුදලක් ද ගෙවනු ලැබීමෙන් පසු ව, එකී විකිණීමෙන් ඉතිරිවන යම් කිසි මුදලක් වෙතොත්, එකී ඉතිරි මුදල, එකී විකිණීමේ දිනයේ සිට අවුරුද්දක කාලසීමාවක් ඇතුළත දී ඊට අයිතිවාසිකම් ඇති යම් කිසිවකු විසින් ඉල්ලා සිටිනු නො ලැබෙතොත්, හෝ ලබා ගනු නො ලැබෙතොත් එය පොදු අරමුදලට ගෙවිය යුතු ද වේ.

(4) ගව අයාල ආඥාපනතේ අඩංගු යම් කිසිවක් ගැන නො සලකා මේ වගන්තියේ සඳහන් විධිවිධාන සෑම ගම් ප්‍රදේශයක ම බලපැවැත්විය යුතු ය.

සාරවල්වල හා මාවන්වල ඇතැම් සතුන් අල්ලා ගැනීමට අවසර දී තිබෙන අයට අවහිර කිරීම.

44අ.—44අ. වෙනි වගන්තිය යටතේ යම් කිසි සතකු අල්ලා ගැනීමට අවසර දී ඇති යම් කිසි තැනැත්තකුගේ නීත්‍යානුකූල භාරයෙන් එකී සතා ඉවත් කර ගෙන යන හෝ එකී තැනැත්තා විසින් සිය බලතල ක්‍රියාවෙහි යොදවනු ලැබීමේ දී හෝ රාජකාරී කටයුතු ඉටු කරනු ලැබීමේ දී හෝ මොන ම අන්දමකින් වත්, ඔහුට අවහිර කරන හෝ පීඩා කරන යම් කිසිවකු ඒ වරද කරන ලද ප්‍රදේශය කෙරෙහි අධිකරණ බලය ඇති ගම්බද අධිකරණයක මාර්ගයෙන් දඬුවම් කළ හැකි වරදකට වරදකරු විය යුතු ය.

12. ප්‍රධාන ආඥාපනතේ 45 වෙනි වගන්තිය, එහි, (3) වෙනි උප වගන්තියෙහි, පහත සඳහන් පරිදි මෙයින් සංශෝධනය කරනු ලැබේ. එනම්:—

ප්‍රධාන ආඥා පනතේ 45 වෙනි වගන්තිය සංශෝධනය කිරීම.

- (1) එකී උපවගන්තියෙන් (අ) ඡේදයෙහි “හය” යන වචනය වෙනුවට “නවය” යන වචනය ආදේශ කිරීමෙන් ද,
- (2) එකී උපවගන්තියෙන් (ආ) වෙනි ඡේදයෙහි—
 - (i) “ශත පනහ” යන වචන වෙනුවට “රූපියල් දෙක” යන වචන ආදේශ කිරීමෙන් ද,
 - (ii) “ගම් මණ්ඩි ප්‍රදේශයකින් පිටත හා” යන වචන වෙනුවට “ගම් ප්‍රදේශය ඇතුළත හා එය” යන වචන ආදේශ කිරීමෙන් ද,
- (3) එකී උපවගන්තියෙහි දෙවෙනි අතුරු විධානයට ඉක්බිති ව ම පහත සඳහන් අතුරු විධානය යෙදීමෙන් ද වේ. එනම්:—

“හා එහෙත්, තවද, එකී බද්ද පනවා අය කිරීමේ කාර්ය සඳහා විශේෂ ප්‍රදේශයක් වශයෙන් ගැසට් පත්‍රයෙහි පළ කරන ලද නියෝගයකින් ඇමතිවරයා විසින් ප්‍රකාශ කරන ලද යම් කිසි ප්‍රදේශයක පිහිටා තිබෙන්නා වූ ද, ප්‍රමාණයෙන් අක්කර පහකට වඩා අඩු නො වන්නා වූ ද, එක් දේපලක් වශයෙන් හැදී තිබෙන්නා වූ ද, විධිවත් පරිදි විස්තර කර තිබෙන්නා වූ ද, ඉඩමක නොබෙදන ලද යම් කිසි කොටසකින් එක් එක් අක්කරයක් සඳහා ශත පණහකට වැඩි වන්නා වූ අක්කර බද්දක් ගම්සභාව විසින් නො පැනවිය යුතුය” යනුවෙනි.

13. 45 වෙනි වගන්තියට ඉක්බිති ව ම පහත සඳහන් අලුත් වගන්තිය මෙයින් ඇතුළත් කරනු ලබන අතර, එය, ප්‍රධාන ආඥා පනතේ 45 (අ) වෙනි වගන්තිය වශයෙන් බලපැවැත්විය යුතුය. එනම්:—

ප්‍රධාන ආඥා පනතේ 45 (අ) වෙනි අලුත් වගන්තිය ඇතුළත් කිරීම.

“ගොඩ නැගිල්ලක පදිංචි වී නො සිටින කාලසීමා වත් සඳහා වරි පණම් බද්දෙන් කොටසක් අඩු කිරීම.

45අ. (1) ගෘහ භාණ්ඩ (ලී බඩු) තබා තිබෙන ගොඩනැගිල්ලකින් බාහිර වූ වෙනත් යම් කිසි ගොඩනැගිල්ලක පදිංචි ව නො සිටින යම් කිසි කාල සීමාවක් සඳහා, එකී ගොඩනැගිල්ල සම්බන්ධයෙන් ලැබිය යුතු වරිපණම් බද්දෙන් එකී කාලසීමාව සඳහා ප්‍රමාණානුකූල ගණනක් අඩු කිරීමට ගම්සභාව විසින් ඉඩ දිය හැකි ය.

(2) ගෘහ භාණ්ඩ (ලීබඩු), නබා නිබෙන ගොඩ නැගිල්ලක්, (එකී බඩු බාහිරාදිය) සැපයීමට අදහස් කර තිබෙන ගොඩනැගිල්ලක් ලෙස හෝ සරීර වශයෙන් පදිංචි වීමට අදහස් කර නැති ගොඩ නැගිල්ලක් ලෙස හා යම්කිසි කාල සීමාවක් සඳහා පදිංචියෙන් තොරව තිබෙන ගොඩනැගිල්ලක් ලෙස ගම්පහාවේ ලියාපදිංචි කර තිබෙනවිට, වරිපණම් බද්ද වශයෙන් එකී ගොඩනැගිල්ලට ජනවිය යුතු මුදලින්, එකී කාලසීමාව සඳහා එක් භාගයක් අඩු කිරීමට ගම්පහාව විසින් ඉඩ දිය හැකි ය.

(3) යම් කිසි ගොඩනැගිල්ලක් සම්බන්ධයෙන් (i) වෙනි උපවගන්තිය යටතේ හෝ (ii) වෙනි වගන්තිය යටතේ (වරිපණම් බද්ද) අඩු කිරීමට ඉඩ දිය යුතු කාලසීමාව :—

- (i) එකී ගොඩනැගිල්ලේ පදිංචි වී නැති බව සභාව වෙත ලියවිල්ලකින් දැනුම් දෙන දිනයේ දී ආරම්භ විය යුතු අතර,
- (ii) එකී ගොඩනැගිල්ලේ නැවත පදිංචි වන දිනයේ දී අවසාන විය යුතු ය.

එහෙත්, යම් කිසි ගොඩනැගිල්ලක නැවත පදිංචි වන දිනය, එකී නැවත පදිංචි වීමෙන් දින තුනක් ඇතුළත දී ලියවිල්ලකින් සභාව වෙත දැනුම් නො දී සිටින විට—

- (අ) (වරිපණම් බද්ද) අඩු කිරීම සඳහා ඉල්ලා සිටින කාලසීමාව එක් මසකට වැඩි වේ නම්, එකී කාලසීමාව ඇතුළත එක් මාසයක් සඳහා (වරිපණම් බද්ද) අඩු කිරීමට ඉඩ නො දිය යුතු අතර,
- (ආ) එකී කාලසීමාව, එක් මසකට වැඩි නො වේ නම්, එකී සම්පූර්ණ කාලසීමාව ම සඳහා වරිපණම් බද්ද අඩු කිරීමට ඉඩ නො දිය යුතු ය.

(4) යම් කිසි ගොඩනැගිල්ලක පදිංචි වී නැතැ යි (3) වෙනි වගන්තිය යටතේ දැන්වීමක් කරන සෑම තැනැත්තකු විසින් ම, මේ වගන්තියේ කායභී සඳහා සභාව විසින් තමා වෙත යම් කිසි ලිපි හුවමාරුවක් කළ යුතු තමාගේ ලිපිනය එකී දැන්වීමේ සඳහන් කළ යුතු ය.

(5) යම් කිසි ගොඩනැගිල්ලක පදිංචි වී නො සිටින කාලසීමාව සම්බන්ධයෙන් යම් කිසි ප්‍රශ්නයක් උද්ගත වුවහොත් ඒ පිළිබඳ ව සභාවේ තීරණය අවසාන තීරණය විය යුතු ය. එකී තීරණය, එකී ගොඩනැගිල්ල පිළිබඳ දැන්වීමේ සඳහන් ලිපිනය වෙත තැපෑලෙන් දැනුම් දිය යුතු ය.

ප්‍රධාන ආඥා පනතේ 47 වෙනි වගන්තිය සංශෝධනය කිරීම.

14. ප්‍රධාන ආඥාපනතේ 47 වෙනි වගන්තිය, පහත සඳහන් පරිදි මෙයින් සංශෝධනය කරනු ලැබේ. එනම්:—

(අ) එකී වගන්තියේ (1) වෙනි උපවගන්තියෙහි, එකී උපවගන්තියේ අතුරු විධානයේ (ඇ) වෙනි ඡේදයේ “වගන්ති” යන වචනයේ සිටි එකී ඡේදයේ අවසානය දක්වා ඇති සියලු ම වචන හා ඉලක්කම් වෙනුවට, “1951 අංක 14 දරන මෝටර් රථවාහන ප්‍රවාහණ පනත” යන වචන හා ඉලක්කම් ආදේශ කිරීමෙන් ද,

(ආ) එකී වගන්තියේ (5) වෙනි උපවගන්තියෙහි—

(1) හෝ, මහා නගර සභා ආඥාපනතේ 128 වෙනි වගන්තිය” යන වචන හා ඉලක්කම් වෙනුවට, “හෝ, 1946, අංක 3 දරන සුළු නගර සභා ආඥාපනතේ 175 වෙනි වගන්තිය, හෝ 1947 අංක 29 දරන මහා නගර සභා ආඥාපනතේ 245 වෙනි වගන්තිය” යන වචන හා ඉලක්කම් ආදේශ කිරීමෙන් ද; හා

(2) එකී උපවගන්තියේ (අ) ඡේදයෙහි—

(අ) “නගර සභාවක් හෝ” යන වචන වෙනුවට නගර සභාවක්, සුළු නගර සභාවක් හෝ, යන වචන ආදේශ කිරීමෙන් ද,

(ආ) “එකී නගර සභාව හෝ” යන වචන වෙනුවට “එකී නගර සභාව, සුළු නගර සභාව හෝ” යන වචන ආදේශ කිරීමෙන්, හා

(3) එකී උපවගන්තියේ (ආ) ඡේදයෙහි—

“නගර සභාවක්” යන වචනවල සිට “සීමාවල්” දක්වා ඇති සියලු ම වචන වෙනුවට, “නගර සභාවක්, සුළු නගර සභාවක් හෝ මහා නගර සභාවක්” යන වචනවල සිට, ගම් සභාවේ, නගර සභාවේ, සුළු නගර සභාවේ හෝ මහා නගර සභාවේ පාලන බල සීමාවල් ඇතුළත” යන වචන ආදේශ කිරීමෙනි.

ප්‍රධාන ආඥා පනතෙහි 47 ‘අ’ වෙනි වගන්තිය ආදේශ කිරීම.

15. ප්‍රධාන ආඥාපනතේ 47අ වෙනි වගන්තිය මෙයින් අවලංගු කරනු ලබන අතර, ඒ වෙනුවට, පහත සඳහන් අලුත් වගන්තිය ආදේශ කරනු ලැබේ. එනම්:—

“පොදු මහාජන සේවාවන්”

පොදු මහාජන සේවාවන් පිහිටුවා තබන්නා කිරීමට ගම් සභාවට තිබිය යුතු බලය.

47 අ. ගම් සභාවක් විසින්, ගම් ප්‍රදේශයේ හෝ, එහි යම් කිසි කොටසක හෝ කටයුතු සඳහා නිදහස් ව හෝ වෙනත් යම් කිසි පළාත් පාලන ආයතනයක් සමග සම්බන්ධ ව හෝ (මහා ආණ්ඩුවේ සහාය ඇති ව හෝ නැති ව) කෙළින් ම හෝ යම් කිසි අනුග්‍රාහකයකුගේ හෝ අනුග්‍රාහක යන්ගෙන් සමන්විත මණ්ඩලයක් මාර්ගයෙන් එකී ගම් ප්‍රදේශයේ හෝ කොට්ඨාශයේ පදිංචි ව සිටින හෝ වාසය කරන පුද්ගලයන්ගේ ශක්සිද්ධිය

(ඉ) එ බඳු යම් කිසි පොදු සේවයක්, සභාව සමඟ ඇතුළත් වන යම් කිසි ගිවිසුමක් අනු ව යම් කිසි අනුග්‍රාහකයකුගේ හෝ අනුග්‍රාහකයන්ගෙන් සමන්විත මණ්ඩලයක මාර්ගයෙන් හෝ සභාව විසින් නිකුත් කර තිබෙන යම් කිසි බලපත්‍රයක් යටතේ හෝ පිහිටුවා නඩත්තු කර ගෙන යන විට, එකී සේවයෙන් ප්‍රයෝජනය ලබන පුද්ගලයන්ගෙන්, සභාව විසින් අනුමත කරනු ලබන ගාස්තු අය කිරීමට එකී අනුග්‍රාහකයාට හෝ අනුග්‍රාහකයන්ට අවසර දීම කළ හැකි ය.

47ඇ. සභාව විසින් පිහිටුවා නඩත්තු කරගෙන යනු ලබන ජලසම්පාදන සේවකයින් හෝ අගුටි ඉවත් කිරීමේ සේවයකින් ප්‍රයෝජනය ලබන ප්‍රදේශයකින් ගම්සභාවක් විසින් අය කළ යුතු විශේෂ බද්දක් එකී ප්‍රදේශය ඇතුළත පිහිටි සියලු ම ගොඩනැගිලි හා ඉඩකඩවල වාර්ෂික වටිනාකමින් සියයට හයකට වැඩි නො විය යුතු ය.

ජලය ගැපහිමි හෝ අගුටි ඉවත් කිරීමේ සේවය පිළිබඳ වැඩි ම විශේෂ ගාස්තු ප්‍රමාණය.

47ඇ. (1) යම් කිසි ගම් ප්‍රදේශයක් ඇතුළත පිහිටියා වූ ද ආණ්ඩුවට අයිති දේපලක් වූද, යම් කිසි ඉඩමක හෝ ගොඩනැගිල්ලක, රජය විසින් දෙන ලද යම් කිසි බද්දක් හෝ අවසරයක් පිට යම් කිසි තැනැත්තකු පදිංචි වී හෝ නතර වී සිටින විට, එකී ඉඩම හෝ ගොඩනැගිල්ල, 47ඇ වෙනි වගන්තිය යටතේ පනවනු ලබන යම් කිසි විශේෂ බද්දක් සම්බන්ධයෙන් වටිපණම් ගාස්තු අය කරනු ලැබීමට යටත් විය යුතු අතර, එකී තැනැත්තා විසින්, එකී ඉඩම හෝ ගොඩනැගිල්ල සම්බන්ධයෙන් ගෙවිය යුතු ව තිබෙන එකී විශේෂ බද්ද ගෙවීමට යටත් විය යුතුවාක් මෙන් ම ගෙවිය යුතු ද වේ.

රජයේ දේපල සම්බන්ධයෙන් විශේෂ බදු ගෙවිය යුතු බව.

(2) රජයේ කිසි ම දේපලක්, වංචල හෝ නිශ්චල වූව ද, යම් කිසි ප්‍රකාශිත හෝ වටහා ගත හැකි ගිවිසුමක්, කොන්ත්‍රාත්තුවක් හෝ අවසරයක් යටතේ එහි පදිංචි වී සිටින කෝ නතර වී සිටින යම් කිසි තැනැත්තකුගෙන්, එහි දේපල සඳහා අය විය යුතු යම් කිසි විශේෂ බද්දක් අය කර ගැනීම සඳහා තහනමට ගෙන විකුණනු ලැබීමට යටත් නො විය යුතු ය.

47ඉ.—47ආ. වෙනි වගන්තිය යටතේ වූ සෑම විශේෂ බද්දක් ම, තක්සේරු කොට අය කළ යුතු අතර, එකී බද්ද ගෙවීම පැහැර හැර තිබේ නම්, එය 59 වෙනි වගන්තිය යටතේ සම්පාදිත නීති රීති වලින් කියම කරනු ලබන යම් අන්දමකට සංකේෂ වශයෙන් අය කර ගත යුතු ය.

විශේෂ බදු තක්සේරු කර අය කර ගැනීම.

එහෙත්, එ බඳු යම් කිසි බද්දක් ගෙවීම පැහැර
හැර නිබේ නම්, එකී බද්ද අය කර ගැනීම සඳහා,
45 (6) වෙනි වගන්තියේ අතුරු විධානයෙහි සඳ
හන් කිසිවක්, එකී තහනමට හෝ එ බඳු යම් කිසි
නීතියකින් නියම කරනු ලබන තහනම් කිරීමට
හෝ විකීර්ණයට හෝ යටත් නො විය යුතු ය.

යෝජනාවක
මාගීයෙන් විශේෂ
බද්දෙන් කිදහස්
කිරීම.

47.ඊ ගම්සභාවක් විසින් යෝජනාවක මාගීයෙන්,
අයිතිකරුවාගේ දුප්පත්කම උඩ, 47ආ. වෙනි වගන්
තිය යටතේ පනවා තිබෙන යම් කිසි විශේෂ බද්ද
කින් ඕනෑ ම දේපලක් විශේෂයෙන් නිදහස් කළ
හැකි ය.

යාබද ප්‍රදේශවල
සාධනයන් සඳහා
පොදු මහජන
සේවාවන්
සැපයීම.

47උ.—ගම්සභාවක් විසින්, ඇමතිවරයාගේ අනුම
තිය ඇති ව ද, ගම් ප්‍රදේශයට යාබද යම් කිසි ප්‍රදේ
ශයක පළාත් පාලන ආයතනයේ කැමැත්තට
යටත් ව ද, යම් කිසි සාධනයකට යම් කිසි පොදු
මහජන සේවාවක් සැලසීම සඳහා එ බඳු යම් කිසි
යාබද ප්‍රදේශයක පිහිටි එකී සාධනයේ අයිතිකරු
වන් හෝ පදිංචිකරුවන් සමඟ කොන්ත්‍රාත්තුවකට
ඇතුළත් විය හැකි අතර, එකී පොදු මහජන සේවාව
ඒ සාධනයට එ සේ සැපයීම සම්බන්ධයෙන් ශාස්ත්‍ර
පනවා අය කළ හැකි ය.

සභාවල සාමාන්‍ය
බලතල.

47ඌ.—මේ ආඥාපනත මගින් හෝ මේ ආඥ
පනත යටතේ හෝ පිහිටුවා නඩත්තු කර ගෙන
යාමට අවසර දී ඇති යම් කිසි පොදු මහජන
සේවාවක් පිහිටුවීම හා නඩත්තු කිරීම සඳහා යම්
කිසි ගම් සභාවක් විසින්, යම් කිසි කොන්ත්‍රාත්
තුවකට ඇතුළත් විය හැකි අතර, මේ ආඥ
පනතේ සඳහන් විධිවිධානවලට යටත් ව, ඒ
සඳහා අවශ්‍ය සියලු ම ස්ථාන, යන්ත්‍රෝපරණ හා
උපකරණ මිලයට, බද්දට හෝ කුලියට ගැනීම හෝ
සෑදීම හා නඩත්තු කිරීම හෝ ඒ සඳහා අවශ්‍ය
සියලු වැඩ කටයුතු, කාරණා හා දේවල් කිරීම හා
ක්‍රියාවෙහි යෙදීම කළ හැකි ය.

ගෘහ කටයුතු
සඳහා පොදු ජල
කණුවලින් නො
මිලයේ ජලය
ලබා ගැනීමට අය
බදු ගෙවන්නන්ට
අයිතියැසිකම
තිබෙන බව.

47ඒ.—ගම් ප්‍රදේශයේ හෝ ගම් ප්‍රදේශයේ යම්
කිසි කොටසක හෝ පදිංචිකරුවන්ගේ ප්‍රයෝජනය
සඳහා ගම් සභාව විසින් පොදු ජල සම්පාදන සේව
යක් පිහිටුවන ලබන විට හෝ නඩත්තු කර ගෙන
යනු ලබන විට, සභාව විසින් විශේෂ ජල බද්දක් අය
කරනු ලබන එකී ප්‍රදේශයේ හෝ එකී කොටසේ
යම් කිසි සාධනයක අයිතිකරුවාට හෝ පදිංචිකරු
වට, ඒ ඒ කාරණයට ගැලපෙන පරිදි, තමන්ගේ
ම හෝ තමාගේ ගෘහවාසීන්ගේ හෝ තමාගේ බදු
කරුවන්ගේ හෝ එකී සාධනයේ පදිංචි වී සිටින
වෙනත් තැනැත්තන්ගේ ප්‍රයෝජනය සඳහා පොදු

ජල කණුවලින් වැඩිපුර බද්දක් ගෙවීමෙන් තොර ව
නො මිලයේ ජලය ලබා ගැනීමට අයිතිවාසිකම
නිබිය යුතු ය.

47. ඒ.—ගෘහ කටයුතු සඳහා වූ ජල භූපයිමකට,
අශ්වයන් හෝ ගවයන් හෝ රථවාහන විකිණීම
හෝ කුලියට දීම පිණිස තබා තිබෙන ස්ථානයක,
එකී අශ්වයන් හෝ ගවයන් හෝ රථවාහන සේදීම
සඳහා වූ ජල භූපයිමක් හෝ යම් කිසි කර්මාන්ත
යක්, නිෂ්පාදනයක් හෝ ව්‍යාපාරයක් හෝ වතුර
මල් හෝ පිණුම් තටාක සඳහා වූ හෝ යග කිසි
අලංකාරික හෝ යාන්ත්‍රික කටයුත්තක් සඳහා වූ
හෝ වාරිමාර්ගික කටයුත්තක් සඳහා වූ හෝ ජල
සම්පාදනයක් ඇතුළත් නො විය යුතු ය.

“ගෘහ කටයුතු”
යනුවෙන් අදහස්
කරන්නේ කවර
අන්දමේ
කටයුතුද යන
බව.

47බ.—ගම්සභාව විසිනුත්, පෞද්ගලික ව ජලය
සපයනු ලැබීමට කැමති ප්‍රදේශයන් විසිනුත්,
එකත වනු ලබන යම් කිසි අන්දමකට හෝ ඒ
සඳහා අතුරු ව්‍යවස්ථාවලින් නියම කරනු ලබන
යම් යම් නියම හා කොන්දේසි ප්‍රකාර හෝ යම් යම්
ප්‍රමාණයන් අනුව ව හෝ ගෘහ කටයුතු හැර වෙනත්
යම් යම් කටයුතු සඳහා ජලය භූපයිමට හෝ ගෘහ
කටයුතු සඳහා යම් කිසි පෞද්ගලික ස්ථානයකට
ජලය භූපයිමට ගම්සභාවකට හැකි ය.

පෞද්ගලිකව
ජලය භූපයිම
සඳහා
කොන්ත්‍රාත්තු.

47ඔ.—ගම්සභාවක් විසින් ගම් ප්‍රදේශයේ පදිංචි
කරුවන්ගේ ප්‍රයෝජනය සඳහා අවශ්‍ය වන
අන්දමේ සියලු ම කඩපොළවල් ගම් ප්‍රදේශය ඇතු
ලුත පිහිටුවා නඩත්තුකිරීම හා එකී කඩපොළවල්
නියමිත පරිදි විධිමත් කිරීම, පරිපාලනය කිරීම
හා පාලනය කිරීම ද නිත්‍යානුකූල විය යුතු ය.

ගම්බද කඩපොළ
වල් සම්බන්ධ
යෙන් ගම්සභාවේ
බලතල.

47අඅ.—ගම් ප්‍රදේශයේ ගම්කාර්ය සභාව විසින්
බලපත්‍රයක අවසරයක් පිට මිස නැත්නම්, ඒ සඳහා
සම්පාදිත යම් යම් අතුරු ව්‍යවස්ථා යටතේ පෞද්
ගලික කඩ පොළක් පිහිටුවීම හා නඩත්තු කර ගෙන
යෑම තහනම් කරනු ලබන සෑම ගම් ප්‍රදේශයක්
සම්බන්ධයෙන් ම, පහත සඳහන් විධිවිධාන අදාළ
විය යුතු ය.

පෞද්ගලික කඩ
පොළක් සඳහා
බලපත්‍රයක්
අවශ්‍ය වන විට
ඊට අදාළ විධි
විධාන කවරේ ද
යන බව.

එනම්:—

- (1) ඇමතිවරයා විසින් ගැසට් පත්‍රයෙහි පළ කර
වනු ලබන නියෝගයකින් නියම කරන
යම් කිසි දිනයක හෝ ඊට පසු ව, පෞද්ග
ලික කඩ පොළක් සඳහා නිකුත් කරන
සෑම බලපත්‍රයක් ම, එ සේ නිකුත් කළ
යුත්තේ එකී පෞද්ගලික කඩපොළ වෙනු
වට ගම්බද (පොදු) කඩපොළක් පිහිටුවීම,

පොදු මහජනයාගේ යහපත පිණිස ය සි සභාව විසින් යම් කිසි අවස්ථාවක තීරණය කරනු ලැබුවහොත්, ඒ සඳහා අවසර දෙන ලද බලමණ්ඩලය විසින් එකී පෞද්ගලික කඩපොළේ බලපත්‍රය නැවත අලුත් කිරීම ප්‍රතිකේෂ්ප කළ හැකිය යන කොන්දේසි යට යටත් ව, හා එකී පෞද්ගලික කඩ පොළ අයිතිකාරයාට එකී ප්‍රතිකේෂ්ප කිරීම සම්බන්ධයෙන් කිසි ම වන්දි මුදලක් ඉල්ලා සිටීමට අයිතිවාසිකමක් නො තිබිය යුතුය, යන කොන්දේසියට ද යටත් ව ය.

(2) මේ වගන්තියේ (1) වෙනි ඡේදය යටතේ නියම කරනු ලබන දිනයෙහි හෝ ඊට පසු ව, ප්‍රදේශයේ අවශ්‍යතාවන්, දැනට තිබෙන හෝ ඉදිරියට බලාපොරොත්තු වන හෝ, ගම්බද හා පෞද්ගලික වෙළෙඳ පොළවලින් සැහෙන පමණ ඍපයී තිබේ ය යි ඒ සඳහා අවසර දෙන ලද බලමණ්ඩලය සැහීමට පත් වුවහොත්, පෞද්ගලික කඩපොළක් සඳහා බලපත්‍රයක් නිකුත් කිරීම හෝ නැවත අලුත් කිරීම ඒ බලමණ්ඩලය විසින් ප්‍රතිකේෂ්ප කළ හැකි ය.

පෞද්ගලික කඩ පොළවල් නතර කිරීම සම්බන්ධයෙන් වන්දි මුදල් ගෙවීම.

47අආ.—(1) යම් කිසි පෞද්ගලික වෙළෙඳ පොළක්—

- (අ) නතර කළ යුතු වන්නේ, නැතහොත්,
- (ආ) සභාව විසින් භාර ගෙන ගම්බද වෙළෙඳ පොළක් හැටියට නඩත්තු කර ගෙන යා යුතු වන්නේ,

පොදු මහජනයාගේ යහපත සඳහා ය සි ගම්සභාවක් සැහීමට පත්වන විට, මේ වගන්තියේ සඳහන් වී සි විධිනවලට අනුකූල ව වන්දි මුදල් ගෙවනු ලැබීමට දෙයාකාරයෙන් ම යටත් ව, එකී කඩපොළ නතර කළ යුතු ය, නැතහොත් භාර ගෙන ගම්බද කඩ පොළක් වශයෙන් නඩත්තු කළ යුතු යයි ඒ ගම් සභාව විසින් නියම කළ හැකි ය.

(2) ගම්සභාව විසින් යම් කිසි පෞද්ගලික කඩ පොළක් නැවැත්විය යුතු ය යි නියම කරනු ලබන විට, ඒ සම්බන්ධයෙන් ගෙවිය යුතු වන්දි මුදල, එකඟත්වයෙන් වෙනත් යම් අන්දමකට තීරණය කරනු ලැබෙන්නේ මිස නැත්නම්, මේ ආඥා පනත යටතේ, කඩපොළක් වශයෙන් පාවිච්චි කරන ලද නම්, ස්ථානයේ වටිනාකමත්, කඩ පොළක් වශයෙන් නොව, එම ප්‍රදේශයේ ම

එ වැනිම ස්ථානවලින් හොදින් ම ප්‍රයෝජනය ලබා ගන්නා වූ හෝ ලබා ගත හැකි වූ වෙනත් යම් යම් කාරණා සඳහා පාවිච්චි කරන ලද නම්, එම ස්ථානයේ වටිනාකමත් අතර ඇති වෙනස, කඩ පොළ සඳහා පාවිච්චි කරන ලද ගොඩනැගිලි, ඒ සඳහා සකස් කිරීමේ වියදම් සම්බන්ධයෙන් වූ අති රේක දීමනාවක් ද සමග, ගණන් බැලිය යුතු වූවක් විය යුතු ය.

(3) ගම්සභාවක් විසින් ගම්බද කඩපොළක් වශයෙන් තබන්නු කර ගෙන යාම පිණිස යම් කිසි පෞද්ගලික කඩ පොළක් භාරගනු ලබන විට, ඒ සම්බන්ධයෙන් ගෙවිය යුතු වන්දි මුදල, මේ ආඥාපනත යටතේ කඩපොළක් වශයෙන් පාවිච්චි කරන ලද අවස්ථාවේ දී ඒ ස්ථානයේ වටිනාකම විය යුතු ය.

(4) මේ ආඥාපනත යටතේ කඩපොළක් වශයෙන් පාවිච්චි කරන ලද ස්ථානයේ වටිනාකම තක්සේරු කිරීමේ ලා ඒ අසල ම ගම්බද කඩ පොළක් හෝ අලුත් පෞද්ගලික කඩපොළක් පිහිටුවනු ලැබීමේ දී එකී ස්ථානයේ වටිනාකම අඩු විය හැකිවීම ගැන ද සැලකිය යුතු ය.

17. ප්‍රධාන ආඥාපනතේ 49 වෙනි වගන්තිය, පහත සඳහන් පරිදි මෙසින් සංශෝධනය කරනු ලැබේ. එනම්:—

ප්‍රධාන ආඥාපනතේ 49 වෙනි වගන්තිය

(1) එකී වගන්තියේ (1) වෙනි උපවගන්තිය වෙනුවට, පහත සඳහන් අළුත් උපවගන්තිය ආදේශ කිරීමෙන් ද, එනම්:—

(1) මේ ආඥාපනතේ සඳහන් විධිවිධානවලට ගැලපෙන පරිද්දෙන්, මේ ආඥාපනතින් අවසර දෙන සේ නියම කැරෙන අන්දමට හෝ මේ ආඥාපනත යටතේ සභාවේ බලතල ක්‍රියාවෙහි යෙදවීම හා කටයුතු ඉටු කිරීම සඳහා අවශ්‍ය යයි සභාවට පෙනී යන අන්දමට හෝ වරින්වර යම් යම් අතුරු ව්‍යවස්ථා සම්පාදනය කිරීමට ද, එසේ සම්පාදිත යම් කිසි අතුරු ව්‍යවස්ථාවක් සංශෝධනය කිරීමට, වෙනස් කිරීමට හෝ අවලංගු කිරීමට ද හැම ගම්කාර්ය සභාවකට බලය තිබිය යුතු ය.

(2) එකී වගන්තියේ (2) වෙනි උපවගන්තියෙහි:

(අ) එකී උපවගන්තියෙහි (ii) වෙනි ඡේදයෙහි—

(i) එකී ඡේදයෙහි (අ) ඝභ (ආ) වෙනි උපඡේදයන් වෙනුවට, පහත සඳහන් අලුත් උපඡේදයන් ආදේශ කිරීමෙන් ද, එනම්:—

- (අ) තනතුරු හෝ නිලතල ඇති කිරීම;
- (ආ) පළාත් පාලන සේවා ආඥාපනතේ අර්ථනුකූල ව උපලෝඛනගත තනතුරු නොවන සභාවේ සේවයේ තනතුරු හා නිලතල පිළිබඳ පත් කිරීම්” ය.

(ii) එකී ඡේදයේ (ආ) වෙති අනුව ඡේදයට ඉක්බිතිව ම පහත සඳහන් අලුත් උපඡේදය ඇතුළත් කිරීමෙන් ද, එනම්:—

(ii) “(අආ)—(ආ) වෙති අනුව ඡේදයෙහි සඳහන් තනතුරු හා නිලතල පිළිබඳ පත්වීම් සඳහා අවශ්‍ය සුදුසුකම්”, හා

(iii) එකී ඡේදයේ (ඇ), (ඈ) හා (ඉ) වෙති අනු ඡේදයන් වෙනුවට පහත සඳහන් අලුත් ඡේදය ආදේශ කිරීමෙන් ද, එනම්:—

“(ඇ) පළාත් පාලන සේවයේ සාමාජිකයන් නොවන සභාවේ නිලධාරීන්ට හා සේවකයන්ට වැටුප්, දීමනා හා පාරි තෝෂික මුදල් ගෙවීම,

(ඈ) (ඈ) වෙති ඡේදයෙහි සඳහන් නිල ධාරීන්ගේ හා සේවකයන්ගේ ශුභ සිද්ධිය සඳහා අර්ථසාධක අරමුදලක් පිහිටුවීම හා විධිමත් කිරීම ය.

(ඉ) (ඈ) වෙති ඡේදයෙහි සඳහන් නිල ධාරීන්ට හා සේවකයන්ට නිවාඩු දීම”, හා

(ආ) එකී උපවගන්තියේ (xi) වෙති ඡේදයෙහි—

(i) “වෙළඳ පොළවල්” යන වචනය වෙනුවට, “ගම්බද හෝ පොද්ගලික වෙළඳ පොළවල්” යන වචන ආදේශ කිරීමෙන් ද,

(ii) එකී ඡේදයේ, (අ), (ආ) හා (ඇ) වෙති අනු ඡේදයන් වෙනුවට පහත සඳහන් අලුත් ඡේදයන් ආදේශ කිරීමෙන් ද, එනම්:—

(අ) ඒවායේ පිහිටුවීම, නඩත්තුව හා වැඩි දියුණු කිරීම,

(ආ) එහි විකුණන ද්‍රව්‍යවල මිල විධිමත් කිරීමත් ඇතුළු ව, ඒවා විධිමත් කිරීම, පරිපාලනය කිරීම, පරීක්ෂා කිරීම හා පාලනය කිරීම;

(ඇ) ඒවායේ අශුව ඉවත් කිරීම හා කසල ශෝධනය හා ඒ සම්බන්ධයෙන් වූ පීඩා වළක්වා ලීම ය;

(iii) එකී ඡේදයේ (ඈ) වෙති ඡේදයෙහි, “ගම්බද වෙළඳ පොළවල්” යන වචන වෙනුවට, “ඔවුන්” යන වචනය ආදේශ කිරීමෙන් ද

(iv) එකී ඡේදයේ (ඉ) වෙති අනුව ඡේදයෙහි “ගම” යන වචනය, අත්හැර දැමීමෙන් ද,

(v) එකී ඡේදයේ (ඊ) වෙති අනුව ඡේදයෙහි “ගම්බද වෙළෙඳ පොළවල ඉඩ ප්‍රමාණයන්” යන වචන වෙනුවට “ඉඩ ප්‍රමාණයන්” යන වචන ආදේශ කිරීමෙන් ද,

(vi) එකී ඡේදයේ (ඒ) වෙති අනුව ඡේදයෙහි “ගම” යන වචනය අත්හැර දැමීමෙන්, හා

(vii) එකී ඡේදයේ (බී) අනු ඡේදයෙහි “ගම්බද වෙලෙද පොළවල හෝවකයන්” යන වචන වෙනුවට “සෝවකයන්” යන වචන ආදේශ කිරීමෙන් ; හා

(ඇ) එකී උපවන්ගතියේ (xxi) වෙනි ඡේදයට ඉක්බිති ව ම පහත සඳහන් අලුත් ඡේද ඇතුළත් කිරීමෙන් ද වේ :—

(xxiඅ) කොණ්ඩා සහ රැවුල් කපන ස්ථාන හා බාබර් ශාප්පු විධිමත් කිරීම, පරිපාලනය කිරීම, පරීක්ෂා කිරීම හා පාලනය කිරීම ;

(xxiආ) බෝල මේස ක්‍රීඩාව කරන ස්ථාන විධිමත් කිරීම, පරිපාලනය කිරීම, පරීක්ෂා කිරීම හා පාලනය කිරීම ;

(xxiඇ) කම්හල් විධිමත් කිරීම, පරිපාලනය කිරීම, පරීක්ෂා කිරීම හා පාලනය කිරීම ;

(xxiඈ) වෙන්දේසිකරුවන් හා බ්‍රෝකර්වරුන් සඳහා බලපත්‍ර නිකුත් කිරීම, හා

(xxiඉ) මුදල් ණයට දීමේ ව්‍යාපාරය කර ගෙන යන්නාවුන් සඳහා බලපත්‍ර නිකුත් කිරීම ;”

18. ප්‍රධාන ආඥාපනතේ 50 වෙනි වගන්තිය, එකී වගන්තියේ

(1) වෙනි උපවගන්තිය මෙසින් අවලංගු කරනු ලැබීමෙන් ද ඒ වෙනුවට, පහත සඳහන් උපවගන්තිය ආදේශ කිරීමෙන් ද මෙසින් සංශෝධනය කරනු ලැබේ :—

ප්‍රධාන ආඥා පනතේ 50 වෙනි වගන්තිය සංශෝධනය කිරීම.

“ (1) 56 වෙනි වගන්තියේ සඳහන් විධිවිධානවලට යටත් ව සභාවේ යම් කිසි කටයුත්තක් සඳහා යම් මුදලක් හෝ මුදල් ගම්සභාව විසින් මහා ආණ්ඩුවෙන් හෝ සංයුක්ත වූ හෝ නො වූ හෝ, යම් කිසි තැනැත්තකුගෙන් හෝ තැනැත්තන්ගෙන් සමන්විත මණ්ඩලයකින් හෝ ණයට ගනු ලැබීම නිත්‍යානුකූල විය යුතු ය. ගම්සභාවක් විසින් ගනු ලබන සෑම ණය මුදලක් ම, එකී ණය මුදල ආපසු ගෙවීම පිළිබඳ ව, මුදල් ඇමතිවරයාගේ එකඟත්වය ඇති ව ඇමතිවරයා විසින් අනුමත කරනු ලබන යම් පොලී ප්‍රමාණයකට හෝ යම් යම් කොන්දේසිවලට යටත් විය යුතු ය.”

19. 51අ. වෙනි වගන්තියට ඉක්බිති ව ම පහත සඳහන් අලුත් වගන්තිය මෙසින් ඇතුළත් කරනු ලබන අතර, එය ප්‍රධාන ආඥා පනතේ 51 “ආ” වෙනි වගන්තිය වශයෙන් බලපැවැත්විය යුතු ය.

ප්‍රධාන ආඥා පනතේ 51අ. වගන්තිය ඇතුළත් කිරීම.

යම් කිසි තැනැත්තකුගේ හෝ දේපළවල හෝ ආරක්ෂාවට අන්තරායකර ගස් හෝ අතු හෝ ගෙඩි පිළිබඳ ව ගම් සභාවක සභාපතිවරයා කෙරෙහි බලතල පැවරී තිබෙන බව.

51අ. (1) යම් කිසි ගම් ප්‍රදේශයක් තුළ තිබෙන යම් කිසි ගසකින් හෝ ගසක අත්තකින්, ගෙඩි යකින් හෝ වෙනත් යම් කිසි කොටසකින් යම් ගොඩනැගිල්ලකට අලාභ හානියක් සිදු විය හැකි අන්දමකට හෝ එය යම් කිසි ගොඩනැගිල්ලක පදිංචිකරුවන්ට හෝ යම් කිසි පොදු මාර්ගයක ගමනාගමනයෙහි යෙදී සිටින්නාවුන්ගේ ආරක්ෂා වට අන්තරායකර තත්ත්වයකට හෝ තිබෙන විට, එකී ප්‍රදේශයේ ගම්සභාවේ සභාපතිවරයා විසින්, එකී ගස පිහිටා තිබෙන ඉඩමේ අයිතිකරුවාට හෝ

පදිංචිකරුවාට හෝ භාර දෙනු ලබන ලියවිල්ලකින් වූ දැන්වීමකින් එකී දැන්වීමේ සඳහන් යම් කිසි කාලසීමාවක් ඇතුළත දී එකී ගස හෝ එකී ගසේ අත්ත, ගෙඩි හෝ වෙනත් කොටස බැඳීමට හෝ ආරක්ෂා සහිත කිරීමට හෝ කපා ඉවත් කිරීමට හෝ එකී අයිතිකරුවාට හෝ පදිංචිකරුවාට නියම කළ හැකි ය.

(2) (1) වෙනි උපවගන්තිය යටතේ ගම්සභාවේ සභාපතිවරයාගෙන් දැන්වීමක් ලබන සෑම තැනැත්තකු විසින් ම, එකී දැන්වීමේ සඳහන් කාලසීමාව ඇතුළත දී, එකී සඳහන් නියමයන් ඉටු කර සිටිය යුතු අතර, එකී තැනැත්තා විසින් එකී කාලසීමාව ඇතුළත එකී නියමයන් ඉටු කිරීම පැහැර හරිනු හෝ නොසලකා හරිනු ලැබීමේ දී, එකී සභාපතිවරයා විසින් හෝ එකී සභාපති වරයා විසින් බලය දෙනු ලබන යම් කිසි නිලධාරියකු විසින් හෝ කම්කරුවකු විසින් එකී දැන්වීමේ සඳහන් ඉඩමට ඇතුළු වී, එකී දැන්වීමෙන් එකී තැනැත්තාට කරන්නට ය යි නියම කර තිබෙන දේවල්, කර හෝ කරවා ඒ සඳහා දරන ලද වියදම් එකී තැනැත්තාගෙන් ගම්සභාවට ලැබිය යුතු ව තිබෙන ණයක් වශයෙන් ඔහුගෙන් අය කර ගත යුතු ය.

ප්‍රධාන ආඥා පනතේ 53 වෙනි වගන්තිය සංශෝධනය කිරීම.

20. ප්‍රධාන ආඥාපනතෙහි 53වෙනි වගන්තිය පහත සඳහන් පරිදි මෙයින් සංශෝධනය කරනු ලැබේ :—

(1) “43 සිට 47 අ දක්වා වූ වගන්ති” යන පාඨය වෙනුවට, “43 සිට 47 අ. දක්වා වූ හා 47 ඊ වෙනි වගන්තිය” යන පාඨය ආදේශ කිරීමෙන් හා (2) එකී වගන්තියේ (2) වෙනි ඡේදයේ—

(අ) එකී ඡේදයේ (ඇ) අනුවඡේදය වෙනුවට, පහත සඳහන් අලුත් උපඡේදය ආදේශ කිරීමෙන් :—

(ඇ) සභාවේ සේවයෙහි යම් කිසි වැටුප් සහිත තනතුරක් හෝ නිලයක් ඇති කිරීම;”

(ආ) එකී ඡේදයේ (ඈ) අනුවඡේදයට ඉක්බිති ව ම, පහත සඳහන් අලුත් අනුවඡේදය ඇතුළත් කිරීමෙන් :—

“(ඇඈ) පළාත් පාලන සේවා ආඥාපනතේ අර්ථානුකූල ව උපලේඛනගත තනතුරක් නො වන සභාවේ සේවයෙහි යම් කිසි තනතුරක් හෝ නිලයක් සඳහා නියම කළ යුතු පාරිතෝෂිකය”, හා

(ඈ) එකී ඡේදයේ (ඈ) හා (ඉ) වෙනි අනුවඡේදවල, “එක් සියයක්” යන වචන වෙනුවට, “තුන්සියයක්” යන වචන ආදේශ කිරීමෙන් ද වේ.

ප්‍රධාන ආඥා පනතේ 54 වෙනි වගන්තිය සංශෝධනය කිරීම.

21. ප්‍රධාන ආඥාපනතේ 54 වෙනි වගන්තිය, පහත සඳහන් පරිදි මෙයින් සංශෝධනය කරනු ලැබේ :—

(1) එකී වගන්තියේ (2) වෙනි උපවගන්තියෙහි—

(අ) එකී වගන්තියේ (අ) ඡේදයෙහි—

(i) “අවුරුදු පතා ගණන් හිලව් පරික්ෂා කළ යුතුය,” යන වචන වෙනුවට “යටත් පිරිසෙයින් සෑම අවුරුද්දක ම එක් වරක් බැගින් වත් වග විභාග කර හා සෝදිසි කර බලා, අවුරුදු පතා පරික්ෂා කර බැලිය යුතුය” යන වචන ආදේශ කිරීමෙන් ; හා

(ii) “එකී ගණන් හිලවු පරික්ෂණය” යන වචන වෙනුවට “වග විභාගය, සෝදිසිය හා පරික්ෂණය” යන වචන ආදේශ කිරීමෙන් ;

(ආ) එකී උපවගන්තියේ (ආ) ඡේදයෙහි “පරික්ෂණය හා සෝදිසිය” යන වචන වෙනුවට, එකී ඡේදයේ එකී වචන සඳහන් වන කවර ස්ථානයක වුව ද “වගවිභාගය, සෝදිසිය හා පරික්ෂණය” යන වචන ආදේශ කිරීමෙන් ;

(ඇ) එකී උපවගන්තියේ (ඇ) ඡේදයෙහි, “ලියකියවිලි හෝ කඩදැසි” යන වචනවල සිට, “මේ උප වගන්තිය” යන වචන දක්වා වූ සියලු ම වචන වෙනුවට, පහත සඳහන් වචන ආදේශ කිරීමෙන්:—

“මේ උපවගන්තිය යටතේ, ඔහු විසින් ම එ සේ කළ යුතු ය යි” ඔහුට නියම කරනු ලැබීමෙන් දින තිහක් ඈතුළත දී හෝ, මේ උපවගන්තිය යටතේ එ සේ කිරීමට යම් කිසි ප්‍රකාශයක් කිරීම හෝ ප්‍රකාශයක අත්සන් කිරීම,”

(ඈ) එකී වගන්තියේ (ඈ) වෙනි ඡේදයෙන් “එකී තැනැත්තාගෙන් ලැබිය යුතු ව තිබෙන” යන වචන වෙනුවට පහත සඳහන් වචන ආදේශ කිරීමෙන්:—

“එකී තැනැත්තාගෙන් ලැබිය යුතු ව තිබෙනවාත් හැර, තමාගේ තීරණය පළාත් පාලන කොමසාරිස් වරයාගේ මාර්ගයෙන් එකී තැනැත්තා වෙත ලිය විල්ලකින් දැනුම් දිය යුතු ද වේ. පළාත් පාලන කොමසාරිස් වරයා විසින් එකී දැන්වීම එකී තැනැත්තා වෙත රෙජිස්ටරී තැපෑලෙන් යැවිය යුතු ය. ඉදින්, එය එ සේ යවන ලද නම්, එකී දැන්වීම, තීරණය අඛණ්ඩ ලියමන සාමාන්‍ය තැපෑලෙන් ලැබිය හැකි ය යි සිතිය හැකි වේලාවලට ම, එකී තැනැත්තා වෙත ලැබුණු සේ සැලකිය යුතු අතර, එකී ලියමන තැපෑල් කළ බවට සාක්ෂි වශයෙන් එකී ලියමනේ නිසි පරිදි ලිපිනය ලියා තැපෑල් කළේ ය යි ඔප්පු කර සිටීමට ප්‍රමාණවත් විය යුතුය” යනුවෙනි.

(ඉ) එකී උපවගන්තියේ (ඉ) ඡේදයට ඉක්බිති ව ම පහත සඳහන් අලුත් ඡේදය ඈතුළත් කිරීමෙන්:—

(ඈඈ) ගම්සභාවක යෝජනාවක මාර්ගයෙන් අවසර දී තිබෙන යම් කිසි වියදමක් සම්බන්ධයෙන් වූ එකී සභාවේ ගණන් හිලවු පිලිබඳ යම් කිසි කාරණයක්, එකී කාරණය මේ උප

වගන්තියේ (ඇ) ඡේදයට අනුකූල නො වේ ය යි ගණන් පරීක්ෂකවරුන් විසින් ඊට අවසර නො දෙන විට, සභාවේ සභාපතිවරයා හා එකී යෝජනාවට පක්ෂ ව ඡන්දය දුන් සභාවේ අනිකුත් සියලු ම නියෝජිතවරුන් ද එක් එක් කෙනා විසින් එකී ඡේදයේ කායභි සඳහා මුදල් ගෙවන ලද හෝ ගෙවීමට අවසර දෙන ලද තැනැත්තකු හැටියට සැලකිය යුතුය.”

(ඊ) උපවගන්තියේ (ඊ) ඡේදයේ “දහහතර” යන වචනය වෙනුවට, “තිහ” යන වචනය ආදේශ කිරීමෙන් ;

(උ) (i) එකී උප වගන්තියේ (උආ) ඡේදයෙහි “ගම්කායභි සභාව” යන වචන වෙනුවට, එකී ඡේදයෙහි එකී වචන සඳහන් වන කවර ස්ථානයක වුව ද, “පළාත් පාලන කොමසාරිස්” යන වචන ආදේශ කිරීමෙන් ;

(ii) “එකී තැනැත්තාගෙන් මුදල අය කර ගත යුතුය” යන වචනවල සිට, එකී ඡේදය අවසානය දක්වා ඇති වචන වෙනුවට, එකී තැනැත්තාගෙන් ලැබිය යුතුව තිබෙන මුදල (උආ) හෝ (උආආ) ඡේද වලින් නියම කර තිබෙන අන්දමට අය කර ගත යුතුය” යන වචන ආදේශ කිරීමෙන් ;

(ඌ) එකී උපවගන්තියේ (ඌආ) ඡේදයට ඉක්බිති ව ම පහත සඳහන් ඡේද ඇතුළත් කිරීමෙන් :—

“(ආආ) (ඌ) ඡේදයේ සඳහන් යම්කිසි මුදලක් එකී ඡේදයෙන් ඒ සඳහා අවසරය දී ඇති කාලසීමාව ඇතුළත දී එය ගෙවිය යුතු තැනැත්තා විසින් පළාත් පාලන කොමසාරිස් වරයා වෙත ගෙවනු නො ලැබේ නම්, එකී කොමසාරිස්වරයා විසින් එකී තැනැත්තාගේ නිශ්චල දේපල තහනම් කර විකිණීමෙන් එකී මුදල ඔහුගෙන් අය කර ගැනීම සඳහා, එකී තැනැත්තා වාසය කරන අධිකරණ පාලන බලසීමාව ඇතුළත පිහිටි—

(i) දිස්ත්‍රික් උසාවිය වෙත, එකී මුදල රුපියල් තුන් සියයට වැඩි වන විට ද,

(ii) “රික්වෙස්ට්” උසාවිය වෙත, එකී මුදල රුපියල් තුන්සියයකට වැඩි නො වන විට ද,

ඉල්ලුම් පත්‍රයක් ඉදිරිපත් කර සිටිය යුතු අතර, ඔහු විසින්, එකී ඉල්ලුම් පත්‍රය එසේ ඉදිරිපත් කර සිටිනු ලැබීමෙන් පසු ව, උසාවිය මගින්, එකී තැනැත්තාගේ චංචල දේපල තහනම් කර විකිණීමෙන්, එකී මුදල අය කර ගැනීම සඳහා පිස්කල් වෙත ආඥා වක් නිකුත් කළ යුතුය. ආඥාවක් ක්‍රියාවෙහි යෙදවීමේ දී, පිස්කල් විසින් චංචල දේපල

තහනම් කර විකුණනු ලැබීමට අදාළ සිවිල් නඩු සංග්‍රහයේ විධිවිධාන හා පිස්කල් විසින් තහනම් කරන ලද නිශ්චල දේපල සම්බන්ධයෙන් වූ අයිතිවාසිකම් ඉදිරිපත් කිරීම හා විනිශ්චය කිරීම, කොමසාරිස්වරයාගේ ඉල්ලුම් පත්‍රයේ සඳහන් මුදල අය කිරීම සඳහා නිශ්චල දේපල තහනම් කර විකිණීමට හා එකී මුදල අය කිරීම සඳහා තහනම් කරන ලද වංචල දේපල සම්බන්ධයෙන් වූ අයිති වාසිකම් ඉදිරිපත් කිරීමට හා විනිශ්චය කිරීමට අදාළ විය යුතු ය. එකී විධිවිධාන පිළිබඳ ඉල්ලුම් පත්‍රය සම්බන්ධයෙන් එ සේ සඳහන් කරනු ලබන මුදල, උසාවියක් මගින් දෙන ලද ආඥාවක් ප්‍රකාර ගෙවිය යුතු ලෙසට ද, එකී කොමසාරිස්වරයා එකී ආඥාවේ ප්‍රකාර ණය හිමියා ලෙසට ද, එකී මුදල ගෙවිය යුතු තැනැත්තා එකී ආඥාවේ ප්‍රකාර ණයකරු හැටියට ද සැලකිය යුතු ය.

(උ෧෦) එකී තැනැත්තන්ගේ නිශ්චල දේපල තහනම් කර විකුණනු ලැබීමෙන් (උ෧) වෙනි ඡේදයෙහි සඳහන් යම් කිසි මුදලක් යම් කිසි තැනැත්තකුගෙන් අය කර ගැනීම යම් කිසි ලෙසකින් ක්‍රියාවෙහි යෙදීමට නොහැකි වේ යයි හෝ නිෂ්ඵල වේ ය යි හෝ පළාත් පාලන කොමසාරිස්වරයා අදහස් කරන විට, හෝ එකී මුදලේ මුළු ගණන එ සේ අය කර ගෙන නොමැති විට, එකී කොමසාරිස්වරයා විසින් එකී තැනැත්තාගෙන් ලැබිය යුතු එකී ගතණ පිළිබඳ සම්පූර්ණ විස්තර ද, එකී තැනැත්තාගේ නම හා ඔහු අවසානවරට සිය ව්‍යාපාරයෙහි යෙදී සිටි බව දැනගන්ට තිබෙන ස්ථානය හෝ ඔහු වාසය කළ ස්ථානය සඳහන් සහතික පත්‍රයක්, එකී තැනැත්තා වාසය කරන ප්‍රදේශයේ අධිකරණ බලය ඇති මහෙස්ත්‍රාත්වරයා වෙත නිකුත් කළ යුතු අතර, එකී සහතික පත්‍රය එ සේ ලැබීමෙන් පසු ව, මහෙස්ත්‍රාත්වරයා විසින් එකී තැනැත්තාගෙන් ලැබිය යුතු ව තිබෙන එකී මුදල අයකර ගැනීම සම්බන්ධයෙන්, එකී තැනැත්තාට විරුද්ධ ව නීති මගින් ක්‍රියා කර නො සිටීමට හේතු කවරේදැ යි දැක්වීම පිණිස තමා ඉදිරියෙහි පෙනී සිටින ලෙස, ඔහුට සිතාසි නිකුත් කර සිටිය යුතුය. ඉදින්, එකී තැනැත්තා විසින් එ සේ ප්‍රමාණවත් හේතුවක් දක්වා සිටිනු නො ලැබේ

නොත්, ඔහුගෙන් ලැබිය යුතු ව තිබෙන එකී මුදල, බන්ධනාගාරගත කරනු ලැබීමෙන් දඬුවම් කළ නො හැකි, දඩයක් පමණක් තියම කළ හැකි, දඬුවමක් වශයෙන් යම් කිසි මුදලක් නොගෙවා තිබෙන්නකු කෙරෙහි මහෙස්ත්‍රාත්වරයකු විසින් පනවනු ලබන දඩයක් හැටියට සැලකිය යුතුවාක් මෙන් ම, එය, ඒ අනු ව, අය කර ගත හැකි ය.

(1) (1) වෙනි ඡේදයෙහි “ගම්කායබිසභාව” යන වචන වෙනුවට, පළාත් පාලන සභාකාර කොමසාරිස් වරයා” යන වචන ආදේශ කිරීමෙන්, හා

(2) (2) වෙනි උපවගන්තියට ඉක්බිති ව ම පහත සඳහන් අලුත් උපවගන්තිය එකතු කිරීමෙන් ද වේ:—

“(3) යම් කිසි අනවසරයක් හෝ පූර්ණ ගාස්තුවක්, වලංගු කිරීමේ දී දරන ලද ගාස්තු හා විශදම් වශයෙන් ගෙවන ලද හෝ අය කරන ලද යම් කිසි මුදලකට බාහිර වශයෙන් වූ, මේ වගන්තිය යටතේ ගෙවන ලද හෝ අය කරන ලද සෑම මුදලක් ම, ගම්සභාවේ පොදු අරමුදලට බැර කළ යුතු ය.”

ප්‍රධාන ආඥා පනතේ 55 වෙනි වගන්තිය වෙනුවට අලුත් වගන්තියක් යෙදීම.

22. ප්‍රධාන ආඥාපනතේ 55 වෙනි වගන්තිය, මෙයින් අවලංගු කරනු ලබන අතර, ඒ වෙනුවට පහත සඳහන් අලුත් වගන්තිය යොදනු ලැබේ:—

පොදු අරමුදලෙහි මුදල් තැන්පත් කිරීම හා පාවිච්චි කිරීම.

55. (1) ගම්සභාවක පොදු අරමුදලට ගෙවිය යුතු ව තිබෙන, ගම්සභාවක් විසින් හෝ ගම්සභාවක් වෙනුවෙන්, ගම්සභාවේ සභාපතිවරයා විසින් හෝ ලබන සියලු ම, මුදල්, ඒවා එ සේ ලැබීමෙන් දින දහහතරක් ඇතුළත දී, සභාපතිවරයා විසින්—

- (අ) ලඟ ම පිහිටි කවිචේරියේ, හෝ
- (ආ) ඇමතිවරයාගේ අනුමතිය ඇති ව සභාව විසින් තෝරා, ගනු ලබන ලංකාවේ ඇති බැංකුවලින් යම් කිසි බැංකුවක, හෝ තැන්පත් කළ යුතු අතර, ඒවා, එකී අර මුදලේ නම දරන ගිණුමකට බැර කළ යුතු ය.

(2) 63ආ. වගන්තියේ (3) වෙනි උපවගන්තියේ සඳහන් විධිවිධානවලට යටත් ව, කිසි ම මුදලක්—

- (අ) ගම්සභාවක පොදු අරමුදල කවිචේරියක තැන්පත් කර තිබෙන විට, සභාවේ සභාපතිවරයා විසින් හෝ සභාපතිවරයාගේ බලය පිට ක්‍රියා කරන උපසභාපතිවරයා විසින් හා ඒ සඳහා සභාව විසින් විශේෂයෙන් බලය පවරා තිබෙන නිලධාරියකු විසින් හෝ අත්සන් කොට, නිකුත් කරන මුදල් ආඥාවක් පිට, ආණ්ඩුවේ දිසා පතිවරයා විසින් මිස, වෙනත් කිසිවකු විසින් පොදු අරමුදලින් නො ගෙවිය යුතු ය.

(ආ) එකී අරමුදල බැංකුවක තැන්පත් කර තිබෙන විට, 50 වෙනි වගන්තිය යටතේ ඒ සඳහා සම්පාදනය කිරීමට මෙයින් අවසර දෙනු ලබන ව්‍යවස්ථාවලින් නියමිත යම් අන්දමකට අත්සන් කොට තිකුත් කරනු ලබන වැඩ් පතකින් හෝ ගෙවුම් නියෝගයකින්, මිස වෙනත් ක්‍රමයකින් එකී පොදු අරමුදලින් මුදල් නො ගෙවිය යුතු ය.

(3) 63ආ. වෙනි වගන්තියේ (2) වෙනි උප වගන්තියෙහි සඳහන් විධිවිධානවලට යටත් ව, ගම් සභාවේ පොදු අරමුදලින් කිසි ම වැඩ්පතක් හෝ මුදල් ආඥාවක්, එය අදාළ විශදම, සඳහා සභාව විසින් සාමාන්‍ය වශයෙන් හෝ ඒ වෙනුවෙන් වූ යෝජනාවක මාර්ගයෙන් හෝ අවසර දී ඇති නම්, මිස නැති නම්, නිකුත් නො කළ යුතු ය.

(4) ගම්සභාවක යෝජනාවක මාර්ගයෙන් අවසර දී තිබෙන යම් කිසි විශදමක නීත්‍යානුකූල භාවය පිළිබඳ යම් කිසි භූකයක් ඇති වුවහොත්, එය පහකර ගැනීම සඳහා සභාවේ සභාපති තුමා විසින් එම කාරණය තීරණය සඳහා පළාත් පාලන සහකාර කොමසාරිස්වරයාගේ මාර්ගයෙන් පළාත් පාලන කොමසාරිස්වරයා වෙත ඉදිරිපත් කර සිටිය යුතු අතර, පළාත් පාලන කොමසාරිස්වරයා විසින්, ඒ පිළිබඳ ස්වකීය තීරණය, එ සේ ම පළාත් පාලන සහකාර කොමසාරිස්වරයාගේ මාර්ගයෙන් සභාපති වරයා වෙත දන්වා සිටිය යුතු ය.

(5) (4) වෙනි උපවගන්තිය යටතේ තමා වෙත ඉදිරිපත් කරනලද යම් කාරණයක් උඩ සභාව විසින් යෝජනාවක මාර්ගයෙන් අවසර දී තිබෙන යම් කිසි විශදමක නීත්‍යානුකූල භාවය, පළාත් පාලන කොමසාරිස්වරයා විසින් ස්ථිර කර තිබෙන විට, 54 වෙනි වගන්තියෙහි පටහැනි ව කුමක් සඳහන් වුව ද, එකී විශදමට අදාළ යම් කිසි මුදල් ගෙවීමක් සම්බන්ධයෙන්, එකී මුදල එකී වගන්තිය යටතේ ගණන් පරීක්ෂකයා විසින් පූර්ණ ගාස්තු වශයෙන් සභාවේ සභාපතිවරයා ද අතිකුත් සෑම සාමාජිකයකු ම ද යටත් නො විය යුතු ය."

23. පහත සඳහන් අලුත් වගන්තිය, 56 වෙනි වගන්තියට ඉක්බිති ව ම මෙයින් ඇතුළත් කරනු ලබන අතර, එය ප්‍රධාන ආඥාපනතේ 56අ. වගන්තිය වශයෙන් බලපැවැත්විය යුතු ය. එනම්:—

" ගම්සභාවකට ලැබිය යුතු මුදල් අයකර නොගෙන අත්හැර දමිය හැකි බව.

56අ. යම් කිසි තැනැත්තකුගෙන් සභාවට ලැබිය යුතු වූ තිබෙන යම් කිසි සම්පූර්ණ මුදලක් හෝ එයින් කොටසක් එකී මුදල හෝ කොටස එතරම් සැලකිය යුතු මුදලක් හෝ එකී තැනැත්තාගේ දුප්පත්කම උඩ එය අය කර ගැනීමට නො හැකි

ප්‍රධාන ආඥා පනතෙහි 56අ. වෙනි අලුත් වගන්තිය ඇතුළත් කිරීම.

මුදලක් හෝ වන විට, සභාව විසින් යෝජනාවක මාගීයෙන් එකී මුදල එකී තැනැත්තාගෙන් අය කර නො ගෙන අත්හැර දැමිය හැකි ය. රුපියල් පණහකට වැඩි වන මුදලක් අය කර නො ගෙන අත්හැර දැමීම පිළිබඳ යෝජනාවක් ඇමතිවරයාගේ අනුමතියට යටත් විය යුතු ය." යනුවෙනි.

ප්‍රධාන ආඥා පනතේ 59 වෙනි වගන්තිය සංශෝධනය කිරීම.

24. ප්‍රධාන ආඥාපනතේ 59 වෙනි වගන්තිය, පහත සඳහන් පරිදි, මෙසින් සංශෝධනය කරනු ලැබේ. එනම්:—

(1) එකී වගන්තියේ (1) වෙනි වගන්තියෙහි—

(අ) එකී උපවගන්තියේ (ඌ) වෙනි ඡේදයට ඉක්බිති ව ම පහත සඳහන් අලුත් ඡේදයන් යෙදීමෙන් ද, එනම්:—

“(ඌඅ) යම් කිසි රාජකාරී කටයුත්තක් ඉටු කිරීම සම්බන්ධයෙන් දරන ලද විෂයදීම ආපසු ගෙවීමක් වශයෙන් ගම්සභාවල නියෝජිත වරුන්ට හෝ නිලධාරීන්ට හෝ සේවකයන්ට ගෙවිය යුතු ශැපීම් දීමනා හා ගමන් ගාස්තු දීමනා පිළිබඳ ගාස්තු ප්‍රමාණයන් ;

(ඌආ) සභාවේ රැස්වීම්වලට පැමිණීම සඳහා ගම් සභාවේ නියෝජිතවරුන්ට ගෙවිය යුතු ගමන් ගාස්තු දීමනා පිළිබඳ ගාස්තු ප්‍රමාණයන්” යනුවෙන් ද ;

(ආ) එකී උපවගන්තියේ (1) වෙනි ඡේදයට ඉක්බිති ව ම පහත සඳහන් අලුත් ඡේදය යෙදීමෙන් ද, එනම්:—

“(එඑ) බඩුබාහිරාදිය හා උපකරණ ලැබීම හා ඒවා ගැන සුදුසු පරිදි ක්‍රියා කිරීම, බඩු ලේඛන තැබීම හා එකී බඩු ලේඛන තැබිය යුතු පිළිවෙළ යනුවෙන් ද ;

(ඇ) එකී උපවගන්තියේ (එ) වෙනි ඡේදය වෙනුවට, පහත සඳහන් අලුත් ඡේදය ආදේශ කිරීමෙන් ද, එනම්:—

“(එ) පළාත් පාලන සේවයට අයත් සාමාජිකයන් නො වන සභාවේ නිලධාරීන් හා සේවකයන් පත් කිරීම, ඔවුන්ගේ විනය, ටික කලකට ඔවුන්ගේ වැඩ තහනම් කිරීම හා ඔවුන් අස් කිරීම, හා—

(i) පළාත් පාලන සේවා ආඥාපනතේ අර්ථනුකූල ව උපලේඛනගත නොවූ තනතුරු හෝ නිලතල පිළිබඳ පත්වීම් සඳහා අවශ්‍ය සුදුසුකම් ;

(ii) එකී තනතුරු හෝ නිලතල සඳහා නියම කළ යුතු වැටුප් ක්‍රම ;

- (iii) එකී නිලධාරීන්ට හා සේවකයන්ට දියහැකි යම් කිසි නිවාඩුවක් පිළිබඳ නියමයන්, කොන්දේසි හා කාලසීමාවන් ;
- (iv) පළාත් පාලන සේවයෙහි භාමාජිකයන් නො වන, ගම් සභාවල යම් යම් නිලධාරීන්ගේ හා සේවකයන්ගේ යහපත සඳහා වූ අර්ථසාධක අරමුදල් ;
- (v) ගම්සභාවේ නිලධාරීන් හා සේවකයන් ඒ සභාවේ සේවයෙන් විශ්‍රාමගත් විට— ඔවුන්ට විශ්‍රාම වැටුප් හා පාරිතෝෂික මුදල් ගෙවීම ;” හා

(ඇ) (ඒ) වෙනි ඡේදය අත්හැර දැමීමෙන් ද, හා
 (2) එකී වගන්තියේ (3) වෙනි උපවගන්තියෙහි “ ගම්කාය්‍යී සභාවක් විසින් සාදන ලදී ” යන වචන වෙනුවට, “ ගම්සභාවක් විසින් සාදන ලද හෝ ගම්සභාවක් කෙරෙහි පවරා තිබෙන යම් කිසි බලයකින් ” යන වචන යෙදීමෙන් ද වේ ” යනුවෙනි.

25. ප්‍රධාන ආඥාපනතේ 61 වෙනි වගන්තිය, මෙයින් සංශෝධනය කරනු ලැබේ. එනම්:—

ප්‍රධාන ආඥා පනතේ 61 වෙනි වගන්තිය සංශෝධනය කිරීම.

- (1) එකී වගන්තිය, එකී වගන්තියේ (1) වෙනි උපවගන්තිය වශයෙන් නැවත අංක යෙදීමෙන් ද, හා
- (2) එකී වගන්තිය අවසානයට, පහත සඳහන් අලුත් වගන්තිය යෙදීමෙන් ද වේ. එනම්:—

“(2) (1) වෙනි උපවගන්තියේ සඳහන් කාරණාවලින් යම් කිසි කාරණයක් පිළිබඳ ව සැහීමට පත්වීම සඳහා ඇමතිවරයා විසින්, එකී කාරණය පිළිබඳ ව පරීක්ෂා කර බලා, වාණී කිරීම පිණිස යම් කිසි තැනැත්තකු පත් කළ යුතු අතර, එ සේ පත් කළ යුතු තැනැත්තාට එකී පරීක්ෂණයේ දී සාක්ෂි කරුවන් ද, ඔවුන් පරීක්ෂා කිරීම ද, ලියකියවිලි ඉදිරිපත් කිරීම ද, පිළිබඳ ව, 1948 අංක 17 දරන පරීක්ෂණ කොමිෂන් සභා පනත යටතේ පත් කරන ලද පරීක්ෂණ කොමිෂන් සභාවක බලතල තිබිය යුතුය ” යනුවෙනි.

26. 63 වෙනි වගන්තියට ඉක්බිති ව ම පහත සඳහන් අලුත් වගන්ති මෙයින් ඇතුළත් කරනු ලබන අතර, ඒවා ප්‍රධාන ආඥා පනතේ, 63අ, 63ආ, 63ඇ, 63ඈ, 63ඉ, 63ඊ, 63උ, 63ඌ, වශයෙන් බලපැවැත්විය යුතු ය. එනම්:—

ප්‍රධාන ආඥා පනතේ 63 “අ” සිට 63 “ඌ” වගන්ති යෙදීමයි.

“ ගම්සභා විසින් කටයුතු ඉටු නොකරනු ලැබීම පිළිබඳ ව පරීක්ෂා කර බැලීම සඳහා ඇමතිවරයා කෙරෙහි පැවරී තිබෙන බලතල කවරේ ද යන බව. 63අ.(1) මේ ආඥාපනතීන් හෝ වෙනත් යම් කිසි ලිඛිත නීතියකින් ගම්සභාව කෙරෙහි පැවරී තිබෙන යම් කිසි කටයුත්තක් ක්‍රියාවෙහි යෙදවීම හෝ කාය්‍යීයක් ඉටු කරවීම එකී සභාව විසින් අත්හැර දමා තිබෙන බව හෝ එ සේ නැත්නම්, මේ ආඥාපනත හෝ වෙනත් යම් කිසි ලිඛිත නීතියක් යටතේ එකී ගම්කාය්‍යී සභාව විසින් ස්වකීය

කටයුතුවලින් යම් කිසි කටයුත්තක් ක්‍රියාවෙහි යෙදීම හෝ ස්වකීය වගකීම්වලින් යම් කිසි වගකීමක් ඉටු කිරීම පැහැර හැර තිබෙන බව ඇමති වරයාට හැඟී යන ඕනෑම අවස්ථාවක දී, එකී අත්හැර දැමීම් හෝ පැහැර හැරීම් පිළිබඳ ව පරීක්ෂා කර බලා අමතීවරයා වෙත වෘතී කිරීම, හා එකී රාජකාරී කටයුතු ඉටු කිරීම හෝ වැඩ කරගෙන යෑම හෝ එකී අත්හැර දැමීම් හා පැහැර හැරීම් හරිගස්සා ගැනීම හෝ සඳහා ක්‍රියා කළ යුතු අන්දම ගැන ඇමතිවරයා වෙත නිර්දේශ කිරීම ද, සඳහා ඇමති වරයා විසින් යම් කිසි තැනැත්තකු හෝ තැනැත්තන් පත් කරනු ලබන බව කියා ලියවිල්ලකින් වූ දැන්වීමක්, එකී දැන්වීමේ සඳහන් යම් කාලසීමාවක් ඇතුළත ඊට විරුද්ධ ව සභාව විසින් හේතු දක්වනු ලැබෙතොත් මිස තැත්නම්, ඇමති වරයා විසින් සභාව වෙත නිකුත් කළ හැකි ය.

(2) (1) වෙනි උපවගන්තිය යටතේ දැන්වීමක් නිකුත් කරනු ලැබූ යම් කිසි සභාවක් විසින් යම් කිසි හේතුවක් හෝ සැහෙන හේතු හෝ නොදක්වා සිටිනු ලබන විට, ඇමතිවරයා විසින් එකී දැන්වීමේ සඳහන් පරීක්ෂණය පැවැත්වීම සඳහා තැනැත්තකු හෝ තැනැත්තන් පත් කළ යුතු අතර, එකී පරීක්ෂණය ක්‍රියාවේ යෙදිය හැකි තරමින් හැකි පමණ ප්‍රසිද්ධියේ ම පැවැත්විය යුතු ය.

අවශ්‍ය වූ විට කටයුතු කරන ලෙස ගම්සභාවට නියම කරමින් නියෝගයක් නිකුත් කිරීමට හා එය ක්‍රියාත්මක කිරීමට ද ඇමතිවරයාට බලය තිබෙන බව.

63 අ. (1) 63 අ. වෙනි වගන්තිය යටතේ පරීක්ෂණයක් පැවැත්වීමට පත් කරණ ලද තැනැත්තාගේ හෝ තැනැත්තන්ගේ වෘතීව ඇමතිවරයා වෙත ලැබීමෙන් පසු ව, ඇමතිවරයා විසින් ගම්සභාව පහැර හැර තිබුණු යම් කිසි කටයුත්තක් ක්‍රියාවෙහි යෙදීම හෝ කාර්යයක් ඉටු කරවීම හෝ සම්බන්ධයෙන් කවර ක්‍රියා මාර්ගයක් ගත වූයු දැ යි ඇමතිවරයා විසින් තීරණය කරනු ලැබ, ඒ පිළිබඳ ව ලියවිල්ලකින් වූ ආඥාවක්, එකී ආඥාවේ සඳහන් යම් කිසි කාලසීමාවක් ඇතුළත හා යම් යම් ක්‍රියා මාර්ගයන් අනු ව ද ක්‍රියා කළ යුතු ය යි ද ඒ සඳහා අවශ්‍ය අරමුදල්, මේ ආඥා පනත යටතේ අය කළ හැකි බදු හා ගාස්තුවලින් යම් කිසි බද්දක් හෝ ගාස්තුවක් හෝ ඊට වැඩි ගණනක් හෝ අය කිරීමෙන් හෝ ණය මුදලක මාර්ගයෙන් හෝ ලබා ගත යුතු ය යි ද නියම කළ යුතු ය.

(2) (1) වෙනි උපවගන්තිය යටතේ නිකුත් කරන ලද නියෝගයක සඳහන් නියමයන් එකී නියෝගයේ සඳහන් කාලසීමාව ඇතුළත දී ඉටු කිරීම ගම්සභාවක් විසින් පැහැර හරිනු ලැබුවහොත්, ඇමතිවරයා විසින්, එකී නියෝගයේ

සදහන් ක්‍රියා මාර්ගයන් ඉටු කිරීම සඳහා යම් කිසි තැනැත්තකු ලියවිල්ලකින් පත් කරනු ලැබ, ඒ සඳහා එකී තැනැත්තාට ගෙවිය යුතු වේතනය ද ලියවිල්ලකින් ම නියම කළ හැකි අතර, ඇමති වරයාගේ නියෝගයට අනු ව, ඉටු කරනු ලබන ක්‍රියා මාර්ගයන්ගේ වියහියදම් ද, එකී වේතනය ද, සභාවේ පොදු අරමුදලින් ගෙවිය යුතු ය යි හෝ දැරිය යුතු ය යි ද අවශ්‍ය නම්, මේ ආඥාපනත යටතේ අය කළ හැකි බදුවලින් හෝ ශාස්තුවලින් යම් කිසි බද්දක් හෝ ශාස්තුවක් හෝ ඊට වැඩි ගණනක් පැනවිය යුතු ය යි හෝ වැඩි කළ යුතු ය යි හෝ අය කළ යුතු ය යි නියම කළ හැකි ය.

(3) (2) වෙනි වගන්තිය යටතේ වූ ඇමතිවරයාගේ නියමයක් ඉටු කිරීම සඳහා, එකී උපවගන්තිය යටතේ පත් කරන ලද යම් කිසි තැනැත්තකුට :—

(අ) එකී නියමය බලපාන ගම්සභාව විසින් පැනවිය හැකි හෝ වැඩි කළ හැකි හෝ අය කළ හැකි හෝ එ බදු යම් බද්දක් හෝ ශාස්තුවක් පැනවීමට, හෝ වැඩි කිරීමට හෝ අය කිරීමට ද ;

(ආ) සභාවේ පොදු අරමුදලින් යම් කිසි මුදලක් (ආපසු) ලබා ගැනීම සඳහා හෝ (ආපසු) ලබා ගැනීමට වැක් පනක් හෝ ගෙවුම් නියෝගයක් අත්සන් කොට තිකුත් කිරීමට ද,

බලය තිබිය යුතු අතර, ඔහු විසින් ගෙවිය යුතු ව තිබෙන හෝ දැරිය යුතු ව තිබෙන, එකී නියමයෙන් අවසර දී ඇති සියලු ම මුදල් ගෙවනු ලැබීමෙන් හා වියහියදම් දරනු ලැබීමෙන් පසු ව, මේ උපවගන්තිය යටතේ සවකීය බලතල ක්‍රියාවේහි යොදවනු ලැබීම සඳහා ඔහුට ලැබුණු මුදල්වලින් වැඩිපුර ඉතිරි මුදලක් තිබේ නම්, එකී ඉතිරි මුදල, සභාවේ පොදු අරමුදලට ගෙවිය යුතු ය.

ණය මුදලක් ලබා ගන්නා ලෙස 63ආ (2) වෙනි වගන්තිය යටතේ පත් කරන ලද තැනැත්තකුට නියම කිරීමට ඇමතිවරයාට බලය තිබෙන බව.

63ආ—යම්කිසි ගම් ප්‍රදේශයක් සම්බන්ධයෙන් 63ආ. වගන්තියේ (2) වෙනි උපවගන්තිය යටතේ පත් කරන ලද තැනැත්තකුට එකී වගන්තිය යටතේ යම් කිසි කටයුත්තක් ක්‍රියාවේහි යෙදීම හෝ යම් කිසි කාර්යයක් ඉටුකර ගෙන යාම හෝ පැහැර හැර තිබෙන කටයුත්තක් හෝ වැඩක් කර ගෙන යාම හෝ සඳහා එකී ගම් ප්‍රදේශයේ, යම් කිසි බද්දක් හෝ ශාස්තුවක් පැනවීමට හෝ වැඩි කිරීමට හා අය කිරීමට අමතර වශයෙන් හෝ ඒ වෙනුවට, එකී ප්‍රදේශයේ යම් කිසි බද්දක් හෝ ශාස්තුවක් ඇපයට තබා, ප්‍රාදේශීය ණය සහ සංවර්ධන අරමුදලේ කොමසාරිස්වරුන්ගෙන් ණය මුදලක් ලබා ගැනීමට ද නියම කිරීමට ඇමතිවරයාට හැකි ය.

වියහියදම්
සහතික කිරීමට
ඇමතිවරයාට
බලය තිබෙන බව.

63 ඇ.—63 ආ වගන්තියේ (2) වෙනි උපවගන්තිය යටතේ පත් කරන ලද යම් කිසි තැනැත්තකු විසින් දරා තිබෙන වියහියදම් ගණන, හෝ දැරීමට බලාපොරොත්තු වනු ලබන වියදම් පිළිබඳ ඇස්තමේන්තුව හා එසේ දරා තිබෙන වියදම් ගණන ඉසිලීම සඳහා ලබාගත යුතු ව තිබෙන හෝ දැරීමට බලාපොරොත්තු වන්නේ ය යි ඇස්තමේන්තු කර තිබෙන යම් කිසි ණය මුදලක ප්‍රමාණය ඇමතිවරයා විසින් වරින්වර සහතික කර සිටිය යුතු අතර, ඒ පිළිබඳ ව ඇමතිවරයාගේ සහතිකය, එය අදාළ සියලුම කරුණු සම්බන්ධයෙන් අවසාන සහතිකය විය යුතු ය.

63 ඇ.
වගන්තිය
යටතේ සහතික
කරන ලද ණය
මුදලක් දීමට
ප්‍රාදේශීය ණය
සහ සංවර්ධන
අරමුදලේ
කොමසාරිස්
වරුන්ට බලය
තිබෙන බව.

63 ඉ.—(1) ඇමතිවරයා විසින්, යම් කිසි ගම් ප්‍රදේශයක් සම්බන්ධයෙන් ණය මුදලක් අවශ්‍ය වන්නේ ය යි 63 ඇ වගන්තිය යටතේ සහතික කරනු ලබන කවර අවස්ථාවක දී වුව ද ප්‍රාදේශීය ණය සහ සංවර්ධන අරමුදලේ කොමසාරිස්වරයා විසින්, වෙනත් යම් කිසි ඇපයක් නොමැති ව, එකී ගම් ප්‍රදේශයේ යම් කිසි බද්දක හෝ ගාස්තුවක, ඇපය පිට, යම් කිසි ණය මුදලක් පළාත් පාලන කොමසාරිස්වරයා වෙත හෝ 63 ආ. වගන්තියේ (2) වෙනි උප වගන්තිය යටතේ පත් කරන ලද තැනැත්තා වෙත හෝ දිය හැකි ය.

(2) පළාත් පාලන කොමසාරිස්වරයා විසින් හෝ 63 ආ. වගන්තියේ (2) වෙනි උපවගන්තිය යටතේ පත් කරන ලද තැනැත්තා විසින් හෝ යම් කිසි ගම් ප්‍රදේශයක් සඳහා ලබා ගන්නා ණය මුදලක් මෙන් ම, (1) වෙනි උපවගන්තියේ සඳහන් එ බඳු යම් කිසි ණය මුදලක් සඳහා වූ ඇපයක් වශයෙන් එකී ගම් ප්‍රදේශයේ යම් කිසි බද්දක් හෝ ගාස්තුවක් උගස් කරනු ලැබීමට ද හැකි අතර, එකී උගස් කරය, එකී ගම් ප්‍රදේශයේ ගම්සභාව විසින් තබන ලද උගස් කරයක් වශයෙන් බලපැවැත්විය යුතු ය.

මුල් මුදල හා
පොළිය ආපසු
ගම්සභාවෙන්
අය කර හැකිම.

63 ඊ.—(1) යම් කිසි ගම් ප්‍රදේශයක් සම්බන්ධයෙන් මෙම කොටස යටතේ දරන ලද හෝ දැරීමට බලාපොරොත්තු වන හෝ යම් කිසි වියදමක් ගෙවීම සඳහා ලබා ගන්නා යම් කිසි ණය මුදලක් සම්බන්ධයෙන් ගෙවිය යුතු මුල් මුදල හා පොළිය, එකී ගම් ප්‍රදේශයේ ගම්සභාවෙන් ලැබිය යුතු ණය මුදලක් හැටියට සැලකිය යුතු අතර, ඊට අමතර වශයෙන් වූ ඒ පිළිබඳ වෙනත් යම් යම් වියහියදම් ද ප්‍රාදේශීය ණය සහ සංවර්ධන අරමුදල ද පිළිබඳ ආඥා පනතේ සඳහන් ප්‍රකාර අය කර ගත හැකි ය.

(2) (1) වෙනි උපවගන්තිය යටතේ සඳහන් පරිදි යම් කිසි ගම් ප්‍රදේශයක් සම්බන්ධයෙන් වූ වියදම් ගෙවීමෙන් පසු ව යම් කිසි ණය මුදලකින්

වැඩිපුර ඉතිරි වන මුදල, එකී මුදල ඇමතිවරයා විසින් සහතික කරනු ලැබීමෙන් පසු ව, එකී ගම් සභාවේ පොදු අරමුදලට ගෙවිය යුතු ය.

පළාත් පාලන කොමසාරිස් වරයාගේ බලතල හා කාර්ය කටයුතු පළාත් පාලන සහකාර කොමසාරිස් කෙරෙහි පැවරීම.

63෮. මේ ආඥාපනතින් හෝ මේ ආඥාපනත යටතේ හෝ පළාත් පාලන කොමසාරිස්වරයා කෙරෙහි පවරා තිබෙන හෝ පැවරී තිබෙන හෝ නියම කර තිබෙන යම් කිසි බලයක්, කාර්යයක් හෝ කටයුත්තක්, ඒ සඳහා සාමාන්‍යයෙන් හෝ විශේෂයෙන් හෝ ලියවිල්ලකින් දෙන ලද අවසර යක් පිට, එකී ලියවිල්ලෙන් වූ අවසරයේ සඳහන් ව තිබේ නම්, යම්කිසි කාලසීමාවක් හා යම් කිසි ප්‍රමාණයක් සඳහා ද, පළාත් පාලන කොමසාරිස් වරයාගේ නියමයන්ට හා පාලනයට යටත් ව ද, පළාත් පාලන සහකාර කොමසාරිස්වරයා විසින් ක්‍රියාවෙහි යොදවනු ලැබීම, ඉටුකරනු ලැබීම, හෝ ක්‍රියාත්මක කරනු ලැබීමට හෝ කළ හැකි ය.

ගම්සභාවේ පොතක් හෝ යම්කිසි ලේඛනයක් ඉල්ලා පරීක්ෂා කර බැලීමට ඇමති වරයාට බලය තිබෙන බව.

63෮෨.—ඇමතිවරයා විසින්, සභාවේ යම් කිසි කටයුත්තක් සම්බන්ධයෙන් වූ යම් කිසි ඖෂාම පොතක් හෝ ලේඛනයක් පරීක්ෂා කර බැලීම සඳහා තමා වෙත ඉදිරිපත් කර සිටිය යුතු ය යි ගම් සභාවක සභාපතිවරයා වෙත ලියවිල්ලකින් නියම කළ හැකි ය.

27. ප්‍රධාන ආඥාපනතේ 129 වෙනි වගන්තිය පහත සඳහන් පරිදි මෙයින් සංශෝධනය කරනු ලැබේ. එනම් :—

ප්‍රධාන ආඥා පනතේ 129 වෙනි වගන්තිය සංශෝධනය කිරීම.

- (1) “ පළාත් පාලන ආයතනය ” යන විස්තරයෙහි “ නගරසභාව ” යන වචන වෙනුවට, “ නගරසභාව, සුළු නගරසභාව ” යන වචන ආදේශ කිරීමෙන් ද, හා
- (2) “ පළාත් පාලන ආයතනය ” යන විස්තරයට ඉක්බිති ව ම පහත සඳහන් අලුත් විස්තර ඇතුළත් කිරීමෙන් ද වේ. එනම් :—

“ පළාත් පාලන සේවය ” යනුවෙන් පළාත් පාලන සේවා ආඥාපනතින් සංස්ථාපිත පළාත් පාලන සේවය අදහස් වේ ; “ පළාත් පාලන සේවය පිළිබඳ ආඥා පනත ” යනුවෙන්, 1945 අංක 43 දරන පළාත් සේවය පිළිබඳ ආඥාපනත අදහස් වේ ; යනුවෙනි.

ප්‍රධාන ආඥාපනතේ දෙවෙනි උපලේඛනය සංශෝධනය කිරීම.

28. ප්‍රධාන ආඥාපනතේ දෙවෙනි උපලේඛනය, එකී උපලේඛනයේ අවසානයට, පහත සඳහන් පාඨය එකතු කිරීමෙන් මෙසින් සංශෝධනය කරනු ලැබේ; එනම්:—

- “(අ) සුරාබදු ආඥාපනත (42 වෙනි අධිකාරය);
- (ආ) විවි සම්මාදම් ආඥාපනත (335 වෙනි අධිකාරය);
- (ඇ) වස වර්ග, අබිං හා අන්තරාදායක ඖෂධ ආඥාපනත (192 වෙනි අධිකාරය);
- (ඈ) 1949 අංක 25 දරන ආහාර හා ඖෂධ ආඥාපනත;
- (ඉ) 1942 අංක 13 දරන උගස් බඩු ගන්නන්ගේ ආඥාපනත;
- (ඊ) ප්‍රසිද්ධ රැකුම් දැක්වීම් ආඥාපනත (134 වෙනි අධිකාරය);
- (උ) සත්ව හිංසා වැළැක්වීමේ ආඥාපනත (332 වෙනි අධිකාරය);
- (ඌ) 1946 අංක 35 දරන ප්‍රාදේශීය බලමණ්ඩල ඡන්ද විමසීමේ ආඥාපනත යටතේ ගම් ප්‍රදේශයේ පාලන බල සීමා ආතුලිත දී අය කර ගනු ලබන සියලුම දඩ හා දඩ මුදල්.”

ප්‍රධාන ආඥාපනතේ තුන්වෙනි උපලේඛනය සංශෝධනය කිරීම.

29. ප්‍රධාන ආඥාපනතේ තුන්වෙනි උපලේඛනය, පහත සඳහන් පරිදි මෙසින් සංශෝධනය කරනු ලැබේ. එනම්:—

(1) එකී උපලේඛනයේ (2) වෙනි ඡේදයෙහි, එකී ඡේදයේ (ඉ) වෙනි උපඡේදයට ඉක්බිති ව ම, පහත සඳහන් අලුත් උපලේඛනය එකතු කිරීමෙන් ද, එනම්:—

(ඊ) “ප්‍රසිද්ධ රැකුම් දැක්වීම් ආඥාපනත (134වෙනි අධිකාරය)” හා

(2) එකී උපලේඛනයේ 3 වෙනි ඡේදයෙහි—

(i) එකී ඡේදයේ (ඇ) වෙනි අනුවඡේදයෙහි නැවතීමේ ලකුණු වෙනුවට, තිත්කොමාව ආදේශ කිරීමෙන් හා,

(ii) එකී ඡේදයේ (ඇ) වෙනි අනුවඡේදයට ඉක්බිති ව ම පහත සඳහන් අනුවඡේද එකතු කිරීමෙන් ද වේ. එනම්:—

(ඈ) උගස් බඩු ගන්නවුන් වශයෙන්, 1942 අංක 13 දරන බඩු උගස් ගන්නවුන් පිළිබඳ ආඥාපනතේ 3 වෙනි වගන්තිය යටතේ තිත්කරන කරන ලද බලපත්‍ර පිට;

(ඊ) මාරු කිරීම්, (විකිණීම්) උකස්කර, බැඳීම්, තැඹිදීම් හා බදුදීම් සම්බන්ධයෙන් මුද්දර ආඥාපනත යටතේ ” යනුවෙනි.

30. වාග්‍ය ආඥාපනතේ 51 වෙනි වගන්තිය පහත සඳහන් පරිදි මෙයින් සංශෝධනය කරනු ලැබේ. එනම් :—

155 වෙනි අධිකරණ සංශෝධනය කිරීම.

- (1) එකී ආඥාපනතේ, 3 වෙනි වගන්තියෙහි “ හෝ නගරය ” යන වචන වෙනුවට, “ නගරය හෝ ගම් ප්‍රදේශය ” යන වචන ආදේශ කිරීමෙන් ද ;
- (2) එකී ආඥාපනතේ 16 වෙනි වගන්තියෙහි, එකී වගන්තියේ (1) වෙනි උපවගන්තියෙහි “ නගරය ” යන වචනය වෙනුවට, “ ගම් ප්‍රදේශය, නගරය ” යන වචන ආදේශ කිරීමෙන් ද ; හා
- (3) එකී ආඥාපනතේ 51 වෙනි වගන්තියෙහි, “ නියමිත බල-මණ්ඩලය ” යන විස්තරයෙහි, “ නගරය ” යන වචනය වෙනුවට, “ නගරය හෝ ගම් ප්‍රදේශය ” යන වචන ආදේශ කිරීමෙන් හා, “ දිස්ත්‍රික්ක සභා ” යන වචන වෙනුවට, “ නගර සභාව ”, “ සුළු නගර සභාව ”, “ ගම්සභාව ” යන වචන ආදේශ කිරීමෙන් ද වේ.

31. බලලත් ලියාපදිංචි කිරීමේ ආඥාපනත, පහත සඳහන් පරිදි, මෙයින් සංශෝධනය කරනු ලැබේ. එනම් :—

334 වෙනි අධිකරණ සංශෝධනය කිරීම

- (1) එකී ආඥාපනතේ 2 වෙනි වගන්තියෙහි, “ නියමිත බල මණ්ඩලය ” යන විස්තරයෙහි—
 - (අ) “ නගරය හෝ ගම ” යන වචන වෙනුවට, “ ගම් ප්‍රදේශය ” යන වචන ආදේශ කිරීමෙන් ද ;
 - (ආ) “ සුළු නගර සනීපාරක්ෂක ආඥාපනත ” යන වචන වෙනුවට, “ ගම්සභා ආඥාපනත ” යන වචන ආදේශ කිරීමෙන් ද ; හා
 - (ඇ) “ සනීපාරක්ෂක මණ්ඩලය ” යන වචන වෙනුවට, “ ගම්සභාව ” යන වචන ආදේශ කිරීමෙන් ද,
- (2) එකී ආඥාපනතේ 3 වෙනි වගන්තියෙහි “ නගරය ” යන වචනය වෙනුවට, “ නගරය හෝ ගම් ප්‍රදේශය ” යන වචන ආදේශ කිරීමෙන් ද,
- (3) එකී ආඥාපනතේ 4 වෙනි වගන්තියෙහි—
 - (අ) “ නගරය හෝ ස්ථානය ” යන වචන වෙනුවට, නගරය, ගම් ප්‍රදේශය, හෝ ස්ථානය ” යන වචන ආදේශ කිරීමෙන් ද,
 - (ආ) “ නගරය, හෝ ගම ” යන වචන වෙනුවට, “ ගම් ප්‍රදේශය ” යන වචන ආදේශ කිරීමෙන් ද, හා
 - (ඇ) “ සුළු නගර සනීපාරක්ෂක ආඥාපනත ” යන වචන වෙනුවට ගම්සභා ආඥාපනත යන වචන ආදේශ කිරීමෙන් ද

- (4) එකී ආඥාපනතේ 11 වෙනි වගන්තියෙහි, එකී වගන්තියේ
 (1) වෙනි උපවගන්තියෙහි, “ නගරය හෝ ස්ථානය ” යන
 වචන වෙනුවට, නගරය, ගම් ප්‍රදේශය හෝ ස්ථානය ” යන
 වචන ආදේශ කිරීමෙන් ද හා
- (5) එකී ආඥාපනතේ 14 වෙනි වගන්තියෙහි—
- (අ) “ නගරය හෝ ගම ” යන වචන වෙනුවට, “ ගම්
 ප්‍රදේශය ” යන වචන ආදේශ කිරීමෙන් ද,
- (ආ) “ සුළු නගර සනීපාරක්ෂක ආඥාපනත ” යන වචන
 වෙනුවට, “ ගම්සභා ආඥාපනත ” යන වචන
 ආදේශ කිරීමෙන් ද,
- (ඇ) “ සනීපාරක්ෂක මණ්ඩලය ” යන වචන වෙනුවට,
 “ ගම්සභාව ” යන වචන ආදේශ කිරීමෙන් ද, හා
- (ඈ) “ මණ්ඩලය ” යන වචන වෙනුවට, “ සභාව ” යන
 වචනය ආදේශ කිරීමෙන් ද, වේ.

PARLIAMENT OF CEYLON

1st Session 1960-61



Village Councils (Amendment) Act, No. 60 of 1961

Date of Assent : June 19, 1961

Printed on the Orders of Government

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Act No. 60 of 1951

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Village Councils (Amendment) Act,
No. 60 of 1961

L. D.—O. 68/58.

AN ACT TO AMEND THE VILLAGE COMMUNITIES ORDINANCE AND TO MAKE CERTAIN AMENDMENTS AFFECTING VILLAGE AREAS IN CERTAIN OTHER WRITTEN LAW.

Chapter 198
1941 Supplement
Volume I,
page 122.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Village Councils (Amendment) Act, No. 60 of 1961, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) In the Village Communities Ordinance (hereinafter referred to as the "principal enactment") and in any other written law, there shall be substituted,—

" Village
Communities
Ordinance "
and " Village
Committee "
to be known
respectively
as " Village
Councils
Ordinance "
and " Village
Council ".

(a) for the words " Village Communities Ordinance ", the words " Village Councils Ordinance ";

(b) for the words " Village Committee ", the words " Village Council "; and

(c) for the word " Committee " (denoting " Village Committee "), the word " Council ".

(2) Every reference to the Village Communities Ordinance and a Village Committee in any notice, notification, instrument or other document shall be read and construed as a reference respectively to the Village Councils Ordinance and a Village Council.

3. Section 11 of the principal enactment is hereby amended as follows:—

Amendment of
section 11 of
the principal
enactment.

(1) in sub-section (1) of that section,—

(a) by the substitution, for the words " every village headman's division in a village area shall be deemed to be a ward ", of the words " every village headman's division in a village area, or, if only a part of any village headman's division is in that area, that part, shall be deemed to be a ward "; and

(b) by the substitution, for the second proviso thereto, of the following new proviso:—

“ Provided, however, that the Minister may, by notification published in the *Gazette*,—

(a) sub-divide—

- (i) an existing ward, or
- (ii) the combined area of two or more existing wards, or
- (iii) the combined area of parts of two or more existing wards, or
- (iv) the combined area of an existing ward and a part of another existing ward,

into two or more new wards with such limits as shall be specified in the notification; or

(b) amalgamate—

- (i) two or more existing wards, or
- (ii) parts of two or more existing wards, or
- (iii) an existing ward and a part of another existing ward,

into a new ward with such limits as shall be specified in the notification.”; and

(2) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

“ (1A) The limits of any such part of a village headman’s division as is deemed under sub-section (1) to be a ward of a village area shall be specified by the Minister by notification published in the *Gazette*.”.

4. The following new section is hereby inserted immediately after section 11, and shall have effect as section 11A, of the principal enactment:—

“ Effect of alteration or abolition of wards or creation of new wards.

11A. (1) Where in consequence of an order under section 6 or a notification under section 11 the limits of any ward of a village area are altered, the member elected for that ward shall, upon the coming into force of the order or notification, vacate his office, and a by-election in accordance with the provisions of written law for the time

Insertion of new section 11A in the principal enactment.

being applicable in that behalf shall be held in that ward for the purpose of filling up such vacancy :

Provided, however, that the preceding provisions of this sub-section shall not apply in any case where the Minister declares by such order or notification or any subsequent order or notification that the alteration made in the limits of the ward is such that a by-election is unnecessary.

(2) Where in consequence of an order under section 6 or a notification under section 11 a new ward of a village area is created, an election in accordance with the provisions of written law for the time being applicable to a by-election shall be held in the ward so created.

(3) Where in consequence of an order under section 6 or a notification under section 11 any ward of a village area is abolished, the member elected for that ward shall, upon the coming into force of the order or notification, vacate his office.

(4) Every member elected at a by-election referred to in sub-section (1) or an election referred to in sub-section (2) shall, unless he earlier vacates his office, hold office until the expiry of the current term of office of the members elected for the other wards of the village area at the last general election. ”

5. Section 19 of the principal enactment is hereby repealed and the following new section substituted therefor:—

“ Vacation
of office.

19. (1) If the Assistant Commissioner is satisfied that any member of a Village Council has after his election

Replacement of
section 19 of
the principal
enactment.

been absent, without notice to the Council, from more than three consecutive meetings of the Council, the Assistant Commissioner shall, subject to the provisions of sub-section (2), by notice published in the *Gazette* declare that such member has vacated office, and thereupon such member shall vacate office as from the date on which such declaration is published in the *Gazette*.

(2) The Assistant Commissioner shall not declare under sub-section (1) that any member of a Village Council has vacated office except after notice to the Chairman of that Council and to such member and after such inquiry as the Assistant Commissioner may deem necessary. Every such notice shall be sent by registered post.

(3) Where a member of a Village Council has, without notice to the Council, absented himself from three consecutive meetings of the Council, the Chairman of the Council shall, within seven days after the date of the third of such meetings, inform the Assistant Commissioner in writing of such absence.

(4) Where the absence of any member of a Village Council without notice to the Council from three consecutive meetings of the Council is alleged to the Assistant Commissioner by any person other than the Chairman of that Council, the Assistant Commissioner may, before inquiring into the correctness or otherwise of the allegation, require such person to deposit in the Kachcheri such sum not exceeding twenty-five rupees as the Assistant Commissioner may require.

(5) The sum deposited under sub-section (4) shall, in the discretion of the Assistant Commissioner, be forfeited and credited to the communal fund of the Village Council regarding whose member the allegation referred to in sub-section (4) was made, if—

- (a) the Assistant Commissioner finds that such allegation is false and the person who made such allegation has done so with a frivolous, vexatious or malicious intent, or
- (b) such person subsequently withdraws such allegation, or
- (c) such person fails to attend any inquiry held by the Assistant Commissioner into such allegation or refuses to give evidence at such inquiry.

(6) Any sum deposited under sub-section (4) shall, unless it is forfeited under sub-section (5), be returned to the person by whom it was deposited after the conclusion of the inquiry held by the Assistant Commissioner.

(7) Any person who alleges to the Assistant Commissioner that a member of a Village Council has without notice to the Council absented himself from three consecutive meetings of the Council, knowing or having reason to believe that such allegation is false, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

(8) The Chairman of a Village Council who refuses or wilfully neglects to comply with the provisions of sub-section (3) shall be guilty of an offence

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

6. Section 25 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from “ the first meeting ” to the end of that sub-section, of the following:—

“ the first meeting thereof by notice. Such notice shall, at least five days before the date fixed for the meeting,—

(a) be published in the *Gazette* and in one or more Sinhala newspapers circulating in Ceylon, if the language in which proceedings are conducted in that Council is Sinhala, or in one or more newspapers in Sinhala and Tamil circulating in Ceylon if the language in which proceedings are conducted in that Council is Tamil, and

(b) be despatched by registered post to each elected member of that Council. ”.

7. Section 30 of the principal enactment is hereby amended, in sub-section (5) of that section, by the substitution, for the words “ twenty rupees ”, of the words “ fifty rupees ”.

8. The following new sections are hereby inserted immediately after section 30A, and shall have effect as sections 30B and 30c, of the principal enactment as amended by Act No. 28 of 1957:—

“ Power of Assistant Commissioner under certain circumstances to exercise the powers, and perform the duties, of Chairman.

30B. During the period commencing on the date of occurrence of a vacancy in the office of Chairman of a Village Council and ending on the date of election of a new Chairman, or during the period of absence of both the Chairman and the Vice Chairman of a Village

Amendment of section 25 of the principal enactment.

Amendment of section 30 of the principal enactment.

Insertion of new sections 30B and 30c in the principal enactment.

Council on account of illness or other unavoidable cause, the Assistant Commissioner shall be entitled to exercise the same powers, and perform the same duties, as a Chairman duly elected by that Council.

Removal of
Chairman from
office by
resolution of
the Village
Council.

30c. (1) The Assistant Commissioner shall, whenever requested in writing by not less than one-half of the total number of members of a Village Council to convene a special meeting of the Council for the purpose of considering a resolution for the removal from office of the Chairman of the Council, forthwith convene a special meeting of the Council for such purpose.

(2) Where, at any special meeting of a Village Council convened under sub-section (1), a resolution for the removal of the Chairman of that Council from the office of Chairman is passed by not less than two-thirds of the total number of members of that Council, he shall be deemed to vacate such office on the date on which such resolution is so passed; and the members of the Council present at such meeting shall forthwith proceed to the election of, and shall elect, one of their own number to be the Chairman of the Council, but no such election shall be held unless there is present the quorum mentioned in section 26.

(3) Where the Chairman is not elected at the meeting referred to in sub-section (2) or the election of the Chairman is not held at that meeting by reason of the want of a quorum, the Assistant Commissioner shall, by notice in accordance with the requirements of sub-section (8), forthwith convene a special meeting of the Village Council for the purpose of electing the Chairman. The election of the Chairman shall not be held at that special meeting unless there is present the quorum mentioned in section 26. Where the Chairman is not elected at

that special meeting or the election of the Chairman is not held at that special meeting by reason of the want of a quorum, section 29 shall apply as if that section included a reference to the failure to elect the Chairman in accordance with the provisions of this sub-section.

(4) Where, at any special meeting of a Village Council convened under sub-section (1), a resolution for the removal of the Chairman of that Council from the office of Chairman is negatived or is passed by less than two-thirds of the total number of members of that Council, no other meeting of that Council for the purpose of considering a resolution for the removal from office of the same Chairman shall be convened by the Assistant Commissioner within six months after the date on which the first-mentioned resolution was negatived or passed, anything in sub-section (1) to the contrary notwithstanding.

(5) The Assistant Commissioner shall preside at every special meeting convened by him under this section, but shall not be entitled to vote on any question coming up for decision thereat.

(6) The Assistant Commissioner shall, on the termination of every special meeting convened by him under this section, cause the minutes of such meeting to be entered in the book kept for that purpose under section 38, and shall sign such minutes. A copy of such minutes shall be forthwith sent by the Village Council to the Commissioner of Local Government.

(7) Where for any reason other than the want of a quorum a special meeting convened by the Assistant Commissioner under this section is not held on the date appointed by him, he may by further notices in accordance with the requirements of sub-section (8) appoint, as often as may be necessary, any other date for such meeting.

(8) Every special meeting of a Village Council under this section shall be convened by the Assistant Commissioner by notice in writing addressed to and served upon each member of the Council not less than two days before the date of the meeting. Where service of any such notice cannot for any reason be effected personally on any member, the notice shall be deemed to be duly served if it is sent by post to, or left at the last known place of abode of, that member, and every such notice which is sent by post shall be deemed to be served at the time at which it would be received in the ordinary course of post. Every notice shall specify the date, time and place of the meeting.

(9) Where the number constituting such proportion of the total number of members of a Village Council as is mentioned in sub-section (1) or sub-section (2) is an integer and a fraction, then, for the purposes of this section, the next higher integer shall be deemed to be the number constituting that proportion.”

9. Section 39 of the principal enactment is hereby amended by the substitution, for the words “ at the commencement of this Ordinance ”, of the words and figures “ on December 31, 1938, ”.

Amendment of section 39 of the principal enactment.

10. Section 43 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 43 of the principal enactment.

“ General powers.

43. For the purpose of the discharge of its duties under this Ordinance, a Village Council (without prejudice to any other powers specially conferred upon it) shall, subject to the other provisions of this Ordinance and to any rules made thereunder, have the following powers:—

- (a) to create all such posts or offices as it may deem necessary;
- (b) (i) to assign to any post or office in the service of the Council, other than a scheduled post within the meaning of the

Local Government Service Ordinance, such salary, allowances or remuneration as the Council may think fit;

- (ii) to make, with the prior approval of the Assistant Commissioner, advances of salary to officers and servants of the Council for such purposes and subject to such terms and conditions as may be prescribed by rules which the Minister is hereby authorised to make under section 59;
- (c) to remove any officer or servant of the Council, other than a member of the Local Government Service;
- (d) to abolish any post or office in the service of the Council which is not a scheduled post within the meaning of the Local Government Service Ordinance;
- (e) (i) to grant pensions to officers and servants of the Council who are not members of the Local Government Service on their retirement from service;
- (ii) to establish and regulate a provident fund for the benefit of the officers and servants of the Council who are not members of the Local Government Service and who will not receive a pension from the Council under sub-paragraph (i), and to make contributions to such fund from the communal fund;

- (f) to grant leave of absence to officers and servants of the Council who are not members of the Local Government Service;
- (g) to spend any part of the communal fund in the payment of subsistence and travelling allowances to officers and servants of the Council by way of reimbursement of expenses incurred in the performance of any duty;
- (h) to enter into any arrangement with any other Village Council or other local authority for the joint execution of any work or for the employment and remuneration of any officer or servant, not being a member of the Local Government Service, for the several purposes of each Council or local authority;
- (i) to spend any part of the communal fund on maternity and child-welfare services, the training of midwives for the purposes of any maternity service established by the Council, housing schemes, such charities or such measures for the relief of distress caused by rain, floods, fire, earthquake, famine or epidemics, or such other purpose as may be approved by the Minister;
- (j) to purchase or take on lease any land or building;
- (k) to sell, exchange or let or give out on lease, any land or building which is deemed to be vested in the Council by virtue of section 39; or which has been purchased

or otherwise acquired by the Council; or in the case of any land or building vested in the Council by a vesting order under section 40, to let or give out on lease such land or building to any person subject to the conditions of the vesting order, or to surrender such land or building to the Crown;

(l) to receive and hold property in trust for the inhabitants of the village area, or any section of such inhabitants, or for the purposes of any public service administered by the Council, and to otherwise act as trustee for any public purpose;

(m) to enter into any contract with any person for any work to be done, service to be rendered, or goods or materials to be supplied;

(n) to spend any part of the communal fund for the construction or alteration, improvement or maintenance of village works, and for the purpose of administering any property vested in or acquired by or otherwise transferred to the Council, or of carrying out the provisions of this Ordinance or any by-law made or deemed by virtue of any written law to have been made thereunder;

(o) to establish ferries, to impose and to levy or to lease the right to collect tolls at any ferry established or maintained by the Council, and for the protection

of such ferry, to prohibit or restrict private ferries by by-laws made in that behalf;

(p) in the case of a ferry established or maintained between any place within the village area and any place within any other village area or within the administrative limits of any other local authority, to distribute the tolls that may be imposed or levied in respect of any such ferry, in such manner or proportion as may be fixed by agreement entered into with the Council of the other village area or with such local authority, as the case may be, and to spend any part of the communal fund for any work of construction or maintenance to be carried out beyond the limits of the village area in connection with any such ferry;

(q) to spend any part of the communal fund in the conduct of experiments in agriculture and the breeding of domestic animals, and in the maintenance of experimental farms and studs for that purpose;

(r) to make by its officers authorised in that behalf and the servants or workmen accompanying them all such entries into lands and buildings and inspections thereon as may be necessary for the detection and abatement of nuisances, the detection, prevention and abatement of all contraventions of this Ordinance or of by-laws or rules made

thereunder, or for the performance of acts required to be done under this Ordinance in respect of which the owner or occupier is, or may be deemed to be, in default;

(s) by its Chairman or other officer authorised by him, to hold all inquiries which the Chairman may deem necessary for any of the purposes of this Ordinance, and for the purpose of all such inquiries, to administer oaths and summon witnesses;

(t) to set apart such contributions from the communal fund as the Minister may approve towards the cost of any association of local authorities for the consideration of matters relating to local administration;

(u) to spend any part of the communal fund in the payment of travelling allowances to members of the Council for attendance at meetings of the Council, or to members or officers of the Council attending, with the approval of the Council, any meeting or conference of members or officers of Village Councils for the consideration of matters relating to local administration;

(v) to apply any part of the communal fund to the payment of such expenses not exceeding in the aggregate one thousand rupees in any year as may be incurred

by the Council, and such other expenses as may be incurred by the Council with the prior sanction in writing of the Minister, in connection with civic receptions or the celebration or observance of any events or occasions of public interest, or any religious, charitable, cultural, health, recreational or educational purposes;

(w) to make from the communal fund such contributions not exceeding in the aggregate five hundred rupees in any year as may be voted by the Council, and such other contributions as may be voted by the Council with the prior sanction in writing of the Minister, towards the cost of public entertainments or recreations, or towards the support of any libraries, or any educational, scientific, charitable or benevolent institutions, or any religious, charitable, cultural, health or educational purposes;

(x) to institute or defend any legal proceedings which the Council may deem necessary to institute or defend for the purpose of enforcing or protecting the rights of the Council or of the public or of protecting its members or officers in the execution or intended execution of their duties;

(y) to enforce by-laws made or deemed by virtue of any written law to have been made by it under this Ordinance and to enter prosecutions in the Rural Court for breaches of such by-laws;

- (2) generally to do all things necessary for the effective exercise of the powers and duties of the Council.”.

11. The following new sections are hereby inserted immediately after section 43, and shall have effect as sections 44, 44A and 44B, of the principal enactment:—

“ Power to
authorise
surveys.

44. (1) Whenever it appears to the Chairman of any Village Council that an examination or a survey of any private land, building, or premises is necessary for any public purpose in the village area for which the Council is constituted, it shall be lawful for the Chairman to direct any officer or servant of the Council to make such examination or survey, and it shall thereupon be lawful for such officer or servant and his workmen to enter such land, building or premises, and to do thereon any of the following acts:—

- (a) to make a survey and to take levels;
- (b) to dig or bore into the sub-soil;
- (c) to do other acts to ascertain whether the land, building, or premises is or are adaptable to such public purpose;
- (d) to set out the boundaries of any land which is to be acquired, or street lines, or the lines of any work proposed to be carried out;
- (e) to mark such levels, boundaries, or lines, by placing permanent marks on existing buildings, trees, posts, walls, fences, or other fixed objects, or by fixing new marks, or by cutting trenches as the case may require;
- (f) and where otherwise a survey cannot be completed or levels taken, or the boundaries and the lines marked, to cut down

and clear away any obstructions interfering with the execution of such work.

(2) Where any damage is caused to any land or to anything thereon by the performance of any of the acts referred to in sub-section (1), full compensation shall be paid by the Village Council to the owner or other person entitled thereto.

(3) No person shall enter any building or any enclosure attached to a dwelling-house for the purposes of sub-section (1) except with the written consent of the occupant thereof, or if such consent is withheld, with the written sanction of the Chairman of the Village Council.

(4) Every mark fixed on any land under this section shall be deemed to be the property of the Village Council.

Seizure of
certain
animals on
roads or
paths.

44A. (1) It shall be lawful for any person thereto authorised by the Chairman of a Village Council to seize any ox, buffalo, horse, sheep, goat or pig, which he may find tied, tethered or straying on or about any road or path within the administrative limits of the Council, unless such animal is tied or tethered to a cart which is being loaded or unloaded, and to place every animal so seized in the pound established by the Council for the purpose.

(2) No animal seized under sub-section (1) shall be delivered to the owner thereof except upon payment to the Chairman of the Village Council of the sum of one rupee, or such other sum as the Minister may by notification published in the *Gazette* fix from time to time, which the Chairman shall cause to be remitted to the person by whom the animal may have been seized, and of a further sum of thirty cents for each day during which the animal may have been kept in the pound.

(3) If no person claims any animal placed in the pound or pays the dues required by sub-section (2) within ten

days after the seizure of the animal, it shall be lawful for the Village Council to sell it by public auction, and after payment of two rupees, or such other sum as the Minister may by notification published in the *Gazette* fix from time to time, to the person by whom the animal was seized and a sum calculated at the rate of seventy-five cents a day for the custody and maintenance of the animal in the pound, to pay any balance of the proceeds of such sale, if such balance is not claimed and the payment thereof is not obtained by any person entitled thereto within a period of one year from the date of such sale, to the communal fund.

(4) The provisions of this section shall have effect in every village area notwithstanding anything contained in the Cattle Trespass Ordinance.

Interference with persons authorised to seize certain animals on roads and paths.

44B. Any person who removes any animal from the lawful custody of any person authorised to seize it under section 44A, or who in any way molests or obstructs such person in the exercise or discharge of his powers or duties, shall be guilty of an offence punishable by the Rural Court having jurisdiction over the area in which the offence was committed."

12. Section 45 of the principal enactment is hereby amended, in sub-section (3) thereof, as follows:—

(1) in paragraph (a) of that sub-section, by the substitution, for the word "six", of the word "nine";

(2) in paragraph (b) of that sub-section—

(i) by the substitution, for the words "fifty cents", of the words "two rupees", and

(ii) by the substitution, for the words "outside a built-up locality and", of the words "within the village area and which"; and

(3) by the insertion, immediately after the second proviso in that sub-section, of the following new proviso :—

“ And provided further that the Village Council shall not impose an acreage tax exceeding fifty cents a year on each acre of any divided portion of land, duly defined and forming one property, which is less than five acres in extent and is situated in any area declared by the Minister by Order published in the *Gazette* to be a special area for the purposes of the imposition and levy of that tax: ”.

13. The following new section is hereby inserted immediately after section 45, and shall have effect as section 45A, of the principal enactment:—

Insertion of
new section
45A in the
principal
enactment.

“ Remission of part of assessment tax in respect of period of non-occupancy of a building.

45A. (1) Where any building, other than a building containing furniture, is or remains unoccupied for any period, a Village Council may allow for that period a proportionate remission of the amount due on that building in respect of the assessment tax.

(2) Where any building containing furniture is registered with a Village Council as a building intended to be let furnished, or as a building not intended to be permanently occupied, and the building remains unoccupied for any period, the Council may allow for that period a proportionate remission of one half of the amount due on that building in respect of the assessment tax.

(3) The period for which a remission may be allowed under sub-section (1) or sub-section (2) in respect of any building shall—

(i) commence on the date on which written notice is received by the Council to the effect that the building is unoccupied ;
and

(ii) end on the date on which the building is re-occupied :

Provided, however, that where written notice of the date of the re-occupation of any building is not given to the Council within three days of the re-occupation, then—

- (a) if the period for which such remission is claimed exceeds one month, no such remission in respect of one month in that period shall be allowed, and
- (b) if that period does not exceed one month, no such remission in respect of the entirety of that period shall be allowed.

(4) Every person who gives notice under sub-section (3) that any building is unoccupied, shall specify in the notice the address to which any communication may be sent to him by the Council for the purposes of this section.

(5) Where any question arises as to the period during which any building is or remains unoccupied, the decision of the Council thereon shall be final; notice of such decision shall be sent by post to the address specified in the notice relating to that building. ”.

14. Section 47 of the principal enactment is hereby amended as follows:—

(a) in sub-section (1) of that section by the substitution, in paragraph (d) of the proviso in that sub-section, for all the words and figures from “ sections ” to the end of that paragraph, of the words and figures “ the Motor Traffic Act, No. 14 of 1951. ” ;

(b) in sub-section (5) of that section—

(1) by the substitution, for the words and figures “ or section 128 of the Municipal Councils Ordinance, ”, of the words and figures “ or section 175 of the Town Councils Ordinance, No. 3 of 1946, or section 245 of the Municipal Councils Ordinance, No. 29 of

- (2) in paragraph (a) of that sub-section—
- (a) by the substitution, for the words “ an Urban Council or ”, of the words “ an Urban Council, a Town Council or ”; and
 - (b) by the substitution, for the words “ such Urban Council or ”, of the words “ such Urban Council, Town Council or ”; and
- (3) in paragraph (b) of that sub-section by the substitution, for all the words from “ an Urban Council ” to “ limits ”, of the words “ an Urban Council, a Town Council or a Municipal Council, to the Village Council, Urban Council, Town Council or Municipal Council within whose administrative limits ”.

15. Section 47A of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 47A of the principal enactment.

“ Public Utility Services.

Power of Village Council to establish and maintain public utility services.

47A. A Village Council may, for the purpose of the village area or any part thereof, either independently or in conjunction with any other local authority, and either directly (with or without the assistance of Government) or through any promoter or body of promoters, establish and maintain for the benefit of the persons inhabiting or resorting to such area or part any of the following public utility services:—

- (a) water supply;
- (b) the lighting of streets, public places, and public buildings;
- (c) the supply of electric light or power;
- (d) markets;
- (e) public baths and bathing places;
- (f) the manufacture and supply at cost price of squatting plates for latrines.

- (g) the provision of housing accommodation for the poorer classes;
- (h) any other form of public service which the Council may be specially authorised by the Minister to establish and maintain;
- (i) any other form of public service which the Council is authorised by any other written law to establish and maintain."

16. The following new sections are hereby inserted immediately after section 47A, and shall have effect as sections 47B, 47C, 47D, 47E, 47F, 47G, 47H, 47J, 47K, 47L, 47M, 47N, and 47P, of the principal enactment:—

" Manner of defraying expenses of public utility services.

47B. For the purpose of the establishment and maintenance of any public utility service which a Village Council is authorised by or under section 47A to establish and maintain, the Council may—

- (a) provide for any expenses involved out of the revenue of the Council; or
- (b) levy a special rate upon the area benefited by such service, subject to such limits and exemptions as may be prescribed by by-laws; or
- (c) contract with the owners or occupiers of premises for the supply of the service, and charge and enforce such rates in respect of such service as may be prescribed by by-laws; or
- (d) charge such fees as it may deem reasonable from persons deriving benefit from such service; or
- (e) where any such public service is established and maintained through any promoter or body of promoters, in pursuance of any agreement made with the Council or under any licence issued by the Council, authorise

Insertion of new sections 47B to 47P in the principal enactment.

such promoter or promoters to charge such fees as may be approved by the Council from persons deriving benefit from such service.

Maximum of special rate for water or conservancy service.

47C. A special rate levied by a Village Council upon the area benefited by a water service or conservancy service established and maintained by the Council shall not exceed six per centum of the annual value of all buildings and lands situated within such area.

Liability for special rates in respect of Crown property.

47D. (1) Where any land or building, which is situated within any village area and is the property of the Crown, is occupied or held by any person under any lease or permit granted by the Crown, such land or building shall be liable to be assessed in respect of any special rate imposed under section 47B, and such person shall be liable to pay and shall pay the special rate leviable in respect of that land or building.

(2) No property of the Crown, whether movable or immovable, shall be liable to be seized or sold for the recovery of any special rate which may be due from any person occupying or holding that property under any agreement, contract or permit, whether expressed or implied, with or from the Crown.

Assessment and recovery of special rates.

47E. Every special rate under section 47B shall be assessed and levied and, in case of default shall be recovered summarily, in such manner as may be prescribed by rules made under section 59:

Provided, however, that for the purposes of the recovery of any such rate in case of default, nothing specified in the proviso in section 45 (6) shall be liable to such seizure or sale as may be prescribed by any such rule.

Exemption from special rate by resolution.

47F. A Village Council may by resolution specially exempt any property from any special rate imposed under section 47B on the ground of the poverty of the owner

Supply to premises in adjacent areas.

47G. A Village Council may, with the approval of the Minister and subject to the consent of the local authority of any area adjacent to the village area, contract with the owners or occupiers of any premises situated in any such adjacent area for the supply of any public utility service to such premises, and may charge and enforce rates in respect of such supply.

General powers of Councils.

47H. For the purposes of the establishment and maintenance of any public utility service which it is authorised to establish and maintain by or under this Ordinance, any Village Council may enter into any contract and may, subject to the provisions of this Ordinance, purchase, take upon lease, hire, construct, maintain all premises, machinery, and apparatus required for such purposes and do and execute all such works, matters, and things as may be necessary in that behalf.

Ratepayer entitled to free water supply from public stand-pipes for domestic purposes.

47J. Where the Village Council establishes and maintains a public water supply for the benefit of the inhabitants of the village area or any part thereof, the owner or occupier of any premises in such area or part, as the case may be, in respect of which the Council levies a special water rate, shall be entitled to have free of further charge a supply of water from the public stand-pipes for the domestic purposes of himself and his household or of his tenants or other persons occupying the premises.

Meaning of "domestic purposes".

47K. A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Contract
for private
service.

47L. A Village Council may supply water for other than domestic purposes or allow a private service of water to any premises for domestic purposes in such quantities and upon such terms and conditions as may be agreed upon between the Council and the persons desirous of being so supplied, or as may be prescribed by by-laws in that behalf.

Power of
Village
Council as
to village
fairs.

47M. It shall be lawful for a Village Council to establish and maintain within the village area all such village fairs as are required for the service of the inhabitants, and to provide for the proper regulation, supervision and control of such fairs.

Provisions
applicable
where a
licence is
required for
a private
fair.

47N. The following provisions shall apply in the case of every village area where the establishment or maintenance of a private fair except under the authority of a licence is prohibited under any by-laws made in that behalf by the Village Council of that area:—

(1) Every licence for a private fair granted on or after such date as the Minister may appoint by Order published in the *Gazette*, shall be upon the condition that should the Council at any time decide that it is in the public interest to establish a village fair in place of such private fair, the authority empowered in that behalf may refuse to renew the licence of such private fair, and that the owner of such private fair shall not be entitled to any compensation in respect of such refusal.

(2) The authority empowered in that behalf may, on or after the date appointed under paragraph (1) of this section, refuse to issue or renew a licence for a private fair, if he is satisfied that the wants of the area are sufficiently

provided for by the village and private fairs already in existence or in contemplation.

Compensation
for discon-
tinuance of
private fair.

47P. (1) Where a Village Council is satisfied that it is in the public interest that any private fair should be either—

(a) discontinued, or

(b) taken over by the Council and maintained as a village fair,

the Council may either direct the discontinuance of such fair, or may take it over and maintain it as a village fair, subject in either case to the payment of compensation in accordance with the provisions of this section.

(2) Where any private fair is directed by a Village Council to be discontinued, the compensation payable, unless otherwise settled by agreement, shall be the difference between the value of the premises if used as a fair under this Ordinance and the value of the same premises if used, not as a fair, but for any other purposes to which similar premises in the same locality are or might be put to the best advantage, together with an allowance in respect of the cost of adapting for any such purpose the buildings used for the fair.

(3) Where any private fair is taken over by a Village Council to be maintained as a village fair, the compensation payable shall be the value of the premises when used as a fair under this Ordinance.

(4) In estimating the value of the premises used as a fair under this Ordinance, regard shall be had to the depreciation likely to occur in the value of such premises in the event of a village fair or a new private fair being established in the same neighbourhood.”

17. Section 49 of the principal enactment is hereby amended as follows:—

(1) by the substitution, for sub-section (1) of that section, of the following new sub-section:—

“(1) Every Village Council shall have power to make from time to time such by-laws, not inconsistent with the provisions of this Ordinance, as may be authorised or required by this Ordinance, or may appear to the Council to be necessary for the purposes of the exercise of its powers and the discharge of its duties under this Ordinance, and to amend, vary or rescind any by-law so made.”;

(2) in sub-section (2) of that section—

(a) in paragraph (ii) of that sub-section—

(i) by the substitution, for sub-paragraphs (a) and (b) of that paragraph, of the following new sub-paragraphs:—

“(a) the creation of posts or offices ;

(b) appointments to posts or offices in the service of the Council, not being scheduled posts within the meaning of the Local Government Service Ordinance ;” ;
and

(ii) by the insertion, immediately after sub-paragraph (b) of that paragraph, of the following new sub-paragraph :—

“(bb) the qualifications necessary for appointments to posts or offices referred to in sub-paragraph (b) ;” ; and

(iii) by the substitution, for sub-paragraphs (c), (d) and (e) of that paragraph, of the following sub-paragraphs:—

“(c) the payment of salaries, allowances and remuneration to officers and

servants of the Council
who are not members
of the Local Govern-
ment Service;

- (d) the establishment and regulation of a provident fund for the benefit of the officers and servants referred to in sub-paragraph (c);
 - (e) the grant of leave of absence to officers and servants referred to in sub-paragraph (c) ”;
- (b) in paragraph (xi) of that sub-section—
- (i) by the substitution, for the word “ Markets ”, of the words “ Village or private markets ” ;
 - (ii) by the substitution, for sub-paragraphs (a), (b) and (c) of that paragraph, of the following new sub-paragraphs:—
 - “ (a) their establishment, maintenance and improvement;
 - (b) their regulation, supervision, inspection, and control, including the regulation of the prices of articles sold therein;
 - (c) their conservancy and scavenging, and the prevention of nuisances in connection therewith; ” ;
 - (iii) by the substitution, in sub-paragraph (d) of that paragraph, for the words “ village markets ”, of the word “ them ” ;
 - (iv) by the omission, in sub-paragraph (e) of that paragraph, of the word “ village ” ;
 - (v) by the substitution, in sub-paragraph (f) of that paragraph, for the words “ spaces in village markets; ”, of the word “ spaces; ” ;

- (vi) by the omission, in sub-paragraph (k) of that paragraph, of the word "village"; and
- (vii) by the substitution, in sub-paragraph (l) of that paragraph, for the words "employees at village markets;"; of the word "employees;"; and
- (c) by the insertion, immediately after paragraph (xxi) of that sub-section, of the following new paragraphs:—

"(xxia) The regulation, supervision, inspection and control of hairdressing saloons and barbers' shops;

(xxib) The regulation, supervision, inspection and control of billiard saloons;

(xxic) The regulation, supervision, inspection and control of forges;

(xxid) The licensing of auctioneers and brokers;

(xxie) The licensing of persons carrying on the business of money lending;".

18. Section 50 of the principal enactment is hereby amended by the repeal of sub-section (1) of that section and the substitution therefor of the following sub-section:—

Amendment of section 50 of the principal enactment.

"(1) Subject to the provisions of section 56, it shall be lawful for a Village Council to borrow from the Ceylon Government, or any person or body of persons whether incorporated or not, such sum or sums of money as may be necessary for any of the purposes of the Council. Every loan raised by a Village Council shall be subject to such rate of interest and to such conditions for the repayment thereof as the Minister with the concurrence of the Minister of Finance may approve."

Insertion of
new section
51B in the
principal
enactment.

19. The following new section is hereby inserted immediately after section 51A, and shall have effect as section 51B, of the principal enactment:—

“ Powers of
Chairman of a
Village
Council in
regard to
trees or
branches or
fruits of
trees endan-
gering the
safety of
person or
property.

51B. (1) Where in any village area any tree or any branch, fruit, or other part of a tree is causing or is likely to cause damage to any building, or is in a condition dangerous to the occupants of any building, or to the safety of passers-by along any public thoroughfare, the Chairman of the Village Council of such area may, by a notice in writing served on the owner or occupier of the land on which such tree stands, require such owner or occupier to tie up and make secure, or to cut down and remove, such tree or the branch, fruit, or other part of such tree within such time as may be specified in the notice.

(2) Every person on whom a notice from the Chairman of a Village Council is served under sub-section (1) shall comply with the requirements of such notice within the time specified therein, and in the event of the refusal or neglect of such person to comply with such requirements within such time, such Chairman, or any officer or workman authorised in writing by such Chairman, may enter upon the land referred to in such notice and do what such person was required to do by such notice, and the expenses thereby incurred may be recovered from such person as a debt due to such Village Council.”

Amendment of
section 53 of
the principal
enactment.

20. Section 53 of the principal enactment is hereby amended as follows:—

(1) by the substitution, for the expression “ sections 43 to 47A ”, of the expression “ sections 43 to 47B and section 47F ”; and

(2) in paragraph (2) of that section—

(a) by the substitution, for sub-paragraph (c) of that paragraph, of the following new sub-paragraph:—

“ (c) the creation of any salaried post or office in the service of the Council ;”;

(b) by the insertion, immediately after sub-paragraph (c) of that paragraph, of the following new sub-paragraph:—

“(cc) the remuneration to be assigned to any post or office in the service of the Council, not being a scheduled post within the meaning of the Local Government Service Ordinance;”; and

(c) by the substitution in sub-paragraphs (d) and (e) of that paragraph, for the words “one hundred”, of the words “three hundred”.

21. Section 54 of the principal enactment is hereby amended as follows:—

Amendment of section 54 of the principal enactment.

(1) in sub-section (2) of that section—

(a) by the substitution in paragraph (a) of that sub-section—

(i) for the words “shall be audited annually”, of the words “shall be inspected and examined once at least in every year, and shall be audited annually,”; and

(ii) for the words “such audit,”, of the words “such inspection, examination and audit,”;

(b) by the substitution in paragraph (b) of that sub-section, for the words “audit and examination”, wherever those words occur in that paragraph, of the words “inspection, examination and audit”;

(c) by the substitution in paragraph (c) of that sub-section, for all the words from “document, or papers,” to “this sub-section,”, of the following:—

“document, or papers within thirty days of his being required so to do, or to make or sign any declaration when required so to do, under this sub-section.”;

(d) by the substitution in paragraph (d) of that sub-section, for the words "due from such person:", of the following:—

"due from such person and communicate his decision in writing to such person through the Commissioner of Local Government. The communication shall be transmitted by the Commissioner of Local Government to such person by registered post, and if so transmitted shall be deemed to be received by such person at the time when the letter containing the decision would be delivered in the ordinary course of post, and in proving that such letter was posted it shall be sufficient to prove that such letter was properly addressed and put into the post:";

(e) by the insertion, immediately after paragraph (d) of that sub-section, of the following new paragraph:—

"(dd) Where any item of the accounts of a Village Council relating to any expenditure authorised by a resolution of the Council is disallowed by the auditor as being contrary to law under paragraph (d) of this sub-section, the Chairman of the Council and every other member of the Council who voted in favour of such resolution, shall each be deemed to be a person who made or authorised the making of the payment for the purposes of that paragraph.";

(f) by the substitution in paragraph (f) of that sub-section, for the word "fourteen", of the word "thirty";

(g) in paragraph (h) of that sub-section—

(i) by the substitution, for the words "Village Committee", wherever those words occur in that

paragraph, of the words
“Commissioner of Local
Government”, and

(ii) by the substitution, for all the words from “recover the sum from such person” to the end of that paragraph, of the words “recover the sum due from such person in the manner specified in paragraph (ha) or paragraph (hb)”;

(h) by the insertion, immediately after paragraph (h) of that sub-section, of the following paragraphs:—

“ (ha) If any sum referred to in paragraph (h) is not paid within the time allowed therefor by that paragraph to the Commissioner of Local Government by the person from whom it is due, such Commissioner may make an application—

(i) where such sum exceeds three hundred rupees, to the District Court, and

(ii) where such sum does not exceed three hundred rupees, to the Court of Requests,

within whose jurisdiction such person resides, for the recovery of such sum by seizure and sale of the immovable property of such person, and upon such application being made, the Court shall issue to the Fiscal a writ for the recovery of such sum by the seizure and sale of such immovable property. The provisions of the Civil Procedure Code relating to the seizure and sale of immovable property by the Fiscal in execution of a writ issued by a court and to the making and adjudication of claims in respect of immovable property seized by

the Fiscal shall apply to the seizure and sale of immovable property for the recovery of the sum specified in the Commissioner's application and to the making and adjudication of claims in respect of immovable property seized for the recovery of such sum. For the purpose of the application of such provisions the sum so specified shall be deemed to be due on a decree entered by the court and such Commissioner shall be deemed to be the judgment creditor and the person liable to pay such sum shall be deemed to be the judgment debtor.

(hb) Where the Commissioner of Local Government is of the opinion in any case that recovery from any person of any sum referred to in paragraph (h) by seizure and sale of such person's immovable property is impracticable or inexpedient, or where the full amount of such sum has not been so recovered, such Commissioner may issue a certificate containing particulars of the amount due from such person and the name and last known place of business or residence of such person to a Magistrate having jurisdiction in the place in which such person resides. The Magistrate shall thereupon summon such person before him to show cause why proceedings for the recovery of the amount due should not be taken against such person, and if no sufficient cause is shown by such person, the amount due shall be deemed to be a fine imposed by a sentence of the Magistrate on such defaulter for an offence punishable with a fine only or not punishable

with imprisonment, and may be recovered accordingly.”; and

(i) by the substitution in paragraph (i), for the words “ Village Committee ”, of the words “ Commissioner of Local Government ”; and

(2) by the addition, immediately after sub-section (2), of the following new sub-section:—

“ (3) Every sum paid or recovered under this section, other than any sum paid or recovered as costs and expenses incurred in the enforcement of any disallowance or surcharge, shall be credited to the communal fund of the Village Council.”.

22. Section 55 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 55 of the principal enactment.

“ Deposit and use of communal fund.

55. (1) All moneys received by a Village Council or by the Chairman of the Council on behalf of the Council, and payable to the communal fund shall, within fourteen days of the receipt thereof, be deposited by the Chairman either—

- (a) in the nearest Kachcheri; or
- (b) in such of the banks in Ceylon as may be selected by the Council with the sanction of the Minister,

and shall be credited to an account bearing the name of that fund.

(2) Subject to the provisions of sub-section (3) of section 63B, no payment shall—

- (a) where the communal fund of a Village Council is maintained in a Kachcheri, be made out of that fund, except by the Government Agent on an order of payment signed and issued by the Chairman of the Council, or by the Vice-Chairman of the Council acting under the authority of the Chairman and by an officer of the Council specially authorised by the Council for that purpose; or

(b) where that fund is maintained in a bank, except on a cheque or an order of payment signed and issued in such manner as may be prescribed by rules which are hereby authorised to be made for the purpose under section 59.

(3) Subject to the provisions of sub-section (2) of section 63B, no cheque or order for payment of moneys out of the communal fund of a Village Council shall be issued unless the expenditure to which it relates has been authorised by the Council either generally or by a resolution in that behalf.

(4) For the purpose of resolving any doubts as to the legality of any item of expenditure authorised by a resolution of a Village Council, the Chairman of the Council may refer the matter for decision through the Assistant Commissioner to the Commissioner of Local Government. The Commissioner shall communicate his decision on any such reference through the Assistant Commissioner to the Chairman.

(5) Where the Commissioner of Local Government has, on any reference made to him under sub-section (4), confirmed the legality of any item of expenditure authorised by a resolution of a Village Council, the Chairman of the Council and every other member thereof shall not, notwithstanding anything to the contrary in section 54, be liable to a surcharge by the auditor under that section in respect of any payment relating to that item of expenditure.”

23. The following new section is hereby inserted immediately after section 56, and shall have effect as section 56A, of the principal enactment:—

“ Waiver of sums due to a Village Council.

56A. A Village Council may by resolution waive the whole or any part of any sum of money due to the Council from any person on the ground that the amount

Insertion of new section 56A in the principal enactment.

to be waived is inconsiderable or irrecoverable or on the ground of the poverty of such person. A resolution relating to the waiver of an amount exceeding fifty rupees shall be subject to the approval of the Minister. ”.

24. Section 59 of the principal enactment is hereby amended as follows :—

Amendment of section 59 of the principal enactment.

(1) in sub-section (1) of that section—

(a) by the insertion, immediately after paragraph (h) of that sub-section, of the following new paragraphs :—

“ (ha) the rates of subsistence and travelling allowances payable to members or officers or servants of Village Councils by way of reimbursement of expenses incurred in the performance of any duty;

(hb) the rates of travelling allowances payable to members of a Village Council for attendance at meetings of the Council;”;

(b) by the insertion, immediately after paragraph (i) of that sub-section, of the following new paragraph :—

“ (ii) the receipt and disposal of stores and equipment, the keeping of inventories and the manner in which such inventories shall be kept;”;

(c) by the substitution, for paragraph (j) of that sub-section, of the following new paragraph :—

“ (j) the appointment, discipline, suspension and dismissal of officers and servants of Village Councils who are not members of the Local Government Service, and—

(i) the qualifications necessary for appointment to posts or offices not being

scheduled posts within the meaning of the Local Government Service Ordinance;

- (ii) the scales of the salaries to be assigned to such posts or offices;
- (iii) the terms and conditions, and the duration, of any leave of absence that may be granted to such officers and servants;
- (iv) provident funds for the benefit of such officers and servants of Village Councils as are not members of the Local Government Service;
- (v) the payment of pensions and gratuities to officers or servants of the Village Council on their retirement from service from such Council;"; and

(d) by the omission of paragraph (k); and

- (2) in sub-section (3) of that section, by the substitution, for the words "made by a Village Committee", of the words "made by, or any power vested in, a Village Council".

25. Section 61 of the principal enactment is hereby amended as follows:—

- (1) by the renumbering of that section as sub-section (1) of that section; and
- (2) by the addition, at the end of that section, of the following new sub-section:—

“(2) For the purpose of satisfying himself in regard to any of the matters referred to in sub-section (1), the Minister may appoint any person to inquire into and report upon such matter, and the person so appointed shall, in relation to witnesses at such inquiry and their examination and

production of documents, have the powers of a Commission of Inquiry appointed under the Commissions of Inquiry Act, No. 17 of 1948.”.

26. The following new sections are hereby inserted immediately after section 63, and shall have effect as sections 63A, 63B, 63C, 63D, 63E, 63F, 63G and 63H, of the principal enactment:—

Insertion of
new sections
63A to 63H in
the principal
enactment.

“ Power of
Minister to
make inquiry
as to default
in duty by
Village
Councils.

63A. (1) If at any time it appears to the Minister that any Village Council is omitting to perform any duty or to carry out any work imposed upon the Council by this Ordinance or any other written law, or that the Council has otherwise made default in the performance of any of its duties or the discharge of any of its responsibilities under this Ordinance or any other written law, the Minister may in writing give notice to the Council that, unless within such time as shall be specified in the notice the Council shows cause to the contrary, the Minister will appoint a person or persons to inquire into and report upon such omission or default to the Minister and to make recommendations as to the measures that should be taken for the purpose of performing such duty or carrying out such work or making good such default.

(2) Where any cause or sufficient cause is not shown by any Village Council to which notice is given under sub-section (1), the Minister shall appoint a person or persons to hold the inquiry referred to in the notice. Such inquiry shall be held as far as practicable in public.

Power of
Minister to
give and
enforce order
requiring a
Village
Council to do
necessary
work.

63B. (1) On the receipt of the report of the person or persons appointed to hold an inquiry under section 63A, the Minister shall determine what measures shall be taken for the purpose of performing any duty or carrying out any work which the Village Council has omitted to perform or carry out or in respect of which the Village Council has

made any default, and make in writing an order requiring the Council within such time as shall be specified in the order to take such measures accordingly, and to raise the funds necessary for the purpose by levying any one or more of the rates or taxes leviable under this Ordinance or by means of a loan.

(2) If a Village Council fails to comply with an order made under sub-section (1) within the time specified therein, the Minister may in writing appoint some person to take the measures specified in the order, and may in writing fix the remuneration to be paid to such person, and direct that such remuneration and the cost of the measures taken in accordance with the order of the Minister shall be paid or defrayed out of the communal fund of the Council, and that, if necessary, any one or more of the rates or taxes leviable under this Ordinance shall be imposed, or increased, and levied.

(3) For the purpose of carrying out a direction of the Minister under sub-section (2), any person appointed under that sub-section shall have the power—

(a) to impose, or increase, and levy any such rate or tax as may be imposed, or increased, and levied by the Village Council affected by such direction ; and

(b) to sign and issue a cheque or an order of payment for the withdrawal of, and to withdraw, any sum from the communal fund of the Council ;

and he shall, after paying or defraying all sums and expenditure authorised by such direction to be paid or defrayed by him, pay to the communal fund of the Council the surplus, if any, of the moneys received by him in the exercise of his powers under this sub-section.

Power of
Minister to
direct a
person
appointed
under
section 63B
(2) to raise
loan.

63C. The Minister may direct a person appointed under sub-section (2) of section 63B in respect of any village area, in addition to imposing, or increasing, and levying any rate or tax in that village area or in lieu thereof, to raise a loan from the Local Loans and Development Commissioners on the security of any rate or tax in that village area for the purpose of performing any duty, or carrying out any work, or making good any default under that section.

Power of
Minister to
certify
expenses.

63D. The Minister may from time to time certify the amount of the expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed under sub-section (2) of section 63B, and the amount of any loan required to be raised for the purpose of defraying the expenses that have been so incurred, or are estimated as about to be incurred, and a certificate of the Minister shall be conclusive as to all matters to which it relates.

Power of Local
Loan Commis-
sioners to
give a loan
which is
certified
under section
63D.

63E. (1) Whenever the Minister under section 63D certifies a loan to be necessary in respect of any village area, the Local Loans and Development Commissioners may lend to the Commissioner of Local Government or the person appointed under sub-section (2) of section 63B the amount of such loan on the security of any rate or tax in that village area without requiring any other security.

(2) The Commissioner of Local Government or the person appointed under sub-section (2) of section 63B may, as security for any such loan referred to in sub-section (1) as is obtained for any village area, mortgage any rate or tax in that village area, and such mortgage shall have the same effect as if it had been made by the Village Council of that village area.

Recovery of principal and interest from the Village Council.

63F. (1) The principal and interest due in respect of any loan raised for payment of any expenses incurred or to be incurred under this Part in respect of any village area shall be deemed to be a debt due from the Village Council of that village area, and, in addition to any other remedies, may be recovered in the manner provided by the Local Loans and Development Ordinance.

(2) The surplus of any loan, after payment of such expenses in respect of any village area as are referred to in subsection (1), shall, after that surplus is certified by the Minister, be paid to the communal fund of the Village Council of that village area.

Delegation of powers or duties of Commissioner of Local Government to Assistant Commissioners.

63G. Any power, duty or function vested in or imposed on or assigned to the Commissioner of Local Government by or under this Ordinance, may be exercised, performed or discharged by any Assistant Commissioner generally or specially authorised thereto in writing by the Commissioner, subject to the directions and control of the Commissioner, for such period and to such extent, if any, as may be specified in such written authority.

Minister's power to call for and inspect any book or document of a Village Council.

63H. The Minister may in writing direct the Chairman of a Village Council to transmit to the Minister for inspection any such book or document as relates to any affair of the Council."

Amendment of section 129 of the principal enactment.

27. Section 129 of the principal enactment is hereby amended as follows:—

(1) in the definition of "local authority", by the substitution, for the words "Urban Council," of the words "Urban Council, Town Council,"; and

(2) by the insertion, immediately after the definition of "local authority", of the following new definitions:—

" "Local Government Service" means the Local Government Service constituted by the Local Government Service Ordinance;

“ Local Government Service Ordinance ”
means the Local Government Service
Ordinance, No. 43 of 1945; ’.

28. The Second Schedule to the principal enactment is hereby amended by the addition, at the end of that Schedule, of the following:—

Amendment of
the Second
Schedule to
the principal
enactment.

“ All fines and penalties recovered within the administrative limits of the village area under—

- (a) the Excise Ordinance (Chapter 42);
- (b) the Street Collections Ordinance (Chapter 335);
- (c) the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 172);
- (d) the Food and Drugs Act, No. 25 of 1949;
- (e) the Pawnbrokers Ordinance, No. 13 of 1942;
- (f) the Public Performances Ordinance (Chapter 134) ;
- (g) the Prevention of Cruelty to Animals Ordinance (Chapter 332) ;
- (h) the Local Authorities Elections Ordinance, No. 53 of 1946. ”.

29. The Third Schedule to the principal enactment is hereby amended as follows:—

Amendment of
the Third
Schedule to
the principal
enactment.

- (1) in paragraph 2 of that Schedule, by the addition, immediately after sub-paragraph (e) of that paragraph, of the following new sub-paragraph:—

“ (f) The Public Performances Ordinance (Chapter 134).” ; and

- (2) in paragraph 3 of that Schedule—

- (i) by the substitution, in sub-paragraph (c) of that paragraph, for the full stop, of a semi-colon ; and

- (ii) by the addition, immediately after sub-paragraph (c) of that paragraph, of the following new sub-paragraphs:—

“ (d) as pawnbrokers, on licences issued under section 3 of the Pawnbrokers Ordinance, No. 13 of 1942 ;

(e) under the Stamp Ordinance in respect of transfers, mortgage bonds, gifts and leases.”.

30. Section 51 of the Vehicles Ordinance is hereby amended as follows:—

Amendment of
Chapter 155.

- (1) in section 3 of that Ordinance by the substitution, for the words “ or town ”, of the words “ town or village area ”;
- (2) in section 16 of that Ordinance by the substitution, in sub-section (1) of that section, for the word “ town, ”, of the words “ village area, town, ”; and
- (3) in section 51 of that Ordinance by the substitution, in the definition of “ proper authority ”, for the word “ town ”, of the words “ town or village area ”, and by the substitution, for the words “ District Council, ”, of the words “ Urban Council, Town Council, Village Council, ”.

31. The Dog Registration Ordinance is hereby amended as follows:—

Amendment of
Chapter 334.

- (1) in section 2 of that Ordinance, by the substitution in the definition of “ proper authority ”—
 - (a) for the words “ town or village ”, of the words “ village area ”;
 - (b) for the words “ Small Towns Sanitary Ordinance ”, of the words “ Village Councils Ordinance ”; and
 - (c) for the words “ Sanitary Board ”, of the words “ Village Council ”;
- (2) in section 3 of that Ordinance by the substitution, for the word “ town, ”, of the words “ town, village area, ”;
- (3) in section 4 of that Ordinance—
 - (a) by the substitution, for the words “ town, or place ”, of the words “ town, village area, or place ”;
 - (b) by the substitution, for the words “ town or village ”, of the words “ village area ”; and
 - (c) by the substitution, for the words “ Small Towns Sanitary Ordinance ”, of the words “ Village Councils Ordinance ”;

- (4) in section 11 of that Ordinance by the substitution, in sub-section (1) of that section, for the words "town, or place", of the words "town, village area, or place"; and
- (5) in section 14 of that Ordinance—
- (a) by the substitution, for the words "town or village", of the words "village area";
 - (b) by the substitution, for the words "Small Towns Sanitary Ordinance", of the words "Village Councils Ordinance";
 - (c) by the substitution, for the words "Sanitary Board", of the words "Village Council"; and
 - (d) by the substitution, for the word "Board", of the word "Council".

It is a matter of fact that the words of the
Bible are not to be taken literally, but
in their proper sense, and in the
light of the whole of Scripture.

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1960-61 වැනි වාරය

1961 අංක 61 දරන
කුඹුරු (සංශෝධන) පනත

අනුමතිය ලැබූ දිනය, 1961 ජූනි 23

රජයේ අනුමතිය පිට මුද්‍රණය කරනලදී

1961

ලංකාණ්ඩුවේ මුද්‍රණාලයේ මුද්‍රාපිතයි

කොළඹ රජයේ ප්‍රකාශන කාර්යාංශයෙන් මිලදී ලබාගත හැක.

මිල: ශත 30 යි.

තැපැල් ගාස්තුව: ශත 10 යි.

1958 අංක 1 දරන කුඹුරු පනත සංශෝධනය කිරීම සඳහා පනවනු ලබන පනතකි.

වර්තමාන පාර්ලිමේන්තුවට රැස් වූ ලංකාවේ උන්තර මන්ත්‍රී මණ්ඩලයේ සහ නියෝජිත මන්ත්‍රී මණ්ඩලයේ අනුයාසනය හා අනුමතිය අනු ව හා ඇති ව, එහි ම බලය ප්‍රකාර; අනුප්‍රත්තම ප්‍රකාපවත් මහාරාජ්‍යය විසින් මෙ සේ පනවනු ලැබේ:—

1. මේ පනත 1961 අංක 61 දරන කුඹුරු (සංශෝධන) පනත යනුවෙන් හැඳින්විය හැකි ය.

ප්‍රමුඛ නාමය.

2. (මෙහි මින්මතු “ප්‍රධාන පනත” යනුවෙන් හඳුන්වනු ලබන) 1958 අංක 1 දරන කුඹුරු පනතෙහි 3 වැනි වගන්තිය, ඒ වගන්තියෙහි (3) වැනි උපවගන්තියේ (ආ) ඡේදයෙහි “ගොවි කාරක සභාව” යන වචන වෙනුවට “ගොවි කාරක සභාව, හෝ කොමසාරිස් වරයා” යන වචන ආදේශ කිරීමෙන් මෙයින් සංශෝධනය කරනු ලැබේ.

1958 අංක 1 දරන කුඹුරු පනතෙහි 3 වැනි වගන්තිය සංශෝධනය කිරීම.

3. ප්‍රධාන පනතෙහි 4 වැනි වගන්තිය, ඒ වගන්තියෙහි (1) වැනි උපවගන්තියට ඉක්බිති ව ම, පහත සඳහන් අලුත් උප වගන්තිය ඇතුළත් කිරීමෙන් මෙයින් සංශෝධනය කරනු ලැබේ:—

ප්‍රධාන පනතෙහි 4 වැනි වගන්තිය සංශෝධනය කිරීම.

“(අ) (අ) යම් කුඹුරු ප්‍රමාණයක අදාය ගොවියකු තමා ඒ කුඹුරු ප්‍රමාණයෙන් අස් කරනු ලැබ සිටින බැව් කොමසාරිස් වරයා වෙත නිවේදනය කළ විට, ඒ තැනැත්තා අස් කරන ලද්දේ ද නැති ද යන ප්‍රශ්නය නිශ්චය කර ගැනීමේ කාර්යය සඳහා කොමසාරිස් වරයා විසින් විභාගයක් පැවැත්විය හැකි ය.

(ආ) ඒ තැනැත්තා අස් කරනු ලැබූ බව කොමසාරිස් වරයා සැකීමට පත්වන පරිදි ඒ විභාගයේ දී ඔප්පු කරනු ලැබුවහොත්, ඒ අස් කිරීම ඒ කුඹුරු ප්‍රමාණයෙහි හිමියා විසින් හෝ ඔහුගේ වුවමනාව පරිදි කරන ලද්දේ ය යි, එයට විරුද්ධ තත්ත්වය ඔප්පු කරනු නො ලැබුවහොත්, පූර්ව නිගමනය කළ යුතු ය.

(ඇ) ඒ විභාගයේ දී පුද්ගලික ව හෝ නියෝජිතයකු මගින් කරුණු දක්වීමේ අවස්ථාවක් ඒ කුඹුරු ප්‍රමාණය හිමි තැනැත්තාට ලබා දිය යුතු ය. ඒ ප්‍රශ්නය පිළිබඳ ව කොමසාරිස් වරයාගේ තීරණය ඒ කුඹුරු හිමියා වෙත ලියවිල්ලකින් දැනුම් දිය යුතු ය. ඒ කුඹුරු හිමියා ඒ තීරණයෙන් නො සතුටට පත් වුවහොත්, ඔහු වෙත ඒ තීරණය දැනුම් දෙනු ලැබීමෙන් පසු දින තිහක් ඇතුළත, ඒ තීරණයට විරුද්ධ ව ලිඛිත ආයාචනයක් සම්පූර්ණ මණ්ඩලය වෙත ඔහු විසින් ඉදිරිපත් කළ හැකි අතර ආයාචනයට හේතු ඒ ආයාචනයෙහි ප්‍රකාශ විය යුතු ය. ආයාචනයෙහි පිටපතක් ඒ කුඹුරු හිමියා විසින් කොමසාරිස් වරයා වෙත යැවිය යුතු ය.

(ඇ.) (අ) ඡේදයේ සඳහන් අවස්ථාවෙහි, අස් කිරීම කරන ලද බව කොමසාරිස්වරයා තීරණය කරන විට හා ඒ සඳහා නියමිත කාලය තුළ ඒ තීරණයට විරුද්ධ ව ආයාචනයක් නො කරනු ලැබුවහොත්, හෝ එබඳු යම් ආයාචනයක දී සමීක්ෂණ මණ්ඩලය කොමසාරිස්වරයාගේ තීරණය සඳහා කර තිබේ නම්, එවිට—

(i) අස් කරනු ලැබූ තැනැත්තාට, ඒ කුඹුරු ප්‍රමාණයට ඇතුළුවීම හා භුක්ති විඳීම ආපසු ලබා ගැනීමට හිමිකම් ලැබිය යුතු ය; තවද

(ii) ඒ කුඹුරු ප්‍රමාණයට ඇතුළු ව සිටින සෑම තැනැත්තකු ආඥාවෙහි සඳහන් විය යුතු දින හෝ ඉන් පෙර එයින් ඉවත් විය යුතු ය යි කොමසාරිස්වරයා විසින් ලිඛිත ආඥාවකින් අණ කළ යුතු ය. ඒ ආඥාව අනු ව ක්‍රියා කිරීම ඒ තැනැත්තා පැහැර හැරියහොත්, 21 වැනි වගන්තියේ විධිවිධාන අනු ව මනු ඒ කුඹුරු ප්‍රමාණයෙන් අස් කළ යුතු ය.

4. (1) යම් කුඹුරු ප්‍රමාණයක අදය ගොවියකු ව සිටි තැනැත්තකු, ඒ කුඹුරු ප්‍රමාණය සම්පූර්ණයෙන් හෝ ප්‍රධාන වශයෙන් පිහිටි පාලන දිස්ත්‍රික්කයෙහි ප්‍රධාන පනත ක්‍රියාත්මක වූ දිනයට පසු යම් අවස්ථාවක, ඒ කුඹුරු ප්‍රමාණයෙන් අස් කරනු ලැබූ විට හා මේ පනත ආරම්භ වන දිනයට පෙරාතුව, ඒ කුඹුරු ප්‍රමාණයෙන් ඒ තැනැත්තා අස් කරන ලද්දේ දැ යි යන ප්‍රශ්නය නිශ්චය කර ගැනීමේ කාර්යය සඳහා කොමසාරිස්වරයා විසින් විභාගයක් පැවැත්විය හැකි ය. තවද ප්‍රධාන පනතේ (1අ) උපවගන්තියෙහි (ආ), (ඇ) හා (ඈ) ඡේද යන්හි විධිවිධාන ඒ විභාගයටත් ඒ ප්‍රශ්නය පිළිබඳ ව කොමසාරිස්වරයාගේ තීරණයටත් අදාළ විය යුතු ය.

(2) යම් කුඹුරු ප්‍රමාණයක් සම්පූර්ණයෙන් හෝ ප්‍රධාන වශයෙන් පිහිටි පාලන දිස්ත්‍රික්කයෙහි ප්‍රධාන පනත ක්‍රියාත්මක වූ දින හෝ ඉන් පසු ඒ කුඹුරු ප්‍රමාණයේ අදය ගොවියා වි සිටි යම් තැනැත්තකු ඒ කුඹුරු ප්‍රමාණයෙන් අස් කරන ලද්දේ දැ යි යන ප්‍රශ්නය නිශ්චය කර ගැනීමේ කාර්යය සඳහා මේ පනත ක්‍රියාත්මක වන දිනයට පෙර කොමසාරිස්වරයා විසින් පවත්වනු ලැබූ යම් විභාගයක්, එබඳු විභාගයක් පැවැත්වීමට කොමසාරිස්වරයාට බලය නො තිබීම නො සලකා, ප්‍රධාන පනත යටතේ යථා පරිදි පවත්වනු ලැබී ය යි සැලකිය යුතු අතර, ඒ ප්‍රශ්නය පිළිබඳ ව කොමසාරිස්වරයාගේ තීරණය වලංගු ය යි සලකනු ලැබිය යුතු ය.

5. ප්‍රධාන පනතෙහි 29 වැනි වගන්තිය පහත සඳහන් පරිදි මෙයින් සංශෝධනය කරනු ලැබේ:—

(1) ඒ වගන්තියෙහි (2) වැනි උපවගන්තියට ඉක්බිති ව ම, පහත සඳහන් අලුත් උපවගන්ති ඇතුළත් කිරීමෙන්:—

“(2අ) ගොවි කරක සභාවක තෝරා ගන්නා ලද සාමාජිකයන්ගේ නියමිත ගණන තෝරා ගැනීමේ කාර්යය සඳහා පවත්වනු ලබන කුඹුරුවල යෝග්‍ය ගොවින්ගේ හා

මේ පනත ආරම්භ වූ දින යට පෙර අදය ගොවින් අස් කිරීම ගැන විභාග පැවැත්වීමට කොමසාරිස්වරයා සතු බලය.

ප්‍රධාන පනතෙහි 29 වැනි වගන්තිය සංශෝධනය කිරීම.

කුඹුරුවල යෝග්‍ය අයිතිකරුවන්ගේ රැස්වීමටද දී, ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගනු ලබන තැනැත්තන්ගේ ගණන ඉහත කී නියමිත ගණනට අඩු ව, එහෙත් ඉන් දෙකෙන් කොටසකට අඩු නො වන විට—

(අ) ඒ කාරක සභාවේ තෝරා ගත් සාමාජිකයන් විමට යෝග්‍ය තැනැත්තන් අතුරින්, ඉහත කී නියමිත ගණන සම්පූර්ණ කිරීමට අවශ්‍ය තැනැත්තන් ගණන ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගැනීමේ කාර්යය සඳහා එලෙස තෝරා ගනු ලැබුවන්ගේ රැස්වීමක් කොමසාරිස්වරයා විසින් ලියවිල්ලකින් කැඳවිය යුතු ය ;

(ආ) මේ උපවගන්තියෙහි (අ) ඡේදය යටතේ කැඳවනු ලැබූ රැස්වීමේ මූලසුභ කොමසාරිස්වරයා විසින් හෝ කොමසාරිස්වරයා විසින් බලය පවරනු ලැබූ යම් නිලධාරියකු විසින් දැරිය යුතු ය ;

(ඇ) ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගනු ලැබූ සියල්ලන් ම මේ උපවගන්තියෙහි (අ) ඡේදය යටතේ කැඳවනු ලැබූ රැස්වීමට පැමිණ සිටිය හොත්, ඒ කාරක සභාවේ තෝරා ගත් සාමාජිකයන් විමට යෝග්‍ය තැනැත්තන් අතුරින් ඉහත කී නියමිත ගණන සම්පූර්ණ කිරීමට අවශ්‍ය තැනැත්තන් ගණන ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් ඔවුන් විසින් තෝරා ගත යුතු ය.

තවද ඒ කාරක සභාවේ තෝරා ගත් සාමාජිකයන්ගේ මුළු ගණනින් කුඹුරුවල යෝග්‍ය ශෝචිත් වන අයගේ ගණන ඉහත කී නියමිත ගණනින් හතරෙන් තුන් කොටසකට අඩු නො වන පරිදි හා කුඹුරුවල යෝග්‍ය අයිතිකරුවන් වන අයගේ ගණන ඉහත කී නියමිත ගණනින් හතරෙන් එක් කොටසකට වැඩි නො වන පරිදි ඒ තෝරා ගැනීම සිදු කළ යුතු ය ;

(ඈ) ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගනු ලැබූ සියල්ලන් හෝ ඔවුන් අතුරෙන් යමකු මේ උපවගන්තියෙහි (අ) ඡේදය යටතේ කැඳවනු ලැබූ රැස්වීමට නො පැමිණියහොත්, හෝ ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගනු ලැබීමට මේ උපවගන්තියෙහි (ඇ) ඡේදයෙන් නියමිත සියල්ලන් හෝ ඔවුන් අතුරෙන් යමකු එලෙස තෝරා ගනු නො ලැබූවහොත්, ඒ කාරක සභාවේ තෝරා ගත් සාමාජිකයන්ගේ නියමිත ගණන තෝරා ගැනීමේ කාර්යය සඳහා පවත්වනු ලබන කුඹුරුවල

යෝග්‍ය ගොවීන්ගේ හා කුඹුරුවල යෝග්‍ය අයිතිකරුවන්ගේ රැස්වීම්වල දී තෝරා ගනු ලැබූ තැනැත්තන්ගෙන් ද මේ උපවගන්තියෙහි (අ) ඡේදය යටතේ කැඳවනු ලැබූ රැස්වීමක දී තෝරා ගනු ලැබූ යම් තැනැත්තන්ගෙන් ද සමන්විත ඒ කාරක සභාව, ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගත් තැනැත්තන්ගේ ගණන ඉහත කී නියමිත ගණනට අඩු ව හා 31 ඇ වගන්තියෙහි විධිවිධානවලට යටත් ව තිබියදීත්, නීත්‍යානුකූල ව සංස්ථාපිත ය යි ද එලෙස තෝරා ගනු ලැබූ තැනැත්තන්ගෙන් හා (1) වැනි උපවගන්තියෙහි (ආ) ඡේදය යටතේ ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් කොමසාරිස්වරයා විසින් තෝරා ගනු ලැබූ තැනැත්තන්ගෙන් ද සමන්විත ය යි ද සලකනු ලැබිය යුතු ය.

(1ඇ) ගොවි කාරක සභාවක තෝරා ගත් සාමාජිකයන්ගේ නියමිත ගණන තෝරා ගැනීමේ කායඝීය සඳහා පවත්වනු ලැබූ කුඹුරුවල යෝග්‍ය ගොවීන්ගේ හා කුඹුරුවල යෝග්‍ය අයිතිකරුවන්ගේ රැස්වීම්වල දී, ඒ කාරක සභාවේ සාමාජිකයකු වශයෙන් යම් තැනැත්තකු තෝරා ගනු නො ලබන විටෙක හෝ ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගනු ලැබූ තැනැත්තන්ගේ ගණන ඉහත කී නියමිත ගණනින් දෙකෙන් කොටසකට අඩුවන විටෙක, කුඹුරුවල යෝග්‍ය ගොවීන්ගේ හා කුඹුරුවල යෝග්‍ය අයිතිකරුවන්ගේ රැස්වීම් ඉහත කී කාර්යය සඳහා නැවත වරක් කැඳවනු ලැබීමට, හැකි පමණ ඉක්මනින්, කොමසාරිස්වරයා විසින් සැලැස්විය යුතු ය.

(2ඇ) ගොවි කාරක සභාවක තෝරා ගත් සාමාජිකයන්ගේ නියමිත ගණන තෝරා ගැනීමේ කායඝීය සඳහා (ආ) උපවගන්තිය යටතේ කැඳවනු ලැබූ කුඹුරුවල යෝග්‍ය ගොවීන්ගේ හා කුඹුරුවල යෝග්‍ය අයිතිකරුවන්ගේ රැස්වීම්වල දී, ඒ කාරක සභාවේ සාමාජිකයකු වශයෙන් යම් තැනැත්තකු තෝරා ගනු නො ලබන විටෙක හෝ ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් තෝරා ගනු ලැබූ තැනැත්තන්ගේ ගණන ඉහත කී නියමිත ගණනින් දෙකෙන් කොටසකට අඩුවන විටෙක, ඒ කාරක සභාවේ සාමාජිකයන් විමට යෝග්‍ය තැනැත්තන් අතුරින්, ඉහත කී නියමිත ගණන පිහිටුවීමට හෝ සම්පූර්ණ කිරීමට අවශ්‍ය තැනැත්තන් ගණන ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් කොමසාරිස්වරයා විසින් ලියවිලි මාර්ගයෙන් පත් කළ යුතු ය. තවද මේ උපවගන්තිය යටතේ එලෙස තෝරා ගනු ලැබූ හෝ පත් කරනු ලැබූ සාමාජිකයන්ගේ මුළු ගණනින්, කුඹුරුවල යෝග්‍ය ගොවීන් වන අයගේ ගණන

ඉහත කී නියමිත ගණනින් හතරෙන් තුන් කොටසකට අඩු නොවන පරිදි හා කුඹුරුවල යෝග්‍ය අයිතිකරුවන් වන අයගේ ගණන ඉහත කී නියමිත ගණනින් හතරෙන් එක් කොටසකට වැඩි නො වන පරිදි ඒ පත් කිරීම සිදු කළ යුතු ය.

(2෫) ගොවි කාරක සභාවක තෝරා ගත් සාමාජිකයන් විමට යෝග්‍ය සියලු තැනැත්තන් හෝ ඔවුන් අතුරෙන් යමකු ඒ කාරක සභාවේ සාමාජිකයන් වශයෙන් සේවය කිරීමට නො කැමතිවීම හේතු කොට ගෙන, (2෫) උපවගන්තිය යටතේ පත් කරනු ලැබීමට අවශ්‍ය ගොවි කාරක සභාවක සාමාජිකයන් සියලු දෙනා හෝ ඔවුන් අතුරෙන් යමකු පත් කිරීම කොමසාරිස් වරයා විසින් කළ නො හැකි අවස්ථාවක—

(i) එලෙස පත් කරනු ලැබූ සාමාජිකයන් ගණන ඒ ගණන සභාවේ තෝරා ගත් සාමාජිකයන්ගේ නියමිත ගණනින් දෙකෙන් කොටසකට අඩු නො වුවහොත්, එලෙස පත් කරනු ලැබූ තැනැත්තන් ගණන ඉහත කී නියමිත ගණනට නො අඩු ව හා (31෫) වගන්තියෙහි විධිවිධාන වලට යටත් ව තිබියදීත්, ඒ කාරක සභාව නිත්‍යානුකූල ව සංස්ථාපිත ය යි සලකනු ලැබිය යුතු ය ;

(ii) එලෙස පත් කරනු ලැබූ තැනැත්තන් ගණන ඉහත කී නියමිත ගණනින් දෙකෙන් කොටසකට අඩු වුවහොත් හෝ කිසි ම තැනැත්තකු පත් කරනු නො ලැබුවහොත්,—

(අ) (2෫) උප වගන්තිය යටතේ තමා විසින් පත් කරනු ලැබීමට අවශ්‍ය ඒ කාරක සභාවේ සාමාජිකයන් පත් කිරීම තමාට නුපුළුවන් බව, ගැසට් පත්‍රයෙහි පළ කරනු ලබන නිවේදනය කින්, කොමසාරිස් වරයා විසින් දැන්විය යුතු ය ;

(ආ) ඒ කාරක සභාවේ සාමාජිකයන්ගේ පවත්නා ධුර කාලය අවසන් වන දිනයට ඉක්බිති ව ම එළඹෙන දිනයෙහි ආරම්භ වන අවුරුදු එකක කාලසීමාව තුළ, ඒ කාරක සභාව සංස්ථාපිත වීමට නියමිත ප්‍රදේශය සඳහා, ගොවි කාරක සභාවක් නොමැති ය යි සලකනු ලැබිය යුතු ය ;

(ඇ) කොමසාරිස් වරයා විසින් හෝ ඒ සඳහා බලය පවරනු ලැබූ යම් නිලධාරියකු විසින්, මේ උපවගන්තියේ (ආ) ඡේදයෙහි සඳහන් කාලසීමාව තුළ, ඒ

ජේදයෙහි සඳහන් ප්‍රදේශය සම්බන්ධයෙන් මේ පනත යටතේ ගොවි කාරක සභාවක බලතල හෝ යුතුකම් සියල්ල හෝ ඉන් යමක් පාවිච්චි කළ හැකිය හෝ ඉටු කළ හැකි ය ; තවද

(ඇ) මේ උපවගන්තියේ (ආ) ඡේදයෙහි සඳහන් කාලසීමාව ඉකුත්වීමට පෙර, ඒ ඡේදයෙහි සඳහන් ප්‍රදේශය සඳහා ගොවි කාරක සභාවක් ඒ කාලසීමාව අවසානයේ සිට, මේ වගන්තියේ විධි විධාන අනුව සංස්ථාපනය කිරීම පිණිස ක්‍රියා කරනු ලැබීමට කොමසාරිස්වරයා විසින් සැලැස්විය යුතු ය.

(2ඉ) (2අ) උපවගන්තියෙහි (අ) ඡේදය යටතේ කැඳවනු ලැබූ රැස්වීමක දී ගොවි කාරක සභාවක සාමාජිකයකු වශයෙන් තෝරා ගනු ලබන, හෝ (2ඇ) උපවගන්තිය යටතේ කොමසාරිස්වරයා විසින් ගොවි කාරක සභාවක සාමාජිකයකු වශයෙන් පත් කරනු ලබන තැනැත්තකු ඒ කාරක සභාවේ තෝරාගත් සාමාජිකයකු ලෙස සලකනු ලැබිය යුතු අතර, එපරිද්දෙන් (5) වැනි උපවගන්තිය ඔහුට අදාළ නො විය යුතු ය ; තවද,

(2) ඒ වගන්තියේ (3) වැනි උපවගන්තියෙහි “2 වැනි උපවගන්තියෙහි” යන යෙදුම වෙනුවට “මේ පනතෙහි—” යන යෙදුම ආදේශ කිරීමෙන් ද වේ.

6. ප්‍රධාන පනතෙහි 31 වැනි වගන්තිය “අවුරුද්දක” යන්න වෙනුවට “අවුරුදු තුනක” යන්න ආදේශ කිරීමෙන් මෙයින් සංශෝධනය කරනු ලැබේ.

7. මේ පනතෙහි ආරම්භයට පෙර, ප්‍රධාන පනතෙහි 29 වැනි වගන්තියේ (1) (අ) උපවගන්තිය හෝ (2) උපවගන්තිය අති ව ක්‍රියා නො කොට සංස්ථාපිත ගොවි කාරක සභාවල සංස්ථාපනය, තීරණ, නිශ්චය කිරීම්, ආඥා හා ක්‍රියා වලංගු වීම.

8. පහත සඳහන් අලුත් වගන්ති 31 වැනි වගන්තියට ඉක්බිති ව ම මෙයින් ඇතුළත් කරනු ලැබ, ප්‍රධාන පනතෙහි අංක 31අ, 31ආ, 31ඇ හා 31ඈ දරන වගන්ති වශයෙන් වලංගු විය යුතු ය :—

ප්‍රධාන පනතෙහි 31 වැනි වගන්තිය සංශෝධනය කිරීම.

ප්‍රධාන පනතේ 29 වැනි වගන්තියේ (1) (අ) උපවගන්තිය හෝ (2) උපවගන්තිය අති ව ක්‍රියා නො කොට සංස්ථාපිත ගොවි කාරක සභාවල සංස්ථාපනය, තීරණ, නිශ්චය කිරීම්, ආඥා හා ක්‍රියා වලංගු වීම.

අංක 31අ, 31ආ, 31ඇ හා 31ඈ දරන අලුත් වගන්ති ප්‍රධාන පනතෙහි ඇතුළත් කිරීම.

31ෆ. ගොවි කාරක සභාවක තෝරා ගනු ලැබූ සාමාජිකයකු වන, හෝ 29 වැනි වගන්තිය යටතේ තෝරා ගනු ලැබූ සාමාජිකයකු ලෙස සලකනු ලබන තැනැත්තකු විසින් ඒ කාරක සභාවට ලියුමක් යැවීමෙන් ඒ කාරක සභාවෙන් ඉල්ලා අස් විය හැකි ය.

“ගොවි කාරක සභාවක තෝරා ගනු ලැබූ සාමාජිකයකුට ඉල්ලා අස් විය හැකි ය.

31ෆ. ගොවි කාරක සභාවක තෝරා ගනු ලැබූ සාමාජිකයකු වන, හෝ 29 වැනි වගන්තිය යටතේ තෝරා ගනු ලැබූ සාමාජිකයකු ලෙස සලකනු ලබන තැනැත්තකු ඒ කාරක සභාවේ අවසරය ප්‍රමුඛ ව ලබා නො ගෙන පිළිවෙලින් රැස්වීම් තුනකට නො පැමිණෙන විට, ඒ රැස්වීම් තුනෙන් අවසාන රැස් වීමේ දිනයට පසු ව ම එළඹෙන දින පවත් ඒ කාරක සභාවෙන් ඔහු ඉල්ලා අස් වී ඇතැ යි සලකනු ලැබිය යුතු ය.

තෝරා ගනු ලැබූ සාමාජිකයා අවසර නොමැතිව ගොවි කාරක සභාවක රැස්වීම් තුනකට පිළිවෙලින් නො පැමිණීම ඉල්ලා අස්වීම ය යි සැලකිය යුතු බව.

31ෆ. ගොවි කාරක සභාවක සාමාජිකයකු මරණයට පත් වුවහොත් හෝ ඉල්ලා අස්වුවහොත්, එවිට—

ගොවි කාරක සභාවක හදිසි පුරප්පාඩු සම්පූර්ණ කිරීම.

(අ) ඔහු තෝරාගනු ලැබූ සාමාජිකයකු නම් හෝ තෝරා ගනු ලැබූ සාමාජිකයකු ලෙස 29 වැනි වගන්තිය යටතේ සලකනු ලැබේ නම්, මරණයට පත් වූ හෝ ඉල්ලා අස් වූ සාමාජිකයා කුඹුරුවල යෝග්‍ය ගොවියකු හෝ කුඹුරුවල යෝග්‍ය අයිතිකරුවකු වීම අනු ව ඒ කාරක සභාවේ ප්‍රාදේශීය අධිකරණ සීමාව ඇතුළත සම්පූර්ණයෙන් හෝ ප්‍රධාන වශයෙන් පිහිටි කුඹුරුවල යෝග්‍ය ගොවීන් අතුරෙන් කෙනකු හෝ ඒ කුඹුරුවල යෝග්‍ය අයිතිකරුවන් අතුරෙන් කෙනකු ඒ කාරක සභාවේ සාමාජිකයකු වශයෙන් තෝරා ගැනීමෙන්, ඒ මරණයෙන් හෝ ඉල්ලා අස්වීමෙන් සිදුවුණු පුරප්පාඩුව ඒ කාරක සභාව විසින් සම්පූර්ණ කළ යුතු ය; තවද

(ආ) මරණයට පත් වූ සාමාජිකයා 29 වැනි වගන්තියේ (1) උපවගන්තියේ (ආ) ඡේදය යටතේ කොමසාරිස්වරයා විසින් පත් කරනු ලැබුවේ නම්, ඒ කාරක සභාවේ සාමාජිකයකු වශයෙන් රජයේ නිලධාරියකු පත් කිරීමෙන් කොමසාරිස්වරයා විසින් මරණයෙන් සිදුවුණු පුරප්පාඩුව සම්පූර්ණ කළ කළ යුතු ය.

31ෆ. සවකීය සාමාජිකයන් අතර යම් පුරප්පාඩු වක් පැවතීමේ හේතුවෙන් පමණක් ගොවි කාරක සභාවක ක්‍රියාවක් හෝ නීති කෘත්‍යයක් අවලංගු නො විය යුතු ය.”

ගොවි කාරක සභාවක පුරප්පාඩුවක් මගින් එක් ක්‍රියා හා නීති කෘත්‍යයක් අවලංගු නො විය යුතු බව.”

ප්‍රධාන පනතෙහි 63 වැනි වගන්තිය සංශෝධනය කිරීම.

9. ප්‍රධාන පනතෙහි 63 වැනි වගන්තිය පහත දැක්වෙන පරිදි මෙසින් සංශෝධනය කරනු ලැබේ:—

(1) “ගොවියා” යන පදයේ විස්තරය වෙනුවට “යම් කුඹුරු ප්‍රමාණයක් සම්බන්ධයෙන් “ගොවියා” යන්නෙන් එම කුඹුරු ප්‍රමාණයෙහි වී වගා කරන එක් එක් වැරයෙහි—

(අ) සි සෑම, වැපිරීම හා ගොයම් කැපීම යන කටයුතු අතුරෙන් දෙකක් හෝ වැඩි ගණනක්, සහ

(ආ) වගාවට සාත්තු කිරීම හෝ එය රැක බලා ගැනීම, පුද්ගලයකු නම් නමින් ම හෝ තම පවුලේ යම් සාමාජිකයකු ලවා ද, ගොවි කාරක සභාවක් නම් යම් තැනැත්තකු ලවා ද, සිදුකරන තැනැත්තා හෝ ගොවි කාරක සභාව අදහස් වේ.” යන අලුත් විස්තරය ආදේශ කිරීමෙන් ; හා

(2) “කොමසාරිස්වරයා” යන්නෙහි විස්තරයට ඉක්බිති ව ම පහත සඳහන් අලුත් විස්තරය ඇතුළත් කිරීමෙන්:—

අදාළ ගොවියකු සම්බන්ධයෙන් “අස් කරයි” යන්නෙන්, ඔහුට බදු දෙනු ලැබූ සම්පූර්ණ කුඹුරු ප්‍රමාණය හෝ එහි යම් කොටසක් පාවිච්චි කිරීමට, භුක්ති විඳීමට හා වගා කිරීමට ඔහුට ඇති අයිතිවාසිකම නියම හෝ අනියම් ක්‍රම යෙදීමෙන් ඔහුගෙන් ඉවත් කිරීම අදහස් වේ.”

10. මේ පනතේ 6 වැනි වගන්තිය මගින් ප්‍රධාන පනතේ 31 වැනි වගන්තියෙහි කරනු ලැබූ සංශෝධනය, මේ පනත ආරම්භ වන දිනයෙහි නිල දරන ගොවි කාරක සභාවක සෑම සාමාජිකයකුට ම අදාළ වේ ය යි සලකනු ලැබිය යුතු අතර, ඒ එක් එක් සාමාජිකයාගේ නිල කාලය, ඉහත කී 31 වැනි වගන්තියේ විධිවිධානවලට යටත් ව, ඒ සාමාජිකයා තෝරා ගත් දින සිට අවුරුදු තුනක් විය යුතු ය.

බී. කොස්වත්ත,
නියෝජිත මන්ත්‍රී මණ්ඩලයේ වැඩබලන
සංවිධායක ලිපිකරු.

මේ පනතේ 6 වැනි වගන්තියෙන් ප්‍රධාන පනතට කරන ලැබූ සංශෝධනය මේ පනත ආරම්භ වන දිනයෙහි ගොවි කාරක සභාවල සාමාජිකයන් වශයෙන් නිල දරන තැනැත්තන්ට අදාළ වීම.

ප්‍රධාන පනතේ 6 වැනි වගන්තියෙහි ප්‍රධාන පනතට කරන ලැබූ සංශෝධනය මේ පනත ආරම්භ වන දිනයෙහි ගොවි කාරක සභාවල සාමාජිකයන් වශයෙන් නිල දරන තැනැත්තන්ට අදාළ වීම.



1961 ம் ஆண்டின் 61 ம் இலக்க நெற்காணித் (திருத்தச்) சட்டம்

(சம்மதமளித்த திகதி : யூன் 23, 1961)

அரசினர் ஆணைப்படி, இலங்கை அரசாங்க அச்சகத்திற் பதிப்பிக்கப்பெற்றது.

கொழும்பு, அரசாங்க வெளியீட்டுப் பணியகத்தில் விற்பனைக்குண்டு

விலை : சதம் 35

தபாற் செலவு : சதம் 10



1958 ம் ஆண்டின் 1 ம் இலக்க, நெற்காணிச் சட்டத்தைத் திருத்துவதற்கானதொரு சட்டம்

தற்போதைய இந்தப் பாராளுமன்றத்திற் குழுமியுள்ள இலங்கைச் சேனேற் சபையினதும் பிரதிநிதிகள் சபையினதும் ஆலோசனைப் படியுஞ் சம்மதத்துடனும், அவற்றின் அதிகாரப்படியும், மாட்சிமை தங்கிய மகாராணியாரினூற் பின்வருமாறு சட்டம் ஆக்கப்படுவதாகுக : —

1. இச்சட்டம் 1961 ம் ஆண்டின் 61 ம் இலக்க, நெற்காணித் (திருத்தச்) சட்டமென எடுத்துக் காட்டப்படலாம்.

சுருக்கப் பெயர்.

2. (இதனகத்தே பின்னே “ பிரதான சட்டம் ” எனக் குறிப்பிடப் படும்) 1958 ம் ஆண்டின் 1 ம் இலக்க நெற்காணிச் சட்டத்தின் 3 ம் பிரிவு, அப்பிரிவின் (3) ம் உட்பிரிவினில், அவ்வுட்பிரிவின் (ஆ) என்னும் பந்தியில் “ பயிர்ச்செய்கைக் குழு ” என்னும் சொற்களுக் குப்பதிலாக “ பயிர்ச் செய்கைக் குழு அல்லது கொமிஷனர் ” என்னுஞ் சொற்கள் இடப்படுவதன் மூலம் இதனூற்றிருத்தப்படுகிறது.

1958 ம் ஆண்டின் 1 ம் இலக்க நெற்காணிச் சட்டத்தின் 3 ம் பிரிவினான திருத்தம்.

3. பிரதான சட்டத்தின் 4 ம் பிரிவு, அப்பிரிவின் (1) ம் உட்பிரிவுக்கு நேரே பின்னதாகப் பின்வரும் புதிய உட்பிரிவைச் சேர்ப்பதன் மூலம் இதனூற்றிருத்தப்படுகின்றது :—

பிரதான சட்டத்தின் 4 ம் பிரிவினான திருத்தம்.

“(1அ) (அ) ஏதேனுமொரு நெற்காணியில் வாரத்துக்குப் பயிர் செய்யும் ஒருவர், அத்தகைய காணியிலிருந்து அவர் வெளியேற்றப்பட்டிருப்பதாகக் கொமிஷனருக்கு அறிவிக்குமிடத்து, கொமிஷனர் அத்தகைய ஆள் வெளியேற்றப்பட்டிருக்கிறாரா அல்லவா என்னும் பிரச்சினையை முடிவு செய்வதற்கு ஒரு விசாரணை நடாத்தலாம்.

(ஆ) அத்தகைய ஆள் வெளியேற்றப்பட்டிருப்பதாகக் கொமிஷனர் திருப்தியடையத்தக்கதாக அத்தகைய விசாரணையில் நிரூபிக்கப்பட்டால் அத்தகைய வெளியேற்றம் அத்தகைய காணியின் சொந்தக்காரனால் அல்லது அவரது தூண்டதலின் பேரிலேயே செய்யப்பட்டிருப்பதாக அது அவ்விதமன்றென நிரூபிக்கப்பட்டினன்றிக் கருதப்படுதல் வேண்டும்.

(இ) அத்தகைய விசாரணையில் அத்தகைய காணியின் சொந்தக்காரன் நேர்முகமாக அல்லது ஒரு பிரதிநிதியின் மூலம் விளங்கப்படச் சந்தர்ப்பமொன்று கொடுபடுதல் வேண்டும். அத்தகைய பிரச்சினையிற் கொமிஷனர் செய்யும் முடிவு அத்தகைய காணிச் சொந்தக்காரனுக்கு எழுத்தில் அறிவிக்கப்படுதல் வேண்டும். அத்தகைய காணிச் சொந்தக்காரன் அத்தகைய முடிவினால் இடருற்றால் அவர் அத்தகைய முடிவு அவருக்கு அறிவிக்கப்பட்டபின் முப்பது நாட்களுக் குள்ளாக அத்தகைய முடிவுக் கெதிராகப் புனராலோசனைச் சபைக்கு எழுத்தில் ஒரு முறையீட்டைச் செய்யலாம். அந்த

முறையீடு முறையீட்டுக்கான காரணங்களைக் கூறுதல் வேண்டும். முறையீட்டின் பிரதியொன்று அத்தகைய காணிச் சொந்தக்காரனால் கொமிஷனருக்கு அனுப்பி வைக்கப்படுதல் வேண்டும்.

(ஈ) (அ) என்னும் பந்தியில் குறிப்பிடப்பட்டுள்ள விஷயத்தில், வெளியேற்றம் செய்யப்பட்டிருக்கின்றதெனக் கொமிஷனர் முடிவு செய்து, அத்தகைய முடிவுக்கெதிராக அதற்கெனக் கொடுப்பட்டுள்ள காலத்தினுள் எவ்வித முறையீடாவது செய்யப்படாதவிடத்து, அல்லது அத்தகைய ஏதேனுமொரு முறையீட்டின் பேரில், புனராலோசனைச் சபை கொமிஷனரின் முடிவை உறுதிப்படுத்துமிடத்து—

(i) அத்தகைய காணியின் உபயோகத்தையும் ஆட்சியையும் வெளியேற்றப்பட்டவர் திரும்பிப் பெறுவதற்கு அவர் உரிமையுடையவராவார்.

(ii) அத்தகைய காணியில் ஆட்சி பண்ணும் ஒவ்வொருவரும் அக்கட்டளையிற் காட்டப்பட்டுள்ள தேதியில் அல்லது அதற்கு முன் அதிலிருந்து வெளியேறி விடல் வேண்டுமெனக் கொமிஷனர் எழுத்தில் கட்டளையிடுதல் வேண்டும்; அத்தகைய ஆள் அக்கட்டளைக் கிணங்கத் தவறினால் அவர் அத்தகைய காணியிலிருந்து 21 ம் பிரிவின் ஏற்பாடுகளுக்கிணங்க வெளியேற்றப்படுதல் வேண்டும்.”

இச்சட்டம் ஆரம்ப மாவதற்கு முன் வாரத்துக்குப் பயிர் செய்வோர் வெளியேற்றப்படுதலைப் பற்றி விசாரணை நடத்துவதற்கும் கொமிஷனருக்குள்ள தத்துவம்.

4. (1) ஏதேனுமொரு நெற்காணியில் வாரத்துக்குப் பயிர் செய்வவராக விருந்த ஒருவர், அத்தகைய காணி முற்றாக அல்லது பிரதானமாக எந்தப் பரிபாலனமாவட்டத்தினுட் கிடக்கின்றதோ அந்தப் பரிபாலன மாவட்டத்தினுள் பிரதான சட்டம் எந்தத் தேதியில் நடைமுறைக்கு வந்ததோ அந்த தேதிக்குப் பின்னரும் இச்சட்டமாரம் பமாகும் தேதிக்கு முன்னரும் அத்தகைய காணியிலிருந்து வெளியேற்றப்பட்டிருக்குமிடத்து, அத்தகைய காணியிலிருந்து அந்த ஆள் வெளியேற்றப்பட்டிருக்கிறாரா என்னும் பிரச்சினையை முடிவு செய்யும் நோக்கத்துக்காகக் கொமிஷனர் ஒரு விசாரணையை நடாத்தலாம்; பிரதான சட்டத்தின் 4 ம் பிரிவின் (1அ) என்னும் உட்பிரிவின் (ஆ) என்னும் பந்தி, (இ) என்னும் பந்தி (ஈ) என்னும் பந்தி ஆகியவற்றின் ஏற்பாடுகள் அத்தகைய விசாரணைக்கும் அத்தகைய பிரச்சினையிற் கொமிஷனர் செய்யும் முடிவுக்கும் ஏற்புடையனவாகும்.

(2) ஏதேனுமொரு நெற்காணி முற்றாக அல்லது பிரதானமாக எந்தப் பரிபாலன மாவட்டத்தினுட் கிடக்கின்றதோ அந்தப் பரிபாலன மாவட்டத்தினுள் பிரதான சட்டம் நடைமுறைக்கு வந்த தேதியில் அல்லது அதற்குப் பின் அத்தகைய காணியில் வாரத்துக்குப் பயிர் செய்தவராகவிருந்த எவரேனுமொருவர் அத்தகைய காணியிலிருந்து வெளியேற்றப்பட்டிருக்கிறாரா என்னும் பிரச்சினையை முடிவு செய்யும் நோக்கத்துக்காக, இந்தச் சட்டம் ஆரம்பமாகுந் தேதிக்குமுன் கொமிஷனரினால் நடத்தப்பட்ட எந்த விசாரணையாவது, அத்தகைய விசாரணையை நடாத்துவதற்கு அவருக்குத் தத்துவம் இருந்திராதிருப்

பினும், பிரதான சட்டத்தின் பிரகாரம் முறையாக நடாத்தப்பட்டிருப்பதாகக் கருதப்படல் வேண்டும். அத்தகைய பிரச்சினையில் கொமிஷனர் செய்யும் எந்த முடிவும் வலிமையுள்ளதாகக் கருதப்படுதலும் வேண்டும்.

5. பிரதான சட்டத்தின் 29 ம் பிரிவு பின்வருமாறு இதனூற்றிருத்தப்படுகின்றது :—

பிரதான சட்டத்தின் 29 ம் பிரிவின் திருத்தம்.

(1) அப்பிரிவின் (2) ம் உட்பிரிவுக்கு நேரே பின்னே, பின்வரும் உட்பிரிவுகளை இடுவதன் மூலமும்; அவையாவன :—

“(2அ) பயிர்ச் செய்கைக் குழுவொன்றின் விதிக்கப்பட்ட எண்ணைக்கொண்ட தெரிவு செய்யப்பட்ட அங்கத்தவர்களைத் தெரிவு செய்யும் நோக்கத்துக்காகக் கூடப்படும் தகுதியுள்ள பயிர் செய்வோர்களையும் தகுதியுள்ள சொந்தக் காரர்களையும் கொண்ட கூட்டங்களில் அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்பட்ட ஆட்களின் எண்ணை சொல்லப்பட்ட விதிக்கப்பட்ட எண்ணுக்குக் குறைவாக, ஆனால் அதில் அரைவாசிக்குக் குறையாமல் இருக்குமிடத்து,

(அ) அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்படுவதற்குத் தகுதியுள்ள ஆட்களிலிருந்து முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணை நிரப்புவதற்குத் தேவையான எண்ணைக் கொண்ட ஆட்களை அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யும் நோக்கத்துக்காக, கொமிஷனர் அவ்விதம் தெரிவு செய்யப்பட்ட ஆட்களடங்கிய கூட்டமொன்றை எழுத்திற் கூட்டுதல் வேண்டும்.

(ஆ) இவ்வுட்பிரிவின் (அ) என்னும் பந்தியின் பிரகாரம் கூடப்படும் கூட்டத்தில் கொமிஷனர் அல்லது கொமிஷனரினால் அதற்கென அதிகாரமளிக்கப்பட்ட எவரேனுமொரு உத்தியோகத்தர் தலைமை வகித்தல் வேண்டும்;

(இ) இவ்வுட்பிரிவின் (அ) என்னும் பந்தியின் பிரகாரம் கூடப்படும் கூட்டத்தில் அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்பட்ட எல்லாருஞ் சமூகமாயிருந்தால், அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்படுவதற்குத் தகுதியுள்ள ஆட்களிலிருந்து, முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணை நிரப்புவதற்குத் தேவையான எண்ணைக் கொண்ட ஆட்களை அவர்கள் அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்தல் வேண்டும்; அத்தகைய குழுவின் தெரிவு செய்யப்பட்ட அங்கத்தவர்களின் மொத்தத் தொகையில், நெற்காணிகளின் தகுதியுள்ள பயிர் செய்வோர்களாகவுள்ளவர்கள் முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணில் நாலில் மூன்று பங்கு

களுக்கும் குறையாமலும் நெற்காணிகளின் தகுதியுள்ள சொந்தக்காரர்களாகவுள்ளவர்கள் முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்களில் நாலில் ஒரு பங்குக்குக் கூடாமலும் இருக்கத் தக்கதாக அத்தெரிவு செய்யப்படுதல் வேண்டும் ;

(ஈ) இவ்வுட்பிரிவின் (அ) என்னும் பந்தியின் பிரகாரங் கூடப்பட்ட கூட்டத்தில் அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்பட்ட எல்லோரும் அல்லது அவர்களிலெவராயினுமொருவர் சமூகமாயிராவிட்டால், அல்லது அத்தகைய குழுவின் அங்கத்தவர்களாக இவ்வுட்பிரிவின் (இ) என்னும் பந்தியின்படி தெரிவு செய்யப்பட்ட வேண்டப்பட்டவர்களெல்லோரும் அல்லது அவர்களிலெவராயினுமொருவர் அவ்விதந் தெரிவு செய்யப்படாவிட்டால், அத்தகைய குழுவின் விதிக்கப்பட்ட எண்ணைக் கொண்ட தெரிவு செய்யப்பட்ட அங்கத்தவர்களைத் தெரிவு செய்வதற்குக் கூடப்பட்ட நெற்காணிகளின் தகுதியுள்ள பயிர் செய்வோர்களையும் நெற்காணிகளின் தகுதியுள்ள சொந்தக்காரர்களையும் கொண்ட கூட்டத்தில் தெரிவு செய்யப்பட்ட ஆட்களும், இவ்வுட்பிரிவின் (அ) என்னும் பந்தியின் பிரகாரங் கூடப்பட்ட கூட்டத்திற் தெரிவு செய்யப்பட்ட எவரேனும் ஆட்களும் அபங்கிய குழு, அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்பட்ட ஆட்களின் எண்ணினது முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணிலும் பார்க்கக் குறைவாக விருப்பினும், 31 இ என்னும் பிரிவின் ஏற்பாடுகளுக்கமைவாகவும், வலிமையுடையதாக அமைக்கப்பட்டிருப்பதாகவும், அவ்விதம் தெரிவு செய்யப்பட்ட ஆட்களும், அத்தகைய குழுவின் அங்கத்தவர்களாக (1) ம் உட்பிரிவின் (ஆ) என்னும் பந்தியின் பிரகாரம் கொரிஷனரினால் நியமனஞ் செய்யப்பட்ட ஆட்களும் அதில் அடங்கியிருப்பதாகவுங் கருதப்படும்.

(2ஆ) பயிர்ச் செய்கைக் குழுவொன்றின் விதிக்கப்பட்ட எண்ணைக்கொண்ட தெரிவு செய்யப்பட்ட அங்கத்தவர்களைத் தெரிவு செய்யும் நோக்கத்துக்காகக் கூட்டப்படும் நெற்காணிகளின் தகுதியுள்ள பயிர் செய்வோர்களையும், நெற்காணிகளின் தகுதியுள்ள சொந்தக்காரர்களையும் கொண்ட கூட்டங்களில், அத்தகைய குழுவின் அங்கத்தவராக எவராவது தெரிவு செய்யப்படாதிருக்குமிடத்து அல்லது அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்பட்ட ஆட்களின் எண்ணினது முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணின் அரைப் பங்கிலும் பார்க்கக் குறைவாக விருக்குமிடத்து, கொமிஷனர், சாத்தியமானவரையில் சீக்கிரமாக முன்னே சொல்லப்பட்டுள்ள நோக்கத்துக்காக நெற்காணிகளின் தகுதியுள்ள பயிர் செய்வோர்களையும் நெற்

காணிகளின் தகுதியுள்ள சொந்தக்காரர்களையும் கொண்ட கூட்டங்கள் இன்னொருமுறை கூட்டப்பட ஏற்பாடு செய்தல் வேண்டும்.

(2௫) பயிர்ச் செய்கைக்குமு்வொன்றின் விதிக்கப்பட்ட எண்ணக்கொண்ட தெரிவு செய்யப்பட்ட அங்கத்தவர்களைத் தெரிவு செய்யும் நோக்கத்துக்காக (2௮) என்னும் உட்பிரிவின் பிரகாரம் கூட்டப்பட்ட, நெற்காணிகளின் தகுதியுள்ள பயிர் செய்வோர்களும் நெற்காணிகளின் தகுதியுள்ள சொந்தக்காரர்களும் அடங்கிய கூட்டங்களில் அத்தகைய குழுவின் அங்கத்தவராக எவராவது தெரிவு செய்யப்படாதிருக்குமிடத்து, அல்லது அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்பட்ட ஆட்களின் எண்ணினது முன்னே சொல்லப்பட்ட விதிக்கப்பட்ட எண்ணின் அரைப்பங்கிலும் பார்க்கக் குறைவாகவிருக்குமிடத்து, கொமிஷனர், முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணை அமைப்பதற்கு அல்லது அதை நிரப்புவதற்குத் தேவையான எண்ணைக் கொண்ட ஆட்களை, அத்தகைய குழுவின் அங்கத்தவர்களாகத் தெரிவு செய்யப்படுவதற்குத் தகுதியுள்ள ஆட்களிலிருந்து, அத்தகைய குழுவின் அங்கத்தவர்களாக எழுத்தில் நியமனஞ் செய்தல் வேண்டும்; இவ்வட்பிரிவின் பிரகாரம் அவ்விதத் தெரிவு செய்யப்பட்ட அல்லது நியமனஞ் செய்யப்படும் அங்கத்தவர்களின் மொத்தத் தொகையில், நெற்காணிகளின் தகுதியுள்ள பயிர்செய்வோர்களாயுள்ளவர்கள் முன்னே சொல்லப்பட்ட விதிக்கப்பட்ட எண்ணில் நாலில் மூன்று பங்குக்குக் குறையாமலும் நெற்காணிகளின் தகுதியுள்ள சொந்தக்காரர்களாயுள்ளவர்கள் முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணில் நாலில் ஒரு பங்குக்குக் கூடாமலும் இருக்கத்தக்கதாக அந்த நியமனஞ் செய்யப்படுதல் வேண்டும்.

(2௬) பயிர்ச் செய்கைக் குழுவொன்றின் அங்கத்தவர்களாகத் தெரிவு செய்யப்படத் தகுதியுள்ள ஆட்களெல்லோரும் அல்லது அவர்களிலெவராவது அத்தகைய குழுவின் அங்கத்தவர்களாகச் சேவை செய்வதற்கு விரும்பாத காரணத்தினால், (2௭) என்னும் உட்பிரிவின் பிரகாரம் கொமிஷனரால் நியமனஞ் செய்யப்படும்படி வேண்டப்பட்ட அத்தகைய குழுவின் அங்கத்தவர்களெல்லோரையும் அல்லது அவர்களிலெவரையாவது அவர் நியமனஞ் செய்ய முடியாதிருக்குமிடத்து, அப்போது—

(i) அவ்விதம் நியமனஞ் செய்யப்பட்ட அங்கத்தவர்களின் தொகை அத்தகைய குழுவிற்குத் தெரிவு செய்யப்பட்ட அங்கத்தவர்களின் விதிக்கப்பட்ட எண்ணில் அரைப்பங்குக்குக் குறையாமலிருந்தால், அத்தகைய குழு அவ்விதம் நியமனஞ் செய்யப்பட்ட ஆட்களின் தொகை முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணிலும் பார்க்கக் குறைவாகவிருப்பினும், 31 இ என்னும் பிரிவின் ஏற்பாடுகளுக்கமையவும், வலிமையுடையதாக அமைக்கப்பட்டிருப்பதாகக் கருதப்படுதல் வேண்டும்.

(ii) அவ்விதம் நியமனஞ் செய்யப்பட்ட ஆட்களின் தொகை முன்னே சொல்லப்பட்டுள்ள விதிக்கப்பட்ட எண்ணிலும் பார்க்கக் குறைவாக விருந்தால், அல்லது எவரேனும் அவ்விதம் நியமனஞ் செய்யப்படாவிட்டால்,

(அ) கொமிஷனர் கசெற்றில் பிரசுரிக்கப்படும் விளம்பரத்தின் மூலம் (2இ) என்னும் உட்பிரிவின் பிரகாரம் தம்மால் நியமனஞ் செய்யப்பட வேண்டப்பட்ட அத்தகைய குழுவின் அங்கத்தவர்களை நியமனஞ் செய்வதற்கு இயலாமலிருப்பதை வெளிப்படுத்தல் வேண்டும் ;

(ஆ) அத்தகைய குழு எந்த இடப்பரப்புக்கு அமைக்கப்பட வேண்டியிருக்கிறதோ அந்த இடப்பரப்புக்கு அத்தகைய குழுவின் அங்கத்தவர்களின் நடப்புப் பதவி காலம் முடிவடையுந் தேதிக்கு நேரே அடுத்துவரும் நாளில் ஆரம்பமாகும் ஒரு வருடத்துக்குப் பயிர்ச் செய்கைக்குழு இல்லையெனக் கருதப்படும் ;

(இ) கொமிஷனரேனும் அல்லது கொமிஷனரினால் அதற்கென அதிகாரமளிக்கப்பட்ட வேறு எவரேனுமொரு உத்தியோகத்தரேனும் இவ்வுட்பிரிவின் (ஆ) என்னும் பந்தியிற் கூறப்பட்டுள்ள காலத்தில் அப்பந்தியிற் குறிப்பிடப்பட்டுள்ள இடப்பரப்புச் சம்பந்தமாக இச்சட்டத்தின் பிரகாரம் பயிர்ச் செய்கைக் குழு வொன்றுக்குள்ள தத்துவங்கள் அல்லது கடமை களெல்லாவற்றையும் அல்லது அவற்றிலெதை யாவது பிரயோகிக்கலாம் அல்லது புரியலாம் ;

(ஈ) இவ்வுட்பிரிவின் (ஆ) என்னும் பந்தியிற் கூறப்பட்டுள்ள காலம் முடிவடைவதற்குமுன், அப்பந்தியிற் குறிப்பிடப்பட்டுள்ள இடப்பரப்புக்குப் பயிர்ச்செய்கைக் குழுவொன்றை அந்தக் காலத்தின் முடிவிலிருந்து செயற்படக் கூடியதாக இப்பிரிவின் ஏற்பாடுகளுக்கிணங்க அமைப்பதற்கு வழி வகைகள் கையாளப்படக் கொமிஷனர் ஏற்பாடு செய்தல் வேண்டும்.

(2உ) (2அ) என்னும் உட்பிரிவின் (அ) என்னும் பந்தியின் பிரகாரம் கூடப்பட்ட ஒரு கூட்டத்தில் பயிர்ச் செய்கைக் குழுவொன்றின் அங்கத்தவரொருவராகத் தெரிவு செய்யப்பட்டவர் ஒருவர், அல்லது (2இ) என்னும் உட்பிரிவின் பிரகாரம் பயிர்ச் செய்கைக்குழுவொன்றின் அங்கத்தவராகக் கொமிஷனரினால் நியமனஞ் செய்யப்பட்டவர் ஒருவர் அத்தகைய குழுவின் தெரிவு செய்யப்பட்ட அங்கத்தவரொருவராகக் கருதப்படுவார் ; அதற்கிணங்க (5) ம் உட்பிரிவு அவருக்கு ஏற்புடையதாகாது.”

(2) அப்பிரிவின் (3) ம் உட்பிரிவில் “(2) ம் உட்பிரிவில்—” என்ற சொற்களுக்குப் பதிலாக “இந்தச் சட்டத்தில்—” என்ற சொற்களை இடுவதன் மூலமும்”.

6. பிரதான சட்டத்தின் 31 ம் பிரிவு, "ஒரு வருடம்" என்ற சொற்களுக்குப் பதிலாக "மூன்று வருடங்கள்" என்னுள் சொற்களையிடுவதன் மூலம் இதனால் திருத்தப்படுகிறது.

பிரதான சட்டத்தின் 31 ம் பிரிவு நிறுத்தம்.

7. இந்தச் சட்டம் ஆரம்பமாவதற்குமுன், பிரதான சட்டத்தின் 29 ம் பிரிவின் (1) ம் உட்பிரிவின் (அ) என்னும் பந்தியின் ஏற்பாடுகளுக்கு அல்லது அப்பிரிவின் (2) ம் உட்பிரிவின் ஏற்பாடுகளுக்கு இணங்காது ஏதேனும்மொரு பயிர்ச் செய்கைக்குழு அமைக்கப்பட்டிருக்குமிடத்து, அத்தகைய ஏற்பாடுகளுக்கிணங்கத் தவறியிருப்பினும், அத்தகைய குழு பிரதான சட்டத்தின் பிரகாரம் முறையாக அமைக்கப்பட்டிருப்பதாகவும் அமைக்கப்பட்டதாகவும் கருதப்படுதல் வேண்டும்; அத்தகைய குழுவின் எந்த முடிவும், தீர்மானமும், கட்டளையும் அல்லது செயலும் அத்தகைய தவறுமட்டுமே காரணமாக வலிமையற்றிருந்ததாக அல்லது வலிமையற்றிருப்பதாகக் கருதப்படுதலாகாது.

பிரதான சட்டத்தின் 29 ம் பிரிவின் (1) (அ) என்னும் உட்பிரிவுக்கும் (2) ம் உட்பிரிவுக்கும் இணங்காது அமைக்கப்பட்ட பயிர்ச்செய்கைக் குழுக்களின் அமைப்பு, முடிவுகள், தீர்மானங்கள் கட்டள்கள், செயல்கள் ஆகியவற்றைப் பலமுடையவையாக்கல்.

8. பின்வரும் புதிய பிரிவுகள், 31 ம் பிரிவுக்கு நேரே பின்னதாக, இதன்படி சேர்க்கப்பட்டுப் பிரதான சட்டத்தின் 31அ, 31ஆ, 31இ, 31ஈ ஆகிய பிரிவுகளாகச் செயற்படும்; அவையாவன :—

பிரதான சட்டத்தில் 31 அ, 31 ஆ, 31 இ, 31 ஈ ஆகிய புதிய பிரிவுகளைச் சேர்த்தல்.

பயிர்ச்செய்கைக் குழுவொன்றின் தெரிவு செய்யப்பட்ட அங்கத்தவர் அதிலிருந்து விலகலாம்.

31அ. பயிர்ச் செய்கைக் குழுவொன்றின் தெரிவு செய்யப்பட்ட அங்கத்தவராகவுள்ளவர் ஒருவர் அல்லது தெரிவு, செய்யப்பட்ட அங்கத்தவரொருவராக 29 ம் பிரிவின் பிரகாரம் கருதப்படுபவர் ஒருவர், அந்தக் குழுவுக்கு விலாசமிட்டனுப்பப்படும் கடித மூலம் அக்குழுவிலிருந்து விலகலாம்.

தெரிவு செய்யப்பட்ட அங்கத்தவர் அனுமதியில்லாது பயிர்ச் செய்கைக் குழுவின் மூன்று அடுத்து வரும் கூட்டங்களிற் சமூகமனியாமை விலகுதலாகக் கருதப்படல்.

31ஆ. பயிர்ச் செய்கைக் குழுவொன்றின் தெரிவு செய்யப்பட்ட அங்கத்தவராகவுள்ளவர் ஒருவர் அல்லது தெரிவு, செய்யப்பட்ட அங்கத்தவரொருவராக 29 ம் பிரிவின் பிரகாரம் கருதப்படுபவர் ஒருவர், அக்குழுவினிடம் முன்னரே அனுமதிபெற்றுக் கொள்ளாது அக்குழுவின் அடுத்தடுத்தவரும் மூன்று கூட்டங்களிற் சமூகமாயிராதவிடத்து, அவர் அந்த மூன்று கூட்டங்களிற் கடைசியானதின் தேதிக்கு நேரே பின்வரும் நாளிலிருந்து அக்குழுவிலிருந்து விலகியிருப்பவராகக் கருதப்படுவார்.

பயிர்ச் செய்கைக் குழுவில் தற்செயலாக நேரும் வெற்றிடங்களை நிரப்பதல்.

31இ. பயிர்ச் செய்கைக்குழுவொன்றின் அங்கத்தவரொருவர் இறக்குமிடத்து அல்லது விலகுமிடத்து அப்போது—

(அ) அவர் அந்தக் குழுவின் தெரிவு செய்யப்பட்ட அங்கத்தவரொருவராக விருந்தால் அல்லது தெரிவு செய்யப்பட்ட அங்கத்தவரொருவராக 29 ம் பிரிவின் பிரகாரம்

கருதப்படுபவராக விருந்தால், இறந்த அல்லது விலகிய அவ்வங்கத்தவர் நெற் காணிகளின் தகுதியுள்ள பயிர்ச் செய்பவராக அல்லது நெற்காணிகளின் தகுதியுள்ள சொந்தக்காரனாக விருப்பதற்கேற்ப அக்குழுவின் அதிகார எல்லைகளுள் முற்றாக அல்லது பிரதானமாகக் கிடக்கும் நெற் காணிகளின் தகுதியுள்ள பயிர்ச் செய்வோர்களுள் அல்லது தகுதியுள்ள சொந்தக் காரர்களுள் ஒருவரை அக்குழுவின் அங்கத்தவர் ஒருவராகத் தெரிவு செய்தல் மூலம், அம்மரணத்தினால் அல்லது விலகுதலினால் ஏற்பட்ட வெற்றிடத்தை அக்குழு நிரப்புதல் வேண்டும் ; அத்துடன்

(ஆ) இறந்த அவ்வங்கத்தவர் கொமிஷனரினால், 29 ம் பிரிவின் (1) ம் உட்பிரிவின் (ஆ) என்னும் பந்தியின் பிரகாரம் நியமனஞ் செய்யப்பட்டிருந்தால், அக்குழுவின் அங்கத்தவரொருவராக எவரேனுமொரு அரசாங்க உத்தியோகத்தரை நியமனஞ் செய்தல் மூலம் அம்மரணத்தினாலேற்பட்ட வெற்றிடத்தைக் கொமிஷனர் நிரப்புதல் வேண்டும்.

பயிர்ச் செய்கைக்குழு வொன்றிலுள்ள வெற்றிடம் அதன் செயல்களையும் நடவடிக்கைகளையும் வலிமையற்றன வாக்காமை.

31ஈ. பயிர்ச் செய்கைக்குழுவொன்றின் எந்தச் செயலாவது அல்லது நடவடிக்கையாவது அதன் அங்கத்தவர்களிடையே ஏதேனுமொரு வெற்றிடம் இருப்பதன் காரணத்தால் மாத்திரம், வலிமையற்றதாக மாட்டாது.

பிரதான சட்டத்தின் 63 ம் பிரிவிற்றிருத்தம்.

9. பிரதான சட்டத்தின் 63 ம் பிரிவு இதனார் பின்வருமாறு திருத்தப்படுகின்றது :—

(1) “ பயிர்செய்பவன் ” என்பதன் வரைவிலக்கணத்தில் “ நெற்காணி சம்பந்தமாக ” என்பதிலிருந்து அது முடியவுள்ள தற்குப் பதிலாக பின்வருவதனை இடுவதன் மூலமும் “ நெற்காணி சம்பந்தமாக அவ்விதமான காணியில் நெற்பயிரிடப்படும் ஒவ்வொரு பருவத்திலும்—

(அ) உழுதல், விதைத்தல், அரிவி வெட்டுதல் ஆகிய காரியங்களில் இரண்டையேனும் அல்லது இரண்டிலும்திகமானவற்றையேனும்,

(ஆ) பயிரைப் பராமரித்தல் அல்லது காவல் புரிதல் ஆகிய கருமத்தையும்,

தானாக, அல்லது அவருடைய குடும்பத்தைச் சேர்ந்த எவராயினுமொருவர் மூலம் செய்யும் ஒருவன் அல்லது

அத்தகைய நிலத்தில் எவராயினுமொருவர் மூலம் செய்யும் ஒரு பயிர்ச் செய்கைக்குழு எனப் பொருள்படும்.”

(2) “கொமிஷனர்” என்பதன் வரைவிலக்கணத்துக்கு நேரே பின்னே பின்வரும் புதிய வரைவிலக்கணத்தை இடுவதனாலும்: “வெளியேற்று” என்பது வாரத்துக்குப் பயிர் செய்யும் ஒருவர் சம்பந்தமாக, நேரடியான அல்லது மறைமுகமான முறைகளைக் கையாளுதல் மூலம், அவ்வாரத்துக்குப் பயிர் செய்பவர் அவருக்கு வாரத்துக்குக் கொடுக்கப்பட்ட அந்த நெற்காணி முழுவதையேனும் அல்லது அதன் எந்தப் பாகத்தையேனும் உபயோகிப்பதற்கு, ஆட்சி பண்ணுவதற்கு அல்லது அதிற் பயிர் செய்வதற்கு அவருக்குள்ள உரிமையை அவரிடமிருந்து இல்லாமற் போகப் பண்ணுதல் எனப் பொருள்படும்.

10. இச்சட்டத்தின் 6 ம் பிரிவினால் பிரதான சட்டத்தின் 31 ம் பிரிவுக்குச் செய்யப்பட்ட திருத்தம் இச்சட்டம் ஆரம்பமாகுந் தேதியில் பயிர்ச்செய்கைக் குழுவொன்றிற் பதவி வகிக்கும் அங்கத்தவரொவ்வொருவருக்கும் ஏற்புடையதாகக் கருதப்படுதல் வேண்டும். அதற்கிணங்க அத்தகைய அங்கத்தவர் ஒவ்வொருவரினும் பதவிக்காலம் முன்னே சொல்லப்பட்டுள்ள 31 ம் பிரிவின் ஏற்பாடுகளுக்கமைய அத்தகைய அங்கத்தவர் தெரிவு செய்யப்பட்ட தேதியிலிருந்து மூன்று வருடங்களாகும்.

இச்சட்டத்தின் 6 ம் பிரிவினால் பிரதான சட்டத்துக்குச் செய்யப்பட்ட திருத்தம் இச்சட்டம் ஆரம்பமாகுந் தேதியில் பயிர்ச்செய்கைக் குழுக்களின் அங்கத்தவர்களாகப் பதவி வகிக்கும் ஆட்களுக்கு ஏற்புடையதாகும்.

PARLIAMENT OF CEYLON

1st Session 1960-61



Paddy Lands (Amendment) Act, No. 61 of 1961

Date of Assent : June 23, 1961

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PARLIAMENT OF CEYLON

1st Session 1960-61



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Date of Assent: June 23, 1961

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Paddy Lands (Amendment) Act, No. 61 of 1961

L. D.—O. 45/59.

AN ACT TO AMEND THE PADDY LANDS ACT,
No. 1 OF 1958.

[Date of Assent : June 23, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Paddy Lands (Amendment) Act, No. 61 of 1961.

Short title.

2. Section 3 of the Paddy Lands Act, No. 1 of 1958 (hereinafter referred to as the "principal Act"), is hereby amended in sub-section (3) of that section by the substitution, in paragraph (b) of that sub-section, for the words "mainly lies", of the words "mainly lies, or the Commissioner".

Amendment of section 3 of the Paddy Lands Act, No. 1 of 1958.

3. Section 4 of the principal Act is hereby amended by the insertion, immediately after sub-section (1) of that section, of the following new sub-section :—

Amendment of section 4 of the principal Act.

"(1A) (a) Where a tenant cultivator of any extent of paddy land notifies the Commissioner that he has been evicted from such extent, the Commissioner may hold an inquiry for the purpose of deciding the question whether or not such person had been evicted.

(b) If at such inquiry it is proved to the satisfaction of the Commissioner that such person had been evicted, it shall be presumed, unless the contrary is proved, that such eviction had been made by or at the instance of the landlord of such extent.

(c) The landlord of such extent shall be given an opportunity of being heard in person or through a representative at such inquiry. The Commissioner's decision on such question shall be communicated in writing to such landlord. If such landlord is aggrieved by such decision, he may, within thirty days after the communication of such

decision to him, make a written appeal from such decision to the Board of Review, and the appeal shall state the grounds of appeal. A copy of the appeal shall be transmitted to the Commissioner by such landlord.

(d) Where, in the case referred to in paragraph (a), the Commissioner decides that the eviction had been made and no appeal is made from such decision within the time allowed therefor, or the Board of Review has, on any such appeal, confirmed the decision of the Commissioner, then,—

(i) the person evicted shall be entitled to have the use and occupation of such extent restored to him, and

(ii) the Commissioner shall in writing order that every person in occupation of such extent shall vacate it on or before such date as shall be specified in that order, and if such person fails to comply with the order, he shall be evicted from such extent in accordance with the provisions of section 21.

4. (1) Where a person who was the tenant cultivator of any extent of paddy land had been evicted from such extent at any time after the date on which the principal Act came into operation in the administrative district in which such extent wholly or mainly lies and before the date of commencement of this Act, the Commissioner may hold an inquiry for the purpose of deciding the question whether the person had been evicted from such extent, and the provisions of paragraph (b), paragraph (c) and paragraph (d) of sub-section (1A) of section 4 of the principal Act shall apply to such inquiry and to the decision of the Commissioner on such question.

(2) Any inquiry held by the Commissioner before the date of commencement of this Act for the purpose of deciding the question whether any person, who was the tenant cultivator of any extent of paddy land on or after the date on which the

Power of the Commissioner to hold inquiries into evictions of tenant cultivators before the date of commencement of this Act.

principal Act came into operation in the administrative district in which such extent wholly or mainly lies, had been evicted from such extent, shall, notwithstanding that the Commissioner had no power to hold such inquiry, be deemed to have been duly held under the principal Act and any decision of the Commissioner on such question shall be deemed to be valid.

5. Section 29 of the principal Act is hereby amended as follows :—

Amendment of section 29 of the principal Act.

(1) by the insertion, immediately after subsection (2) of that section, of the following new sub-sections :—

“(2A) Where, at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held for the purpose of electing the prescribed number of elected members of a Cultivation Committee, the number of persons elected as members of such Committee is less than, but not less than half of, the aforesaid prescribed number, then,—

(a) the Commissioner shall in writing convene a meeting of those so elected for the purpose of electing as members of such Committee, from persons who are qualified to be elected members of such Committee, the number of persons required to complete the aforesaid prescribed number ;

(b) the Commissioner or any officer authorised by the Commissioner in that behalf shall preside at the meeting convened under paragraph (a) of this sub-section ;

(c) if all those elected as members of such Committee are present at the meeting

convened under paragraph (a) of this sub-section, they shall elect as members of such Committee, from persons who are qualified to be elected members of such Committee, the number of persons required to complete the aforesaid prescribed number, and the election shall be so made as to secure that, out of the total number of elected members of such Committee, those who are qualified cultivators of paddy lands are not less than three-fourths of the aforesaid prescribed number and those who are qualified owners of paddy lands are not more than one-fourth of the aforesaid prescribed number ;

(d) if all or any one of those elected as members of such Committee do not or does not attend the meeting convened under paragraph (a) of this sub-section or if all or any one of those required by paragraph (c) of this sub-section to be elected as members of such Committee are not or is not so elected, such Committee consisting of the persons elected at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held for the purpose of electing the prescribed number of elected members of such

Committee and any persons elected at the meeting convened under paragraph (a) of this sub-section shall, notwithstanding that the number of persons elected as members of such Committee is less than the aforesaid prescribed number and subject to the provisions of section 31C, be deemed to be validly constituted and to consist of the persons so elected and the persons appointed by the Commissioner as members of such Committee under paragraph (b) of sub-section (1).

(2B) Where, at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held for the purpose of electing the prescribed number of elected members of a Cultivation Committee, either no person is elected as a member of such Committee or the number of persons elected as members of such Committee is less than half of the aforesaid prescribed number, the Commissioner shall, as soon as is practicable, cause meetings of qualified cultivators of paddy lands and qualified owners of paddy lands to be convened once again for the aforesaid purpose.

(2C) Where, at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands convened under sub-section (2B) for the purpose of electing the prescribed number of elected members of a Cultivation Committee, either no person is elected as a member of such Committee or the number of persons elected as members of such Committee is less than half of the aforesaid prescribed number, the

Commissioner shall in writing appoint as members of such Committee, from persons who are qualified to be elected members of such Committee, the number of persons required to constitute or complete the aforesaid prescribed number, and the appointment shall be so made as to secure that, out of the total number of members who are so elected or are appointed under this sub-section, those who are qualified cultivators of paddy lands are not less than three-fourths of the aforesaid prescribed number and those who are qualified owners of paddy lands are not more than one-fourth of the aforesaid prescribed number.

(2D) Where the Commissioner is unable to appoint all or any of the members of a Cultivation Committee who are required to be appointed by him under sub-section (2C) by reason of the unwillingness of all or any of the persons qualified to be elected members of such Committee to serve as members of such Committee, then,—

(i) if the number of members so appointed is not less than half the prescribed number of elected members of such Committee, such Committee shall, notwithstanding that the number of persons so appointed is less than the aforesaid prescribed number and subject to the provisions of section 31C be deemed to be validly constituted ;

(ii) if the number of persons so appointed is less than half the aforesaid prescribed number or if no persons are so appointed,—

(a) the Commissioner shall, by notification published in the *Gazette*, announce his inability to appoint the members of such Committee who are required to be appointed by him under sub-section (2c) ;

(b) it shall be deemed, for the area for which such Committee is required to be constituted, that, during the period of one year commencing on the day immediately following the date of expiry of the current term of office of the members of such Committee, there is no Cultivation Committee ;

(c) the Commissioner or any officer authorised by the Commissioner in that behalf may, during the period mentioned in paragraph (b) of this subsection, exercise or perform all or any of the powers or duties of a Cultivation Committee under this Act in respect of the area referred to in that paragraph ; and

(d) the Commissioner shall, before the expiry of the period

mentioned in paragraph (b) of this sub-section, cause steps to be taken in accordance with the provisions of this section to constitute, with effect from the expiry of that period, a Cultivation Committee for the area referred to in that paragraph.

(2E) A person who is elected as a member of a Cultivation Committee at a meeting convened under paragraph (a) of sub-section (2A) or who is appointed as a member of a Cultivation Committee by the Commissioner under sub-section (2c) shall be deemed to be an elected member of such Committee, and accordingly sub-section (5) shall not apply to him." ; and

(2) in sub-section (3) of that section by the substitution, for the expression "In sub-section (2)—", of the expression "In this Act—".

6. Section 31 of the principal Act is hereby amended by the substitution for the words "one year" of the words "three years".

7. Where, before the commencement of this Act, any Cultivation Committee has been constituted without complying with the provisions of paragraph (a) of sub-section (1) of section 29 of the principal Act or with the provisions of sub-section (2) of that section, then, notwithstanding the failure to comply with such provisions, such Committee shall be deemed to have been and to be duly constituted under the principal Act, and any decision, determination, order or act of such Committee shall not, by reason only of such failure, be deemed to have been or to be invalid.

Amendment of section 31 of the principal Act.

Validation of the constitution, decisions, determinations, orders and acts of Cultivation Committees constituted without compliance with sub-section (1) (a) or sub-section (2) of section 29 of the principal Act.

8. The following new sections are hereby inserted immediately after section 31, and shall have effect as sections 31A, 31B, 31C and 31D, of the principal Act :—

Insertion of new sections 31A, 31B, 31C and 31D in the principal Act.

“ Elected member of a Cultivation Committee may resign.

31A. A person who is an elected member, or is deemed under section 29 to be an elected member, of a Cultivation Committee may resign from that Committee by letter addressed to that Committee.

Absence of elected member from three consecutive meetings of a Cultivation Committee without leave to be deemed to be resignation.

31B. Where a person who is an elected member, or is deemed under section 29 to be an elected member, of a Cultivation Committee is absent from three consecutive meetings of that Committee without leave of that Committee first obtained, he shall, with effect from the day immediately following the date of the last of those three meetings, be deemed to have resigned from that Committee.

Filling of casual vacancies in a Cultivation Committee.

31C. Where a member of a Cultivation Committee dies or resigns, then,—

- (a) if he is an elected member or is deemed under section 29 to be an elected member, that Committee shall fill the vacancy caused by the death or resignation by electing as a member of that Committee one of the qualified cultivators, or of the qualified owners, of the paddy lands wholly or mainly lying within the local jurisdiction of that Committee according as the member who dies or resigns is a qualified cultivator of paddy lands or a qualified owner of paddy lands ; and

- (b) if the member who dies was appointed by the Commissioner under paragraph (b) of sub-section (1) of

section 29, the Commissioner shall fill the vacancy caused by the death by appointing any Government officer as a member of that Committee.

Vacancy in a Cultivation Committee not to invalidate its acts and proceedings.

31D. No act or proceeding of a Cultivation Committee shall be invalidated by reason only of the existence of any vacancy among its members.”.

Amendment of section 63 of the Principal Act.

9. Section 63 of the principal Act is hereby amended as follows :—

(1) in the definition of “cultivator”, by the substitution, for all the words from “carries out on such extent” to the end of that definition, of the following :—

“carries out on such extent—

(a) two or more of the operations of ploughing, sowing and reaping, and

(b) the operation of tending or watching the crop,

in each season during which paddy is cultivated on such extent”; and

(2) by the insertion, immediately after the definition of “Commissioner”, of the following new definition :—

““evict” means in relation to a tenant cultivator, to deprive, by using direct or indirect methods, that tenant cultivator of his right to use, occupy and cultivate the whole or any part of the extent of paddy land let to him ;”.

10. The amendment effected to section 31 of the principal Act by section 6 of this Act shall be deemed to apply to every member of a Cultivation Committee who is holding office on the date of commencement of this Act and accordingly the term of office of every such member shall, subject to the provisions of the aforesaid section 31, be three years from the date of election of such member.

Application of Amendment effected to the principal Act by section 6 of this Act to persons holding office as members of Cultivation Committees on the date of commencement of this Act.

10. The amendment effected in section 31 of the principal Act by section 6 of this Act shall be deemed to apply to every member of a University Committee who is holding office on the date of commencement of this Act and accordingly the term of office of every such member shall, subject to the provisions of the aforesaid section 31, be three years from the date of session of such member.

Amendment of
Section 31 of
the principal Act
by section 6 of
this Act shall
be deemed to
apply to every
member of a
University
Committee who
is holding office
on the date of
commencement
of this Act.

PARLIAMENT OF CEYLON

1st Session 1960-61



Licensing of Traders Act, No. 62 of 1961

Date of Assent : July 1, 1961

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1st Session 1961



Licensing of Traders Act

No. 62 of 1961

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Licensing of Traders Act, No. 62 of 1961

L. D.—O. 9/61.

AN ACT TO MAKE PROVISION FOR THE LICENSING OF TRADERS, FOR ENSURING THE MAINTENANCE OF BUSINESS STANDARDS AND MORALITY, FOR ENABLING THE MAINTENANCE OF FAIR AND STABLE PRICES IN ESSENTIAL CONSUMER COMMODITIES, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent : July 1, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Licensing of Traders Act, No. 62 of 1961. Short title.

2. (1) The Minister may, by Order published in the *Gazette*, declare that, with effect from such date as shall be specified in the Order, no person, other than a person exempted from the application of this section by regulation made under this Act, shall carry on business as a trader in any class of any article unless he is the holder of a licence authorising him to carry on such business or otherwise than in accordance with the terms and conditions of such licence. Licensing of traders.

(2) An Order under sub-section (1) may be made applicable to the whole of Ceylon or to such part of Ceylon as may be specified in the Order, and to such class or classes of traders as may be so specified.

3. Regulations may be made under this Act for or in respect of all or any of the following matters relating to any area to which, or class of traders to whom, an Order under section 2 is applicable :— Regulations.
 - (a) the furnishing of returns of stocks of any article in the possession or under the control of any such trader and the particulars to be specified in such returns ;
 - (b) the authority or authorities by whom such licences may be granted or refused ;

- (c) the persons to whom, the circumstances in which, and the terms or conditions subject to which, licences under this Act may be granted or refused ;
- (d) the manner and mode in which applications for licences under this Act may be made and dealt with ;
- (e) the persons in respect of whom exemptions may be granted from the provisions of section 2 ;
- (f) the furnishing of all such statements and declarations relating to the business carried on by a trader in any article as may be necessary for ensuring that the provisions of this Act or any regulation made thereunder are complied with ;
- (g) the standards and morality to be observed by traders and the prohibition of acts or omissions in contravention of such standards and morality.

Power to make Regulations.

4. (1) The Minister may make regulations for giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of all matters for which regulations are required by this Act to be made.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation upon such publication.

(4) Every regulation made by the Minister shall be brought before the Senate and the House of Representatives within a period of one month from the date of the publication of that regulation under sub-section (3), or, if no meeting is held within that period, at the first meeting after the expiry of that period, by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which such regulation shall so be

deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

(7) Any regulation made by the Minister shall, when approved by the Senate and the House of Representatives, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the *Gazette*.

5. (1) (a) If the authority by whom a licence has been issued to any trader in any article is satisfied that such trader has contravened any of the provisions of this Act or of any regulations made thereunder, or

Punitive orders.

(b) if it is reported to such authority by the Commissioner of Inland Revenue, the Exchange Controller, the Principal Collector of Customs, the Controller of Imports and Exports, the Director of Commerce or any other Head of a Government Department that such trader has contravened the provisions of any written law administered by any of the aforesaid persons and such authority is satisfied that such report discloses conduct on the part of such trader which in the opinion of such authority is contrary to the maintenance of business standards or morality, or

(c) if it is reported to such authority by any court, commercial bank, diplomatic mission or any Head of a Government Department that such trader has failed to maintain standards in the quality or quantity of any goods exported from, or imported into, Ceylon, or that such trader has failed to discharge any obligations arising from any commercial dealing or transaction without cause and such authority is satisfied that such failure on the part of such trader is in the opinion of such authority contrary to the maintenance of business standards or morality, or

(d) if such authority is satisfied on information supplied by any member of the public that such trader has acted or is acting in contravention of any provision of this Act, the Control of Prices Act, No. 29 of 1950, or the Food Control Act, No. 25 of 1950.

then such authority may, without prosecuting or sanctioning a prosecution of that trader, by order (hereinafter referred to as a "punitive order")—

- (i) suspend for any period specified in the order, or cancel, the licence issued to that trader, and
- (ii) require the trader to pay into the general revenue within such period, and in such manner as may be specified in the order, a sum not exceeding five thousand rupees.

(2) No punitive order shall be made against any trader in any article except after notice to him to show cause, within such period as may be specified in the notice, why such order should not be made, and except on his failing to show cause within such period or on his not showing sufficient cause.

(3) Any trader against whom a punitive order is made may appeal against it to a Tribunal of Appeal constituted under section 6 before the expiry of a period of twenty-one days after the date on which such order is communicated to that trader by or on behalf of the authority by whom such order was made.

(4) Every appeal under sub-section (3) shall—

- (a) be in writing,
- (b) set out a brief statement of the punitive order against which the appeal is preferred and the reasons urged by the appellant in support of the appeal ; and
- (c) be despatched by registered post to, or delivered by hand at, the office of the authority by whom such order was made.

(5) No punitive order shall come into force—

- (a) before the expiry of the period within which an appeal against such order may be preferred under sub-section (3) ; or
- (b) during the pendency of such an appeal ; or
- (c) before the expiry of the period within which an appeal against an order of the Tribunal of Appeal may be preferred to the Supreme Court ; or

(d) during the pendency of an appeal from the order of the Tribunal of Appeal to the Supreme Court.

(6) Any notice required to be given, or any order required to be communicated, under the preceding provisions of this section shall be deemed to have been served or communicated after the expiry of a period of two days reckoned after the date of despatch of such notice or order by letter sent by registered post to his usual place of business or residence.

(7) Any penalty imposed under this section shall be recovered in the same manner as if it were a fine imposed by a Magistrate's Court.

6. (1) For the purposes of this appeal, there shall be a Tribunal, or two or more Tribunals, of Appeal.

Constitution
of Tribunal of
Appeal.

(2) A Tribunal of Appeal (hereinafter referred to as a "Tribunal") shall consist of two or more such persons, of whom at least one shall be a person of legal experience, as the Minister may appoint.

(3) Every member of a Tribunal shall, unless he earlier resigns his office or is removed therefrom by the Minister, hold office for such period as the Minister may determine at the time of his appointment, and shall, on vacating office by effluxion of time, be eligible for reappointment.

(4) It shall be the duty of a Tribunal to hear and determine all appeals preferred in accordance with the provisions of sub-sections (3) and (4) of section 5 or sub-section (1) of section 11.

(5) A Tribunal may, in dealing with any appeal preferred to it, affirm, vary or annul the punitive order against which the appeal has been preferred.

(6) Regulations may be made prescribing the manner in which, and the conditions subject to which, an appeal to a Tribunal may be preferred.

7. (1) An appeal to the Supreme Court shall lie on any question of law, but not otherwise, against an order of a Tribunal. Any such appeal may be preferred before the expiry of a period of one month next succeeding the date of the order of the Tribunal, and such appeal shall be heard by one Judge of the Supreme Court.

Appeals to the
Supreme Court.

(2) The Supreme Court may, upon any appeal preferred under sub-section (1), affirm, vary or reverse the order of the Tribunal.

(3) Regulations may be made prescribing the manner in which, and the conditions subject to which, an appeal to the Supreme Court may be preferred.

8. (1) No licence issued under this Act to any person shall be transferable to any other person and accordingly any such transfer shall be null and void.

(2) No licence issued under this Act shall be used for the benefit of any person other than the person to whom it was issued.

9. (1) Any person who acts in contravention of any provision of this Act or of any regulation made thereunder shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be punished—

(a) for the first offence with a fine of not less than five thousand rupees or with imprisonment of either description for a term not exceeding one year or with both such fine and imprisonment, and

(b) for a subsequent offence committed after conviction of the first offence, with imprisonment of either description for a term not exceeding one year.

(2) Where an offence under this Act is committed by a body of persons, then—

(a) if that body of persons is a body corporate, every director and officer of that body corporate, and

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence :

Provided that a director or an officer of such body corporate or a partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Licence not transferable and not to be used for the benefit of any person other than the licensee.

Punishment of persons convicted by court.

(3) Any offence under this Act committed by the servant or agent of a trader who is the holder of a licence granted under this Act shall be deemed to be an offence committed by such trader unless such trader proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

10. Where any trader is convicted by a court of a contravention of any provision of this Act or of any regulation made under this Act and no appeal against the conviction is preferred or the conviction is confirmed in appeal, the licensing authority may cancel any licence or all licences issued to that trader under this Act.

Effect of conviction of a trader.

11. (1) Where a punitive order made against any trader comes into force or where an appeal against such order is preferred to a Tribunal and the finding that the trader has committed the contravention referred to in such order is confirmed by an order of the Tribunal, or where the Supreme Court upon an appeal from the order of the Tribunal affirms the order of the Tribunal, the authority by whom the punitive order was made may order all or any of the assets (other than assets over which there is any prior charge, lien or mortgage) of that trader relating to the business carried on under the authority of the licence to be forfeited to Her Majesty. An appeal shall lie to a Tribunal of Appeal from an order of forfeiture made under this sub-section and the provisions of sub-sections (3), (4), (5) and (6) of section 5 shall *mutatis mutandis* apply in relation to such appeal.

Forfeiture.

(2) Where any person is convicted by a court of a contravention of any provision of this Act or of any regulation made thereunder, the court may exercise the powers relating to forfeiture referred to in sub-section (1).

(3) An order of forfeiture made under the preceding provisions of this section shall be enforced in the same manner as though the forfeiture was a seizure duly effected in execution of a decree in an action under the Civil Procedure Code, and for the purposes of such execution the Attorney-General shall be deemed to be the judgment-creditor.

Offences under this Act to be cognizable.

12. Notwithstanding anything in the First Schedule to the Criminal Procedure Code, every offence under this Act or any regulation made thereunder shall be a cognizable offence within the meaning of that Code.

Certain officers deemed to be peace officers.

13. Every person exercising any powers under the Food Control Act, No. 25 of 1950, or under the Control of Prices Act, No. 29 of 1950, or under this Act or under any regulation made under any of the aforesaid Acts shall be deemed to be peace officers within the meaning of the Criminal Procedure Code for the purpose of exercising any power conferred on peace officers by that Code.

Duty of a Tribunal or a court of law to report to the Controller of Immigration and Emigration.

14. Where a Tribunal makes a punitive order in respect of any person who is not a citizen of Ceylon, or a court of law convicts any such person of any offence under this Act or any regulation made thereunder or of any offence under the provisions of any law administered by the Commissioner of Inland Revenue, the Exchange Controller, the Principal Collector of Customs, the Controller of Imports and Exports, the Director of Commerce or any other Head of a Government Department, it shall be the duty of that Tribunal or that court of law to report such person to the Controller of Immigration and Emigration.

Interpretation.

15. In this Act, unless the context otherwise requires—

“ article ” means any article of food, drink or merchandise ;

“ citizen of Ceylon ” means any person who is a citizen of Ceylon under any law for the time being in force ;

“ trader ” means any person carrying on business (whether by itself or together with any other business) as—

(a) a manufacturer of articles for the purposes of sale or supply,

(b) an importer of articles for the purposes of sale or supply,

(c) a person who sells or supplies wholesale articles to any other traders,

- (d) a person who sells or supplies at retail rates articles to consumers, or
- (e) an exporter (including a shipper) of articles in pursuance of a contract of sale or supply.

16. The provisions of this Act shall have effect notwithstanding anything contained in any other written law, and in case of conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

Act to prevail in case of conflict with other written law.

(b) a person who sells or supplies at
which rates to consumers

(c) an exporter (including a shipper) of
articles in pursuance of a con-
tract of sale or supply.

act in power
in case of
conflict with
other laws
law

14. The provisions of this Act shall have effect
notwithstanding anything contained in any other
law, and in case of conflict or inconsistency
between the provisions of this Act and such other
law, the provisions of this Act shall prevail.

PARLIAMENT OF CEYLON

1st Session 1960-61



Motor Traffic (Amendment) Act, No. 63 of 1961

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Motor Traffic (Amendment)

Act No. 63 of 1961

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L. D.—O. 12/61.

AN ACT TO AMEND THE MOTOR TRAFFIC ACT,
No. 14 OF 1951.

[Date of Assent: 1st July, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Motor Traffic (Amendment) Act, No. 63 of 1961.

Short title.

2. Section 35 of the Motor Traffic Act, No. 14 of 1951, hereinafter referred to as the "principal Act", is hereby amended in sub-section (1) of that section as follows:—

Amendment of section 35 of Act No. 14 of 1951.

(1) in paragraph (a) of that sub-section, by the substitution, for the words "that coach; and", of the words "that coach;"

(2) in paragraph (b) of that sub-section,—

(a) by the omission of the words "a hiring car or"; and

(b) by the substitution, for the words "that car or omnibus, as the case may be:", of the words "that omnibus; and";

(3) by the insertion, immediately after paragraph (b) of that sub-section, of the following new paragraph:—

"(c) for a hiring car, the maximum number of persons authorised to be carried in that car so however that such maximum number does not exceed eight (including the driver)."; and

(4) by the omission of the Proviso to that sub-section.

3. Section 180 of the principal Act is hereby amended, by the repeal of sub-section (2) of that section, and the substitution therefor of the following new sub-section:—

Amendment of section 180 of the principal Act.

"(2) Where the number of persons found at any time in a private car on a highway exceeds eight (including the driver thereof), the driver thereof shall be guilty of an offence under this Act."

4. Section 181 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section—

(a) by the substitution, for the word “passengers”, of the words “persons (including the driver)”;

(b) by the substitution, for the word “passenger”, of the word “person”; and

(c) by the omission of the Proviso to that sub-section;

(2) in sub-section (3) of that section, by the substitution in sub-paragraph (ii) of paragraph (a) of that sub-section, for the words “a hiring car or”, of the word “an”;

(3) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section:—

“(3A) For the purposes of this section in its application in the case of a hiring car,—

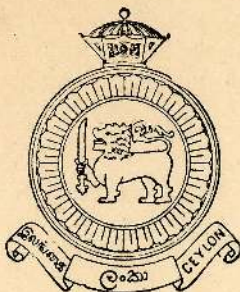
(a) a child under three years of age not occupying a separate seat in that car shall not be reckoned as a person;

(b) two children, being each over three years and under twelve years of age, shall be reckoned as one person.”; and

(4) in the marginal note to that section, by the substitution, for the words “of passengers”, of the words “of persons or passengers”.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Appropriation Act, No. 64 of 1961

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L. D.—O.153/34.

AN ACT TO PROVIDE FOR THE SERVICE OF THE FINANCIAL YEAR, 1961-62, TO AUTHORISE THE RAISING OF LOANS IN OR OUTSIDE CEYLON FOR THE PURPOSE OF SUCH SERVICE, TO MAKE FINANCIAL PROVISION IN RESPECT OF CERTAIN ACTIVITIES OF THE GOVERNMENT DURING THAT FINANCIAL YEAR, TO ENABLE THE PAYMENT BY WAY OF ADVANCES OUT OF THE CONSOLIDATED FUND OF CEYLON OR ANY OTHER FUND OR MONEYS OF, OR AT THE DISPOSAL OF, THE GOVERNMENT, OF MONEYS REQUIRED DURING THAT FINANCIAL YEAR FOR EXPENDITURE ON SUCH ACTIVITIES, TO PROVIDE FOR THE REFUND OF SUCH MONEYS TO THAT CONSOLIDATED FUND, AND TO MAKE PROVISION FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE AFORESAID MATTERS.

[Date of Assent : September 25, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Appropriation Act, No. 64 of 1961.

Short title.

2. (1) Without prejudice to any other law authorising any expenditure, the expenditure of the Government, which it is estimated will be rupees two thousand and forty-two million two hundred and thirty-seven thousand two hundred and thirty-six, for the service of the financial year beginning on October 1, 1961, and ending on September 30, 1962, shall be met—

Appropriation for financial year, 1961-62.

(a) from payments which are hereby authorised to be made out of the Consolidated Fund of Ceylon, or any other fund or moneys of, or at the disposal of, the Government; and

(b) from the proceeds of loans which are hereby authorised to be raised, whether in or outside Ceylon, for and on behalf of the Government, so however, that the aggregate of such proceeds does not exceed rupees seven hundred million.

The sum of rupees two thousand and forty-two million two hundred and thirty-seven thousand two hundred and thirty-six hereinbefore referred

to may be expended as specified in the First Schedule to this Act.

(2) The provisions of sub-section (1) of this section shall have effect without prejudice to the provisions of any other written law authorising the raising of loans for and on behalf of the Government.

3. (1) The receipts of the Government, during the financial year referred to in section 2, from each activity specified in column I of the Second Schedule to this Act shall be credited to the account of such activity, but the aggregate of the receipts so credited shall not exceed the maximum limit specified in the corresponding entry in column III of that Schedule. Any receipts from such activity in excess of such maximum limit shall be credited to the Consolidated Fund of Ceylon.

(2) The expenditure incurred by the Government, during the financial year referred to in section 2, on each activity specified in column I of the Second Schedule to this Act shall be paid out of the receipts of the Government from such activity during that financial year, but such expenditure shall not exceed the maximum limit specified in the corresponding entry in column II of that Schedule.

(3) The debit balance, outstanding at the end of the financial year referred to in section 2, of any activity specified in column I of the Second Schedule to this Act shall not exceed the maximum limit specified in the corresponding entry in column IV of that Schedule, and the total liabilities of that activity at the end of that financial year shall not exceed the maximum limit specified in the corresponding entry in column V of that Schedule.

4. Whenever, at any time during the financial year referred to in section 2, the receipts of the Government from any activity specified in column I of the Second Schedule to this Act are insufficient to meet the expenditure incurred by the Government on such activity, the Minister of Finance may, from time to time, by Order direct that such sums as he may deem necessary to meet such expenditure shall be payable, by way of advances, out of the Consolidated Fund of Ceylon, or any other fund or moneys of, or at the disposal of, the Government, so however, that the aggregate of

Financial provision in respect of certain activities of the Government for the financial year, 1961-62.

Payment from the Consolidated Fund, or any other fund or moneys of, or at the disposal of the Government, of advances for expenditure on the activities referred to in section 3 during the financial year, 1961-62.

the sums so advanced does not exceed the maximum limit of expenditure specified in the corresponding entry in column II of that Schedule. Any sums so advanced in respect of such activity shall be refunded to that Consolidated Fund in such manner as the Minister of Finance may by Order direct.

5. Any moneys which, by virtue of the provisions of the First Schedule to this Act, have been allocated to any vote other than Votes Nos. 3, 5, and 7, appearing under any head specified in that Schedule but have not been expended and are not likely to be expended, may be transferred to any other vote under that head by order of the Secretary to the Treasury or other officer authorised by him.

Power to transfer unexpended moneys from one vote to another vote under the same head of expenditure.

6. The Minister of Finance, with the approval of the Government, may by Order vary or alter any of the maximum limits specified in column II, column III, column IV or column V of the Second Schedule to this Act.

Power of Minister of Finance to vary the maximum limits specified in the Second Schedule to this Act.

7. The House of Representatives may, by resolution, amend the Second Schedule to this Act, by adding to the appropriate columns of that Schedule, any activity and all or any of the maximum limits relating to such activity.

Power of House of Representatives to amend the Second Schedule to this Act.

FIRST SCHEDULE

Sums payable for general services

		Rs.
Head 1,	His Excellency the Governor-General	
	Vote No. 1, Personal Emoluments and other allowances of staff	252,651
	Vote No. 2, Administration Charges—Recurrent Expenditure	156,500
Head 2,	Supreme Court	
	Vote No. 1, Personal Emoluments and other allowances of staff	1,469,700
	Vote No. 2, Administration Charges—Recurrent Expenditure	541,050
Head 3,	Cabinet Office	
	Vote No. 1, Personal Emoluments and other allowances of staff	124,736
	Vote No. 2, Administration Charges—Recurrent Expenditure	13,560

Rs.

Head 4, Senate			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	364,056
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	298,000
Head 5, House of Representatives			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	803,406
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	1,559,040
Head 6, Judicial Service Commission			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	89,312
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	5,465
Head 7, Public Service Commission			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	215,254
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	9,450
Head 8, Audit Office			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	3,000,231
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	327,358
Head 9, Office of the Leader of the House of Representatives			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	64,742
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	3,200
Head 10, Office of the Leader of the Opposition in the House of Representatives			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	42,580
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	1,870
Head 16, Prime Minister			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	216,410
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	162,050
Vote No. 3, Administration Charges—Capital Expenditure	..	..	28,000
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	1,500,000

Rs.

Head 17, Minister of Defence and External Affairs

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	950,442
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	1,560,780
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	7,400,000

Head 18, Army

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	19,615,814
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	13,058,307
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	1,162,020

Head 19, Royal Ceylon Navy

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	10,472,978
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	8,174,795
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	380,000

Head 20, Royal Ceylon Air Force

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	9,195,615
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	6,877,845
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	250,000

Head 21, Police

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	33,316,501
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	8,435,897
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	1,353,131

Head 22, Department of External Affairs Abroad

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	5,205,604
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	2,517,006
Vote No. 3, Administration Charges—Capital Expenditure	..	..	..	1,709,445

Rs.

Head 23, Department of Immigration, Emigration and Registration of Indian and Pakistani Residents		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	686,601
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	182,450
Head 24, Department of Information		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	938,315
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	384,847
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	5,500
Head 25, Department of National Planning		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	263,363
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	18,000
Head 26, Government Tourist Bureau		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	228,395
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	559,350
Head 31, Minister of Finance		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	259,626
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	7,725
Head 32, Treasury		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,383,923
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	1,563,555
Head 33, Pensions		
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	45,563,950
Head 34, Public Debt		
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	43,110

Rs.

Head 35, Loan Board

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	48,206
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	600

Head 36, Government Stores

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,597,625
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	212,320

Head 37, Department of Inland Revenue

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	4,970,744
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	341,525

Head 38, Customs

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	4,264,514
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	646,590
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	59,000

Head 39, Department of Census and Statistics

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,319,453
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	2,273,737
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	360,167

Head 40, National Savings Movement

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	230,243
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	92,070

Head 41, Government Press

Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	5,325,912
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	4,235,450
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	541,250

Rs.

Head 42, Widows' and Orphans' Pension Office			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	311,438
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	237,550
Head 43, Combined Services			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	642,140
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	132,400
Head 44, Miscellaneous Services			
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	12,418,489
Vote No. 3, Administration Charges—Capital Expenditure	..	..	10
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	690,000
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	10
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	10,000
Vote No. 7, Economic Development—Capital Expenditure	..	..	72,426,165
Head 53, Minister of Justice			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	474,724
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	29,224
Vote No. 3, Administration Charges—Capital Expenditure	..	..	400,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	50,000
Head 54, Revision of Legislative Enactments and Subsidiary Legislation			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	14,475
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	400
Head 55, District Courts			
Vote No. 1, Personal Emoluments and other allowances of staff	..	..	2,584,290
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	244,190

Rs.

Head 56, Courts of Requests and Magistrates' Courts		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	2,166,473
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	282,448
Head 57, Fiscals		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,570,551
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	1,164,389
Head 58, Conciliation Boards		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	66,500
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	7,750
Head 59, Attorney-General		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	958,165
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	330,620
Head 60, Legal Draftsman		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	366,115
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	8,223
Head 61, Rural Courts		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	1,261,000
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	183,437
Head 62, Debt Conciliation Board		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	67,648
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	5,775
Head 63, Department of the Bribery Commissioner		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	360,973
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	77,800

	<i>Rs.</i>
Head 64, Official Language Department	
Vote No. 1, Personal Emoluments and other allowances of staff	1,402,585
Vote No. 2, Administration Charges—Recurrent Expenditure	161,370
Head 70, Minister of Industries, Home and Cultural Affairs	
Vote No. 1, Personal Emoluments and other allowances of staff	505,628
Vote No. 2, Administration Charges—Recurrent Expenditure	155,553
Vote No. 6, Economic Development—Recurrent Expenditure	278,462
Vote No. 7, Economic Development—Capital Expenditure	45,353,954
Head 71, Provincial Administration	
Vote No. 1, Personal Emoluments and other allowances of staff	24,899,890
Vote No. 2, Administration Charges—Recurrent Expenditure	1,874,800
Vote No. 3, Administration Charges—Capital Expenditure	155,300
Vote No. 4, Services provided by the Department—Recurrent Expenditure	225,155
Head 72, Government Analyst	
Vote No. 1, Personal Emoluments and other allowances of staff	469,786
Vote No. 2, Administration Charges—Recurrent Expenditure	66,960
Head 73, Department of Elections (Parliamentary and Local Bodies)	
Vote No. 1, Personal Emoluments and other allowances of staff	750,189
Vote No. 2, Administration Charges—Recurrent Expenditure	1,563,595
Head 74, Department of Prisons	
Vote No. 1, Personal Emoluments and other allowances of staff	5,965,153
Vote No. 2, Administration Charges—Recurrent Expenditure	3,417,280
Vote No. 3, Administration Charges—Capital Expenditure	25,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	69,250

Rs.

Head 75, Registrar-General

Vote No. 1, Personal Emoluments and other allowances of staff	3,590,693
Vote No. 2, Administration Charges—Recurrent Expenditure	240,384

Head 76, Department of Rural Development and Cottage Industries

Vote No. 1, Personal Emoluments and other allowances of staff	7,114,051
Vote No. 2, Administration Charges—Recurrent Expenditure	773,710
Vote No. 4, Services provided by the Department—Recurrent Expenditure	754,016
Vote No. 5, Services provided by the Department—Capital Expenditure	1,600,000
Vote No. 6, Economic Development—Recurrent Expenditure	1,455,850
Vote No. 7, Economic Development—Capital Expenditure	1,651,709

Head 77, Department of Mosques and Muslim Charitable Trusts

Vote No. 1, Personal Emoluments and other allowances of staff	43,503
Vote No. 2, Administration Charges—Recurrent Expenditure	23,071

Head 78, Department of Social Services

Vote No. 1, Personal Emoluments and other allowances of staff	1,048,971
Vote No. 2, Administration Charges—Recurrent Expenditure	5,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	30,292,046

Head 79, Department of Probation and Child Care Services

Vote No. 1, Personal Emoluments and other allowances of staff	213,397
Vote No. 4, Services provided by the Department—Recurrent Expenditure	3,781,970
Vote No. 5, Services provided by the Department—Capital Expenditure	30,000

Head 80, Public Trustee

Vote No. 1, Personal Emoluments and other allowances of staff	246,812
Vote No. 2, Administration Charges—Recurrent Expenditure	29,400

	<i>Rs.</i>
Head 81, Department of Industries	
Vote No. 1, Personal Emoluments and other allowances of staff	584,180
Vote No. 2, Administration Charges—Recurrent Expenditure	45,500
Vote No. 6, Economic Development—Recurrent Expenditure	440,490
Head 82, Government Mineralogist	
Vote No. 2, Administration Charges—Recurrent Expenditure	50,865
Vote No. 6, Economic Development—Recurrent Expenditure	1,009,478
Vote No. 7, Economic Development—Capital Expenditure	450,000
Head 83, Salt Department	
Vote No. 1, Personal Emoluments and other allowances of staff	624,489
Vote No. 2, Administration Charges—Recurrent Expenditure	12,200
Vote No. 6, Economic Development—Recurrent Expenditure	9,000
Vote No. 7, Economic Development—Capital Expenditure	679,334
Head 84, Excise Department	
Vote No. 1, Personal Emoluments and other allowances of staff	2,517,242
Vote No. 2, Administration Charges—Recurrent Expenditure	535,869
Vote No. 6, Economic Development—Recurrent Expenditure	1,226
Vote No. 7, Economic Development—Capital Expenditure	333,000
Head 85, Department of Cultural Affairs	
Vote No. 1, Personal Emoluments and other allowances of staff	158,714
Vote No. 2, Administration Charges—Recurrent Expenditure	21,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,751,000
Head 86, Department of Government Archivist	
Vote No. 1, Personal Emoluments and other allowances of staff	240,633
Vote No. 2, Administration Charges—Recurrent Expenditure	41,510

Rs.

Head 87, Department of National Museums		
Vote No. 4, Services provided by the Department—		
Recurrent Expenditure	.. ..	456,282
Head 88, Archaeological Department		
Vote No. 3, Administration Charges—Capital Expen-		
diture	.. ..	2,500
Vote No. 4, Services provided by the Department—		
Recurrent Expenditure	.. ..	1,580,605
Vote No. 5, Services provided by the Department—		
Capital Expenditure	.. ..	903,204
Head 89, Government College of Fine Arts		
Vote No. 4, Services provided by the Department—		
Recurrent Expenditure	.. ..	522,475
Head 90, Kandyan Peasantry Rehabilitation Scheme		
Vote No. 5, Services provided by the Department—		
Capital Expenditure	.. ..	673,000
Vote No. 7, Economic Development—Capital Expen-		
diture	.. ..	3,650,000
Head 95, Minister of Agriculture, Land, Irrigation and Power		
Vote No. 1, Personal Emoluments and other allowances		
of staff	.. ..	569,454
Vote No. 2, Administration Charges—Recurrent Expen-		
diture	.. ..	21,300
Vote No. 6, Economic Development—Recurrent Expen-		
diture	.. ..	174,150
Vote No. 7, Economic Development—Capital Expen-		
diture	.. ..	62,977,000
Head 96, Land Commissioner		
Vote No. 1, Personal Emoluments and other allowances		
of staff	.. ..	4,558,548
Vote No. 2, Administration Charges—Recurrent Expen-		
diture	.. ..	638,067
Vote No. 6, Economic Development—Recurrent Expen-		
diture	.. ..	3,009,600
Vote No. 7, Economic Development—Capital Expen-		
diture	.. ..	20,725,000
Head 97, Land Settlement Department		
Vote No. 1, Personal Emoluments and other allowances		
of staff	.. ..	468,320
Vote No. 2, Administration Charges—Recurrent Expen-		
diture	.. ..	78,800

	<i>Rs.</i>
Head 98, Survey Department	
Vote No. 1, Personal Emoluments and other allowances of staff	8,675,921
Vote No. 2, Administration Charges—Recurrent Expenditure	12,359,236
Vote No. 3, Administration Charges—Capital Expenditure	90,020
Vote No. 6, Economic Development—Recurrent Expenditure	296,975
Head 99, Forest Department	
Vote No. 1, Personal Emoluments and other allowances of staff	2,442,805
Vote No. 2, Administration Charges—Recurrent Expenditure	395,331
Vote No. 6, Economic Development—Recurrent Expenditure	220,880
Vote No. 7, Economic Development—Capital Expenditure	3,773,160
Head 100, Irrigation Department	
Vote No. 1, Personal Emoluments and other allowances of staff	2,331,363
Vote No. 2, Administration Charges—Recurrent Expenditure	1,716,200
Vote No. 6, Economic Development—Recurrent Expenditure	14,698,820
Vote No. 7, Economic Development—Capital Expenditure	45,890,000
Head 101, Valuation Department	
Vote No. 1, Personal Emoluments and other allowances of staff	1,067,927
Vote No. 2, Administration Charges—Recurrent Expenditure	241,850
Head 102, Land Development Department	
Vote No. 1, Personal Emoluments and other allowances of staff	953,678
Vote No. 2, Administration Charges—Recurrent Expenditure	80,300
Vote No. 6, Economic Development—Recurrent Expenditure	4,141,586
Vote No. 7, Economic Development—Capital Expenditure	23,700,000

Rs.

Head 103, Department of Agriculture

881,828.6	Vote No. 1, Personal Emoluments and other allowances of staff	1,846,436
787,328.22	Vote No. 2, Administration Charges—Recurrent Expenditure	939,500
900,812	Vote No. 3, Administration Charges—Capital Expenditure	57,600
900,907	Vote No. 6, Economic Development—Recurrent Expenditure	26,493,764
900,922.77	Vote No. 7, Economic Development—Capital Expenditure	13,228,712

Head 104, Department of Agrarian Services

182,67	Vote No. 1, Personal Emoluments and other allowances of staff	1,263,600
910,921.8	Vote No. 2, Administration Charges—Recurrent Expenditure	618,000
880,950.1	Vote No. 3, Administration Charges—Capital Expenditure	30,000
	Vote No. 6, Economic Development—Recurrent Expenditure	7,315,428
270,222	Vote No. 7, Economic Development—Capital Expenditure	5,160,000

Head 105, Coconut Rehabilitation Scheme

808,271.2	Vote No. 7, Economic Development—Capital Expenditure	7,800,000
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Head 106, Department of Wild Life

832,989	Vote No. 1, Personal Emoluments and other allowances of staff	524,091
842,987.2	Vote No. 2, Administration Charges—Recurrent Expenditure	144,600

Head 107, Department of Fisheries

22,230.11	Vote No. 1, Personal Emoluments and other allowances of staff	1,096,188
830,800.2	Vote No. 2, Administration Charges—Recurrent Expenditure	228,340
220,187	Vote No. 3, Administration Charges—Capital Expenditure	11,000
900,222.1	Vote No. 4, Services provided by the Department—Recurrent Expenditure	370,000
920,209	Vote No. 5, Services provided by the Department—Capital Expenditure	1,000,000
230,980.2	Vote No. 6, Economic Development—Recurrent Expenditure	1,337,789
130,570.4	Vote No. 7, Economic Development—Capital Expenditure	3,300,000

Rs.

Head 108, Electrical Department (Commercialised Activities)		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	5,689,456
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	33,838,897
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	215,000
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	700,000
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	77,320,000
Head 109, Electrical Department (Non-Commercialised Activities)		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	75,281
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	3,120,510
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	1,060,066
Head 114, Minister of Labour and Nationalised Services		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	222,972
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	100,206
Head 115, Department of Labour		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	3,174,803
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	699,450
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	5,789,246
Vote No. 5, Services provided by the Department—Capital Expenditure	.. .. .	535,000
Head 116, Colombo Port Commission		
Vote No. 1, Personal Emoluments and other allowances of staff	.. .. .	11,043,825
Vote No. 2, Administration Charges—Recurrent Expenditure	.. .. .	8,036,050
Vote No. 3, Administration Charges—Capital Expenditure	.. .. .	761,683
Vote No. 4, Services provided by the Department—Recurrent Expenditure	.. .. .	1,222,000
Vote No. 5, Services provided by the Department—Capital Expenditure	.. .. .	602,030
Vote No. 6, Economic Development—Recurrent Expenditure	.. .. .	2,066,653
Vote No. 7, Economic Development—Capital Expenditure	.. .. .	8,682,641

Rs.

Head 117, Coast Lights

Vote No. 1, Personal Emoluments and other allowances of staff	113,436
Vote No. 2, Administration Charges—Recurrent Expenditure	37,250

Head 118, Commissioner of Motor Traffic

Vote No. 1, Personal Emoluments and other allowances of staff	1,201,109
Vote No. 2, Administration Charges—Recurrent Expenditure	171,750

Head 126, Minister of Health

Vote No. 1, Personal Emoluments and other allowances of staff	248,662
Vote No. 2, Administration Charges—Recurrent Expenditure	10,680

Head 127, Department of Health

Vote No. 1, Personal Emoluments and other allowances of staff	1,679,570
Vote No. 2, Administration Charges—Recurrent Expenditure	202,431
Vote No. 4, Services provided by the Department—Recurrent Expenditure	143,741,774
Vote No. 5, Services provided by the Department—Capital Expenditure	4,064,217

Head 128, Indigenous Medicine

Vote No. 1, Personal Emoluments and other allowances of staff	63,745
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,659,664

Head 134, Minister of Education and Broadcasting

Vote No. 1, Personal Emoluments and other allowances of staff	363,381
Vote No. 2, Administration Charges—Recurrent Expenditure	26,173
Vote No. 4, Services provided by the Department—Recurrent Expenditure	92,818
Vote No. 5, Services provided by the Department—Capital Expenditure	9,505,000

Rs.

Head 135, Education Department

Vote No. 1, Personal Emoluments and other allowances of staff	7,572,592
Vote No. 2, Administration Charges—Recurrent Expenditure	932,230
Vote No. 3, Administration Charges—Capital Expenditure	295,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	283,723,080
Vote No. 5, Services provided by the Department—Capital Expenditure	23,340,000

Head 136, Grants to Universities

Vote No. 4, Services provided by the Department—Recurrent Expenditure	11,837,963
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Head 137, Ceylon Technical College Department

Vote No. 1, Personal Emoluments and other allowances of staff	177,253
Vote No. 2, Administration Charges—Recurrent Expenditure	69,500
Vote No. 6, Economic Development—Recurrent Expenditure	1,726,385
Vote No. 7, Economic Development—Capital Expenditure	2,605,000

Head 138, Department of Examinations

Vote No. 1, Personal Emoluments and other allowances of staff	937,915
Vote No. 2, Administration Charges—Recurrent Expenditure	1,928,650

Head 139, Educational Publications Advisory Board

Vote No. 1, Personal Emoluments and other allowances of staff	29,270
Vote No. 2, Administration Charges—Recurrent Expenditure	19,000

Head 140, Department of Broadcasting

Vote No. 1, Personal Emoluments and other allowances of staff	2,384,243
Vote No. 2, Administration Charges—Recurrent Expenditure	2,076,419
Vote No. 3, Administration Charges—Capital Expenditure	148,620

Head 141, Department of Meteorology

Vote No. 1, Personal Emoluments and other allowances of staff	1,048,599
Vote No. 2, Administration Charges—Recurrent Expenditure	135,748

Rs.

Head 148, Minister of Commerce, Trade, Food and Shipping

Vote No. 1, Personal Emoluments and other allowances of staff	371,403
Vote No. 2, Administration Charges—Recurrent Expenditure	351,132

Head 149, Food Commissioner

Vote No. 1, Personal Emoluments and other allowances of staff	8,227,003
Vote No. 2, Administration Charges—Recurrent Expenditure	1,514,000
Vote No. 3, Administration Charges—Capital Expenditure	45,500
Vote No. 4, Services provided by the Department—Recurrent Expenditure	171,427,060
Vote No. 6, Economic Development—Recurrent Expenditure	154,235
Vote No. 7, Economic Development—Capital Expenditure	135,000

Head 150, Department of Co-operative Development

Vote No. 1, Personal Emoluments and other allowances of staff	7,949,605
Vote No. 2, Administration Charges—Recurrent Expenditure	1,806,095
Vote No. 3, Administration Charges—Capital Expenditure	211,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	16,000
Vote No. 7, Economic Development—Capital Expenditure	68,000

Head 151, Marketing Department

Vote No. 1, Personal Emoluments and other allowances of staff	1,045,653
Vote No. 2, Administration Charges—Recurrent Expenditure	327,500
Vote No. 3, Administration Charges—Capital Expenditure	10
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,500,000
Vote No. 6, Economic Development—Recurrent Expenditure	37,550
Vote No. 7, Economic Development—Capital Expenditure	519,010

Head 152, Department of Commerce

Vote No. 1, Personal Emoluments and other allowances of staff	680,114
Vote No. 2, Administration Charges—Recurrent Expenditure	305,775

	<i>Rs.</i>
Head 153, Department of Registrar of Companies	
Vote No. 1, Personal Emoluments and other allowances of staff	446,902
Vote No. 2, Administration Charges—Recurrent Expenditure	62,600
Head 154, Department of Controller of Imports and Exports	
Vote No. 1, Personal Emoluments and other allowances of staff	333,622
Vote No. 2, Administration Charges—Recurrent Expenditure	21,715
Head 155, Department of Tea Exports	
Vote No. 1, Personal Emoluments and other allowances of staff	161,367
Vote No. 2, Administration Charges—Recurrent Expenditure	96,190
Head 156, Department of Merchant Shipping	
Vote No. 1, Personal Emoluments and other allowances of staff	120,020
Vote No. 2, Administration Charges—Recurrent Expenditure	8,050
Head 157, Department of Commodity Purchase	
Vote No. 2, Administration Charges—Recurrent Expenditure	1,755
Head 163, Minister of Transport and Works	
Vote No. 1, Personal Emoluments and other allowances of staff	484,300
Vote No. 2, Administration Charges—Recurrent Expenditure	33,400
Head 164, Railway	
Vote No. 1, Personal Emoluments and other allowances of staff	36,068,444
Vote No. 2, Administration Charges—Recurrent Expenditure	44,253,830
Vote No. 3, Administration Charges—Capital Expenditure	1,102,500
Vote No. 4, Services provided by the Department—Recurrent Expenditure	101,250
Vote No. 5, Services provided by the Department—Capital Expenditure	175,000
Vote No. 6, Economic Development—Recurrent Expenditure	32,634,755
Vote. No. 7, Economic Development—Capital Expenditure	32,996,940

Rs.

Head 165, Civil Aviation

Vote No. 1, Personal Emoluments and other allowances of staff	1,523,704
Vote No. 2, Administration Charges—Recurrent Expenditure	435,250
Vote No. 3, Administration Charges—Capital Expenditure	195,000
Vote No. 7, Economic Development—Capital Expenditure	9,940,000

Head 166, Basic Technical Training Institute

Vote No. 2, Administration Charges—Recurrent Expenditure	9,370
Vote No. 6, Economic Development—Recurrent Expenditure	305,382

Head 167, Zoological Gardens

Vote No. 1, Personal Emoluments and other allowances of staff	334,428
Vote No. 2, Administration Charges—Recurrent Expenditure	311,470
Vote No. 3, Administration Charges—Capital Expenditure	5,000

Head 168, Public Works Department

Vote No. 1, Personal Emoluments and other allowances of staff	7,619,777
Vote No. 2, Administration Charges—Recurrent Expenditure	3,658,691
Vote No. 3, Administration Charges—Capital Expenditure	15,570,805
Vote No. 4, Services provided by the Department—Recurrent Expenditure	50,000
Vote No. 5, Services provided by the Department—Capital Expenditure	15,993,915
Vote No. 6, Economic Development—Recurrent Expenditure	23,779,580
Vote No. 7, Economic Development—Capital Expenditure	23,381,850

Head 169, Postal and Telecommunication Services

Vote No. 1, Personal Emoluments and other allowances of staff	54,221,939
Vote No. 2, Administration Charges—Recurrent Expenditure	10,868,059
Vote No. 3, Administration Charges—Capital Expenditure	211,000
Vote No. 7, Economic Development—Capital Expenditure	19,886,400

Rs.

Head 176, Minister of Local Government and Housing

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	193,087
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	21,750

Head 177, Commissioner of Local Government

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	1,675,959
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	36,619,010
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	1,450,868
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	..	12,042,000
Vote No. 7, Economic Development—Capital Expenditure	..	..	..	500,000

Head 178, Local Government Service Commission

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	339,048
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	169,660

Head 179, Department of Town and Country Planning

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	413,284
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	30,000
Vote No. 5, Services provided by the Department—Capital Expenditure	..	..	..	540,000
Vote No. 6, Economic Development—Recurrent Expenditure	..	..	..	52,200

Head 180, Department of National Housing

Vote No. 1, Personal Emoluments and other allowances of staff	..	..	..	1,116,943
Vote No. 2, Administration Charges—Recurrent Expenditure	..	..	..	139,911
Vote No. 4, Services provided by the Department—Recurrent Expenditure	..	..	..	8,000

Rs.

Head 181, Department of Water Supply and Drainage

Vote No. 1, Personal Emoluments and other allowances of staff	792,038
Vote No. 2, Administration Charges—Recurrent Expenditure	120,250
Vote No. 3, Administration Charges—Capital Expenditure	105,000
Vote No. 4, Services provided by the Department—Recurrent Expenditure	1,197,500
Vote No. 5, Services provided by the Department—Capital Expenditure	11,179,010
Vote No. 6, Economic Development—Recurrent Expenditure	685,000
Total .. .	<u>2,042,237,236</u>

SECOND SCHEDULE

I

V

IV

III

II

Maximum limits of Liabilities of the activities of Government

Maximum limits of Debit Balances of the activities of Government

Maximum limits of receipts to be credited to the accounts of the activities of Government

Maximum limits of Expenditure of the activities of Government

Activities of the Government

Item No.

Department

Rs.

Rs.

Rs.

Rs.

Rs.

Rs.

Rs.

Rs.

Rs.

Department	Item No.	Activities of the Government	Maximum limits of Expenditure of the activities of Government	Maximum limits of receipts to be credited to the accounts of the activities of Government	Maximum limits of Debit Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government
			Rs.	Rs.	Rs.	Rs.
Audit	1	Advances to Public Officers	255,000	146,400	354,840	—
	2	Audit of Corporations	—	39,000	39,000	—
Prime Minister and Minister of Defence and External Affairs (D. & E. A. Division)	3	Advances to Public Officers	350,000	300,000	325,000	—
Army	4	Purchase of Stores required for Works Services by the Ceylon Army Engineers, 3 Works Services	800,000	750,000	400,000	50,000
	5	Advances to Public Officers	1,050,000	1,025,000	875,000	—
Navy	6	Advances to Public Officers	700,000	650,000	550,000	—
Air Force	7	Prepayments to Air Ministry, U. K. on Account of Training of R. Cy. A. F. Personnel	2,200,000	2,200,000	600,000	—
	8	Advances to Public Officers	300,000	300,000	255,000	—
Police	9	Advances to Public Officers	1,400,000	1,250,000	1,316,586	—
External Affairs Abroad	10	Purchase of new Official Cars	32,250	7,250	25,000	—

Government Tourist Bureau	11 .. Running expenses of resthouses and restaurants at Travel Centres	200,000 ..	225,000 ..	66,000 ..
Treasury	12 .. Printing and Sale of Publications	20,000 ..	20,000 ..	5,600 ..
	13 .. Advances to the Imperial Light house Service	350,000 ..	330,000 ..	100,000 ..
	14 .. Advances for the maintenance of graves of Boer Prisoners of War	1,000 ..	1,000 ..	1,000 ..
	15 .. Advances for payments on behalf of other Governments	800,000 ..	800,000 ..	40,000 ..
	16 .. Advances to Public Officers	2,000,000 ..	1,200,000 ..	3,500,000 ..
	17 .. Miscellaneous advances	1,500,000 ..	1,500,000 ..	1,250,000 ..
	18 .. Advances to Government-sponsored Corporations	1,618,000 ..	229,100 ..	23,065,800 ..
Government Stores	19 .. Advances to Public Officers	100,000 ..	100,000 ..	80,000 ..
	20 .. Advance account for the purchase, transport and maintenance of equipment, stores, &c.	100,000,000 ..	100,000,000 ..	14,620,000 ..
Department of Inland Revenue	21 .. Advances to Public Officers	300,000 ..	240,000 ..	200,000 ..
Customs	22 .. Under-valued goods	500,000 ..	500,000 ..	250,000 ..
	23 .. Expenses in connection with seized and forfeited goods	15,000 ..	10,500 ..	15,000 ..
Department of Census and Statistics	24 .. Advances to Public Officers	250,000 ..	220,000 ..	311,000 ..
	25 .. Advances to Public Officers	150,000 ..	140,000 ..	96,000 ..
Government Press	26 .. Advances to Public Officers	280,000 ..	230,000 ..	286,000 ..
	27 .. Charges for official advertisements by Government Departments in News-papers	250,000 ..	245,000 ..	15,000 ..

SECOND SCHEDULE

Department	Item No.	I Activities of the Government	II Maximum limits of Expenditure of the activities of Government		III Maximum limits of receipts to be credited to the accounts of the activities of Government		IV Maximum limits of Debit Balances of the activities of Government		V Maximum limits of Liabilities of the activities of Government	
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
Miscellaneous Services	28	Government Insurance Fund	150,000	..	800,000	..	—	..	—	..
	29	Advance to the Rubber Subsidy Fund	20,000,000	..	20,000,000	..	75,000,000	..	—	..
Minister of Justice	30	Advances to Public Officers	650,000	..	625,000	..	805,000	..	—	..
Official Language Department	31	Printing, publicity and sale of books (including purchase of copyright, publications, translation rights and translation fees)	1,340,000	..	500,000	..	3,650,000	..	—	..
Ministry of Industries, Home and Cultural Affairs	32	Advances to Public Officers	2,500,000	..	2,100,000	..	4,454,650	..	—	..
Prisons	33	Advances to Public Officers	300,000	..	300,000	..	275,000	..	—	..
	34	Prisons Industrial and Agricultural Undertakings	2,000,000	..	2,000,000	..	900,000	..	—	..
Registrar-General's Department	35	Advances to Public Officers	160,000	..	150,000	..	218,000	..	—	..
Department of Rural Development and Cottage Industries	36	Establishment and Management of coir, textile, carpentry and pottery work-shops	1,500,000	..	1,500,000	..	350,000	..	—	..

Department of Rural Development and Cottage Industries	37 .. Establishment and management of powerloom workshops	8,000,000 ..	7,600,000 ..	2,200,000 ..
	38 .. Purchase and sale of Cottage Industrial Products	48,000,000 ..	42,000,000 ..	28,500,000 ..
	39 .. Purchase and sale of materials such as yarn, dyes, brass and copper sheets for manufacture of Cottage Industrial Products	6,200,000 ..	5,342,536 ..	2,600,000 ..
	40 .. Financing of the Production and Marketing of Industrial Products and Granting of Loans to individual Cottage Workers and Co-operative Societies including the supply of Plant, Machinery, Equipment, &c., on Hire purchase	10,000,000 ..	2,250,000 ..	11,750,000 ..
	41 .. Advances to Public Officers ..	250,000 ..	200,000 ..	219,000 ..
	42 .. Running expenses of Carpentry Schools	2,400,000 ..	2,000,000 ..	960,000 ..
Department of Social Services	43 .. Advances to Public Officers ..	200,000 ..	150,000 ..	340,000 ..
Department of Probation and Child Care Services	44 .. Building Stores, Advance Account ..	200,000 ..	175,000 ..	25,000 ..
	45 .. Advances to Public Officers ..	175,000 ..	150,000 ..	284,889 ..
Public Trustee	46 .. Advances for the Administration of Estates and Trusts	5,000 ..	5,000 ..	2,000 ..
Industries	47 .. Advances to Public Officers ..	125,000 ..	55,000 ..	145,000 ..
	48 .. Granting of loans for the development of industries and for production and marketing of industrial products including loans to Industrial Co-operatives and Incorporated Bodies	100,000 ..	75,000 ..	961,372 ..

SECOND SCHEDULE

Department	Item No.	Activities of the Government	I				
			II	III	IV	V	
			Maximum limits of receipts to be credited to the accounts of the activities of Government	Maximum limits of Debit Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government		
			Rs.	Rs.	Rs.	Rs.	
Mineralogy	49 ..	Working of the Monazite Separating Plant	167,063 ..	10,000 ..	669,000 ..	—	
Salt	50 ..	Advances to Public Officers	100,000 ..	68,000 ..	76,000 ..	—	
	51 ..	Purchase, manufacture, collection, transport, storage and distribution of salt and by-products and expenses incidental thereto—	6,800,000 ..	6,000,000 ..	850,000 ..	—	
		(a) General expenses	..	..	..	..
		(b) Recoverable expenses such as advances to salt producers and cost of work done for other Departments incidental to salt production	..	..	..	..
		(c) Purchase of salt from private manufacturers	..	..	..	..
Excise	52 ..	Advances to Public Officers	500,000 ..	400,000 ..	465,000 ..	—	
	53 ..	Working of Arrack Stock Account including purchase of bottles	97,000,000 ..	85,000,000 ..	12,000,000 ..	—	
	54 ..	Working of a State-owned Distillery	3,750,000 ..	3,406,000 ..	100,000 ..	—	

Land Commissioner	55 ..	Loans to owners of holdings under the L. D. O.	650,000 ..	290,000 ..	3,360,000 ..	—
	56 ..	Administration of Estates acquired for village expansion	100,000 ..	100,000 ..	198,125 ..	—
	57 ..	Loans to Co-operative Colonization Schemes and purchase of Agricultural and other equipment for use by the Co-operative Societies in Colonization Schemes	374,135 ..	50,000 ..	2,000,000 ..	—
	58 ..	Advances to Public Officers	250,000 ..	78,842 ..	500,000 ..	—
Survey Department	59 ..	Purchase and Re-sale of Empire Survey Review	900 ..	900 ..	—	—
	60 ..	Advances to Public Officers (Transport)	257,000 ..	160,000 ..	476,289 ..	—
	61 ..	Advances to Public Officers (Festivals)	693,000 ..	500,000 ..	616,463 ..	—
	62 ..	Advances to Public Officers (Housing)	50,000 ..	27,000 ..	145,007 ..	—
Forest Department	63 ..	Extraction and supply of Timber, Fire-wood, to Government Departments and the Public including sale of seized timber	19,500,000 ..	18,000,000 ..	5,922,444 ..	—
	64 ..	Operation of the Government-run saw mills for the conversion of timber	700,000 ..	810,000 ..	—	—
	65 ..	Advances to Public Officers	300,000 ..	200,000 ..	390,000 ..	—
Irrigation Department	66 ..	Purchase of Stores, Mechanical Branch, Ratmalana	3,500,000 ..	3,500,000 ..	6,100,000 ..	500,000
	67 ..	Work done Advance Account, Mechanical Branch, Ratmalana	7,500,000 ..	8,000,000 ..	500,000 ..	—
	68 ..	Advances to Public Officers	1,450,000 ..	1,450,000 ..	1,500,000 ..	—
Valuation Department	69 ..	Advances to Public Officers	72,000 ..	50,000 ..	140,735 ..	—
Land Development	70 ..	Land Development Stores Advance Account	8,000,000 ..	8,000,000 ..	1,100,000 ..	—
	71 ..	Advances to Public Officers	1,100,000 ..	900,000 ..	960,000 ..	—

SECOND SCHEDULE

Department	Item No.	Activities of the Government	I				
			II	III	IV	V	
			Maximum limits of Expenditure of the activities of Government	Maximum receipts to be credited to the accounts of the activities of Government	Maximum limits of Debit Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government	
			Rs.	Rs.	Rs.	Rs.	
Agriculture	72	Medium-term loans for the construction of tobacco flue curing barns	500,000	180,000	2,456,143	—	
	73	Short-term loans to Tobacco Societies	520,000	650,000	260,000	—	
	74	Working of Kangaroo Tractor Station and Sub-units	4,124,000	3,911,499	1,161,722	—	
	75	Central Workshop to turn out implements	900,000	900,000	105,300	—	
	76	Advances to Public Officers	1,400,000	1,300,000	1,250,000	—	
Agrarian Services	77	Granting of loans to Co-operative Societies for the production and marketing of Agricultural crops and livestock	25,000,000	25,000,000	40,000,000	—	
	78	Issue on loan or sale of seed paddy, seed onions, planting materials, implements and other agricultural requisites in deficit areas	800,000	925,000	3,300,000	—	
	79	Working of the Guaranteed Price Scheme and Rice Milling and repairs and maintenance of buildings	325,000,000	325,000,000	40,000,000	—	

Agrarian Services	80 .. Scheme for the supply of fertilizers and other agricultural requisites and repairs and maintenance of buildings	2,500,000 ..	2,500,000 ..	500,000 ..	—
	81 .. Advances to Public Officers ..	500,000 ..	314,400 ..	400,000 ..	—
	82 .. Advance Account for granting of loans to Cultivation Committees	840,000 ..	840,000 ..	1,500,000 ..	—
	83 .. Acquisition of Paddy Lands under the Paddy Lands Act	10,000 ..	— ..	2,000 ..	—
Fisheries	.. 84 .. Advances to Public Officers ..	130,000 ..	110,000 ..	220,000 ..	—
	85 .. Purchase of stock for and working of fisherman's equipment depots	299,000 ..	309,000 ..	107,858 ..	—
	86 .. Loans to Fishing Industry through Co-operative Societies and individuals and Advances to Fishery Officers who are appointed as Liquidators of such Societies to meet their preliminary expenses	200,000 ..	100,000 ..	1,253,853 ..	—
	87 .. Operation of trawlers ..	1,650,000 ..	1,500,000 ..	1,166,000 ..	—
	88 .. Upkeep and working of Ice and Refrigeration Plants and purchase and sale of ice	300,000 ..	250,000 ..	8,000 ..	—
	89 .. Stores Advance Account ..	1,000,000 ..	750,000 ..	800,000 ..	250,000
	90 .. Running expenses of Fishery By-products Factory, Machine Shop and Cold Storage Plant	1,300,000 ..	1,300,000 ..	252,524 ..	—
	91 .. Loans for the mechanisation of the fishing industry including purchase of mechanised boats, engines and ancillary fishing gear	7,250,000 ..	2,300,000 ..	20,441,007 ..	—

SECOND SCHEDULE

I

II

III

IV

V

Department	Item No.	Activities of the Government	Maximum limits of receipts to be credited to the accounts of the activities of Government	Maximum limits of Debts Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government
			Rs.	Rs.	Rs.
Fisheries	92	Loans for the mechanisation of the fishing industry including purchase of mechanized boats, engines and ancillary fishing gear financed from aid	2,300,000	1,400,000	—
	93	Electrical Stores Advance Account	7,000,000	8,000,000	2,500,000
	94	Work Done Advance Account	75,000	75,000	—
	95	Travelling Advance Account	35,000	35,000	—
Electrical Department	96	Advances to Public Officers	180,000	153,000	—
	97	Festival Advances to Public Officers	460,000	360,000	—
	98	Housing Advances to Public Officers	60,000	35,000	—
	99	Labour Gazette	60,000	60,000	—
	100	Advances to Public Officers	800,000	650,000	—
	101	Provision of Funds for Co-operative Labour Societies	400,000	300,000	—
Labour	102	Work Done Account	300,000	350,000	—
	103	Work Done Account, Mahara	200,000	200,000	—
	104	Harbour Works Stores Account	10,000,000	10,000,000	5,000,000

Colombo Port Commission	105	..	Advances to Public Officers	..	1,500,000	..	1,500,000	..	—
Commissioner of Traffic	106	..	Advances to Port Labour Reserve Fund	..	—	..	18,700	..	—
	107	..	Advances to Public Officers	..	110,000	..	90,000	..	160,000
Department of Health	108	..	Purchase of Medical, Surgical and Laboratory Requisites	..	20,000,000	..	18,000,000	..	7,000,000
	109	..	Occupational Therapy, Mental Hospital, Angoda	..	89,060	..	55,000	..	—
	110	..	Dairy Farm	..	81,613	..	70,000	..	—
Education	111	..	Advances to Public Officers	..	8,000,000	..	7,500,000	..	7,700,000
	112	..	Ceylon Journal of Education	..	21,000	..	16,000	..	15,000
	113	..	Advances to Public Officers	..	7,500,000	..	6,000,000	..	6,304,000
	114	..	Advances for meeting cost of minor repairs to school buildings	..	200,000	..	200,000	..	15,000
	115	..	Loans to Assisted Schools for buildings and equipment for practical education	..	—	..	4,500	..	50,000
Examinations	116	..	Advances to Public Officers	..	50,000	..	40,000	..	81,000
Department of Broadcasting	117	..	Stores Advance Account	..	275,000	..	210,025	..	360,000
	118	..	Advances to Public Officers	..	140,000	..	140,000	..	140,000
Food Commissioner	119	..	Advances to Public Officers	..	450,000	..	325,000	..	825,000
	120	..	Food Purchases and Distribution Account	..	851,000,000	..	830,000,000	..	188,500,000
Co-operative Development	121	..	Advances for Co-operative conferences, propaganda and training	..	30,000	..	30,000	..	5,000
	122	..	Advances to Public Officers	..	600,000	..	600,000	..	760,750
	123	..	Advances for the establishment of collecting depots, the purchase of the necessary vans, weighing machines, spraying equipment, leaf bags, repayment of debts to factory owners	..	400,000	..	400,000	..	252,000

SECOND SCHEDULE

I

Activities of the Government

II

Maximum limits of Expenditure of the activities of Government

III

Maximum limits of receipts to be credited to the accounts of the activities of Government

IV

Maximum limits of Debit Balances of the activities of Government

V

Maximum limits of Liabilities of the activities of Government

Item No.

Department

Marketing

.. 124 .. Advances to Public Officers ..

Rs. 600,000 ..

Rs. 300,000 ..

Rs. 600,000 ..

Rs.

125 .. Purchase, collection and sale of local and other products, processing and canning of and provision of cold storage facilities for local and other products

Rs. 18,750,000 ..

Rs. 18,050,000 ..

Rs. 4,000,000 ..

Rs.

126 .. Working of the Agricultural Products (Regulation) Ordinance

Rs. 1,500,000 ..

Rs. 1,379,000 ..

Rs. 25,000 ..

Rs.

127 .. Working of the Hospital Supply Branch

Rs. 9,500,000 ..

Rs. 9,500,000 ..

Rs. 1,000,000 ..

Rs.

128 .. Working of the Marketing Department transport service and vehicles repair station for repairs and servicing of Government vehicles

Rs. 1,400,000 ..

Rs. 1,400,000 ..

Rs. 425,000 ..

Rs.

129 .. Working of the Bakery, Kitchens and catering

Rs. 2,700,000 ..

Rs. 2,900,000 ..

Rs. 400,000 ..

Rs.

130 .. Working of the Cold Rooms at Lotus Road

Rs. 340,000 ..

Rs. 270,000 ..

Rs. — ..

Rs.

.. 131 .. Advances to Public Officers ..

Rs. 180,000 ..

Rs. 30,000 ..

Rs. 242,000 ..

Rs.

Commerce

Commodity Purchase	.. 132 ..	Purchase and sale of rubber, formic and acetic acids, tea and administrative expenses	120,000,000 ..	120,000,000 ..	30,000,000 ..	—
	133 ..	Advances to Public Officers	207,500 ..	200,000 ..	150,500 ..	—
Tea Exports	.. 134 ..	Advances to Public Officers	25,000 ..	13,000 ..	39,000 ..	—
Railway	.. 135 ..	Railway Stores Advance Account	65,000,000 ..	60,000,000 ..	40,000,000 ..	20,000,000
	136 ..	Work Done Advance Account	480,000 ..	480,000 ..	75,000 ..	—
	137 ..	Stores Manufacturing Advance Account	3,600,000 ..	3,600,000 ..	1,060,000 ..	—
	138 ..	Foundry Shop Advance Account	1,250,000 ..	1,250,000 ..	60,000 ..	—
	139 ..	Timber Conversion Advance Account	1,400,000 ..	1,400,000 ..	50,000 ..	—
	140 ..	Galgamuwa and Ambepussa Quarries Advance Account	600,000 ..	600,000 ..	40,000 ..	—
	141 ..	Sundry Advances Account	400,000 ..	400,000 ..	266,000 ..	—
	142 ..	Advances to Public Officers Account	4,200,000 ..	3,825,000 ..	3,465,000 ..	—
Civil Aviation	.. 143 ..	Advances to Public Officers	120,000 ..	90,000 ..	190,000 ..	—
Zoological Gardens	.. 144 ..	Advance Account for the purchase and exchange of exhibits for the Zoological Gardens	90,000 ..	75,000 ..	15,000 ..	—
Department of Works	Public 145 ..	Advances to Public Officers	1,150,000 ..	1,110,000 ..	1,840,000 ..	—
	146 ..	P. W. D. Factory Stores Advance Account	2,500,000 ..	3,000,000 ..	3,000,000 ..	2,000,000
	147 ..	P. W. D. Factory Work done Account	3,494,000 ..	3,494,000 ..	6,000 ..	—
	148 ..	P. W. D. Factory Foundry Materials Advance Account	200,000 ..	200,000 ..	5,000 ..	—
	149 ..	P. W. D. Stores Advance Account	10,000,000 ..	10,000,000 ..	2,750,000 ..	1,000,000
	150 ..	Government Factory Log Sawing Advance Account	750,000 ..	750,000 ..	100,000 ..	—

SECOND SCHEDULE

Department	Item No.	Activities of the Government	I	II	III	IV	V		
			Maximum limits of Expenditure of the activities of Government	Maximum limits of receipts to be credited to the accounts of the activities of Government	Maximum limits of Debit Balances of the activities of Government	Maximum limits of Liabilities of the activities of Government			
			Rs.	Rs.	Rs.	Rs.	Rs.		
Postal and Telecommunication Services	151	.. Advance for the purchase of Telecommunication Stores	8,000,000	..	9,000,000	..	6,000,000	..	6,000,000
	152	.. Advance for the manufacture of articles in the Telecommunication Workshop	50,000	..	50,000	..	25,000	..	—
	153	.. Advance on rent for improvements, repairs, payment of annual rental and maintenance of rented offices and quarters	75,000	..	50,000	..	80,000	..	—
	154	.. Advance for the purchase of Postal Stores	1,300,000	..	1,000,000	..	325,000	..	500,000
	155	.. Advance for the maintenance and running expenses of the Overseas Telecommunication Services including expenses of the O. T. S. Conferences abroad	5,000,000	..	9,000,000	..	—	..	500,000
	156	.. Advance for the payments of transport of foreign air mails	960,000	..	800,000	..	400,000	..	—

Postal and Telecommuni- cation Services	157 .. Advances to Public Officers	.. 4,000,000 ..	3,500,000 ..	3,100,000 ..	—
Commissioner of Local Government	158 .. Advances to Public Officers	.. 150,000 ..	118,953 ..	275,000 ..	—
Local Government Service Commission	159 .. Advances to Public Officers	.. 20,000 ..	20,000 ..	34,241 ..	—
Department of National Housing	160 .. Advances to Public Officers	.. 112,000 ..	49,500 ..	124,500 ..	—
Department of Water Supply and Drainage	161 .. Advances to Public Officers	.. 350,000 ..	125,000 ..	225,000 ..	—
	162 .. Purchase of stores to be used on works undertaken by the Department	.. 2,500,000 ..	1,750,000 ..	750,000 ..	—
Total ..		1,931,983,521	1,863,723,105	670,685,514	78,375,000

	1951	1952	1953	1954
193	1,667,000	1,402,153	1,102	1,000,000
194	5,200,000	1,120,000	2,50,000	—
195	320,000	1,92,000	2,20,000	—
196	113,000	83,000	1,10,000	—
197	70,000	30,000	30,000	—
198	1,00,000	1,18,000	1,18,000	—
199	1,00,000	1,18,000	1,18,000	—

1951

193. Expenditure on the Department
 194. Expenditure on the Department on works
 195. Expenditure on the Department
 196. Expenditure on the Department
 197. Expenditure on the Department
 198. Expenditure on the Department
 199. Expenditure on the Department

PARLIAMENT OF CEYLON

2nd Session 1961-62



Finance Act, No. 65 of 1961

Date of Assent : October 12, 1961

Printed on the Orders of Government

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L. D.—O. 26/61.

AN ACT TO ENACT THE PROVISIONS OF LAW NECESSARY TO GIVE LEGAL FORCE TO CERTAIN FINANCIAL PROPOSALS FOR THE FINANCIAL YEAR COMMENCING ON OCTOBER 1, 1961, AND ENDING ON SEPTEMBER 30, 1962.

[Date of Assent : 12th October, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Finance Act, No. 65 of 1961.

Short title.

PART I

NATIONALISATION OF THE BANK OF CEYLON.

2. All the ordinary shares of the Bank of Ceylon (in this Part of this Act referred to as "the Bank") shall be deemed to have vested in the Government on the relevant date, and accordingly the Government shall be deemed as from that date to have been, and to be, the holder of such shares.

Vesting of ordinary shares of the Bank in the Government.

3. (1) Compensation in respect of each ordinary share of the Bank which is deemed to have vested in the Government shall be paid by the Government to the person who was the holder of that share on the day immediately prior to the date of such vesting on the basis of the price paid by that person for such share or, if that person became such holder not by acquisition for valuable consideration but by operation of law, or by a voluntary transfer, without such consideration, on the basis of the price paid for such share by the person who last was the holder of such share by virtue of acquisition for such consideration.

Compensation to be payable in respect of the ordinary shares of the Bank vested in the Government.

(2) Compensation in respect of the ordinary shares of the Bank which are deemed to have vested in the Government shall be payable in cash, or in five per centum negotiable Government stock, or both in such cash and such stock in such proportion as may be determined by the Minister. Such stock shall be deemed to have been issued under the Registered Stock and Securities Ordinance. The date of redemption of any such stock shall be ten years.

(3) No person to whom any stock has been issued by way of compensation under sub-section (2) shall be entitled to alienate the whole or any part of such stock except by way of gift or will.

(4) Any dispute between the Bank and any other person as to the amount of compensation payable to that person under this Part of this Act shall be referred by the Bank to the Minister whose decision thereon shall be final and conclusive.

4. The compensation payable in respect of the shares which are deemed to have vested in the Government shall be charged on the Consolidated Fund of Ceylon.

5. The Bank shall be deemed not to have been authorised to carry on the several kinds of business hereafter specified during the period which commenced on the relevant date and ended on the day immediately prior to the date of commencement of this Act except under and in accordance with any general or special directions issued in that behalf by the Secretary to the Treasury, and accordingly any such business so transacted by such Bank in contravention of the preceding provisions of this section shall be deemed to have been, and to be, null and void:—

- (a) to negotiate loans and advances;
- (b) to borrow or raise money;
- (c) to acquire any other business;
- (d) to enter into any arrangement for sharing profits, union of interest, co-operation, joint adventure, reciprocal concession, or otherwise with any other person; and
- (e) to sell or dispose of the entire undertaking of the Bank or any part thereof.

6. All transactions of any kind whatsoever in the ordinary shares of the Bank whether by way of sale, transfer or otherwise, the declaration and payment of dividends on such shares, the issue of debentures, and any other transactions relating to any sale or other disposal of the investments of the Bank during the period which commenced on the relevant date and ended on the day immediately prior to the date of commencement of this Act, shall be deemed to have required the prior approval of the Secretary to the

Compensation in respect of shares vested in the Government to be charged on the Consolidated Fund.

Limitation of the power of the Bank to carry on certain kinds of business.

Certain acts not to be done without the prior authority of the Secretary to the Treasury.

Treasury, and accordingly any such transactions, declarations, payments and issues made, entered into or effected in contravention of the preceding provisions of this section shall be deemed to have been, and to be, null and void.

7. The Directors of the Bank during the period which commenced on the relevant date and ended on the day immediately prior to the date of commencement of this Act, shall be deemed to have, during that period, carried on the business of the Bank for and on behalf of the Government, and accordingly any act or thing done by them under the Bank of Ceylon Ordinance during that period shall, save as otherwise expressly provided in this Part of this Act, be deemed not to have been, and not to be, null and void by reason only of the fact that the Government was the sole shareholder of the Bank.

Former Directors of the Bank deemed to have administered the affairs of the Bank for and on behalf of the Government.

8. The following provisions shall have effect in respect of the Bank:—

Special provisions in respect of certain matters relating to the Bank.

(a) The Directors of the Bank on the day immediately prior to the date of commencement of this Act shall cease to hold office as such Directors on that day.

(b) The management and administration of the business and affairs of the Bank shall be vested in a Board of Directors constituted as provided in this section.

(c) The Board of Directors so constituted may exercise, discharge or perform the powers, functions or duties of the Bank for the purpose of carrying on the business, and administering the affairs, of the Bank.

(d) The Board of Directors of the Bank shall consist of six Directors, five of whom shall be appointed by the Minister and the other shall be the person for the time being holding the office of Secretary to the Treasury. Each Director so appointed is in this section referred to as an "appointed Director", and the Secretary to the Treasury is in this section referred to as the "ex-officio Director".

(e) A Senator or a Member of Parliament shall not be qualified to be a Director.

- (f) The Minister shall appoint one of the appointed Directors as the Chairman of the Board of Directors.
- (g) Every appointed Director shall hold office for a period of three years, unless he is earlier removed from office or vacates his office.
- (h) If any appointed Director is temporarily unable to discharge the duties of his office on account of ill-health, or absence from Ceylon, or any other cause, the Minister may appoint some other person to act as a Director in his place.
- (i) If the ex-officio Director is unable to attend any meeting of the Board of Directors, he may authorise any other officer to be present on his behalf at such meeting; and the officer so authorised shall be deemed for the purpose of such meeting to be a member of the Board of Directors.
- (j) An appointed Director may resign his office by letter addressed to the Minister.
- (k) The Minister may, if he thinks it expedient to do so, remove an appointed Director from office.
- (l) A Director who vacates office by resignation or effluxion of time shall be eligible for reappointment.
- (m) A Director may be remunerated out of the funds of the Bank in such manner and at such rates as the Minister may determine.
- (n) The ex-officio Director shall have all the same rights and privileges as the appointed Directors.

9. The Government Director within the meaning of the Bank of Ceylon Ordinance shall be deemed, during the period which commenced on the relevant date and ended on the day immediately prior to the date of commencement of this Act, to have been entitled to vote at meetings of the Directors of the Bank.

Government
Director
deemed to have
had the right
to vote at
meetings of
the Directors.

10. Regulations may be made under this Act for the purpose of making all such provisions as may be necessary to enable the Bank to continue to function as a Corporation under the Bank of Ceylon Ordinance with the Government as the sole shareholder of the Bank, and in particular, but without prejudice to the generality of the foregoing provisions of this section, such regulations may make all such amendments in, or modifications to, the Bank of Ceylon Ordinance as may be necessary for achieving that purpose and for giving effect to or carrying out the principles or provisions embodied in the preceding provisions of this Part of this Act.

Power to make regulations to give effect to certain matters arising out of this Part of this Act.

11. The provisions of this Part of this Act or any regulations made thereunder shall have effect notwithstanding anything to the contrary in the Bank of Ceylon Ordinance or any regulations made thereunder or any other written law, and accordingly the Bank shall be deemed not to have ceased to be a Corporation under that Ordinance by reason of the fact that the Government is the sole shareholder of the Bank.

Provisions of this Part of this Act to prevail over the Bank of Ceylon Ordinance.

12. In this Part of this Act, the expression "Bank of Ceylon Ordinance" means the Bank of Ceylon Ordinance, No. 53 of 1938, as subsequently amended.

Interpretation.

PART II

SURCHARGE ON INCOME TAX, AMENDMENTS TO THE INCOME TAX ORDINANCE, LAND TAX ACT AND PERSONAL TAX ACT, THE IMPOSITION AND LEVY OF A SURTAX, AND THE DISPOSAL OF SURPLUS INCOME.

13. (1) Every person who is chargeable with income tax for the year of assessment commencing on April 1, 1961, shall, notwithstanding anything contained in any other written law or in any convention, grant or agreement, be liable to pay a surcharge equivalent to fifteen per centum of the amount of the income tax payable by him for that year of assessment.

Every person chargeable with income tax for the year of assessment commencing on April 1, 1961, liable to pay a surcharge equivalent to fifteen per centum of the income tax payable by him for that year.

(2) The surcharge referred to in sub-section (1) shall, in the case of a non-resident company, be reckoned on the amount of income tax that would

have been payable by such company for the year of assessment commencing on April 1, 1961, if the sum equal to six per centum of the taxable income of such company for that year of assessment, which should have formed part of the amount of income tax in accordance with the provisions of section 53C of the Income Tax Ordinance, had not been included in the amount of income tax.

(3) The surcharge referred to in sub-section (1) shall, in the case of any person who is entitled to a set off under sub-section (3) of section 44, or under sub-section (6) or sub-section (7) or sub-section (8) of section 53D, of the Income Tax Ordinance, be reckoned on the amount of income tax that would have been payable by such person for the year of assessment commencing on April 1, 1961, if such set off had not been made.

(4) For the purposes of the assessment, payment and recovery of the surcharge referred to in sub-section (1), the provisions of Chapter X, Chapter XI, Chapter XII, and Chapter XIII of the Income Tax Ordinance shall apply in all respects as though the surcharge were income tax payable for the year of assessment commencing on April 1, 1961.

(5) Where any person is under section 84 of the Income Tax Ordinance entitled to have refunded any amount paid by him as income tax in excess of the amount which he was properly chargeable for the year of assessment commencing on April 1, 1961, such person shall, if he has paid the surcharge referred to in sub-section (1), be in addition entitled to have refunded an amount representing fifteen per centum of the amount refunded under the said section 84.

14. In respect of each year of assessment commencing on or after April 1, 1961, section 20F of the Income Tax Ordinance (as amended by Act No. 13 of 1959) shall have effect as if, for the expression "one thousand rupees" occurring in each of the sub-sections (2) and (4) of that section, there were substituted the expression "five hundred rupees" and for the expression "two thousand rupees" occurring in sub-section (4) of that section, there were substituted the expression "three thousand rupees".

15. Sections 3 and 4 of the Land Tax Act, No. 27 of 1961, shall not apply for any year of assessment commencing on or after April 1, 1961, but save as hereinbefore provided the other sections of that Act shall continue to apply to any such year of assessment.

Non-applicability of sections 3 and 4 of the Land Tax Act for any year of assessment commencing on or after April 1, 1961.

16. There shall be charged for each year of assessment commencing on or after April 1, 1961, from every person who is the owner of any land in Ceylon the total extent of which on the last date of the year preceding that year of assessment is not less than twenty acres (such total extent including the extent of any share of any land owned by such person in common with any other person) land tax under the Land Tax Act, No. 27 of 1961, at the following rates:—

Imposition of land tax for each year of assessment commencing on or after April 1, 1961.

Where the total extent of land is not less than twenty acres and not more than fifty acres Rs. 5 for each acre of the total extent of such land.

Where the total extent of land is more than fifty acres and less than one hundred acres Rs. 10 for each acre of the total extent of such land.

Where the total extent of land is one hundred acres and more Rs. 15 for each acre of the total extent of such land.

17. In respect of each year of assessment commencing on or after April 1, 1961,—

Application of sections 7 and 8 of the Personal Tax Act in respect of any year of assessment commencing on or after April 1, 1961.

(a) section 7 of the Personal Tax Act, No. 14 of 1959, shall have effect as if for all the words from "Such part" to "rupees in value", there were substituted the words "Where the net wealth of the head of that family for that year of assessment amounts to or exceeds two hundred thousand rupees, such net wealth", and

(b) section 8 of that Act shall have effect as if for all the words from "Such part" to "rupees in value", there were substituted the words "Where the net wealth for any year of assessment of a person who is not included in a family amounts to or exceeds two hundred thousand rupees, such net wealth"

Imposition and
levy of surtax
and payment of
balance surplus
income to
Commissioner.

18. (1) There shall be charged and levied for each year of assessment commencing on or after April 1, 1962, from every individual specified in column I of the Second Schedule to this Act (hereinafter referred to as an individual to whom this Part applies) a tax (hereinafter referred to as the "surtax") at the rate of fifty per centum of such amount as is in excess of his net income as specified in the corresponding entry in column II of that Schedule.

(2) Every individual to whom this Part applies shall pay the balance of such amount as is referred to in sub-section (1), after payment of the surtax, to the Commissioner within thirty days after the date of a notice sent by the Commissioner demanding payment of such balance. The sum so paid as such balance to the Commissioner shall be credited by him to the National Development Fund established for the purpose:

Provided, however, that where it is proved to the satisfaction of the Commissioner that any individual has utilised the balance referred to in the preceding provisions of this sub-section, or any part thereof, for any of the items of expenditure which are deemed under the succeeding provisions of this Part to be an investment in an undertaking approved by the Minister, such individual shall not be required to pay such balance, or part thereof, as the case may be, to the Commissioner.

Issue of
National
Development
Bonds to
persons who
have paid
moneys under
section 18 (2).

19. (1) The Commissioner shall upon receipt of the amount paid by any individual under sub-section (2) of section 18 notify the Secretary to the Treasury of the fact of such payment and the Secretary to the Treasury shall cause National Development Bonds carrying interest at five per centum to be issued to such individual. Such bonds shall not be negotiable by the holder thereof except for the purpose of investment in an undertaking approved by the Minister and notified in the *Gazette*:

Provided, however, that any such bonds which are held by a person who is not a citizen of Ceylon shall be negotiable by him if he satisfies the Minister that he is entitled to remit their value abroad in accordance with the Exchange Control requirements for the time being in force.

All interest received by any individual in respect of bonds issued under this section shall be exempt from income tax.

(2) For the purposes of sub-section (1), each of the following items of expenditure shall be deemed to be an investment in an undertaking approved by the Minister:—

- (a) any of the following items of expenditure to which an individual to whom this Part applies was committed on any date prior to the relevant date:—
- (i) cost of acquisition or construction of, or improvements to, immovable property;
 - (ii) all investment expenditure;
 - (iii) life, accident and health insurance premia and premia for the purchase of an annuity;
 - (iv) expenditure incurred in repaying any money borrowed where such money has been invested;
- (b) an investment in one residential house or immovable property; or
- (c) any premia paid in respect of life insurance policies.

20. Regulations may be made providing for the payment and recovery of any sum due as surtax, or due for payment on demand by the Commissioner under sub-section (2) of section 18, and any regulations so made may provide for the recovery of such sums in a summary manner.

Regulations.

21. In this Part of this Act—

Interpretation.

“ individual ”—

- (a) in relation to section 18 of this Act means an individual who is not exempt from income tax under the Income Tax Ordinance; and
- (b) in relation to any family within the meaning of section 20D of the Income Tax Ordinance, means the head of the family;

“ income tax ” means the tax charged and levied under the Income Tax Ordinance;

“ net income ”, in relation to any individual, means the balance of his assessable income

in respect of any year of assessment commencing on or after April 1, 1962, after the deduction of the following items:—

Income tax computed in respect of that year of assessment in accordance with the provisions of the Income Tax Ordinance (including the surcharge).

Personal tax (not including the contribution to the personal tax in respect of his taxable expenditure) in respect of the preceding year of assessment.

Land tax in respect of the preceding year of assessment.

Retiring gratuities.

Benefits received from any Provident Fund.

Commutated pensions.

Refunds under section 38 (1) or section 39 of the Widows' and Orphans' Pension Fund Ordinance or under any regulation relating to any Widows' and Orphans' Pension Fund or Scheme established for the Local Government Service.

Income arising abroad to non-national residents.

In cases where the provisions of section 11A of the Income Tax Ordinance are applicable to grant relief, the amount of tax that would have been payable if those provisions had not applied:

Provided that for the purpose of determining the net income, the tax payer may at his option be allowed, as a deduction in lieu of lump sum depreciation, an annual instalment of the capital outlay in respect of which such lump sum depreciation has been determined, such annual instalment being computed at the discretion of the Commissioner:

And provided further that the following items shall not be allowed as deductions for the purpose of determining net income:—

Arrears of tax of any of the descriptions referred to herein.

Rates.

Unreduced pension in cases where a commuted pension has already been allowed as a deduction;

“ non-resident company ” shall have the same meaning as in that Ordinance;

“ year of assessment ” shall have the same meaning as in that Ordinance.

PART III

OPENING OF ACCOUNTS IN BANKS.

22. (1) On and after the relevant date—

- (a) no person who is a citizen of Ceylon,
- (b) no body corporate of which any director is a citizen of Ceylon,
- (c) no firm of which any partner is a citizen of Ceylon, or
- (d) no other body of persons, by whatever name called, the affairs of which are managed by one or more persons who is a citizen of Ceylon or who are citizens of Ceylon,

Opening of accounts in Banks on or after the relevant date.

shall open any account whatsoever in any bank other than in the People's Bank, the Bank of Ceylon, the Ceylon Savings Bank, the Ceylon Post Office Savings Bank or any bank registered as a society under the Co-operative Societies Ordinance:

Provided that any person who is referred to in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) shall be deemed not to have contravened the preceding provision of this sub-section by reason only of the fact that,—

- (a) having had a current account on the relevant date in any bank other than the People's Bank or the Bank of Ceylon (in this and the succeeding Proviso referred to as a “ foreign bank ”), he opens a loan or overdraft account in such foreign bank; or

- (b) on the maturity of a fixed deposit held by him on the relevant date in any foreign bank, he renews such deposit after the relevant date; or
- (c) at any time on or after the relevant date, he places on fixed deposit with a foreign bank a sum which together with all other sums, if any, at the date of such deposit held by that bank on fixed deposit in his name does not exceed the sum, or the aggregate of all sums, which he had on fixed deposit with the same foreign bank on the relevant date:

And provided further that a citizen of Ceylon who is an employee of any foreign bank shall be deemed not to have contravened the preceding provisions of this section by reason only of the fact that he, while so employed, opens an account, whether current or savings or fixed, with that bank.

(2) Nothing in the provisions of sub-section (1) shall be deemed or construed to permit any person referred to in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) of that sub-section who has already an account in the People's Bank or the Bank of Ceylon on the relevant date to increase the amount in any savings account, or deposit account from which withdrawals cannot be made on demand (other than a fixed deposit account), held in any commercial bank other than the People's Bank or the Bank of Ceylon. In this sub-section the expression "commercial bank" shall have the same meaning as in section 126 of the Monetary Law Act, No. 58 of 1949.

23. The competent authority may by notice in writing direct the manager of any bank to furnish within such time as may be specified in the notice such information as he may require for the purposes of this Part of this Act and the manager shall comply with such notice.

PART IV

SALES TAX.

24. (1) Subject to such exemptions as may be prescribed, there shall be imposed and levied a tax (in this Part of this Act referred to as "Sales tax") at such rate as the Minister may fix by Order published in the *Gazette* on the value of every article (not being an article set out in the First Schedule to this Act)

Managers of banks required to furnish information for the purposes of this Part.

Imposition of Sales tax.

which is sold by any person who is required by any regulation to be registered for the purposes of that Part to any other person who is not so required to be registered or which is imported into Ceylon by any person who is not so required to be registered. Different rates may be fixed by the Minister in respect of different articles.

(2) The rate of the Sales tax on any article subject to Sales tax may, from time to time, be varied by the Minister by Order published in the *Gazette*.

(3) Every Order under sub-section (1) or sub-section (2) or sub-section (5) shall come into force on the date of its publication in the *Gazette* or on such later date as may be specified in the Order, and shall be brought before the House of Representatives within a period of one month from the date of the publication of such Order in the *Gazette*, or, if no meeting of the House of Representatives is held within such period, at the first meeting of the House of Representatives held after the expiry of such period, by a motion that such Order shall be approved. There shall be set out in a schedule to every such motion the text of the Order to which the motion refers.

(4) Any Order under sub-sections (1), (2) or (5) which the House of Representatives refuses to approve shall, with effect from the date of such refusal, be deemed to be revoked but without prejudice to the validity of anything done thereunder. Notification of the date on which any such Order is deemed to be revoked shall be published in the *Gazette*.

(5) The Minister may by Order published in the *Gazette* amend the First Schedule to this Act by the addition thereto of any article other than those enumerated therein, or by the omission of any article enumerated therein or otherwise.

25. For the purposes of this Part of this Act, any article— Presumptions.

- (a) which is imported into Ceylon by any person who is registered under this Act in respect of any business; or
- (b) which is manufactured or produced or stored in Ceylon by such person,

shall be deemed until the contrary is proved to have been so imported, or so manufactured or produced or stored, as the case may be, for the purpose of sale.

Responsibility of
registrant to pay
Sales tax.

26. Subject to such exceptions as may be prescribed, the Sales tax chargeable in respect of any article shall become due, as the case may be, on the delivery of the article under a sale by a person who is required by any regulation to be registered for the purposes of this Part of this Act to any other person who is not required to be so registered or on the importation of the article by any person who is not required by any regulation to be registered for the purposes of that Part.

Regulations.

27. Regulations may be made in respect of all or any of the following matters:—

- (a) all matters stated or required under this Part of this Act to be prescribed;
- (b) the registration of persons who sell articles imported into, or produced or manufactured in, Ceylon or who import articles into Ceylon;
- (c) the collection of information necessary for the purposes of that Part;
- (d) the returns to be made, and the books, registers and other records to be maintained by persons registered for the purposes of that Part, and the forms of such returns, books, registers and other records;
- (e) the inspection of books, registers and records maintained for the purposes of that Part and of any other document relating to sales of articles;
- (f) the production of, and the taking of copies of, registers and records maintained for the purposes of that Part and of other documents relating to sales of articles;
- (g) the powers of each competent authority administering the provisions of that Part and of the subordinate officers of each such authority;
- (h) the levy and payment of Sales tax, the imposition of penalties on defaulters, and the recovery of Sales tax and penalties from defaulters in a summary manner;
- (i) the right of appeal to the appropriate competent authority from any decision made by a subordinate officer of that authority;

- (j) the service of notices for the purposes of that Part;
- (k) the refund of excess Sales tax paid by any person under that Part.

28. The value of any article for the purposes of computing the Sales tax thereon shall—

Determination of value of any article subject to the Sales tax.

- (a) in the case of an article imported by any person for his own use, be the price that article would fetch on a sale in the open market in Ceylon if no Sales tax were chargeable in respect of the sale; and
- (b) in the case of any other article subject to Sales tax, be the price which such article would fetch on a sale made at the time when the tax in respect of such article becomes due, by a person selling in the open market in Ceylon to a retail dealer carrying on business in Ceylon, if no Sales tax were chargeable in respect of the sale.

29. In this Part of this Act,—

Interpretation.

- (a) “ sale ” means any transfer of title in any article for cash or deferred payment or other valuable consideration and includes the transfer of any article on hire-purchase or other instalment system but does not include the mortgage, hypothecation or pledge of any article; and
- (b) “ retail dealer ” means any person who carries on the business of selling articles by retail.

PART V

WITHDRAWAL OF RICE SUBSIDY FROM INDIVIDUALS LIABLE TO INCOME TAX.

30. The Commissioner is hereby authorised to levy and recover from every individual who is liable to income tax under the Income Tax Ordinance for any year of assessment commencing on or after April 1, 1961, in addition to the income tax payable by such individual for that year, an amount equivalent to the Government rice subsidy as may be determined by the Commissioner in respect of the ration book or books not exceeding six in number to which such individual

Power of Commissioner to levy and recover from individuals liable to income tax of the Government rice subsidy.

and the individuals who for the purposes of the Income Tax Ordinance are deemed to be the family of which he is head is or are entitled under the Food Control Regulations made under the Food Control Act, No. 25 of 1950:

Provided, however, that the amount so recoverable from any individual shall not exceed fifty per centum of the income tax (excluding the surcharge) payable by that individual for that year.

Regulations.

31. Regulations may be made to provide for the manner of payment, and the method of recovery, of the amount equivalent to the Government subsidy which may be due from any individual, and in particular for the surrender of a ration book or books being deemed to be the payment of the amount equivalent to the Government rice subsidy as determined by the Commissioner in respect of such ration book or books.

PART VI

LEVY OF THE NATIONAL DEVELOPMENT TAX.

Non-
application
of this Part to
certain persons.

32. The succeeding provisions of this Part shall not apply to any person exempt from income tax under the Income Tax Ordinance.

Levy of the
National
Development
Tax.

33. (1) Subject to the provisions of section 34, on and after October 1, 1961, there shall be levied and paid each month a tax (hereinafter referred to as the "National Development Tax") of four per centum in respect of the monthly emoluments of every employee (hereinafter referred to as an "employee subject to the National Development Tax") who is in receipt of emoluments exceeding three hundred rupees per month, and the proceeds of such tax shall only be utilised for specific national development projects.

(2) Where the emoluments of any employee are not paid monthly, the employer of such employee shall, having regard to the emoluments so paid to such employee, determine what such employee would have received as monthly emoluments if such emoluments were in fact paid to such employee monthly, and the amount so determined shall be the monthly emoluments of such employee for the purposes of this section, subject however to the power of the Commissioner to review and alter such determination.

34. Where in consequence of the levy of the National Development Tax for any month the emoluments of any employee subject to the National Development Tax fall below three hundred rupees for that month, then the amount leviable as National Development Tax for that month in respect of that employee shall be the difference between the amount of his emoluments and three hundred rupees.

Limits for the levy of the National Development Tax.

35. Before an employee subject to the National Development Tax is paid his monthly emoluments, the amount of the tax due from such employee shall be deducted from his emoluments by his employer.

Deduction of National Development Tax by employer.

36. The amount of any National Development Tax collected by an employer for any month from any employee subject to the National Development Tax shall, within a period of fourteen days after the last date of that month, be paid by such employer to the Commissioner in the prescribed manner.

Payment of National Development Tax collected by employers.

37. Where the amount of the National Development Tax due in respect of any employee subject to the National Development Tax is not paid by his employer to the Commissioner in the prescribed manner, such amount may be recovered in like manner as income tax would be recoverable under the Income Tax Ordinance and for that purpose the provisions of sections 79 to 83 of that Ordinance shall *mutatis mutandis* apply to the recovery of National Development Tax.

Recovery of the National Development Tax.

38. Where any employee subject to the National Development Tax is liable to income tax under the Income Tax Ordinance for any year of assessment commencing on or after April 1, 1962, the amount of the National Development Tax levied from that employee during the year preceding that year of assessment shall be allowed as a deduction for the purpose of ascertaining the profits or income of that employee under that Ordinance for that year of assessment.

Amount of the National Development Tax paid by any employee subject to the National Development Tax shall be allowed as a deduction for the purposes of the Income Tax Ordinance.

39. In this Part of this Act—

Interpretation.

(a) "employee" includes a person employed by a person residing outside Ceylon but does not include a person residing outside Ceylon employed by a person carrying on or exercising any trade, business, profession or vocation in Ceylon;

- (b) "employer", in relation to any person employed in any Government Department, means the Head of that Department; and
- (c) "emoluments" means the salary, wages or allowances (other than allowances given in reimbursement of expenses incurred in the performance of his duties) received by an employee in the course of his employment.

PART VII

REGISTRATION OF PROFESSIONS AND BUSINESSES.

40. No person shall on and after the appointed date practise any profession unless he is for the time being registered in the appropriate register kept and maintained by the appropriate competent authority for that purpose:

Provided, however, that the preceding provisions of this section shall not apply to any such person who is in the exclusive employment of any other person:

And provided further that the preceding provisions of this section shall in the case of a firm apply not to the firm but to each partner of that firm.

41. (1) No person shall be registered in the register for any profession by the appropriate competent authority unless—

- (a) he has paid the appropriate fee for such registration, and
- (b) he has furnished such authority with a declaration of his income as computed for the purposes of the Income Tax Ordinance from his profession and his net wealth as computed for the purposes of the Personal Tax Act, No. 14 of 1959, for the year preceding the year in which he seeks registration:

Provided, however, that where the appropriate competent authority is satisfied that any person has practised his profession for less than two years, such person shall not be liable to pay the fee for such registration.

(2) Upon the registration of any person in the register for any profession, the appropriate competent authority shall issue to that person a certificate of registration in the prescribed form.

Persons practising professions must be registered.

Conditions for registration.

42. The registration of any person in the register for any profession shall be effective for a period of twelve months commencing on the date on which his name has been so registered. Such registration may, from time to time, be renewed by that authority for further periods of twelve months upon payment in respect of each such renewal of the appropriate fee and the furnishing of the declaration referred to in paragraph (b) of sub-section (1) of section 41. Where such registration is so renewed that authority shall issue a certificate of renewal in the prescribed form to that person.

Duration of registration.

43. Where the declaration of income furnished by any person to the appropriate competent authority discloses that the income from his profession was over three thousand six hundred rupees per year, such person shall be liable to pay that authority as National Development Tax an amount equivalent to four per centum of that income either in a lump sum or in such number of instalments as may be determined by that authority:

Persons getting an income of over three thousand six hundred rupees to pay National Development Tax on such income.

Provided, however, that where in consequence of the levy of the National Development Tax such income falls below three thousand six hundred rupees, such person shall be liable to pay the difference between the amount of such income and three thousand six hundred rupees.

44. Before issuing a certificate of registration or a renewal certificate of registration to any person, the appropriate competent authority shall, if the declaration furnished by such person discloses an income of over three thousand six hundred rupees, specify in such certificate that such person has either paid the National Development Tax or undertaken to pay that tax in instalments.

Duty of competent authority to specify in certificate issued to any person that such person has paid the National Development Tax.

45. Where a person to whom a certificate of registration or a certificate of renewal of registration has been issued under this Part in respect of any profession fails to pay the amount of the National Development Tax or any instalment of that amount within the period specified in such certificate, such person shall be deemed to be in default of that amount or that instalment and so long as he is in such default his registration shall be deemed to be suspended and not to be in force.

Consequence of default in payment by any person practising a profession of the National Development Tax or any instalment thereof.

Appropriate
fee.

46. The appropriate fee for the registration, or the renewal of the registration, of a person in the register of professions shall be determined in accordance with the rates set out in the Third Schedule to this Act.

Registration of
businesses.

47. No business shall on and after the appointed date be carried on in Ceylon unless that business has been registered as a business in the appropriate register of businesses kept and maintained by the appropriate competent authority for that purpose and the person carrying on that business is for the time being registered in such register as the proprietor thereof:

Provided, however, that the preceding provisions of this section shall not apply to a business carried on—

- (a) by a person with a turn-over of less than eighteen thousand rupees per annum, or,
- (b) by a person who by himself carries out contracts or piece-jobs, the gross fees for which do not exceed three thousand six hundred rupees per annum.

Conditions for
registration of
businesses.

48. (1) No business shall be registered in the register for that business by the appropriate competent authority—

- (a) except upon the payment of the appropriate fee; and
- (b) unless the proprietor thereof has furnished to that authority a written declaration of his income as computed for the purposes of the Income Tax Ordinance from that business and his net wealth as computed for the purposes of the Personal Tax Act, No. 14 of 1959, for the year preceding the year in which the registration of that business is sought:

Provided, however, that no fee for registration of a business shall be payable by a person—

- (a) carrying on business with a turn-over of less than eighteen thousand rupees per annum, or
- (b) who by himself carries out contracts or piece-jobs the gross fees for which do not exceed three thousand six hundred rupees per annum.

(2) Upon the registration of any business by the appropriate competent authority, that authority shall issue to the registered proprietor of that business a certificate of registration in the prescribed form.

49. (1) The registration of any business in the register for that business by the appropriate competent authority shall be effective for a period of twelve months commencing on the date on which that business has been so registered. Such registration may from time to time be renewed by that authority for further periods of twelve months upon payment in respect of each such renewal of the appropriate fee and the furnishing of the declaration referred to in paragraph (b) of sub-section (1) of section 48. Where such registration is so renewed that authority shall issue a certificate of renewal in the prescribed form to the registered proprietor of that business.

(2) It shall be the duty of the person for the time being registered as the proprietor of a registered business to cause the certificate of registration or the certificate of renewal issued in respect of that business to be kept or fixed in a conspicuous place in the premises at which that business is carried on.

50. Where the declaration of income furnished by any person in respect of his business to the appropriate competent authority discloses that the income from his business was over three thousand six hundred rupees, such person shall be liable to pay that authority as National Development Tax an amount equivalent to four per centum of that income either in a lump sum or in such number of instalments as may be determined by that authority:

Provided, however, that where in consequence of the levy of the National Development Tax such income falls below three thousand six hundred rupees, such person shall be liable to pay the difference between the amount of such income and three thousand six hundred rupees.

51. Before issuing a certificate of registration or a renewal certificate of registration in respect of any business to the proprietor thereof, the appropriate competent authority shall, if the declaration of income furnished by such proprietor discloses an income of over three thousand six hundred rupees from that business, specify in such certificate that such person

Duration of registration of business.

Persons getting an income of over three thousand six hundred rupees from any business to pay National Development Tax on such income.

Duty of competent authority to specify in the certificate that the proprietor has paid or undertaken to pay the National Development Tax.

has either paid the National Development Tax referred to in the preceding section or undertaken to pay that tax in instalments.

Consequence of default in payment by any person carrying on a business of the National Development Tax or any instalment thereof.

52. Where a person to whom a certificate of registration or a certificate of renewal of registration has been issued under this Part in respect of any business fails to pay the amount of the National Development Tax or any instalment of the amount of that tax within the period specified in such certificate, the provisions of section 45 shall, *mutatis mutandis*, apply to the registration of that business and of that person as proprietor thereof in like manner and to the same extent as they apply to the person and the certificate referred to in that section.

Appropriate fee for registration of a business.

53. The appropriate fee for the registration, or the renewal of the registration, of a business and of a person as the proprietor thereof in the register for that business shall be determined by the appropriate competent authority in accordance with the table set out in the Third Schedule to this Act.

Issue of receipts by competent authority.

54. Upon the payment by any person under this Part of the amount of the National Development Tax or any instalment of that amount to the appropriate competent authority, it shall be the duty of that authority to issue a receipt to such person certifying that such payment has been made. Any certificate so issued to the registered proprietor of any registered business shall be made available for inspection by that proprietor at all reasonable hours to any officer authorised in that behalf by that authority.

Amount of the National Development Tax paid by any person under this Part shall be allowed as a deduction for the purposes of the Income Tax Ordinance.

55. Where any person liable to income tax under the Income Tax Ordinance for any year of assessment has paid any amount as National Development Tax under this Part of this Act during that year, the amount so paid shall be allowed as a deduction for the purpose of ascertaining the profits or income of that person under that Ordinance.

Power to make regulations.

56. Regulations may be made under this Part in respect of all or any of the following matters:—

- (a) prescribing the form of the registers to be kept and maintained under this Part and the particulars to be entered therein;
- (b) prescribing the form of the certificate to be issued under this Part and the particulars to be entered therein;

- (c) providing for the issue of different certificates in respect of registered businesses the form of which shall be determined by reference to the income received from those businesses by the proprietors thereof; and
- (d) providing for the exemption from this Part of any person or businesses.

PART VIII

GENERAL.

57. There may be appointed such number of persons, by name or by office, to be or to act as competent authorities as may be necessary for the purposes of this Act. A person may be so appointed for the whole of Ceylon or any particular area thereof or in respect of the whole of this Act or any particular Part thereof, and the expression "appropriate competent authority", wherever it occurs in this Act, shall be construed accordingly.

Appointment of competent authorities.

58. Any competent authority or any person authorised in that behalf by such authority may direct any applicant for registration under this Act to furnish to him such information as may be required for the purposes of such registration; and that applicant shall comply with that direction.

Power to require information.

59. Notwithstanding anything in the preceding provisions of this Act, any individual whose monthly emoluments and income from his employment, profession and business, or employment and profession, or employment and business, or profession and business, amount to or exceed three hundred rupees in the aggregate, shall be liable to pay to the Commissioner as National Development Tax an amount equivalent to four per centum of such monthly emoluments and income. No such individual shall, however, be liable to pay National Development Tax under any other provisions of this Act. Regulations may be made modifying the relevant provisions of this Act relating to the payment and recovery of such Tax.

Special provisions in respect of the National Development Tax.

60. (1) The Minister may make regulations for the purposes of carrying out and giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) the Minister may make regulations—

- (a) in respect of any matter required to be prescribed or in respect of which regulations are authorised by this Act to be made;
- (b) for the furnishing of returns in respect of the surtax and the National Development Tax;
- (c) providing for the manner of assessment and recovery of the surtax and the National Development Tax;
- (d) for appeals from the levy of the surtax and the National Development Tax, and the procedure for such appeals and the conditions subject to which such appeals may be made;
- (e) for determining the manner in which the National Development Tax may be recovered in cases where such recovery cannot be made either wholly or partly from employers and other persons liable to such tax;
- (f) for making additional assessments in regard to the surtax and the National Development Tax;
- (g) for refunds of any amount of the surtax or the National Development Tax overpaid by any person or individual;
- (h) for the maintenance of official secrecy in respect of any matter relating to the levy and recovery of the surtax or the National Development Tax.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

61. Any person who contravenes or fails to comply with any provision of this Act or any regulation made thereunder shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding one year or to both such fine and imprisonment.

Offences.

62. No suit or prosecution shall lie against the Commissioner or any competent authority or any officer acting under the direction of such Commissioner or that authority for any act which in good faith is done or purported to be done by him under this Act.

Protection for
action taken
under this Act.

63. In this Act, unless the context otherwise requires,—

Interpretation.

“ appointed date ”, in relation to any provision of this Act in which that expression occurs, means such date as may be appointed by the Minister for the purposes of that provision;

“ business ” includes a trade but does not include a profession or any agricultural undertaking and the manufacture of any articles, goods or material from the produce of that agricultural undertaking;

“ Commissioner ” means the Commissioner of Inland Revenue and includes a Deputy Commissioner of Inland Revenue or an Assistant Commissioner of Inland Revenue specially authorised by the Commissioner either generally or for some specific purpose to act on behalf of the Commissioner;

“ relevant date ” means the 27th day of July, 1961;

“ Secretary to the Treasury ” includes the Deputy Secretary to the Treasury;

“ year of assessment ” shall have the same meaning as in the Income Tax Ordinance.

First Schedule

[Section 24 (1)]

Agricultural produce including agricultural produce purchased for export.

Arecanuts.

Arrack.

Betel.

Cereals, namely, amu, barley, gingelly, kurakkan, maize, meneri, millet, paddy, rice, sorghum, thana, ulundu.

Coconuts.

Coconut Oil.

Condiments, namely, cardamom, chillies, cinnamon, coriander, cummin seed, fennel seed, garlic, ginger, maldive fish, mathe seed, mustard, nutmeg, pepper, salt, tamarind, turmeric, vinegar.

Cooked food.

Crabs.

Dried fish.

Eggs.

Fertilizers.

Fish excluding imported tinned fish and live fish.

Firewood.

Flour.

Fruits which are the produce of Ceylon.

Gas oil, diesel oil, furnace oil and other fuel oils.

Gingelly oil.

Jaggery.

Kerosene oil.

Lubricating oils and greases.

Meat excluding imported meat.

Milk excluding condensed milk, dried milk powder.

Onions.

Pappadam.

Petrol including aviation spirit.

Potatoes.

Pulses, namely, dhal, gram, ground-nuts, kollu, peas.

Salted fish.

Sugar candy.

Sugar.

Toddy.

Vegetables which are the produce of Ceylon.

Yams.

Second Schedule

[Section 18 (1)]

Column I <i>Individuals</i>	Column II <i>Net Income</i>
Single Individual ...	Rs. 36,000
Married Couple ...	Rs. 40,000
Husband and wife and 1 child/dependant ...	Rs. 43,000
Husband and wife and 2 children/dependants ...	Rs. 47,000
Husband and wife and 3 children/dependants ...	Rs. 50,000
Husband and wife and 4 or more children/dependants ...	Rs. 53,000
Individual with 1 child/dependant ...	Rs. 40,000
Individual with 2 children/dependants ...	Rs. 43,000
Individual with 3 children/dependants ...	Rs. 47,000
Individual with 4 children/dependants ...	Rs. 50,000
Individual with 5 or more children/dependants ...	Rs. 53,000

Third Schedule

[Sections 46 and 53]

1. The rates of fee for registration of Ceylonese to practise a profession or carry on a business shall be as follows:—

Rs. c.

- (a) if his income from his profession or business is not less than Rs. 3,600 per annum but is less than Rs. 4,800 per annum or his net wealth is less than Rs. 10,000 ... 200 0
- (b) if his income from his profession or business is not less than Rs. 4,800 per annum but is less than Rs. 6,000 per annum or his net wealth is less than Rs. 15,000 ... 250 0
- (c) if his income from his profession or business is not less than Rs. 6,000 per annum but is less than Rs. 7,200 per annum or his net wealth is less than Rs. 20,000 ... 300 0
- (d) if his income from his profession or business amounts to or exceeds Rs. 7,200 per annum or his net wealth amounts to or exceeds Rs. 20,000 ... 350 0.

2. The rates of fee for registration of non-Ceylonese to practise a profession shall be twice the amount of the fee specified for registration of Ceylonese to practise a profession of a corresponding category in paragraph 1.

3. The rate of fee for registration of a non-Ceylonese to carry on a business shall be Rs. 1,000.

4. In this Schedule, "Ceylonese", in the case of—

- (a) an individual, means a citizen of Ceylon;
- (b) a firm, means a firm the majority of the partners of which are citizens of Ceylon;

(c) a body corporate, means a body corporate the majority of the shares in which are held by, or the majority of the shareholders of which are, citizens of Ceylon or, if such body corporate has no shareholders, the majority of the Directors of which are such citizens.

Rs. 50,000	Individual with 5 children/dependants
Rs. 40,000	Individual with 4 children/dependants
Rs. 30,000	Individual with 3 children/dependants
Rs. 20,000	Individual with 2 children/dependants
Rs. 10,000	Individual with 1 child/dependant
Rs. 5,000	Individual
Rs. 0	Married female
Rs. 0	Married male
Rs. 0	Widow and wife and 1 child/dependant
Rs. 0	Widow and wife and 2 children/dependants
Rs. 0	Widow and wife and 3 children/dependants
Rs. 0	Widow and wife and 4 or more children/dependants

Table B - Schedule

Sections 40 and 43

1. The rates of tax for registration of Companies to produce a certificate of entry on a business shall be as follows:—

- (a) If the income from his profession or business is not less than Rs. 2,000 per annum but is less than Rs. 1,000 per annum or his net wealth is less than Rs. 10,000
- (b) If the income from his profession or business is not less than Rs. 1,000 per annum but is less than Rs. 500 per annum or his net wealth is less than Rs. 5,000
- (c) If the income from his profession or business is not less than Rs. 500 per annum but is less than Rs. 200 per annum or his net wealth is less than Rs. 2,000
- (d) If his income from his profession or business amounts to or exceeds Rs. 200 per annum or his net wealth amounts to or exceeds Rs. 2,000

2. The rate of fee for registration of non-companies to produce a certificate shall be twice the amount in the fee schedule for registration of Companies to produce a certificate of entry on a business.

3. The rate of fee for registration of a non-companies to produce a certificate shall be Rs. 1,000.

4. In this schedule "dependant" in the case of—
(a) an individual means a citizen of Ceylon;
(b) a firm means a firm the majority of the partners of which are citizens of Ceylon.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Tea and Rubber Subsidy (Amendment) Act, No. 66 of 1961

Date of Assent : November 22, 1961

Printed on the Orders of Government

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Tea and Rubber Subsidy (Amendment) Act,
No. 66 of 1961

L. D.—O. 11/61.

AN ACT TO AMEND THE TEA SUBSIDY ACT, No. 12 OF 1958, AND THE RUBBER REPLANTING SUBSIDY ACT, No. 36 OF 1953.

[Date of Assent: November 22, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Tea and Rubber Subsidy (Amendment) Act, No. 66 of 1961.

Short title.

2. The long title of the Tea Subsidy Act, No. 12 of 1958, hereinafter referred to as the "principal Act", is hereby amended by the substitution, for the words "TEA ESTATES AND SMALL HOLDINGS, THE MARKETING OF GREEN TEA LEAF OF ESTATES AND SMALL HOLDINGS", of the words "TEA ESTATES AND TEA SMALL HOLDINGS, THE REPLANTING OF RUBBER ESTATES AND RUBBER SMALL HOLDINGS WITH TEA, THE MARKETING OF GREEN TEA LEAF OF TEA ESTATES AND TEA SMALL HOLDINGS".

Amendment of long title of Act No. 12 of 1958.

3. Sections 2 and 3 of the principal Act are hereby repealed and the following sections are substituted therefor:—

Replacement of sections 2 and 3 of the principal Act.

"Tea Subsidy Fund.

2. (1) There shall be established a Fund called the Tea Subsidy Fund.

(2) The object of the Fund shall be to subsidise—

(a) the replanting of tea estates and tea small holdings;

(b) the replanting of rubber estates and rubber small holdings;

(c) the rehabilitation of tea estates and tea small holdings;

(d) the marketing of green tea leaf of tea estates and tea small holdings; and

(e) the manufacture of made tea from such green tea leaf.

2 *Tea and Rubber Subsidy (Amendment) Act,*
No. 66 of 1961

Payments into
and out of
the Fund.

3. (1) There shall be paid into the
Fund—

(a) the proceeds of the export duty
levied under section 8;

(b) such sums as may from time to
time be granted by Parlia-
ment or by resolution of the
House of Representatives for
the purposes of this Act;

(c) such sums as may from time to
time be credited to the Fund
under paragraph (aa) of
section 3 (2) of the Rubber
Replanting Subsidy Act,
No. 36 of 1953; and

(d) the proceeds of the sale of seed,
cuttings, tea plants and fer-
tilizers by the Tea Controller
to proprietors of tea estates,
tea small holdings, rubber
estates and rubber small
holdings.

(2) There shall be paid out of the
Fund—

(a) such amounts as are authorised
by regulation to be paid as
subsidies under a scheme for
subsidising the replanting of
tea estates and tea small
holdings or a scheme for sub-
sidising the rehabilitation of
tea estates and tea small
holdings;

(b) such amounts as are authorised
by regulation to be paid as
subsidies under a scheme for
subsidising the replanting of
rubber estates and rubber
small holdings;

(c) such amounts as are authorised
by regulation to be paid under
a scheme for subsidising the
marketing of green tea leaf

of tea estates and tea small holdings or a scheme for subsidising the manufacture of made tea from such green tea leaf;

- (d) the expenses incurred in connection with the establishment by the Government of nurseries for the supply of high grade planting material to proprietors of tea estates, rubber estates, tea small holdings or rubber small holdings, or in connection with the supply of fertilizers to such proprietors;
- (e) such remuneration as may be payable to members of the Tea Subsidy Advisory Board established under this Act;
- (f) the prescribed contributions to any provident fund or scheme established for the payment of gratuities to all or any of the officers and servants employed for the purposes of this Act and their dependants; and
- (g) the expenses of the administration of this Act."

4. Section 10 of the principal Act is hereby amended in sub-section (2) thereof, by the substitution, for paragraphs (a), (b) and (c), of the following paragraphs:—

Amendment of section 10 of the principal Act.

- " (a) scheme for subsidising with moneys of the Fund the replanting of tea estates and tea small holdings or scheme for subsidising with moneys of the Fund the replanting of rubber estates and rubber small holdings;
- (b) scheme for subsidising with moneys of the Fund the rehabilitation of tea estates and tea small holdings;
- (c) scheme for subsidising with moneys of the Fund the marketing of green tea leaf of tea estates and tea small holdings; "

4 *Tea and Rubber Subsidy (Amendment) Act,*
No. 66 of 1961

Replacement of
section 12 of
the principal
Act.

5. Section 12 of the principal Act is hereby repealed and the following section is substituted therefor:—

Interpreta-
tion.

12. In this Act, unless the context otherwise requires—

“ Board ” means the Tea Subsidy Advisory Board established under this Act;

“ cuttings ” mean any such cuttings from any living portions of any tea plants as may be capable of being used for propagation;

“ Fund ” means the Tea Subsidy Fund established under this Act;

“ green tea leaf ” means the leaf, leaf buds and immature stalks of the tea plant before they are subjected to any of the processes (excluding that known as withering) for conversion into made tea;

“ made tea ” means tea manufactured from the leaves, leaf buds and immature stalks of the tea plant;

“ manufacture ” when used with reference to green tea leaf, means any process by which such green tea leaf is converted into made tea;

“ prescribed ” means prescribed by regulation;

“ proprietor ”,—

(a) when used with reference to any tea estate or tea small holding, means a person who has been registered or is deemed to have been registered as a proprietor of such estate or small holding under the Tea Control Act, No. 51 of 1957; and

(b) when used with reference to any rubber estate or rubber small holding, means a person who has been registered or is deemed to have been registered as a proprietor of such estate or small holding under the Rubber Control Act, No. 11 of 1956;

“ regulation ” means a regulation made under this Act;

“ rehabilitation ” when used with reference to any tea estate or tea small holding, means any operation designed to improve the agricultural conditions of such estate or small holding, and includes the application of fertilizers, the adoption of soil conservation measures and the planting of additional tea plants and any other suitable plants in such estate or small holding;

“ replanting ”,—

(a) when used with reference to any tea estate or tea small holding, means the uprooting of all existing tea plants and other vegetation in the whole or any part of such estate or small holding and their replacement by new tea plants, and includes the planting of tea plants in an area which does not form part of such estate or small holding if the tea plants in an equivalent area of

such estate or small holding are eradicated within such time as the Tea Controller may specify; and

(b) when used with reference to any rubber estate or rubber small holding, means the uprooting of all existing rubber plants and other vegetation in the whole or any part of such estate or small holding and their replacement by tea plants;

“ rubber estate ” means any rubber estate registered or deemed to have been registered under the Rubber Control Act, No. 11 of 1956;

“ rubber plant ” has the same meaning as in the Rubber Replanting Subsidy Act, No. 36 of 1953;

“ rubber small holding ” means any rubber small holding registered or deemed to have been registered under the Rubber Control Act, No. 11 of 1956;

“ seed ” means the seed of the tea plant;

“ tea ” and “ tea plant ” have the same meanings respectively as in the Tea Control Act, No. 51 of 1957;

“ tea estate ” means any tea estate registered or deemed to have been registered under the Tea Control Act, No. 51 of 1957; and

“ tea small holding ” means any tea small holding registered or deemed to have been registered under the Tea Control Act, No. 51 of 1957. ’

Tea and Rubber Subsidy (Amendment) Act, 7
No. 66 of 1961

6. Section 3 of the Rubber Replanting Subsidy Act, No. 36 of 1953, as amended by Act No. 5 of 1958, is hereby amended in sub-section (2) thereof, by the insertion, immediately after paragraph (a), of the following new paragraph:—

Amendment of section 3 of the Rubber Replanting Subsidy Act, No. 36 of 1953.

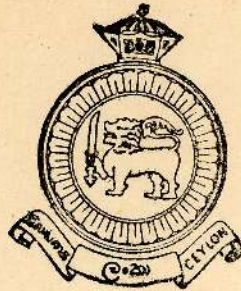
“(aa) such amounts as may be authorised from time to time by the Minister to be paid to the credit of the Tea Subsidy Fund established under the Tea Subsidy Act, No. 12 of 1958;”.

Section 4 of the Land Revenue (Amendment) Act, 1958, is amended to read as follows:—

and such amounts as may be authorized from time to time by the State Government to be paid to the credit of the Land Revenue Fund established under the Land Revenue Act, 1958.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Port (Cargo) Corporation (Amendment) Act, No. 67 of 1961

Date of Assent : December 7, 1961

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*Port (Cargo) Corporation (Amendment) Act,
No. 67 of 1961*

L. D.—O. 16/60.

**AN ACT TO AMEND THE PORT (CARGO) CORPORATION
ACT, No. 13 OF 1958.**

[Date of Assent: December 7, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Port (Cargo) Corporation (Amendment) Act, No. 67 of 1961.

Short title.

2. Section 5 of the Port (Cargo) Corporation Act, No. 13 of 1958, hereafter in this Act referred to as the "principal Act", is hereby amended, by the substitution, in paragraph (g) of sub-section (1) of that section, for the words "perform all", of the words "perform, directly or through any officer or agent authorised in that behalf by the Corporation, all".

Amendment of section 5 of Act No. 13 of 1958.

3. Section 7 of the principal Act is hereby amended as follows:—

Amendment of section 7 of the principal Act.

(1) by the substitution, for sub-section (1) of that section, of the following new sub-section:—

"(1) The Corporation shall have a Board of Directors consisting of an officer of the General Treasury, an officer of the Customs, an officer of the Port Commission, and four other members, all of whom shall be appointed by the Minister. ";

(2) by the substitution, for sub-section (3) of that section, of the following new sub-section:—

"(3) Where a Director is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, then, if he is not the Director who is an officer of the General Treasury or the Customs or the Port Commission, the Minister may appoint another person to act in his place, and, if he is a Director who is an

2 *Port (Cargo) Corporation (Amendment) Act,*
No. 67 of 1961.

officer of the General Treasury or the Customs or the Port Commission, the Minister may appoint an officer of the General Treasury, or the Customs, or the Port Commission, as the case may be, to act in his place. ”.

Amendment
of section
22 of the
principal
Act.

4. Section 22 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution in paragraph (a) of that sub-section, for the words “ Corporation; and ”, of the words “ Corporation, and to meet liabilities arising under the Workmen’s Compensation Ordinance; and ”.

Amendment
of section
42 of the
principal
Act.

5. Section 42 of the principal Act is hereby amended, by the substitution, for the words “ payable under this Act ”, of the words “ payable, less any deductions that may be made from such compensation under this Act ”.

Amendment
of section
47 of the
principal
Act.

6. Section 47 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for paragraph (a) of that sub-section, of the following paragraph:—
“ (a) any sum—

(i) which is certified in writing by a Labour Tribunal constituted under this Act to the Chairman of the Board of Directors to be due from such person under section 55, section 56, or section 57; or

(ii) which is admitted by such person to be due from him under section 55, section 56, or section 57, and is certified in writing by the Chairman of the Board of Directors to that Board to have been admitted by such person to be so due to an employee of the Corporation, or is certified in writing by the Commissioner of Labour to the Chairman of the Board of Directors to have been admitted by such person to be so due to anyone who is not an employee of the Corporation; or

- (iii) which is neither admitted nor denied by such person to be due from him under section 55, section 56, or section 57, and is certified in writing by the Chairman of the Board of Directors to that Board to have been neither so admitted nor so denied by such person and to be so due from such person to any employee of the Corporation, or is certified in writing by the Commissioner of Labour to the Chairman of the Board of Directors to have been neither so admitted nor so denied by such person and to be due from such person to anyone who is not an employee of the Corporation;” and
- (2) by the insertion, at the end of that section, of the following new sub-section:—

‘ (3) For the purposes of this section, the expression “compensation” includes any interest which has accrued due on such compensation. ’

7. Section 55 of the principal Act is hereby amended as follows:—

Amendment of
section 55 of
the principal
Act.

- (1) in sub-section (2) of that section, by the substitution, for paragraphs (a) and (b) of that sub-section, of the following new paragraphs:—

“ (a) where such employee was employed under such employer during the relevant period for twelve months or more and was remunerated by such employer at a monthly rate, be calculated at the rate of one-half of one month’s salary for every twelve months of such employment and one and one-fourth days’ wages for every complete month in any outstanding period of such employment,

(b) where such employee was employed under such employer during the relevant period for less than twelve months and was remunerated by

such employer at a monthly rate, be calculated at the rate of one and one-fourth days' wages for every complete month in the period of such employment,

(c) where such employee was employed under such employer during the relevant period for twelve months or more and was remunerated by such employer at a daily rate, be calculated at the rate of fifteen days' wages for every twelve months of such employment and one and one-fourth days' wages for every complete month in any outstanding period of such employment, and

(d) where such employee was employed under such employer during the relevant period for less than twelve months and was remunerated by such employer at a daily rate, be calculated at the rate of one and one-fourth days' wages for every complete month of such employment: ”;

(2) in sub-section (3) of that section, by the omission of the expressions “ one month's ” and “ the fifteen days' ” occurring therein;

(3) in sub-section (4) of that section, by the substitution, for the words “ to that entrepreneur. ”, of the words “ to any employee of that entrepreneur who is not employed by the Corporation. ”; and

(4) by the addition, at the end of that section, of the following new sub-section:—

“ (6) For the purposes of this section, an employee shall be deemed to be remunerated at a daily rate if his remuneration is calculated by the day, whether or not such remuneration is paid by the month. ”.

8. Section 58 of the principal Act is hereby amended, by the addition, at the end of that section, of the following proviso:—

Amendment of section 58 of the principal Act.

“ Provided that—

(a) any sum referred to in paragraph (c) or paragraph (e) of this section which is paid to the Corporation in respect of an employee of the Corporation, or

(b) where any sum referred to in paragraph (d) of this section which is transferred to the Corporation in respect of an employee of the Corporation includes the amount of any contributions referred to in the proviso to sub-section (2) of section 55, that amount out of such sum or, if paragraph (b) of that proviso applies in the case of such employee, that amount out of such sum less any sum by which that amount exceeds the gratuity which would be payable in respect of such employee under that sub-section but for the application of the said paragraph (b),

shall, if a written request in that behalf is made by such employee to the Chairman of the Board of Directors, be paid to such employee instead of being disposed of according to the preceding provisions of this section.”

9. The following new section is hereby inserted immediately after section 58, and shall have effect as section 58A, of the principal Act:—

Insertion of new section 58A in the principal Act.

“Obligation to furnish certain information in respect of payments due under section 55, section 56, and section 57.

58A. (1) Every port entrepreneur of the Port of Colombo shall, before the expiration of the prescribed period, furnish to the Chairman of the Board of Directors a statement specifying—

(a) the name of every person in respect of whom that entrepreneur is liable to make a payment under section 55 or section 57; and

(b) the amount of such payment and details of the mode of the computation of that amount.

(2) The administrators of every provident fund to which any employee of a port entrepreneur of the Port of

Colombo has been a contributor, other than the provident fund referred to in section 54, shall, before the expiration of the prescribed period, furnish to the Chairman of the Board of Directors a statement specifying—

(a) the name of every person in respect of whom such administrators are liable to make a payment under section 56; and

(b) the amount of such payment and details of the mode of the computation of that amount.

(3) Any person who, without reasonable cause, fails to comply with the provisions of sub-section (1) or sub-section (2) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine. ”.

10. Section 59 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the word “ disputes ”, of the word “ claims ”;

(2) in sub-section (3) of that section, by the substitution, for the word “ dispute ”, of the word “ claim ”;

(3) by the insertion, immediately after sub-section (5) of that section, of the following new sub-sections:—

“ (5A) The proceedings at an inquiry by a Labour Tribunal shall as far as possible be free from the formalities and technicalities of the rules of procedure and evidence applicable to a court of law, and may be conducted by such Tribunal in any manner, not inconsistent with the principles of natural justice and any regulations made in that behalf under this Act, which to such Tribunal

Amendment of
section 59 of
the principal
Act.

may seem best adapted to elicit proof concerning the matters that are investigated.

(5B) Where any person fails or is unable to comply with—

(a) a direction given to him under sub-section (4) of section 55 to furnish information in regard to any such matter concerning any other person as is referred to in that sub-section; or

(b) the provisions of sub-section (1) or sub-section (2) of section 58A requiring such person to furnish a statement in regard to any such matter concerning any other person as is referred to in that sub-section,

an affidavit of such other person in regard to that matter shall be admissible in any proceedings before a Labour Tribunal constituted under this Act as sufficient evidence of the facts stated therein.”; and

(4) in the marginal note to that section, by the substitution, for the word “disputes.”, of the word “claims.”.

11. Section 60 of the principal Act is hereby amended as follows:—

Amendment of section 60 of the principal Act.

(1) by the substitution, for sub-sections (1) and (2) of that section, of the following new sub-sections:—

“(1) Any claim made to the Board of Directors by any person that he is a person to whom the Board of Directors shall offer employment under section 52 shall be referred in writing by such Board for determination to a Labour Tribunal established under this Act.

(2) Any claim made to any person that any sum is payable by that person to or in respect of any other person under section 55, section 56, or section 57, shall

be referred in writing by the person to whom such claim is made for determination to a Labour Tribunal established under this Act. ”;

(2) in sub-section (3) of that section—

(a) by the substitution, for the word “disputes”, wherever that word occurs in that sub-section, of the word “claims”; and

(b) by the addition at the end of that sub-section, of the following:—

“ In making such regulations particular regard shall be had to the provisions of sub-section (5A) of section 59. ”; and

(3) in the marginal note to that section, by the substitution, for the word “Disputes”, of the word “Claims”.

Insertion of
new sections
62A and 62B
in the
principal Act.

12. The following new sections are hereby inserted in Part V, immediately after section 62, and shall have effect as section 62A and section 62B, of the principal Act:—

“ Certification
of amount
that cannot
be paid out
of compensa-
tion under
section
47 (1) (a).

62A. Where the compensation to which a person is entitled in respect of any property vested in or requisitioned for the Corporation is inadequate to pay the whole or any part of any sum payable out of that compensation under section 47 (1) (a), then, if that sum is due to an employee of the Corporation, the Chairman of the Board of Directors, or, if that sum is due to anyone who is not an employee of the Corporation, the Commissioner of Labour, shall certify in writing the amount due from that person which cannot be paid out of that compensation.

Recovery
of amount
that
cannot be
paid out
of compen-
sation under
section
47 (1) (a).

62B. (1) Upon the production of a certificate issued by the Chairman of the Board of Directors or the Commissioner of Labour under section 62A before the District Court or the Court of Requests within whose jurisdiction the person from whom the sum specified in the

certificate is due resides, according as that sum exceeds or does not exceed three hundred rupees, the Court shall direct a writ of execution to issue to the Fiscal authorising and requiring him to seize and sell all or any of the property movable and immovable of that person or such part thereof as may be necessary for the recovery of that sum; and the provisions of sections 226 to 297 of the Civil Procedure Code shall, *mutatis mutandis*, apply to the execution of such writ and to such seizure and sale.

(2) Where the Chairman of the Board of Directors or the Commissioner of Labour issues the certificate referred to in sub-section (1), he shall in writing notify that fact to the person specified in the certificate as the person from whom any sum so specified is payable, but the non-receipt of such notification by such person shall not invalidate the proceedings under this section.

(3) Nothing in the preceding provisions of this section shall affect or be deemed or construed to affect the right of any person to recover in any other manner any sum payable to him under section 55, section 56, or section 57. ”.

13. (1) Section 63 of the principal Act is hereby amended by the insertion at the end of that section of the following new sub-section:—

Amendment of
section 63 of
the principal
Act.

“ (6) The charges that may be made by the Corporation as harbour dues or warehouse rents shall not be fixed or revised except with the concurrence of the Minister of Finance. All sums paid to, or recovered by, the Corporation as harbour dues or warehouse rents shall be paid by the Corporation to the Secretary to the Treasury and shall be credited to the Consolidated Fund of Ceylon. ”.

(2) The amendment made in the principal Act by sub-section (1) of this section shall not come into force until such date as may be appointed by the Minister by Order published in the *Gazette*.

Amendment of
section 65 of
the principal
Act.

14. Section 65 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the expression “if within the period specified in the notice published in respect of those goods under sub-section (3), the charges payable to the Corporation in respect of those goods are not paid and those goods are not removed by the owners thereof from the premises of the Corporation,”, of the following:—

“if the requirements of any notice published in respect of those goods under sub-section (3) are not complied with within the period specified in that notice,”;

(2) in sub-section (6) of that section—

(a) by the omission in paragraph (a) of that sub-section of the words “or warehouse rent”;

(b) by the substitution, for paragraphs (b), (c) and (d) of that sub-section, of the following new paragraphs:—

“ (b) secondly, in payment of freight, primage, or general average, payable in respect of the goods to a shipowner if notice of a lien on the goods for such freight, primage, or general average has been given by or on behalf of the shipowner in accordance with the law for the time being in force relating to merchant shipping;

(c) thirdly, in payment of warehouse rent in respect of the goods;

(d) fourthly, in payment of the expense of the sale of the goods;” ;

(c) by the addition, immediately after paragraph (d) of that sub-section, of the following new paragraphs:—

“ (e) fifthly, in payment of the charges due to the Corporation in respect of the goods;

(f) sixthly, in payment of the charges, other than those referred to in paragraph (b), payable in respect of the goods to a shipowner if notice of a lien on the goods for such charges has been given by or on behalf of the shipowner in accordance with the law for the time being in force relating to merchant shipping ”;

(d) by the substitution, for the words “ shall pay ”, of the words “ shall, if the goods are not perishable goods, pay ”; and

(e) by the substitution, for the words “ goods, such balance ”, of the words “ goods, or if the goods are perishable goods, such balance ”.

15. Section 79 of the principal Act is hereby amended as follows:—

Amendment of
section 79 of
the principal
Act.

(a) in sub-section (1) of that section, by the substitution,—

(i) for the words “ goods lodged ”, of the words “ goods which are lodged ”;

(ii) for the words “ Government shall ”, of the words “ Government, or which are carried in any lighter or barge of the Corporation, shall ”; and

(iii) for the words “ importer or ”, of the words “ importer, exporter, shipper or ”; and

(b) by the substitution, for the marginal note to that section, of the following:—

“ Certain goods to be at the risk of the owner, importer, exporter, shipper, or consignee thereof ”

- (c) by the substitution for the words "shall pay" of the words "shall pay" and
 - (d) by the substitution for the words "goods" of the words "goods or if the goods are perishable goods, such balance"
18. Section 73 of the principal Act is hereby amended as follows:—
- (a) in subsection (1) of that section by the substitution—
 - (i) for the words "goods lodged" of the words "goods which are lodged"
 - (ii) for the words "Government shall" of the words "Government or which are carried in any lighter or barge of the Corporation shall" and
 - (iii) for the words "importer or" of the words "importer, exporter, shipper or"
- (b) by the substitution for the marginal note to that section of the following:—
- "Certain goods to be at the risk of the owner, importer, exporter, shipper or consignee thereof"

Amendment of Section 73 of the principal Act.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Immigrants and Emigrants (Amendment) Act, No. 68 of 1961

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Immigrants and Emigrants (Amendment) Act,
No. 68 of 1961

L. D.—O. 6/61.

AN ACT TO AMEND THE IMMIGRANTS AND EMIGRANTS
ACT, NO. 20 OF 1948.

[Date of Assent: December 7, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Immigrants and Emigrants (Amendment) Act, No. 68 of 1961.

Short title.

2. The following new section is hereby inserted immediately after section 7 of the Immigrants and Emigrants Act, No. 20 of 1948, hereinafter referred to as the "principal Act", and shall have effect as section 7A of that Act:—

Insertion of
new section
7A in Act
No. 20 of 1948.

" Powers
and
duties of
authorized
members of
the Forces.

7A. (1) The Governor-General may, for the purposes of this Act, by Order published in the *Gazette*, designate all or any of—

(a) the members of the army raised and maintained in accordance with the provisions of the Army Act, No. 17 of 1949,

(b) the members of the Royal Ceylon Navy raised and maintained in accordance with the provisions of the Navy Act, No. 34 of 1950, and

(c) the members of the Royal Ceylon Air Force raised and maintained in accordance with the provisions of the Air Force Act, No. 41 of 1949,

as authorized members of the Forces.

(2) The powers and duties conferred and imposed upon authorized members of the Forces by this section shall be exercised and discharged notwithstanding that such powers and duties are not conferred or imposed upon them by

2 *Immigrants and Emigrants (Amendment) Act,*
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the provisions of the Army Act, No. 17 of 1949, the Navy Act, No. 34 of 1950 or the Air Force Act, No. 41 of 1949.

(3) The Minister may, by Order published in the *Gazette*, specify the area or areas in which the powers and duties under this Act may be exercised and discharged by authorized members of the Forces.

(4) Within the area specified under sub-section (3), an authorized member of the Forces shall, in respect of—

(a) any offence under paragraph (a) of sub-section (1) of section 45,

(b) any offence under sub-section (2) of section 45 so far as it relates to paragraph (a) of sub-section (1) of that section, and

(c) any offence under sub-section (1) or sub-section (2) of section 45A,

be deemed to be a peace officer within the meaning of the Criminal Procedure Code for the purpose only of exercising any power conferred upon a peace officer by that Code.

(5) An authorized member of the Forces making an arrest without warrant shall without delay hand the person so arrested to the custody of a police officer. ”.

3. Section 38 of the principal Act is hereby repealed and the following new section substituted therefor:—

“ Identification
of persons.

38. For purposes of this Act it shall be lawful for any person authorized by the Controller, or for a police officer not below the rank of a sergeant, or for an authorized member of the Forces not below the rank of a corporal or leading seaman, to take all such steps as may

Cap. 16.

Replacement
of section 38
of the
principal Act.

Immigrants and Emigrants (Amendment) Act, 3
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be reasonably necessary for photographing, measuring, finger-printing and otherwise identifying—

(a) any person who is not a citizen of Ceylon, or

(b) any person who is suspected or alleged to have committed an offence under this Act.”.

4. Section 45 of the principal Act is hereby amended—

Amendment of
section 45 of
the principal
Act.

(a) in sub-section (1) of that section—

(i) by the omission of paragraphs (b) and (c), and

(ii) by the re-lettering of paragraphs (d), (e), (f), (g), (h), (i), (j) and (k) as paragraphs (b), (c), (d), (e), (f), (g), (h) and (i) respectively;

(b) by the repeal of sub-sections (3) and (4) of that section;

(c) by the re-numbering of sub-section (2) of that section as sub-section (3);

(d) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

“(2) Any person who attempts to commit, or does any act preparatory to the commission of, or aids or abets the commission of, an offence under sub-section (1), shall be guilty of an offence under this Act and shall on conviction be liable to the same punishment as if he had been guilty of an offence and been convicted under sub-section (1).”;

(e) in the re-numbered sub-section (3) of that section, by the substitution, for the words “except by the Controller or with his written sanction”, of the words “except by the Controller or by a police officer of a rank not below that of Assistant Superintendent or with the written sanction of the Controller or such police officer”; and

(f) by the re-numbering of sub-section (5) of that section as sub-section (4).

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No. 68 of 1961

Insertion of
new sections
45A and 45B
in the
principal Act.

5. The following new sections are hereby inserted immediately after section 45 of the principal Act, and shall have effect as sections 45A and 45B of that Act:—

“ Offences of
bringing
persons into
Ceylon in
contravention
of Act, etc.

45A. (1) Any person who—

(a) brings any other person into Ceylon by any means whatsoever, knowing that the entry into Ceylon of that other person is or would be in contravention of any provision of this Act or of any Order or regulation made thereunder;

(b) conceals or harbours any other person in any place whatsoever, or transports any other person or causes any other person to be transported by any means whatsoever, knowing that such other person has entered Ceylon or is remaining in Ceylon in contravention of any provision of this Act or of any Order or regulation made thereunder; or

(c) employs any other person, knowing that such other person has entered Ceylon or is remaining in Ceylon in contravention of any provision of this Act or of any Order or regulation made thereunder,

shall be guilty of an offence under this Act and shall on conviction be liable to rigorous imprisonment for a term of not less than two years and of not more than five years.

(2) Any person who—

(a) attempts to commit or aids or abets the commission of an offence under sub-section (1),

or

(b) does any act preparatory to the commission of an offence under paragraph (a) or paragraph (b) of sub-section (1),

shall be guilty of an offence under this Act and shall on conviction be liable to rigorous imprisonment for a term of not less than two years and of not more than five years.

(3) Where a person is charged with an offence under sub-section (1) or sub-section (2), it shall be presumed that he acted knowing that the entry of that other person into Ceylon was or would have been, or that the other person had entered Ceylon or was remaining in Ceylon, as the case may be, in contravention of a provision of this Act or of any Order or regulation made thereunder, and the burden of rebutting the presumption of such knowledge shall lie upon the person so charged.

(4) For the purpose of every prosecution under paragraph (c) of sub-section (1) of this section, a person alleged to have entered Ceylon or to be remaining in Ceylon in contravention of any provision of this Act or of any Order or regulation made thereunder,—

(a) who is in the service of a body of persons shall—

(i) where the body of persons is a body corporate, be deemed to be employed by the manager, secretary and every director of that body corporate, and

(ii) where the body of persons is a firm, be deemed to be employed by every partner of the firm.

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unless such manager, secretary, director or partner, as the case may be, proves, having regard to the nature of his functions and to all the circumstances, that such person was employed without his knowledge; and

(b) who is in the service of a business registered under the Business Names Ordinance, shall, as regards every individual, every firm and every body corporate registered under that Ordinance in respect of that business, be deemed to be employed by such individual, every partner of such firm and every manager, secretary and director of such body corporate,

unless such individual, partner, manager, secretary or director, as the case may be, proves, having regard to the nature of his functions and to all the circumstances, that such person was employed without his knowledge.

Presumption with regard to certain certificates.

45B. If in any prosecution for any offence under this Act there is produced a certificate issued by a police officer of a rank not below that of an Assistant Superintendent to the effect that he believes any person named in the certificate to be a person who has entered or remained in Ceylon in contravention of any provision of this Act or of any Order or regulation made thereunder, it shall be presumed that the person so named entered or remained in Ceylon in contravention of such provision, unless it is proved by the accused that the person so named—

(a) is a person to whom Part III of this Act does not apply; or

Immigrants and Emigrants (Amendment) Act, 7
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- (b) entered Ceylon, or remained in Ceylon, as the case may be, in conformity with such provision; or
- (c) was in Ceylon prior to the appointed date and did not thereafter leave Ceylon; or
- (d) was born in Ceylon on or after the appointed date and did not thereafter leave Ceylon."

6. Section 46A of the principal Act is hereby repealed and the following new section substituted therefor:—

Replacement of section 46A of the principal Act.

" Certain offences to be non-bailable.

46A. (1) Notwithstanding anything in any other law—

- (a) every offence under paragraph (a) of sub-section (1) of section 45,
- (b) every offence under sub-section (2) of section 45 in so far as it relates to paragraph (a) of sub-section (1) of that section,
- (c) every offence under paragraph (a) or paragraph (b) of sub-section (1) of section 45A,
- (d) every offence under paragraph (a) of sub-section (2) of section 45A in so far as it relates to paragraph (a) or paragraph (b) of sub-section (1) of that section, and
- (e) every offence under paragraph (b) of sub-section (2) of section 45A,

shall be non-bailable and no person accused of such an offence shall in any circumstances be admitted to bail.

(2) Notwithstanding anything in any other law—

- (a) every offence under paragraph (c) of sub-section (1) of section 45A, and

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No. 68 of 1961

(b) every offence under paragraph (a) of sub-section (2) of section 45A in so far as it relates to paragraph (c) of sub-section (1) of that section, shall be non-bailable.”.

Replacement of section 46B of the principal Act.

7. Section 46B of the principal Act is hereby repealed and the following new section substituted therefor:—

“ Detention of persons suspected of or charged with commission of offence under section 45 (1) (a).

46B. Where any person is suspected of the commission of an offence under paragraph (a) of sub-section (1) of section 45, it shall be lawful, notwithstanding anything in any other written law, for the Controller or any police officer of a rank not below that of an Assistant Superintendent, to authorize in writing the detention of that person in any place of detention approved by the Minister for the purpose of this section, until that person has established his innocence or an Order is made against that person by the Minister in terms of section 28 (1A):

Provided that if such person remains in custody at the expiry of a period of two weeks from the date on which he was first taken into custody, he shall be produced forthwith before a Magistrate who shall make such order as he deems appropriate.”.

8. Section 47A of the principal Act is hereby repealed and the following new section substituted therefor:—

“ Power to search any ship for the purpose of arrest.

47A. It shall be lawful for any police officer irrespective of rank, or any authorized member of the Forces not below the rank of a corporal or leading seaman, to search any ship (not being an aircraft) in the territorial waters of Ceylon, and to arrest and take into custody any person on board such ship who is suspected of the commission of any offence under section 45 (1) (a), section 45 (2) in so far as it relates to section 45 (1) (a), or section 45A.”.

Replacement of section 47A of the principal Act.

9. Section 47B of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section—

(a) by the substitution, for the words “any police officer of a rank not below that of inspector”, of the words “any police officer irrespective of rank, or any authorized member of the Forces not below the rank of a corporal or leading seaman”, and

(b) by the substitution, for the words “in paragraph (b) or paragraph (c) of sub-section (1) of section 45” of the words “in paragraph (a) or paragraph (b) of sub-section (1) of section 45A”;

(2) in sub-section (2) of that section, by the substitution, for the words “by the officer making the seizure”, of the words “by the officer making the seizure or, where such officer is an authorized member of the Forces, by any police officer”;

(3) in sub-section (3) of that section—

(a) by the substitution, in paragraph (a) thereof, for the words “upon the expiration of fourteen days after the seizure”, of the words “upon the expiration of six weeks after the seizure”, and

(b) by the substitution, in paragraph (b) thereof, for the words “unless duly declared to be forfeited to Her Majesty under section 47A”, of the words “unless duly declared to be forfeited to Her Majesty or ordered to be destroyed under sub-section (4)”;

(4) by the insertion, immediately after sub-section (3), of the following new sub-section:—

“(4) Where any vehicle, vessel or other means of transport or equipment or accessories, produced before or made available for inspection by a Magistrate’s Court under sub-section (2), is proved to have been used in, or in

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No. 68 of 1961

connection with, the commission of an offence under paragraph (a) or paragraph (b) of sub-section (1) of section 45A, such court shall make order for the forfeiture to Her Majesty or for the destruction of such vehicle, vessel or other means of transport or equipment or accessories." ; and

(5) by the substitution, for the marginal note thereto, of the following marginal note:—

“ Seizure and detention by police, authorized members of the Forces or authorized officers, of vehicles, etc. suspected of being used in the commission of offences under section 45A (1) (a) or section 45A (1) (b). ”.

Insertion of
new sections
47c and 47d in
the principal
Act.

10. The following new sections are hereby inserted immediately after section 47B of the principal Act and shall have effect as sections 47c and 47D of that Act:—

“ Proceedings
under the
Act to have
priority in
court.

47c. (1) The proceedings in any court in respect of an offence alleged to have been committed by any person under this Act shall have priority over all other business of that court, except when circumstances render it necessary for such other business to be disposed of earlier.

(2) Where the trial of a person accused of an offence under this Act cannot be concluded on the day of commencement, such trial shall be continued on the working day immediately following, except where circumstances render such continuation impracticable or render it necessary for other business to be disposed of on the working day immediately following.

Evidence, in
connection
with certain
offences, of
a person
about to
leave the
Island.

47D. (1) Where any person is accused of an offence under section 45 (1) (a), or section 45 (2) in so far as it relates to section 45 (1) (a), or section 45A, any other person who is about to leave the Island may, if he so desires, make a sworn or affirmed statement in connection with the offence before a Justice of the Peace, or a police officer

not below the rank of an Assistant Superintendent of Police, in the presence of the person accused of the offence.

(2) The Justice of the Peace or the police officer before whom the statement is made under sub-section (1) shall—

(a) record such statement,

(b) read over such statement in the presence of the accused to the person making the statement,

(c) explain the statement to the accused,

(d) afford the accused full opportunity of asking any questions relevant to the statement from the person making the statement,

(e) record such questions, together with the answers given by the person making the statement,

(f) secure the signature of the person making the statement to the record of the statement, and

(g) certify, if such be the case, that the requirements of this section have been complied with.

(3) Any Justice of the Peace, or police officer not below the rank of an Assistant Superintendent of Police is hereby empowered and required—

(a) to administer an oath or affirmation, in manner authorized for witnesses under the Oaths Ordinance, to any person desiring to make a statement in accordance with this section, and

(b) thereafter to take proceedings under the provisions of sub-section (2).

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No. 68 of 1961

(4) A statement purporting to be certified under this section may, notwithstanding the provisions of any other law, be produced in court and given in evidence against any person accused of any offence under section 45 (1) (a), or section 45 (2) in so far as it relates to section 45 (1) (a), or section 45A, and shall be *prima facie* evidence of the facts therein stated.”.

11. Section 50 of the principal Act is hereby amended as follows:—

(1) in sub-section (1) of that section—

(a) by the insertion, immediately after the definition of “ authorized officer ”, of the following:—

“ “ Ceylon ” includes the territorial waters of Ceylon; ’, and

(b) by the insertion, immediately after the definition of “ ship ”, of the following:—

“ “ territorial waters of Ceylon ” means the part of the sea within a distance of six nautical miles from any point of the coast of Ceylon measured from low-water mark of ordinary spring tides; ’; and

(2) in sub-section (3) of that section—

(a) by the substitution, for paragraph (a), of the following paragraph:—

“ (a) A person who arrives at any aerodrome in Ceylon on board any aircraft shall not be deemed, for the purposes of this Act, to enter Ceylon or to be brought into Ceylon until that person leaves the aerodrome otherwise than by that aircraft.”, and

(b) by the substitution, for paragraph (b), of the following paragraph:—

“ (b) (i) A person who enters the territorial waters of Ceylon on board any ship (not being an aircraft) as a passenger in

Amendment of
section 50 of
the principal
Act.

transit, shall not be deemed, for the purposes of this Act, to enter Ceylon or to be brought into Ceylon until that person leaves the ship.

(ii) "passenger in transit" means a passenger who is travelling from a country other than Ceylon to a country other than Ceylon on board the same ship.

(iii) In any prosecution for an offence under this Act, the burden of proving that a person is a passenger in transit shall lie upon the person so asserting it."

...shall not be deemed
for the purposes of this Act
to have been brought on board
the ship, unless the ship
person leaves the ship.

(2) ...passenger in transit
means a passenger who is
travelling from a country
other than India to a
country other than India or
from the same ship.

(3) In any prosecution for an
offence under this Act, the
burden of proving that a
person is a passenger in transit
shall be upon the person
so asserting it.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Industrial Products (Amendment) Act, No. 69 of 1961

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Industrial Products
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*Industrial Products (Amendment)
Act, No. 69 of 1961*

L. D.—O. 25/61.

AN ACT TO AMEND THE INDUSTRIAL PRODUCTS ACT,
NO. 18 OF 1949.

[Date of Assent : December 7, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Industrial Products (Amendment) Act, No. 69 of 1961.

Short title.

2. Section 16 of the Industrial Products Act, No. 18 of 1949, hereafter referred to as the " principal Act ", is hereby amended as follows :—

Amendment of
section 16 of
Act No. 18 of
1949.

(a) in paragraph (a) of sub-section (2) of that section, by the substitution, for the words " which will be delivered on surrender of that warrant ;", of the words " to which that warrant relates ;";

(b) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section :—

" (3A) A delivery warrant—

(a) shall, as soon as practicable after its issue, be surrendered by the person to whom it was issued or his authorised agent to the registered manufacturer or stockist whose name is specified therein ; and

(b) shall, upon such surrender, be endorsed by such manufacturer or stockist with the date or dates, within the period of the validity of the warrant, on which the quantity, or any part of the quantity, of the grade of the local product specified in the warrant will be available for delivery to such person or his authorised agent." ;

(c) by the repeal of sub-section (4) of that section and the substitution therefor of the following new sub-section :—

“(4) A delivery warrant which is issued in respect of any grade of any local product and is endorsed as required by sub-section (3A) by the registered manufacturer or stockist whose name is specified therein shall,—

(a) if such quantity of that grade of that local product as is specified in such endorsement is available for delivery on the date so specified, be sufficient authority for the person to whom that warrant is issued or his authorised agent, on surrender of that warrant on that date, to obtain at the place specified therein delivery of such quantity of that grade of that local product as is so specified from the stocks of such manufacturer or stockist ; or

(b) if only a part of such quantity of that grade of that local product as is specified in such endorsement is available for delivery on the date so specified, be sufficient authority for the person to whom that warrant is issued or his authorised agent, on surrender of that warrant on that date, to obtain at the place specified therein delivery of such part of that quantity, and to obtain delivery of the balance of such quantity at such places and on such other dates as may be specified by any subsequent endorsement made on such warrant by such manufacturer or stockist ; or

(c) if such quantity of that grade of that local product as is so specified is not available for delivery on that date, or is so available but such person or his authorised agent is unable to take such delivery on that date, be sufficient authority for such person or his authorised agent, to obtain at such place delivery from such

stocks of such quantity of that grade of that local product as is so specified, on the surrender of that warrant on such other date as may be specified by any subsequent endorsement made on such warrant by such manufacturer or stockist or the Controller either of his own motion or at the request of such person or his authorised agent.”; and

(d) by the repeal of sub-section (5) of that section.

3. Section 17 of the principal Act is hereby amended as follows :—

Amendment of
section 17 of the
principal Act.

(a) by the repeal of sub-section (1) of that section and the substitution therefor, of the following new sub-section :—

“(1) Where stocks of any grade of any local product specified in a delivery warrant are kept in the factory or store of the registered manufacturer or stockist whose name is specified in that warrant, such manufacturer or stockist shall, immediately after delivery of any quantity of that grade of that local product to the person to whom such warrant was issued or his authorised agent, require such person or such agent to make an endorsement on that warrant in acknowledgment of the delivery of such quantity, and it shall be the duty of such person or such agent to make such endorsement.” ; and

(b) in sub-section (3) of that section, by the substitution, for all the words from “ the Controller shall,” to “ such quantity of the local product as may be specified in that delivery warrant ”, of the words “ the Controller shall, immediately after delivery to the person to whom that warrant is issued or his authorised agent of any quantity of such local product,”.

Amendment of section 18A of the principal Act.

4. Section 18A of the principal Act (inserted by Act No. 53 of 1956) is hereby amended, in sub-section (1) of that section, as follows :—

- (a) by the substitution, for all the words from “Where the Controller” to “for delivery to that person,” of the words “Where, after the expiration of the period of validity of any coupon or delivery warrant issued to any person, the Controller is satisfied that the quantity, or any part of the quantity, of the local product specified in the coupon or delivery warrant was not available for delivery to such person or his authorised agent during that period,” ;
- (b) in paragraph (a) of that sub-section, by the substitution, for the words “cannot be delivered to that person”, of the words “was not delivered to that person or his authorised agent” ; and
- (c) in paragraph (b) of that sub-section, by the substitution, for the words “cannot be delivered to that person”, of the words “was not delivered to that person or his authorised agent”.

Special provisions in respect of locally manufactured sarongs.

5. (1) A person to whom a coupon or delivery warrant was issued at any time prior to the date of the commencement of this Act shall not be deemed at any time to have been, or to be, entitled to any refund of the price paid by that person for any quantity of any such local product as are sarongs by reason of the fact that any such quantity of that product as was specified in that coupon or delivery warrant was not delivered to him, upon the surrender thereof, during the period of the validity of that coupon or delivery warrant, or that such quantity was offered or taken after that period ; and accordingly the provisions of the principal Act shall, in their application in the case of that coupon or delivery warrant, or that product, be deemed at all times to have had, and to have, effect subject to the preceding provisions of this section.

(2) The provisions of sub-section (1) of this section shall have effect notwithstanding anything to the contrary in the principal Act or any undertaking given by the Controller to make a refund.

6. The amendments made in the principal Act by the preceding provisions of this Act shall be deemed to have taken effect on the date of the commencement of the principal Act.

Retrospective effect of amendments.

7. (1) No writ, suit or prosecution shall lie against the Controller by reason only of his not having made, or not making, the refund referred to in section 5 of this Act.

Protection for certain action taken by the Controller.

(2) In this section, the expression "Controller" has the same meaning as in the principal Act.

8. Nothing in the provisions of this Act, or in the provisions of the principal Act as amended by this Act, shall be deemed or construed to prejudice or affect any refund of the price paid for any local product actually made to any person under the principal Act prior to the date of the commencement of this Act, and accordingly the Controller shall not be entitled to claim that any money so refunded shall be returned by reason only of the aforesaid provisions.

Saving of certain refunds made under the principal Act.

(2) The provisions of sub-section (1) of this section shall have effect notwithstanding anything to the contrary in the principal Act or any notification given by the Controller to make a refusal.

6. The amendments made in the principal Act by the preceding provisions of this Act shall be deemed to have taken effect on the date of the commencement of the principal Act.

7. (1) No suit or prosecution shall be brought against the Controller by reason only of his not having made or not making the refund referred to in section 5 of this Act.

(2) In this section the expression "Controller" has the same meaning as in the principal Act.

8. Nothing in the provisions of this Act or in the provisions of the principal Act as amended by this Act shall be deemed or construed to prejudice or affect any refund of the duty paid for any local product actually made in any person under the principal Act prior to the date of the commencement of this Act and accordingly the Controller shall not be entitled to claim that any money so refunded shall be retained by reason only of the aforesaid provisions.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Compulsory Public Service Act, No. 70 of 1961

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PARLIAMENT OF CEYLON

2nd Session 1961-62



Compulsory Public Service Act
No. 70 of 1961

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Compulsory Public Service Act, No. 70 of 1961

L. D.—O. 46/61.

AN ACT TO MAKE PROVISION FOR ENABLING THE CALLING UP FOR COMPULSORY PUBLIC SERVICE OF PERSONS WHO ARE GRADUATES OF THE UNIVERSITY OF CEYLON OR ANY OTHER UNIVERSITY ESTABLISHED IN CEYLON, OR OF ANY UNIVERSITY OUTSIDE CEYLON AND WHO UNDERGO A COURSE OF TECHNICAL TRAINING IN THE UNIVERSITY OF CEYLON OR ANY OTHER SUCH UNIVERSITY, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: 29th December, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Compulsory Public Service Act, No. 70 of 1961.

Short title.

2. The provisions of this Act shall apply to every person who, unless he is in employment or is a Member of Parliament or Senator, on or after the date of the commencement of this Act,—

Graduates to whom this Act applies.

(a) becomes a graduate of the University of Ceylon, or any other University established in Ceylon to which a grant is made by the Government; or

(b) becomes a graduate of any University outside Ceylon and thereafter undergoes a course of technical training provided by or in the University of Ceylon or any other University established in Ceylon; or

(c) being a medical graduate of the University of Ceylon, or any other University established in Ceylon, thereafter becomes a medical practitioner within the meaning of the Medical Ordinance.

Every such person is in this Act referred to as a "graduate to whom this Act applies".

3. (1) Every graduate to whom this Act applies shall, as from the date on which he becomes such a graduate, be a person subject to compulsory public service.

Graduates to whom this Act applies subject to compulsory public service.

2 Compulsory Public Service Act, No. 70 of 1961

(2) A graduate subject to compulsory public service shall, if he is not duly appointed to any appropriate office in the public service at any time before the expiry of the prescribed period after the date on which he became subject to such service, cease to be subject to such service. Different periods may be so prescribed in respect of different classes of graduates who are subject to compulsory public service.

Obligation imposed on graduates subject to compulsory public service to accept and continue employment in the public service.

4. (1) A graduate subject to compulsory public service who, while he is so subject, is duly appointed to any appropriate office in the public service shall be under an obligation—

(a) to accept that appointment;

(b) to commence to serve in that office on the date on which his appointment is due to take effect; and

(c) subject to the provisions of section 12 and sub-section (3) of this section, to continue to serve in that office, or in any other subsequent appropriate office in the public service to which he may be duly transferred or appointed, until the date on which his appointment or subsequent appointment to the service is due to expire (not being a date later than a period of five years after the date on which such person became subject to such service), or until the date on which his appointment to such service is duly terminated, whichever date is earlier.

(2) A graduate on whom an obligation is imposed by sub-section (1) of this section to accept any appointment to any appropriate office in the public service, and to commence to serve in that office, shall, if such graduate is unable to discharge that obligation by reason of his having been declared to be medically unfit to do so after a duly conducted medical examination, be deemed to be exempted from the liability to discharge that obligation.

(3) A graduate who, while he is discharging the obligation imposed on him by sub-section (1) of this section to continue to serve in any appropriate office in the public service, is granted permission to pursue a course of technical education in any institution outside Ceylon for any period, shall be under an obligation

at the end of that period to recommence service in that office, or any other appropriate office in such service to which he may be duly transferred, and to continue to serve in that office or such other office for that period, and accordingly the date on which his appointment to such service is due to expire shall be reckoned by reference to the period on which it would have expired but for the period during which he pursued such course increased by the period during which he pursued such course.

(4) A graduate on whom an obligation is imposed by sub-section (1) of this section to continue to serve in any appropriate office in the public service shall, if he does not continue in that office for any period during which he is pursuing a course of technical education in any institution outside Ceylon with the prior permission of the person or authority entitled to grant such permission, be deemed to be exempted from the liability to discharge such obligation during that period. The preceding provisions of this sub-section shall not be deemed or construed to affect or prejudice the operation of the provisions of sub-section (3) of this section.

(5) Any graduate who fails to discharge the obligation imposed on him by sub-section (1) or sub-section (3) of this section shall, unless he is a graduate deemed to be exempted from the liability to discharge that obligation, be guilty of an offence under this Act and shall be liable to a fine not exceeding one hundred and fifty rupees for every day during which such failure continues.

5. (1) The Head of the University of Ceylon, or any other prescribed University established in Ceylon to which a grant is made by the Government, shall be under an obligation to give the prescribed authority written notice of the fact that a person has become a graduate of that University within a period of fourteen days after the date on which such person became such a graduate.

(2) The Head of any University who fails to discharge the obligation imposed on him by sub-section (1) of this section shall be guilty of an offence under this Act and shall be liable to a fine not exceeding fifty rupees for every day during which such failure continues.

Obligation imposed on the head of a Ceylon University to give information to the prescribed authority relating to persons who are subject to compulsory public service.

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Obligation imposed on persons in regard to the employment of graduates subject to compulsory public service.

6. (1) Every person shall be under an obligation not to employ, or continue in his employment, any graduate on whom an obligation is imposed by sub-section (1) or sub-section (3) of section 4 for so long and so long only as such graduate has not discharged that obligation unless such graduate is deemed to be exempted from the discharge of that obligation under this Act:

Provided, however, that it shall be a defence for any person charged with the offence of having failed to discharge the obligation imposed on him by the preceding provisions of this section (in this Proviso referred to as "the accused") in relation to any graduate to prove that the accused had no reason to believe that such graduate had not discharged the obligation imposed on him by sub-section (1) or sub-section (3) of section 4 and that, as soon as the accused became aware that there was a failure on his part to discharge the obligation imposed on him by the preceding provisions of this section, the accused took immediate steps to discharge that obligation.

(2) Every person who fails to discharge the obligation imposed on him by sub-section (1) of this section shall be guilty of an offence under this Act and shall be liable to a fine not exceeding one hundred and fifty rupees for every day during which such failure continues.

(3) No suit or prosecution shall lie against any person for any act which in good faith is done or purported to be done by him in order to discharge the obligation imposed on him by sub-section (1) of this section.

Orders. 7. (1) The Minister may make Orders for or in respect of all matters required or authorised by this Act to be prescribed.

(2) Any Order made by the Minister shall be published in the *Gazette*, and shall come into force on the date of such publication, or on such later date as may be specified in the Order.

(3) Any Order made by the Minister shall, on its coming into force as provided in sub-section (2) of this section, be as valid and effectual as if it were herein enacted.

8. All offences under this Act may be tried summarily by a Magistrate.

Offences under this Act summarily triable.

9. Nothing in the provisions of this Act shall be deemed or construed to affect, prejudice, or curtail, in any way—

Powers of appointment, etc., of the Public Service Commission or the Judicial Service Commission not to be affected or curtailed by this Act.

(a) the power of appointment, transfer, dismissal and disciplinary control of public officers vested in the Public Service Commission; or

(b) the power of appointment, transfer, dismissal and disciplinary control of judicial officers vested in the Judicial Service Commission,

by the Ceylon (Constitution) Order in Council, 1946.

10. Where an offence under this Act is committed by a body of persons (other than a University), then,—

Offences under this Act committed by a body of persons.

(a) if that body of persons is a body corporate, every director or officer of that body corporate, and

(b) if that body of persons is a firm, every partner of that firm,

shall be guilty of that offence :

Provided, however, that a director or officer of such body corporate or a partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

11. (1) In this Act, unless the context otherwise requires—

Interpretation.

“ appropriate office ”, in relation to a graduate to whom this Act applies of any prescribed class or description, means any office of any such grade or class in the public service as may have been prescribed as being appropriate for the appointment of the category of graduates of that class or description ;

“ duly appointed ”, in relation to any appropriate office in the public service, means appointed to that office, under and in accordance with the provisions of any

written law for the time being applicable to such appointment, by the person or authority empowered to make such appointment by or under that law;

“duly conducted medical examination”, in relation to any appropriate office in the public service, means a medical examination conducted under and in accordance with the provisions for the time being applicable to members of the public service;

“duly terminated”, in relation to any appropriate office in the public service, means the termination of service in that office, under and in accordance with the provisions of any written law for the time being applicable to such termination, but does not include resignation from that office without the prior approval of the person or authority empowered to terminate such service;

“duly transferred”, in relation to any appropriate office in the public service, means a transfer to or from that office made or effected, under and in accordance with the provisions of any written law for the time being applicable to such transfer, by the person or authority empowered to do so by or under that law;

“graduate”, in relation to any University, means a person on whom a degree or diploma has been conferred by that University, or who is or will be entitled to the conferment of such degree or diploma by reason of his having completed a successful course of training or study in that University;

“Head”, in relation to any University, means the Vice-Chancellor for the time being of that University or, in the absence of a Vice-Chancellor, the person, by whatever name called, who for the time being occupies the position of Head of the management or administration of the affairs of that University;

“ public service ” means the service consisting of members who are the holders of paid offices as servants of the Crown in respect of the Government of the Island, but does not include the persons referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (j) and (k) of the definition of the expression “ public officer ” occurring in Section 3 of the Ceylon (Constitution) Order in Council, 1946 ; and

“ technical ” means artistic, scientific, or professional.

(2) For the purposes of this Act—

(a) the appointment of a person to any appropriate office in the public service shall be deemed to be due to take effect on the date specified in the letter or other instrument by which such appointment is made, or on such later date to which it may have been postponed by the person or authority who made such appointment ; and

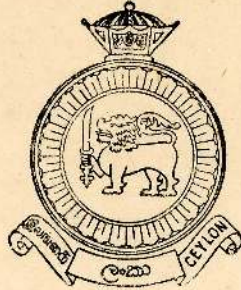
(b) the appointment of a person to any appropriate office in the public service shall be deemed to be due to expire, if a date is specified in the letter or other instrument by which the appointment was made (not being a date expiring later than a period of five years from the date on which he became subject to compulsory public service), on that date or, if no date is so specified, at the end of such period of five years.

12. The provisions of paragraph (c) of subsection (1) of section 4, and paragraph (b) of subsection (2) of section 11, shall, in their application in the case of any graduate who is a person of the description referred to in paragraph (b) of section 2, have effect as if for the word “ five ” wherever it occurs in such provisions, there were substituted the word “ three ”.

Modification of certain provisions of this Act in case of particular graduates.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Ceylon (Constitution) Amendment Act, No. 71 of 1961

Date of Assent : 30th December, 1961

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PARLIAMENT OF CEYLON

3rd Session 1961-62



Ceylon (Constitution)
Amendment Act,
No. 71 of 1961

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*Ceylon (Constitution) Amendment Act,
No. 71 of 1961*

L. D.—O. 32/60.

AN ACT TO AMEND THE CEYLON (CONSTITUTION)
ORDER IN COUNCIL, 1946.

[Date of Assent: 30th December, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon (Constitution) Amendment Act, No. 71 of 1961.

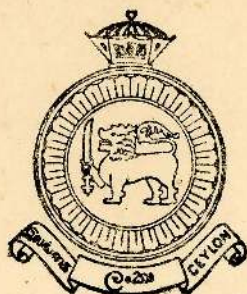
Short title.

2. Section 55 of the Ceylon (Constitution) Order in Council, 1946, is hereby amended, in sub-section (5) of that Section, by the substitution, for the words "Supreme Court or a Commissioner of Assize.", of the words "Supreme Court, a Commissioner of Assize, or an election judge appointed by the Governor-General under sub-section (1) of Section 78 of the Ceylon (Parliamentary Elections) Order in Council, 1946."

Amendment of
Section 55 of
the Ceylon
(Constitution)
Order in
Council, 1946.

PARLIAMENT OF CEYLON

2nd Session 1961-62



Ceylon Parliamentary Elections (Amendment) Act, No. 72 of 1961

Date of Assent : 30th December, 1961

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Ceylon Parliamentary Elections
(Amendment) Act No. 72 of 1961

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*Ceylon Parliamentary Elections (Amendment)
Act, No. 72 of 1961*

L. D.—O. 32/60.

AN ACT TO AMEND THE CEYLON (PARLIAMENTARY
ELECTIONS) ORDER IN COUNCIL, 1946.

[Date of Assent: 30th December, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon Parliamentary Elections (Amendment) Act, No. 72 of 1961.

Short title.

2. Section 78 of the Ceylon (Parliamentary Elections) Order in Council, 1946, (hereafter in this Act referred to as the "principal enactment"), as amended by Act No. 11 of 1959, is hereby amended as follows—

Amendment of
Section 78 of
the Ceylon
(Parliamentary
Elections)
Order in
Council, 1946.

(1) in sub-section (1) of that section, by the substitution, for the word "judges", of the words,—

'judges from among persons for the time being holding office as Judges of the Supreme Court, Commissioners of Assize, or District Judges of the Districts of Colombo, Kandy, Galle and Jaffna. For the purposes of this sub-section, the expression "District Judges" does not include Additional District Judges.'

(2) by the insertion immediately after sub-section (2) of that section, of the following new sub-section:—

"(3) Every person appointed under sub-section (1) of this Section shall, if he be Chief Justice or a Judge of the Supreme Court, be entitled to his normal salary; and if he be a Commissioner of Assize or a District Judge he shall be entitled, for so long and only for so long as he is an Election Judge for the trial of an election petition, to the same salary as a Commissioner of Assize appointed under section 22 of the Courts Ordinance

2 *Ceylon Parliamentary Elections (Amendment)
Act, No. 72 of 1961*

Amendment of
Section 78A of
the principal
enactment.

3. Section 78A of the principal enactment, as amended by Act No. 11 of 1959, is hereby amended as follows:—

- (1) in sub-section (1) of that Section by the substitution, for the words "election petition.", of the words "election petition, and an election judge so nominated shall be invested with all the rights, powers, privileges and immunities of a Judge of the Supreme Court sitting at assizes."; and
- (2) by the repeal of sub-section (4) of that Section.

