

**SUPPLEMENT**  
TO THE  
**Ceylon Government Gazette**  
**PART II.**

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**DRAFT ORDINANCES.**

**MINUTE.**

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

An Ordinance to consolidate, amend, and extend the provision for Local Government in Ceylon.

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**An Ordinance to consolidate, amend, and extend the provision for Local Government in Ceylon.**

Preamble.

**W**HEREAS it is expedient to consolidate, amend, and extend the provision for local government in Ceylon :  
Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows : -

**- PART I.**

**PRELIMINARY.**

Short title and commencement.

**1** This Ordinance may be cited as "The Local Government Ordinance, No. of 1919," and shall come into operation on the appointed day.

Meaning of "appointed day."

**2** (1) The appointed day shall, for the purposes of every area for which a District Council is to be constituted under this Ordinance, be such day as the Governor in Executive Council, by Notification in the "Government Gazette," may appoint, either generally or with reference to any particular provision of this Ordinance, and days may be appointed for different purposes and different provisions of this Ordinance whether contained in the same section or in different sections or for different areas.

(2) Any day appointed by any notification issued under this section may be from time to time postponed or advanced by any subsequent notification as occasion may require, either with reference to the whole or with reference to any of the matters in respect of which the same was appointed.

Definitions.

**3** In this Ordinance, except in so far as anything in the subject or context matter otherwise implies, the following expressions shall have the meanings respectively assigned to them—

"Government Agent" means the Government Agent of the Province within which the administrative limits of any District Council are situated, and in sections 29 to 34 includes an Assistant Government Agent.

"Assistant Government Agent" means the Assistant Government Agent of any revenue district within which the administrative limits of any District Council are situated.

"Chairman" means the person elected as Chairman of a District Council under this Ordinance.

"Urban area" means—

(a) Any area comprised in the administrative limits of any Urban District Council ;

(b) Any area comprised in the administrative limits of any Local Board or Sanitary Board town before the commencement of this Ordinance ;

(c) Any area declared (with the approval of the Local Government Board) to be an urban area by resolution of any District Council notified in the "Government Gazette." ;

but does not include any area which shall have been discontinued (with the approval of the Local Government Board) as an urban area by resolution of any District Council notified as aforesaid. Provided that the limits of any urban area of the classes comprised in paragraphs (b) and (c) of this definition may from time to time (subject to the approval of the Local Government Board) be varied by resolution of the District Council, within whose administrative limits it is situated, notified as aforesaid.

The following expressions, that is to say :

- (a) "Owner,"
- (b) "Building,"
- (c) "Nuisance,"
- (d) "Annual value,"

have the same meaning as in "The Municipal Councils Ordinance, No. 6 of 1910,"

The following expressions, that is to say :

- (a) " Road,"
- (b) " Thoroughfare,"
- (c) " Principal thoroughfare,"

have the same meaning as in "The Road Ordinance, No. 10 of 1861."

The following expressions, that is to say :

- (a) " Street,"
- (b) " Public street,"

have the same meaning as in "The Housing and Town Improvement Ordinance, No. 19 of 1915."

Power to exclude application of specified provisions of Ordinance within specified limits.

4 The Governor in Executive Council, by order published in the "Government Gazette," may declare that any specified provision of this Ordinance shall not apply, either in whole or in part, within the administrative limits assigned to any District Council under this Ordinance, or within any specified area comprised in such administrative limits.

## PART II.

### THE LOCAL GOVERNMENT BOARD.

Establishment of Local Government Board.

5 (1) There shall be established a central authority, to be called the Local Government Board, for the guidance, assistance, and control of the District Councils constituted under this Ordinance.

(2) The said Board shall be composed of a President (who shall be a public officer nominated by the Governor) and of official and unofficial members in equal proportions.

(3) The official members shall be the Director of Public Works and such other holders of public offices, if any, as the Governor shall designate for the purpose.

(4) The unofficial members, of whom two shall be unofficial members of the Legislative Council, shall be nominated by the Governor, and shall hold office for a period of three years.

(5) The said Board shall be a corporation with perpetual succession and a common seal, and may sue and be sued in its official name.

Powers and duties of Local Government Board.

6 The Local Government Board shall have the following powers and duties :

(a) To exercise such general supervision and control over the several District Councils to be constituted under this Ordinance as may be defined or prescribed by this Ordinance.

(b) To allocate among the said District Councils, in such proportions and subject to such terms and conditions as to the said Board may seem fit, all such grants or other sums as may be put at the disposal of the Board for the purpose of the expenses of local government by resolution of the Legislative Council or otherwise, and to supervise the expenditure of the amounts so allocated.

(c) To examine and supervise the systems of communications, sanitation, and local public works in force within the administrative limits of the several District Councils, and to render to the said District Councils such advice and assistance as may be necessary for the purpose of co-ordinating the said systems and of supplying any deficiencies therein.

(d) To afford to all District Councils for the purpose of the discharge of their functions all such information and expert advice as they may from time to time require.

(e) To bring to the notice of any District Council any special sanitary measures which are required by the special conditions of the locality, and to secure the adoption of such measures.

(f) To supervise and co-ordinate the by-laws from time to time made by the District Councils under this Ordinance.

(g) To arrange for and supervise town surveys, and to provide for their revision.

(h) To conduct all such investigations, researches, and inquiries as it may deem necessary for the purpose of its powers and duties.

- (i) To publish for general information an annual review of the work of the Board and of the District Councils.
- (j) To advise the Governor on all such matters as he may refer to the Board for advice.
- (k) Generally to exercise and discharge all such other powers and duties as may be committed to it by this or any other Ordinance.

Staff.

7 For the purpose of its powers and duties the Board may employ such officers and servants and at such remuneration as may be authorized by the Governor, or may be prescribed by by-laws under this Ordinance.

**PART III.**

**LOCAL AUTHORITIES.**

**CHAPTER I.**

*Constitution.*

Constitution and scope of District Councils.

8 There shall be constituted for all parts of the Colony, other than municipal areas, local authorities, to be called District Councils, and the said Councils (subject to the powers reserved to any other authority by this or any other Ordinance, or otherwise by law vested in such authority) shall, within their several local administrative limits, be charged with the general administration, regulation, and control of all matters relating to—

- A.—Public thoroughfares.
- B.—Public health.
- C.—Public services.
- D.—General local wants and interests.

Classification of District Councils and method of their constitution.

9 A District Council may be of any of the following denominations, that is to say :

- (a) An Urban District Council ;
- (b) A General District Council ;
- (c) A Rural District Council ;

and shall be constituted by an order of the Governor in Executive Council published in the "Government Gazette" declaring that such Council has been constituted, and specifying its denomination and its local administrative limits.

District Councils to be corporations.

10 Every District Council shall be a corporation with perpetual succession and a common seal, and may sue and be sued by such name as may be assigned to it in the order constituting the Council, or any subsequent order in modification thereof.

Number and composition of Urban and General District Councils.

11 (1) Every Urban or General District Council shall consist of such number of members, being not less than six or more than twelve, as may be ordered by the Governor in Executive Council.

(2) Of such other number, two-thirds shall be elected in the manner in this Ordinance provided, and the remaining one-third shall be nominated by the Governor.

(3) The Governor may also appoint the Government Agent to be an *ex officio* member of such Urban or General District Council for the first year of the existence of such Council, and for such further period as the Governor may think fit.

Number and composition of Rural District Council.

12 Every Rural District Council shall consist of such number of members, being not less than four or more than eight, as shall be ordered by the Governor, and all such members shall be nominated by the Governor.

Provided that not more than half of such members shall be persons in the permanent employment of Government.

Provided further that it shall be lawful for the Governor in Executive Council, for the purpose of any area within the administrative limits of any Rural District Council, by order in Council, to constitute such area an electoral division, and to provide for the election of a member to represent the inhabitants of such area in the Council.

Provided also that the Governor may also appoint the Government Agent to be an *ex officio* member of such Rural District Council for the first year of the existence of such Council, and for such further period as the Governor may think fit.



Term of office  
of Councillor.

**13** Every member of a District Council, whether nominated or elected, shall hold office for a period of three years, or in the case of a member nominated or elected to fill a casual vacancy, until the next general election or nomination of members.

Governor in  
Council  
may vary  
denomination,  
numbers, or  
limits of any  
District Council.

**14** The Governor in Executive Council may at any time, by order in Council—

- (a) Direct that any existing District Council or Councils constituted for the purpose of any area or areas shall be superseded by a new District Council, or new District Councils to be constituted in lieu of such existing Council or Councils, with such administrative limits as shall be directed in the order;
- (b) Direct that any Urban District Council shall be constituted in lieu of any General District Council, or that any General District Council shall be constituted in lieu of any Rural District Council;
- (c) Vary and adjust the administrative limits of any District Council or Councils;
- (d) Subject to the limits prescribed by this Ordinance, vary the number of the Councillors of any District Council.

New District  
Council to be  
successor of  
existing  
Council.

**15** (1) Where any new District Council is constituted under this Ordinance in lieu of any existing District Council, the said new District Council shall be the successor of the said existing District Council for all purposes relating to the administrative limits under the control of such existing District Council in so far as such administrative limits are assigned to such new District Council as from the date of the constitution of such new District Council.

(2) All the property of any such existing District Council situated within the administrative limits of any such new District Council, and all the rights, powers, duties, debts, liabilities, and obligations of any such existing District Council in so far as the same relate to any area within the administrative limits of any such new District Council, shall, as from the date of the constitution of such new District Council, be deemed to be transferred to such new District Council.

(3) In any such case all references in any Ordinance, or in any order, rule, regulation, or by-law made thereunder, or any document or instrument executed or issued in pursuance thereof, to such existing District Council shall, for the purpose of any area within the administrative limits of such existing District Council which shall be assigned to the administrative limits of such new District Council, be construed as though they were references to such new District Council.

(4) All the provisions of sections 202 to 211 of this Ordinance shall apply to the case of the constitution of any such new District Council, in the same manner as if all references to any local authority or authorities in such sections were references to the existing District Council or Councils affected by the constitution of such new District Council.

Chairman.

**16** (1) The members of each District Council shall from time to time elect any member of such Council, not being the Government Agent, as Chairman.

(2) A Chairman shall hold office for one year from the date of his election, unless his term of office as a member of the Council shall meanwhile have ceased or expired, or he shall have resigned.

(3) The Chairman shall be the executive officer of the District Council, and all executive acts and responsibilities which are by this or any other Ordinance directed or empowered to be done or discharged by the Council (including the supervision of minor local authorities) may, unless the contrary intention appears from the context, be done or discharged by the Chairman.

Provided that the Chairman in the exercise of his powers under this section (except as regards matters expressly committed to him) shall act in conformity with such resolutions, if any, as may from time to time be passed by the Council.

Vice-Chairman.

17 (1) The members of any District Council may elect any member of the Council, not being the Government Agent, as Vice-Chairman, and any person so elected may at any time exercise any power or perform any duty of the Chairman which the Chairman may authorize him in writing to exercise or perform in his behalf.

(2) A Vice-Chairman shall hold office for one year from the date of his election, unless his term of office as a member of the Council shall meanwhile have ceased or expired, or he shall have resigned.

Chairman and Vice-Chairman to be Justices of the Peace and Unofficial Police Magistrates.

18 Every Chairman and Vice-Chairman shall be, during the tenure of his office, *ex officio* a Justice of the Peace and Unofficial Police Magistrate attached to all the Police Courts having jurisdiction within the administrative limits of the Council.

Arrangements preliminary to constitution of District Councils.

19 In any case in which it is proposed to constitute a District Council under this Ordinance, it shall be lawful to the Governor in Executive Council for the purpose of the election and nomination of members of any such District Council, or for the purpose of any other preliminary arrangements which may be necessary for the constitution of any such Council, by order in Council published in the "Government Gazette," to issue all such orders and directions as may be necessary or appropriate, and for the purposes aforesaid to direct that any of the provisions of this Ordinance may be adapted in such manner and to such extent as in the opinion of the Governor in Executive Council may be necessary, and any such order in Council shall have the same effect as if it had been embodied in this Ordinance.

Declaration of constitution of District Councils.

20 Upon the completion of the election and nomination of members of any District Council to be constituted under this Ordinance, the Governor in Executive Council may, by order in the "Government Gazette," declare that such Council shall be constituted as from a date specified in the order, and such date shall be deemed to be the date of the constitution of the Council for all the purposes of this Ordinance.

CHAPTER II.

*Proceedings.*

Presidency at meetings.

21 The Chairman shall preside at all meetings of the Council. In the absence of the Chairman, the Vice-Chairman shall preside, and in the absence of the Vice-Chairman, such member as may be elected by the other members present.

Meetings of the Council how and when convened.

22 Meetings of the Council shall be held for the despatch of business upon such day or days in every month as shall be fixed by any by-law to be made by the Council as hereinafter provided.

Provided that it shall be lawful for the Chairman to convene a special meeting whenever he shall consider it desirable; and it shall be incumbent upon him to convene a special meeting whenever so requested in writing by any two or more members of the Council. Two days' notice of the day appointed for any such special meeting shall be given to, or left at the residence of, each member of the Council.

Powers of Council to be vested in the majority. Quorum.

23 All acts whatsoever authorized or required by virtue of this or any other Ordinance to be done by any Council may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, such members being not less than the quorum prescribed by any by-law to be made by the Council as hereinafter provided, or in the absence of such by-law, not being less than two-thirds of the members of the Council.

Chairman to have a casting vote.

Provided that when the votes of the members present in regard to any question shall be equally divided, the presiding officer shall, besides his vote as a member, have a casting vote.

Minutes of proceedings of Council to be entered in a book.

24 All acts, orders, and proceedings of the Council shall be entered in a book to be kept by it for that purpose, and shall be signed by the Chairman for the time being, and all such acts, orders, and proceedings shall then be deemed and

taken to be original acts, orders, and proceedings, and any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, provided that it purport to be signed and certified as a true copy or extract by the Chairman or Secretary of the Council.

Committees.

25 (1) A District Council may from time to time appoint committees consisting either of members of the Council or partly of members of the Council and partly of other inhabitants of the district, for the purpose of advising the Council with reference to any of its powers, duties, or responsibilities, or any matter under the consideration of the Council, and may from time to time, subject to such instructions or conditions as it may determine, delegate any of its powers or duties to such committees other than the power to raise any loan, to levy any rate, or to impose any tax.

(2) For the purpose of any matter in which any District Council is jointly interested with any other District Council or with any Municipal Council, it may agree with such other District Council or such Municipal Council for the constitution of a joint committee, for the appointment of members of the Council upon such joint committee, and for the delegation to such joint committee of any of its powers or duties other than the power to raise any loan, to levy any rate, or to impose any tax.

### CHAPTER III.

#### *Electoral Arrangements.*

Constitution of electoral divisions.

26 The administrative area of every Urban and General District Council shall be divided into electoral divisions by order of the Governor in Executive Council published in the "Government Gazette," with such local limits as shall be defined in the order, and one member of the Council shall be elected for each electoral division.

Qualification of member.

27 Any person who is entitled to have his name entered in the electoral roll of any electoral division shall be qualified to be elected and to serve as a member of such division, provided that—

- (a) He is able to read and write the English language.
- (b) He resides within the administrative limits of the district, or, if not so resident, he is possessed, either in his own right or the right of his wife, of immovable property situate within such limits of the value (after allowing for any mortgage debt thereon) of not less than ten thousand rupees.
- (c) He is possessed, either in his own right or the right of his wife, of immovable property of the value (after allowing for any mortgage debt thereon) of not less than five thousand rupees, or is in receipt of an income of not less than three thousand rupees per annum.
- (d) He is not an executive officer, clerk, or servant of the Council.
- (e) He has not directly or indirectly any share or interest (except as a shareholder in an incorporated company) in any contract with such Council.
- (f) He does not hold any salaried office under Government.
- (g) He has not been dismissed from the Government service.
- (h) He is not an uncertificated insolvent.
- (i) He has not been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, such sentence not having been subsequently reversed on appeal, and such person's disqualification on account of such sentence not having been removed by an order of the Governor in Executive Council, which order the Governor in Executive Council is hereby empowered to make whenever he thinks fit.

Qualification of elector.

28 (1) Any person whose name appears in the electoral roll of any electoral division shall be entitled to vote at any election of a member for such division.

(2) Any person shall be entitled to have his name entered on the electoral roll of any electoral division if he possesses the qualifications following, that is to say :

- (a) If he is a British subject and a male of the age of twenty-one years or upwards and of sound mind ; and
- (b) If he is the occupier of a house within the electoral division, either as proprietor or tenant, of the annual value or rent of not less than sixty rupees, or if he holds or owns immovable property in such area of not less annual value than sixty rupees, or if he resides in the district and has an income of not less than one thousand rupees per annum.

Preparation of electoral roll.

29 (1) For the purpose of every general election of members of a District Council, the Government Agent shall prepare for each electoral division in the English language and in one or both of the vernacular languages a roll of persons possessing the qualifications specified in subsection (2) of the last preceding section, and a further roll of persons possessing the qualifications referred to in section 27, and shall on a date not later than three months before the said election exhibit a notice in the said languages at the office of the District Council and at such other conspicuous places in the electoral divisions as the Government Agent may think fit, indicating—

- (a) That such rolls are open for inspection during office hours at the said office or other places.
- (b) That at a time and date specified in the notice (not being later than two months before the holding of the said election) he will attend at the said office or at such other place as he may specify in the notice for the purpose of hearing all claims for insertion of any name in the said rolls, and of all objections to any name inserted therein.

(2) The Government Agent or some person deputed by him in writing on his behalf shall attend at the time and place so indicated, and shall decide all such claims and objections in a summary manner, and such decision shall be final and conclusive.

(3) No objection shall be entertained unless the objector shall have given seven days' notice in writing of his objection through the Government Agent to the person against the insertion of whose name in the roll the objection is to be taken.

(4) For the purpose of his decision on any claim or objection under this section the Government Agent or person so deputed may administer an oath or affirmation, and any person knowingly making any false statement upon such oath or affirmation shall be guilty of an offence, and shall be liable to the penalties prescribed for the offence of giving false evidence in a judicial proceeding.

(5) Upon the determination of all claims and objections the Government Agent or person so deputed shall revise the rolls accordingly, and shall cause copies of the said rolls so revised, certified under the hand of the Government Agent, to be exhibited at the office of the District Council for inspection at all reasonable hours.

(6) The rolls so certified shall remain in force for the purpose of the said general election and any election to fill any casual vacancy, until new rolls are prepared and certified for the next general election of members.

(7) No person shall be entitled to have his name entered in the electoral roll of more than one electoral division of a District Council, and in the event of any person's name being entered in more than one such roll, the Government Agent may at any time, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, in what electoral roll he desires his name to appear, and in default of such declaration being made, the Government Agent may himself determine in what electoral roll the name of such person shall appear, and may correct all other electoral rolls accordingly.

Notice of election.

30 (1) Not less than one month before the day fixed for any election of a member of a District Council, the Government Agent shall issue a public notice that it is intended to hold such an election.

(2) Every such notice shall be in the English and in one or both of the vernacular languages, and shall be exhibited at the office of the District Council, and shall be otherwise published in such manner as the Government Agent may consider best calculated to give publicity thereto, or as the Council by by-law may determine.

(3) Every such notice shall state the time within which the nomination of candidates must be made, and the time and place at which a poll will be taken if more than one candidate is nominated.

Mode of election.

31 (1) No person shall be entitled to be a candidate for election at the said meeting unless he shall have been nominated in writing, and unless his nomination shall have been subscribed by at least two persons whose names shall appear in the electoral roll of the electoral division, and shall have been delivered at the office of the District Council not less than ten days before the day appointed for the poll.

(2) If not more than one candidate is duly nominated, the Government Agent shall by public notice declare such candidate to be elected. The decision of the Government Agent as to the validity of any nomination shall be final.

(3) If more than one candidate is nominated, a poll shall be held in manner prescribed by schedule I. to this Ordinance, subject to such modifications or conditions as may from time to time be prescribed by by-laws under Part V.

Date of election.

32 A general election of members shall be held every three years in the month of December of the year in which the election is holden on such date as shall be fixed by the Chairman, and the term of office of the members elected at such general election shall date from the first day of January of the succeeding year.

Vacation of office.

33 (1) Any member of a District Council who—

- (a) Being an elected member, shall cease to be qualified as required by section 27; or
- (b) Shall be absent without leave from the meetings of the Council for more than three consecutive ordinary meetings of the Council; or
- (c) Shall be adjudicated an insolvent; or
- (d) Shall be sentenced to imprisonment as mentioned in section 27 (g); or
- (e) Shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease; or
- (f) Shall accept any office of emolument under the Council; or
- (g) Shall become either directly or indirectly concerned or interested in any contract with the Council (except as a shareholder in an incorporated company);

shall *ipso facto* vacate his office.

(2) If any person elected as member of a District Council shall die, or become disqualified, or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member, or if a casual vacancy should occur in any other manner in such office, the Government Agent shall hold an election for the purpose of filling up such vacancy, and the person thereupon elected shall serve until the next general election of members.

Irregular election to be again holden.

34 (1) If by reason of any failure or neglect, or any other cause whatever (other than a deficiency of votes required under the next succeeding section), any election shall not be duly and regularly holden, or if at any such election a member shall not be duly elected, then and in every such case the Government Agent, as soon as convenient after any such event shall have been notified to him, upon being satisfied that the said election was not duly and regularly holden or any member not duly elected, shall declare the election void, and shall hold another election for the purpose of electing a member in the same manner as is hereinbefore directed.

(2) No objection to any election shall be entertained after the lapse of fourteen days from the holding of the same.

On failure of nomination, Governor may appoint.

35 (1) In case, after due notice of election has been given as provided by this Ordinance, no candidate is duly nominated, it shall be lawful for the Governor to appoint any person, whether holding any office of emolument under Government or not, to be a member, in order to make up the number of members required for the Council.

(2) Members so appointed shall be deemed to be elected members for the purposes of this Ordinance.

Election offences: giving or receiving gratification.

36 (1) Whoever being qualified to vote, or claiming to be qualified to vote at any election under this Ordinance, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any person any gratification whatever as a motive or reward for giving or forbearing to give his vote at any such election shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, or from being elected a District Councillor.

(2) Whoever gives or offers to give any gratification whatsoever to any person as a motive or reward for giving or forbearing to give his vote in favour of any person at any election under this Ordinance shall be guilty of an offence, and shall be liable on conviction 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 punishments, and shall be disqualified as provided by sub-section (1) hereof.

Unlawful voting and personation.

37 (1) Any person who knowingly votes at any election without possessing the necessary qualifications, or being disqualified as provided in this Ordinance, shall, notwithstanding that his name appears in the list of persons qualified to vote, be guilty of an offence, and shall be liable on conviction to a penalty not exceeding one hundred rupees.

(2) Whoever falsely personates any elector at any election under this Ordinance shall be guilty of an offence, and shall be liable on conviction 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 punishments.

Electoral by-laws.

38 All matters connected with an election under this chapter for which no provision is made under this chapter, or in respect of which the arrangements made by this chapter require to be supplemented or modified so as to meet unforeseen or special circumstances, may be provided for by by-laws under Part V., or in the absence of such by-laws, by order of the Governor in Executive Council.

CHAPTER IV.

Minor Local Authority.

Constitution of minor local authorities.

39 (1) The Village Committees established under "The Village Communities Ordinance, 1889," shall be minor local authorities for the purposes of this Ordinance, and (subject to the provisions contained in sections 57, 84, 117, and 201 of this Ordinance) shall continue to exercise and discharge all their powers and duties under the said Ordinance, together with such other powers and duties as are conferred upon them under this Ordinance.

(2) The administrative provisions of "The Village Communities Ordinance, 1889," shall not apply within any urban area under this Ordinance, but for the purposes of any such area the District Council may, and, if so directed by the Local Government Board, shall, by by-laws under Part V., constitute a minor local authority.

Council may delegate powers to minor local authority.

40 It shall be lawful for the District Council, by resolution of the Council (subject to such conditions and restrictions as may be therein defined), and it shall be obligatory upon them if so directed by the Local Government Board—

(a) To delegate to any minor local authority any of its own powers and duties with respect to any matter in its administrative competence within the area of the minor local authority.

- (b) To authorize the minor local authority to incur expenses not exceeding such amount as may be prescribed by resolution of the Council, or to administer such funds as may be put at the disposal of the said authority by the Council.
- (c) To refer to the minor local authority for consideration or disposal any matter arising in the course of the business of the Council.

Minor local authority to be agents of Council.

41 For the purpose of the powers and duties and matters committed to it in pursuance of this chapter, the minor local authority shall be deemed to be the agents of the District Council which constituted it, but the constitution of such minor local authority, or the commission to it of any powers, duties, or matters shall not relieve the District Council of any obligation imposed upon it by this or any other Ordinance.

Powers of minor local authority.

- 42 Every minor local authority shall be empowered—
- (a) To exercise any power, discharge any duty, and deal with any expenditure or other matter committed to it or otherwise within its competence under section 40.
  - (b) To consider any question or matter affecting the inhabitants of its area which is within the competence of the District Council, with a view to its being brought to the notice of the Council.
  - (c) To bring to the notice of the Council any such question or matter.

Meetings of minor local authority.

43 (1) It shall be the duty of the Chairman of every minor local authority to summon a meeting of such authority at intervals not exceeding two months, or at such other intervals as shall be prescribed by by-laws, and to afford an opportunity to the members to bring before such authority any matters within its competence which they may desire to submit for its consideration.

(2) Minutes of the proceedings of all such meetings shall be kept by or under the direction of the Chairman, and shall be transmitted to and kept on record at the office of the Council.

## PART IV.

### POWERS AND DUTIES OF DISTRICT COUNCILS.

#### CHAPTER I.

##### *General Powers and Duties.*

Lands vested in District Council.

44 (1) There shall be vested in every District Council all immovable properties situate within the administrative limits thereof of the classes following, that is to say:

- (a) Waste lands and open spaces;
- (b) Stone, cabook, and gravel quarries;
- (c) Public lakes and streams;
- (d) Public tanks, ponds, and channels—

which may be or have been handed over, with the sanction of the Governor, to the Council, or to any local authority of which the Council is the successor, in manner described in sub-section (2) hereof.

(2) A certificate or other record signed by the person or persons authorized to hand over the said immovable property and by the Chairman of the District Council or of any local authority of which the Council is the successor shall be sufficient, and shall be deemed at all time to have been sufficient to vest the said immovable property, and all right, title, and interest in such immovable property in the District Council, or the said local authority, as the case may be;

Provided that nothing in this section shall be deemed to affect or prejudice any right or title of the Crown to any such immovable property as aforesaid, which the Crown may at any time resume or dispose of for public purposes;

Provided also that nothing contained in this section shall affect or be construed to affect any right, title, or interest which any military authority in which lands are vested on behalf of the Crown has or may have in any such property.

(3) All such immovable properties shall be administered, and the revenue thereof shall be employed and made use of for the purposes of this Ordinance.

Other property  
vested in the  
Council.

45. There shall be further vested in every District Council the following classes of property :

- (a) All public parks, gardens, and open spaces acquired by or otherwise transferred to the Council or any other local authority of which the Council is the successor, and all erections and structures therein and the equipment thereof, subject always to the terms of any trust or condition in any instrument by which the same may have been transferred to the Council or such local authority.
- (b) All public roads, streets, canals, and bridges, and the lands used for the purpose of such roads, streets, canals, or bridges, except such roads, streets, canals, or bridges as may be vested in any other authority under any other Ordinance, or may be specially exempted by Proclamation of the Governor in Executive Council, together with all the pavements, stones, or other materials thereof, and also all erections, materials, implements, and other things provided for the same.
- (c) All public markets and all works, erections, or structures for the benefit or convenience of the public which may be constructed, erected, or provided for under this Ordinance, or which may have been constructed, provided for, or erected under any Ordinance hereby repealed, or which may be otherwise transferred, or have been transferred to the Council or to any local authority of which the Council is the successor, and all the sites, reservations, appurtenances, materials, furniture, and equipment provided therefor, subject always to any such trust or condition as aforesaid.
- (d) All other public buildings constructed or provided for in whole or in part out of the public funds of the Council, or of any other local authority of which the Council is the successor or which may be otherwise transferred to the Council, and all the sites, appurtenances, materials, furniture, and equipment thereof, subject always to any such trust or condition as aforesaid.
- (e) The property of and in all the lamps, lamp-irons, lamp-posts, sluices, dams, pipes, posts, chains, piles, rails, and other similar erections and things in, about, or belonging to the roads, streets, and public places vested in the Council, and of and in all the materials, furniture, and things belonging thereto, except in so far as the same shall be otherwise regulated by contract with the Council, or shall be otherwise shown to be private property or subject to private rights.

General duties.

46. A District Council shall within its administrative limits have the following duties :

- (a) To maintain and cleanse all public thoroughfares and open spaces vested in the Council or committed to its management.
- (b) To enforce the proper maintenance, cleanliness, and repair of all private streets and thoroughfares.
- (c) To supervise and provide for the growth and development of all towns and villages within its administrative limits by the planning and widening of streets, the reservation of open spaces, and the execution of public improvements.
- (d) To abate all nuisances.
- (e) To establish and maintain (subject to the extent of its resources) any public service which it is authorized to maintain under this Ordinance, and which is required for the welfare, comfort, or convenience of the public.
- (f) Generally to promote the public health, welfare, and convenience, and the development, sanitation, and amenity of the area in its charge.



General powers.

47 For the purpose of the discharge of its duties under this Ordinance, a District Council (without prejudice to any other powers specially conferred upon it) shall have the following powers :

- (a) To appoint all necessary officers and servants, and from time to time to remove any such officer or servant, and to assign to any office or service such salary or remuneration as to the Council may seem fit. Provided that in any case in which any such salary or remuneration shall exceed two hundred rupees per month, the approval of such assignment by the Local Government Board shall have been previously obtained.
- (b) To enter into any arrangement with any other authority for the employment and remuneration of any officer or servant for the several purposes of the Council and such authority.
- (c) (With the sanction of the Local Government Board) to purchase or sell any land or building.
- (d) To lease or to take on lease any land or building and to sell or dispose of any other property vested in the Council.
- (e) To enter into any contract with any person for any work to be done, or services to be rendered, or materials to be supplied.
- (f) To make by its officers authorized in that behalf and their servants or workmen accompanying them all such entries of 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 made thereunder, or for the performances of acts required to be done under this Ordinance in respect of which the owner or occupier of such premises is or may be supposed to be in default.
- (g) By its Chairman or other officer authorized 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.
- (h) To institute or defend any legal proceedings which it may deem necessary to constitute or defend for the purpose of enforcing or protecting the rights of the Council or of the public or of protecting its officers or members in the execution or intended execution of their duties.
- (i) Generally to do all things necessary for the effective exercise of its powers and duties.

Power to authorize surveys.

48 Whenever it shall appear to the Chairman of any District Council that an examination or survey of any private lands, buildings, or premises is necessary for any local public purpose, it shall be lawful for the Chairman to direct any officer or servant of the Council to make such survey, and it shall thereupon be lawful for such officer or servant and his workmen to enter upon such premises for the following purposes :

- (1) To survey and take levels of such land.
- (2) To dig or bore into the sub-soil.
- (3) To do all other acts necessary to ascertain whether the land is adapted for such purpose.
- (4) To set out the boundaries of land to be acquired, or street lines, or the lines of any work proposed to be carried out.
- (5) 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, and such marks shall thereafter be deemed to be the property of the Council.
- (6) And where otherwise a survey cannot be completed, or levels taken, or the boundaries and lines marked, to cut down and clear away obstructions to the execution of such work.

Provided that full compensation shall be paid for any damage done.

Provided further, that no person shall enter any building or any enclosure attached to a dwelling house (unless with the consent of the occupant thereof) without previously giving such occupier, at least three days in advance, notice of his intention to do so.

Contracts.

49 -Any contract for any of the purposes of this Ordinance involving an expenditure exceeding one thousand rupees shall be reduced to writing, and shall be signed by the Chairman, and shall specify—

- (a) The work or service to be done ;
- (b) The materials to be used ;
- (c) The price to be paid for such work, service, or materials ;
- (d) The time or times within which the work or service is to be done, or the materials are to be furnished ; and
- (e) The penalty imposed in case of a breach of the contract.

Consent of Council.

50 The Chairman shall not enter into any contract on behalf of the Council for any work or service the cost of which exceeds one thousand rupees, or any contract enduring for a longer period than the time elapsing between the making of such contract and the end of the financial year, without the previous consent of the Council.

Advertisement for tenders.

51 Before entering into any contract which involves an expenditure exceeding one thousand rupees for the execution of any work or service, or for the supply of materials, or for any other thing necessary for the purposes of this Ordinance, the Chairman shall call for tenders by advertisement, unless otherwise authorized by a resolution of the Council.

Acquisition of lands or buildings for general public purposes.

52 A District Council may purchase or acquire lands or buildings for the general purposes of the Council without indicating the purpose for which any land or building, when so purchased or acquired, is to be applied, and any land or building as to which the Governor in Executive Council is satisfied that such land or building is required for the general purposes of the Council shall be deemed to be land or building required for a public purpose within the meaning of the next succeeding section and of " The Land Acquisition Ordinance, 176."

Acquisition of land.

53 (1) In any case in which the assistance of Government is desired by the District Council for the purpose of the acquisition of any land or building required for the purpose of this Ordinance, the Governor, upon the application of the District Council and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of private land for public purposes ; and the Governor may vest such land or building in the Council on its paying the compensation awarded.

(2) The provisions of sections 46 and 47 of " The Land Acquisition Ordinance, 1876," relative to the acquisition of land by way of exchange or gift, shall, with the necessary modifications, apply to any proceedings under this section.

District Council may act as trustee for any public purpose.

54 A District Council may receive and hold any property in trust for the benefit of the inhabitants of its administrative limits, or any section of such inhabitants, or for the purpose of any public service administered by the Council, and may otherwise act as trustee for any public purpose.

CHAPTER II.

*Thoroughfares.*

District Council to be the general authority for thoroughfares and communications.

55. Subject to the powers and responsibilities by law committed to any other authority, every District Council shall be the general administrative authority for the purpose of all thoroughfares and communications within its administrative limits, with all such powers as are vested in it under this Ordinance, "The Road Ordinance, No. 10 of 1861," "The Housing and Town Improvement Ordinance, No. 19 of 1915," and any other Ordinance from time to time enacted in that behalf.

General powers of Council with regard to thoroughfares and open spaces.

56 Subject to the powers and responsibilities by law belonging to any other authority, it shall be the duty of every District Council, and it is hereby empowered to take all necessary measures for securing and maintaining all public rights, interests, and amenities arising out of or in connection with all thoroughfares or open spaces within its administrative limits, and for utilizing, regulating, adapting, and developing the same for public purposes.

Control of roads and paths in charge of minor local authority.

57 It shall be the duty of every District Council, and it is hereby empowered, to supervise and control the course and development of all public roads and paths within its administrative limits under the charge of any minor local authority, and to issue all such advice or directions to any such minor local authority with regard to the construction, tracing, or modification of any such road or path, and it shall be the duty of every such minor local authority to comply with any direction so issued.

District Council may construct new and improve existing thoroughfares.

58 Every District Council may—

- (a) Lay out and construct new roads, streets, bridges, or other thoroughfares ;
- (b) Widen, open, or enlarge any street, or other thoroughfare (not being a principal thoroughfare) ;
- (c) With the sanction of the Local Government Board, turn, divert, discontinue, or stop up, whether in whole or in part, any public street or other thoroughfare (not being a principal thoroughfare) ;

making due compensation to the owners or occupiers of any property required for such purposes, or any person whose legal rights are thereby infringed.

Power to dispose of discontinued street.

59 Whenever any street or other thoroughfare vested in a District Council or any part thereof shall cease to be used as a street or thoroughfare, the District Council, with the sanction of the Local Government Board, may sell, lease, or exchange such street or other thoroughfare or part thereof.

Power to take land adjoining new street for building purposes.

60 In laying out or constructing any new street or thoroughfare, or in turning, diverting, widening, opening, enlarging, or otherwise improving any such street or thoroughfare, the District Council may, with the sanction of the Local Government Board, in addition to the land required for the purposes of the carriageways and footways thereof, also purchase the land necessary for houses and buildings to form the said street or thoroughfare, and may, with the like sanction, sell, lease, or otherwise dispose of the same, subject to such stipulations and conditions as to the class and description of houses or buildings to be erected thereon as they shall think fit.

Other powers of the Council.

61 It shall be lawful for every District Council within its administrative limits, in addition to any other powers vested in it, to do any of the things following :

- (1) To water the streets.
- (2) To remove encroachments and obstructions in or upon any street or thoroughfare.
- (3) To name or re-name streets ; and to paint up the names of streets and the numbers of houses or tenements on any private property.
- (4) To shut up and secure deserted houses.
- (5) To recover in manner hereinafter provided the expenses incurred by any action taken under paragraphs (2) and (4) hereof from the person whose act or neglect shall have rendered such action necessary.

Roads for benefit of individual property owners.

62 Any District Council (with the approval of the Local Government Board) may, at the request of the owner or owners of any one or more estates or industrial enterprises situated in any locality within the administrative limits of the Council, in any case in which the Council shall be of opinion that the public interests would not otherwise justify the construction or maintenance of a road in such a locality, contract with such owner or owners for the construction or maintenance of a road for the service of the estate or estates, or the enterprise

or enterprises in question, subject to the payment of such contribution towards the expenses of such construction or maintenance as may be approved by the Council, and all such agreed contributions shall be deemed to be special rates imposed upon the lands benefited, and shall be recoverable in the same manner as a rate imposed under Part VI., chapter II., of this Ordinance, and all the provisions of this Ordinance relating to rates shall apply thereto.

Contracts for tramways.

63 A District Council, or any two or more District Councils in combination, or any District Council or Councils in combination with any Municipal Council, may, with the sanction of the Local Government Board, and subject to the provisions of Ordinance No. 5 of 1873, enter into an agreement with any person for the purpose of granting to such person the right to construct, maintain, and use a tramway or tramways within the administrative limits of such Council or Councils, upon the terms, for the consideration, and subject to the conditions and in the manner mentioned in such agreement, so far as the same shall not be inconsistent with the provisions of the said Ordinance.

Public vehicular communications.

64 A District Council may, with the sanction of the Local Government Board, and in so far as any principal thoroughfare may be thereby affected, subject to the approval of the Governor, organize and maintain, either by itself and its own officers, or by agreement with any promoter or body of promoters, any form of public vehicular communication other than a tramway for the service of the inhabitants of the district, and may, in the case of any form of communication employing mechanically propelled vehicles, grant licenses for any such purpose to any promoter or promoters on such terms and conditions as it may think fit, and may charge such fees in respect of such licenses as may be agreed upon with such promoter or promoters.

License to establish vehicular passenger system.

65 No person shall establish or maintain any public vehicular passenger system, by means of mechanically propelled vehicles, within the administrative limits of any District Council (other than a tramway established under section 63 of this Ordinance), except subject to, and in accordance with, a license issued by the said District Council.

Houses in a ruinous and dangerous state.

66 If any house, building, or wall in any street or thoroughfare in any urban area within the administrative limits of any District Council, or anything affixed thereon, be deemed by the Council to be in a ruinous state, whether dangerous or not, or to be likely to fall, it shall immediately, if it appears to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require.

Failure to pull down after notice.

67 If such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Council shall cause all or so much of such house, building, wall, or thing as it shall think necessary to be taken down, repaired, or otherwise secured, and all the expenses incurred by the Council shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

Sale of materials of ruinous houses.

68 If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Council may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, pay any overplus arising from such sale to the owner of such house, building, or wall.

Provided always that, in case no demand for such overplus as aforesaid shall within twelve months be made by any person entitled to demand the same, the Council shall be at liberty to pay the amount of such overplus to the credit of the local fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus.

Recovery of excess expenditure.

69 The Council, although it sells such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Ordinance are given to it for compelling the payment of the whole of the said expenses.

CHAPTER III.

Public Health.

District Council to be general public health authority.

70 Subject to the powers and responsibilities by law committed to any other authority, every District Council shall be the general administrative authority for the purpose of promoting and securing the public health within its administrative limits, with all such powers as are vested in it under this Ordinance, "The Nuisances Ordinance, 1862," "The Housing and Town Improvement Ordinance, No. 19 of 1915," and any other Ordinance enacted or from time to time to be enacted in that behalf.

Drainage.

District Council to make public drains.

71 Every District Council may from time to time cause to be made, altered, or extended such main or other drains, sewers, and water-courses as may be judged necessary for the effectual draining of any area within its administrative limits, and, if needful, may carry them through, across, or under any street, or any place laid out as or intended for a street, and (after reasonable notice in writing in that behalf) into, through, or under any enclosed or other lands whatsoever, doing as little damage as may be, and making full compensation for any damage done.

Duty of Council to repair, alter, and discontinue drains.

72 Every District Council shall maintain, and from time to time repair, and as it shall see fit, enlarge, alter, arch over, or otherwise improve all or any of the public drains, culverts, gutters, and water-courses, and may discontinue, close up, or destroy such of them as it may deem useless or unnecessary.

Provided always that the discontinuance, closing up, or destruction of any of them shall be so done as not to create a nuisance; and if by reason thereof or of any such alteration as hereinbefore mentioned any person is deprived of the lawful use of any drain, culvert, gutter, or water-course, the Council shall with due diligence provide some other as effectual as the one of which he is so deprived.

Penalty for making unauthorized drains into public drains.

73 Whoever, within any urban area, without the written consent of the District Council first obtained, makes or causes to be made any drain into any of the public sewers or drains, shall be liable to a penalty not exceeding fifty rupees, and the Council may cause such drain to be demolished, altered, re-made, or otherwise dealt with as it may think fit; and all the expenses incurred thereby shall be paid by the person making such drain, and shall be recoverable as hereinafter provided.

Building over drains, &c., not to be erected without consent of District Council.

74 No building shall be newly erected over any public drain, sewer, culvert, gutter, or water-course without the written consent of the District Council; and if any building be so erected, the Council may cause the same to be pulled down, or otherwise dealt with as it may think fit; and the expenses thereby incurred shall be paid by the person offending, and shall be recoverable as hereinafter provided.

General control of drains.

75 (1) All private drains within the administrative limits of a District Council shall be under the survey and control of the Council, and shall be altered, repaired, or kept in proper order as the Council may require, at the cost and charges of the owners of the land and buildings to which the same belong, and for the use of which they are constructed.

(2) If the owner of any land or building to which any such drain belongs neglects during eight days after notice in writing for that purpose to alter, repair, or put the same in good order in the manner required by the Council, the Council may cause such drain to be altered, repaired, or put in good order in the manner required, and the expenses incurred by the Council in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

**Latrines.**

Duty of Council as to latrine accommodation.

**76** It shall be the duty of every District Council—

- (a) To take effective measures to secure that adequate and proper latrine accommodation is provided for all houses and buildings within its administrative limits.
- (b) To provide such public latrine accommodation as is necessary at all places of public resort within its administrative limits.
- (c) To see that all latrine accommodation, both public and private, within its administrative limits, is maintained in proper order and condition.

Council may order or cause additional latrines to be constructed.

**77** (1) In case the District Council shall be of opinion that any latrine or latrines or additional latrine or latrines shall be necessary to be attached to or provided for any house or building or land, the owner of such house or building or land shall within one month after notice in this behalf by the Council cause such latrine or latrines to be constructed in accordance with the requisition of such notice.

(2) In case the requisitions of such notice shall not have been complied with to the satisfaction of the Chairman by such owner within the period aforesaid, the Council shall be at liberty to cause such latrine or latrines to be constructed, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

Council may cause persons employing men to provide and maintain latrine or latrines, &c.

**78** (1) It shall be lawful for the Council to compel any person employing workmen or labourers to provide and maintain such latrine or latrines as may to it seem fit, and to cause the same to be kept in proper order and to be daily cleaned.

(2) Should such person neglect to provide and maintain such latrine or latrines, or to keep the same clean and in proper order, the Council may construct and cause such latrine or latrines to be kept in good order and cleaned, and the expense incurred by the Council in respect thereof shall be paid by the person aforesaid, and shall be recoverable as hereinafter provided.

Neglecting to enclose private latrine.

**79** (1) The owner or occupier of any house or building or land having a latrine on his premises shall have such latrine shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any latrine open with a door or trapdoor opening on to any street.

(2) Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach.

Provided that the Council may in its discretion permit the continuance for such time as it may think fit of any such latrine open or with a door or trapdoor opening on to any street where such latrine already exists and does not create a nuisance.

General control of latrines.

**80** (1) All latrines and cesspits within the administrative limits of the District Council shall be under the survey and the control of the Council, and shall be altered, repaired, or kept in proper order as the Council may require at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued.

(2) If the owner of any land or buildings to which such latrine or cesspit belongs neglect, during eight days after notice in writing for that purpose, or within such further period as may be prescribed by the notice, to alter, repair, and put the same in good order in the manner required by the Council, the Council may cause such latrine or cesspit to be altered, repaired, or put in good order in the manner required; and the expense incurred by the Council in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Penalty for persons making or altering latrines, &c., contrary to the orders of the Council.

**81** If any person—

- (a) Constructs any latrine or cesspit contrary to the direction and regulations of the District Council, or contrary to the provisions of this Ordinance or any by-law made thereunder ; or
- (b) Continues the use of any latrine or cesspit which has been ordered by the Council to be removed or closed ;
- (c) Neglects to construct, provide, or maintain any latrine ordered to be constructed, provided, or maintained under section 77 and section 78.

every such person shall be guilty of an offence, and liable to a fine not exceeding fifty rupees, and, in any case within paragraph (a) or paragraph (b) hereof, the Council shall cause such amendment or alteration to be made in any such latrine or cesspit as it may think fit ; and the expenses thereof shall be paid by the persons by whom such latrine or cesspit was improperly constructed or made, and shall be recoverable from him as hereinafter provided.

Inspection of latrines, &c.

**82** (1) The District Council or any officer authorized by it for that purpose may, subject to the other provisions of this Ordinance, inspect any latrine or cesspit, and for that purpose at any time may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened, where such Council or officer may think fit, doing as little damage as may be.

(2) If upon such inspection it appears that the latrine or cesspit is not in good order and condition, or that it has been constructed after this Ordinance comes into operation contrary to the regulations and directions of the Council, the expenses of such inspection shall be paid by the person to whom such latrine or cesspit may belong, and shall be recoverable as hereinafter provided.

(3) If such latrine or cesspit be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Ordinance, the Council or officer as aforesaid shall cause the ground to be closed and made good, as soon as may be, and the expenses of the opening, closing, and making good such latrine or cesspit shall in that case be defrayed by the Council.

Power of Council to direct removal of latrine or closure of cesspit.

**83** (1) The District Council or any officer authorized by it for that purpose may require the owner or occupier of any house or building or land having a latrine or cesspit on his premises to remove such latrine or close such cesspit and to substitute an earth-closet or water-closet for the cesspit so closed.

(2) If the owner or occupier neglects for a period of fourteen days after notice in writing for that purpose, or within such further period as may be specified in the notice, to remove such latrine or to close such cesspit and to substitute an earth-closet or water-closet therefor, he shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees ; the District Council or such officer as aforesaid may cause such latrine to be removed or such cesspit to be closed and an earth-closet or water-closet to be substituted therefor, and the expense incurred by the Council or officer in respect thereof shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

**Conservancy and Scavenging.**

Duty of Council as to conservancy and scavenging.

**84** It shall be the duty of every District Council, so far as is reasonably practicable, with respect to every urban area within its administrative limits, either by its own officers or through the medium of the minor local authority, and with respect to any other areas through the medium of the minor local authority, to take all necessary measures—

- (a) For properly sweeping and cleansing the streets, including the footways in the said areas, and for collecting and removing from the said streets all street rubbish.
- (b) For securing the due removal at proper periods of house refuse, and the due cleansing and emptying at proper periods of all latrines, privies, and cesspits.
- (c) For the proper disposal of all street refuse, house refuse, and night soil.

All refuse collected to be the property of Council or minor local authority.

85 All street refuse, house refuse, night soil, or other similar matter collected by any District Council or minor local authority under the provisions of this chapter shall be the property of the Council or the minor local authority, and the Council or the minor local authority shall have full power to sell or dispose of the same as it may think proper.

Place of deposit for refuse.

86 Every District Council and every minor local authority acting under its supervision shall from time to time provide places convenient for the proper disposal of all street refuse, house refuse, night soil, and similar matters removed in accordance with the provisions of this chapter, and for keeping all cattle, carts, implements, and other things required for the said purpose or for any of the purposes of the Ordinance.

Provided that no such refuse, night soil, or similar matters removed in accordance with the provisions of this chapter shall be disposed of in such a way as to cause a nuisance.

**Insanitary Buildings.**

Duty of Council as to insanitary buildings.

87 It shall be the duty of every District Council, in respect of any urban area within its administrative limits, to cause to be made from time to time an inspection of such area with a view to securing that the houses or buildings in such area are kept in such sanitary condition as is required by the provisions of this or any other Ordinance, and to undertake all necessary measures to enforce the said provisions with respect thereto.

Power of Council as to existing buildings.

88 (1) Whenever a District Council is satisfied that any building or block of buildings, whether existing at the time when this Ordinance comes into operation or subsequently erected, is by reason of the occurrence of an epidemic, or of the manner in which such buildings are crowded together, or of the want of drainage or the impracticability of scavenging, attended with risk to the health of the inhabitants thereof or of the neighbourhood, the Council shall give notice to the owners or occupiers thereof, or, at its option, to the owner of the land on which such buildings are constructed, within such reasonable time as may be fixed by the Council for that purpose, to execute such operations, including alteration of such buildings, as the Council may deem necessary for the avoidance of such risk.

(2) In case such owner or occupier shall refuse or neglect to execute such operations within the time appointed, any officer appointed by the Council in that behalf may cause the said buildings to be taken down, or such operations to be performed in respect thereof, as the Council may deem necessary to prevent such risk.

(3) If such buildings be pulled down, the said officer shall cause the materials of each building to be sold separately if such sale can be effected, and the proceeds shall be paid to the owner of the building, or if the owner be unknown or the title disputed, shall be held in deposit by the Council, until the person interested therein shall obtain the order of a competent court for the payment of the same.

Overcrowding of houses.

89 Whenever it shall appear to a District Council that any house in any urban area is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, or of the neighbourhood, and the inhabitants shall consist of more than one family, the Council shall cause proceedings to be taken before the Police Court to abate such overcrowding, and the said court shall thereupon make such order as it may think fit; and each of the persons permitting such overcrowding shall be liable to a penalty not exceeding ten rupees for each day after the date of such order during which such overcrowding shall continue.

Power of Council to inspect and limewash houses.

90 It shall be lawful for a District Council by any of its officers at any time between sunrise and sunset to enter into and inspect all houses and buildings in any urban area, and by an order in writing to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleaned; and if the owner or occupier of such house or building neglect to comply with such direction within three days from



the time when the order shall have been served upon him, the Council may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Houses or huts not to be built or roofed with cadjan without permission.

91 (1) In any urban area within the administrative limits of any District Council it shall not be lawful for any person to erect or construct any house, hut, shed, or other building, whether to be used as dwellings or stables or for any other purpose, having its external roof or walls made of grass, leaves, mats, or other such inflammable material, without first obtaining the permission of the Chairman of the Council.

(2) If any such house, hut, shed, or other building be built without such permission, the Chairman shall give notice to the owner thereof, or of the ground upon which the same is erected or constructed, or is being erected or constructed, by affixing a notice to some conspicuous part of such house, hut, shed, or other building, to take down and remove the same forthwith or within such time as the Chairman may direct.

(3) If such house, hut, shed, or other building be not taken down and removed forthwith or within the time fixed by such notice, the Chairman shall cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the owner thereof, or of the ground upon which the same is built, and shall be recoverable as hereinafter provided.

Nuisances.

Inspection of nuisances.

92 It shall be the duty of every District Council to cause to be made from time to time an inspection of its district with a view to ascertaining what nuisances exist calling for abatement under the powers of this or any other Ordinance, and to enforce the provisions of this or such other Ordinance in order to abate the same.

Power to fill up unwholesome tanks on private premises.

93 (1) Where in any urban area within the administrative limits of any District Council any private tank or low marshy ground or any waste or stagnant water, being in any private land, appears to the Council to be injurious to health or to be offensive to the neighbourhood, the Council shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water.

(2) If the said owner shall refuse or neglect to comply with such requisition during seven days from the service thereof, or within such further period as may be prescribed by the notice, the Council or its officers and workmen may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

(3) If the said premises shall be owned by more than one owner, the said expense shall be apportioned among, and recoverable from, the several owners in such proportions as shall be determined by the Council.

Licensing of offensive and dangerous trades and places.

94 (1) No place shall be used within the administrative limits of any District Council for any of the following purposes, namely, for boiling offal or blood, or as a soap-house, oil-boiling-house, dyeing-house, tannery, brick, pottery, tile, or lime kiln, sago manufactory, or other manufactory or place of business from which either offensive or unwholesome smells arise, or for any purposes which are calculated to be dangerous to life, or as a yard or depôt for hay, straw, wood, coal, cotton, bones, hides, shark-fins, or inflammable oil, or for any other trades or businesses which the Council may, with the approval of the Local Government Board, by means of any by-law or resolution, declare to be offensive or dangerous trades or businesses for the purposes of this section, except under a license from the Chairman of the Council, who is hereby empowered at his discretion from time to time to grant such licenses and to impose such terms therein as to him shall appear expedient.

(2) Whoever without a license uses any such place for any of the said purposes shall be liable on conviction to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day after conviction during which such offence shall be continued.

(3) The provisions of this section shall not apply to any place licensed for any purpose under the provisions of any Ordinance now in force or hereafter to be enacted.

Suspension or revocation of license.

95 (1) It shall be lawful for the Chairman of the District Council to suspend or revoke such license if it shall appear necessary to him to do so.

Provided that if such license be suspended or revoked, except on the ground of the owner having violated the license or any of the terms thereof, the District Council shall be liable to make compensation to the owner for the loss to which such suspension or revocation shall subject him.

Provided further, that it may be made a term of any such license that in the event of the development of the neighbourhood rendering the continuance of the license inexpedient in the interests of the inhabitants of the neighbourhood, such license may be revoked without compensation, and in any such case, if any license containing such a term is so revoked, no compensation shall be payable.

(2) Whoever uses such place for any of the purposes aforesaid after notice that his license has been suspended or revoked, or permits it to be so used, shall be guilty of an offence, and liable on conviction to a fine not exceeding two hundred rupees, and to a further fine not exceeding fifty rupees for every day during which such offence is continued after notice has been served upon him by the Chairman requiring him to discontinue the same.

Licensing of slaughter-houses.

96 (1) No place (not being a place provided by the District Council or minor local authority) shall be used as a slaughter-house within the administrative limits of a District Council, unless a license in writing for the use thereof as a slaughter-house has been obtained from the Chairman of the Council, who is hereby empowered at his discretion from time to time to grant such license, and such license to suspend or revoke as to him shall seem necessary.

(2) Whoever uses as a slaughter-house any place (not being a place so provided) which is not so licensed, or in respect of which any license given has been suspended or revoked, shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred rupees, with a further fine not exceeding fifty rupees for every day during which such offence is continued after notice has been served upon him by the Chairman requiring him to discontinue the same.

CHAPTER IV.

Public Services.

Power of District Council to establish and maintain public services.

97 Every District Council, for the purpose of any place or area within its administrative limits, may, 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 inhabitants of, or resorting to, such place or area any of the following public 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) Any other form of public service which the Council is authorized to establish, maintain, or provide under any other provision of this Ordinance, or under any by-laws to be made thereunder.
- (g) Any other form of public service which the Council may be specially authorized to establish, maintain, or provide for by the Local Government Board.

Expenses of public services how to be met.

98 For the purpose of the establishment or maintenance of any public service which a District Council is authorized to establish or maintain under this chapter, the Council may—

- (a) Provide for any expenses involved out of the general revenue of the Council ; or

- (b) Subject to the sanction of the Local Government Board, levy a special rate upon the area benefited by such service, subject to such limits and exemptions as may be authorized by by-laws made under Part V. ; or
- (c) Contract with the owners or occupiers of premises benefited by such service for the supply of the service, and charge and enforce such rates in respect of such service as may be authorized by by-laws made under Part V. ; or
- (d) Charge such fees as it may deem reasonable to persons deriving benefit from such service.
- (e) Where any such public service is established or maintained through any promoter or body of promoters, in pursuance of any agreement made with the Council or under any license issued by the Council, authorize such promoter or promoters to charge such fees as may be approved by the Council to persons deriving benefit from such service.

Supply to premises in adjacent areas.

99 The District Council may, with the approval of the Local Government Board, and subject to the consent of the local authority of any area adjacent to the administrative limits of the Council, contract with the owners or occupiers of any premises situated in any such adjacent area for the supply of any public service to such premises; and may charge and enforce rates in respect of such supply.

General powers of Council.

100 For the purpose of the establishment or maintenance of any public service which it is authorized to maintain under this Ordinance, a District Council may enter into any contract, and may purchase, take upon lease, hire, construct, or maintain all premises, machinery, and apparatus required for such purposes, and do and execute all such works, matters, and things as shall be necessary in that behalf.

#### Water Supply.

Ratepayer entitled to free water supply from public standpipes for domestic purposes.

101 Where a District Council establishes or maintains a public water supply for the benefit of the inhabitants of any area within its administrative limits, the owner or occupier of any premises in such area in respect of which the Council may levy either any special water-rate or any general rate in respect of which such water supply is included, shall be entitled to have free of further charge a supply of water from the public standpipes for the domestic purposes of himself and his household or of his tenants or other persons occupying the said premises.

Meaning of "domestic purposes."

102 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 for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Contract for private service.

103 The 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 may be prescribed by by-laws in that behalf.

#### Markets.

Duty of Council as to markets.

104 It shall be the duty of every District Council within its administrative limits—

- (a) To establish and maintain all such public markets as are required for the service of the inhabitants, and to secure the proper scavenging, washing, disinfecting, and conservancy of all such markets.
- (b) To regulate, supervise, and control all private markets licensed under this Ordinance.
- (c) To supervise the construction, upkeep, and administration of all markets which may be vested in, or otherwise under the control of, any minor local authority.

Private markets to be licensed.

105 (1) No private market shall be established within the administrative limits of any District Council, except under and in pursuance of a license from the Chairman of the Council.

(2) After the expiration of a period of six months from the commencement of this Ordinance no private market shall continue to be maintained within the said limits, except under and in pursuance of such a license.

Owner of private market to apply for license and furnish declaration.

106 (1) The owner of every private market in existence at the date of the commencement of this Ordinance, who desires to continue to carry on such market, shall within three months of the said date make application to the Chairman of the Council, and with such application furnish to the Chairman a declaration signed by such owner substantially in the form A in schedule II. of this Ordinance.

(2) Every such declaration shall be conclusive evidence as against such owner with respect to all particulars therein contained in all questions that may arise as to assessment of annual value, fees for licenses, compensation, or acquisition.

(3) Every such application shall be accompanied by such plan and specification as may be prescribed by any by-laws in force in that behalf, or in the absence of such by-laws as may be required by the Chairman.

License to be annual and subject to stamp duty.

107 (1) Every license granted in respect of a private market shall be substantially in the form B in schedule II., and shall be subject to the by-laws framed under this Ordinance, and to such special conditions, not inconsistent with such by-laws, as to the Chairman shall seem fit.

(2) Every such license shall expire on the thirty-first day of December of the year for which it is granted.

(3) Every such license shall be renewable annually, and shall bear on its counterfoil on the occasion of its issue and of every renewal thereof a stamp of such amount as shall be prescribed by by-laws, or, in the absence of such by-laws, may be directed by the Chairman, not being less than ten rupees or more than an amount equal to ten per centum of the average annual profits of such market during the previous three years.

(4) The amount of the stamp duties collected under this section shall be payable into the local fund.

(5) If any dispute arises as to the amount of such annual profits, the question shall be determined by the Chairman, subject to an appeal to the Local Government Board.

New private markets to conform to prescribed standards.

108 No license shall be granted in respect of any new private market, unless such market shall conform to the standards prescribed by schedule III., subject to such modifications or additions as may be prescribed by by-laws.

Cleansing and scavenging of markets.

109 No license for a private market shall be issued until the owner shall have satisfied the Chairman that he has made satisfactory provision for the scavenging, washing, disinfecting, and conservancy of the market premises.

New private markets to acquire no vested interests.

110 All licenses granted to any new private markets after the commencement of this Ordinance shall be upon the condition that should the District Council at any time decide that it is in the public interest to establish a public market in place of such private market, the Chairman may refuse to renew the license of such private market, and that the owner of such private market shall not be entitled to any compensation in respect of such refusal.

Power of Chairman to refuse new license.

111 The Chairman may refuse to issue a license for any new private market, or to issue or renew any license in respect of any private market established within one year prior to the commencement of this Ordinance, if he is satisfied that the wants of the locality are sufficiently provided for by the public and private markets already in existence or in contemplation.

Refusal of licenses to existing private markets.

112 The District Council may refuse to license or to renew the license of any private market existing at the date of the commencement of this Ordinance (not being markets established within one year prior to such date) without the payment of compensation in the following cases, that is to say:

(a) Where such market does not conform to the standards prescribed by schedule III.; and its owner or occupant neglects or refuses, within a reasonable time, to be fixed

by the Chairman, to carry out such alterations, additions, or improvements as are, in the opinion of the Chairman, necessary to bring such market into conformity with the said standards, subject to such modifications, if any, of the said standards as in the circumstances of the case the District Council may sanction.

- (b) Where the District Council is satisfied that owing to the inherent defects of such market or for any other reason such market cannot be so improved as to bring it into conformity with the said standards or such modification of the said standards as the District Council might be prepared to sanction.
- (c) Where the District Council is satisfied with regard to any private market that owing to its position or for any other reason such market is objectionable from the point of view of sanitation or of the safety or convenience of the public.

Provided that any person aggrieved by any decision of the District Council under this section may appeal to the Local Government Board, and upon such appeal the Local Government Board may either confirm the decision of the District Council or may order the issue of a license, subject to the said market being brought into conformity with such modification of the said standards as the Local Government Board in the circumstances of the case may deem to be reasonable and consistent with the public interest, or may make such other order as the Board may deem just.

Special provisions with regard to markets established over thirty years.

113 (1) In the case of any market falling under heads (b) and (c) of section 112 which is proved to the satisfaction of the District Council to have been carried on for a period of over thirty years, prior to the commencement of this Ordinance, the District Council may in its discretion, and shall if so directed by the Local Government Board, proceed as follows :

- (a) It may provide in any local public market already established, or to be established under this Ordinance, satisfactory accommodation for the business hitherto carried on in such private market, and may thereupon direct the owner or occupant of such private market to close the said market and transfer its business to the new accommodation so provided.
- (b) If the said order is complied with, the owner shall be entitled to a lease from the District Council of such accommodation for a period not exceeding fifty years, on condition that the said owner, his successors, executors, administrators, or assigns observe the rules sanctioned by the District Council, and the conditions of the said lease, and subject to the payment of the rent therein reserved.

(2) Any such rent payable under any such lease shall be such reasonable sum as shall be determined by the Council, and shall be revised every five years. For the first period of five years such rent shall not exceed ten per centum of the cost of providing such accommodation, together with a further ten per cent. of the nett average annual profits derived from such market during the previous five years, and in the case of every subsequent period of five years, it shall not exceed ten per cent. of the average nett annual profits derived from the accommodation so leased for the previous five years.

(3) If any dispute arises as to the amount of such annual profits, the question shall be determined by the Chairman, subject to appeal to the Local Government Board.

(4) Should the rent due under any such lease not be paid in accordance with the terms thereof, or should the lessee or the person for the time being in control of the accommodation leased persistently fail to comply with the conditions of the lease or with the by-laws made under this Ordinance, the District Council may, after affording the person entitled to the lease an opportunity of being heard, by notice in writing, forfeit such lease; provided that any person aggrieved by any order of the District Council under this sub-section may appeal to the Local Government Board, and the Local Government Board upon such appeal shall have power to make such order as it shall deem just.

Power to license market provisionally.

114 Where any District Council is unable immediately to make suitable provision for the public requirements in a public market, such Council may, if it appears necessary for the public convenience, allow any existing private market to continue provisionally, although such private market does not conform to the standards prescribed by schedule III. or to any authorized modification thereof, and may issue a temporary license to such private market without prejudice to its rights to proceed at some future date under the provisions of this Ordinance.

Compensation for discontinuance of private market.

115 (1) Where the District Council is satisfied that it is in the public interest that any private market licensed, or qualified to be licensed, under this Ordinance (not being a market to which section 113 applies) should be either—

- (a) Discontinued altogether as a market ; or
- (b) Taken over by the District Council as a public market ;

the District Council may either direct the discontinuance of such market, or may take it over as a public market, subject in either case to the payment of compensation in accordance with the provisions of this section.

(2) Where any such market is discontinued as a market, the compensation payable, unless otherwise settled by agreement, shall be the difference between the value of the premises if used as a market under this Ordinance and the value of the same premises if used, not as a market, but for the best other local purposes to which similar premises in the same locality are or might be put, together with an allowance in respect of the cost of adapting the existing market buildings for any such purpose.

(3) Where any such market is taken over by the District Council as a public market, the compensation payable shall be the value of the premises if used as a market under this Ordinance.

(4) In estimating the value of market premises if used as a market under this Ordinance, regard shall be had to the depreciation liable to be suffered in the value of such premises in the event of a public market or a new private market being established in the same neighbourhood.

(5) For the purposes of this section, the value of premises used as a market under this Ordinance shall in no case be deemed to exceed five times the average nett annual profits derived therefrom during the previous three years.

Vesting of Gansabhawa markets in District Council.

116 Upon any place in which any public market has been established under "The Village Communities Ordinance, 1889," being declared an urban area under this Ordinance, every such market shall vest in the District Council, and shall become subject to this Ordinance.

Village markets.

117 (1) All village markets within the subdivision of any Village Committee elected under "The Village Communities Ordinance, 1889," shall be administered by such Committee, subject to the supervision of the District Council.

(2) A District Council may by any arrangement with any Village Committee—

- (a) Take over either temporarily or permanently any village market ; or
- (b) Transfer to any such Committee as a village market any public market administered by the Council under this Ordinance.

Power to suspend license of private markets.

118 Where a license has been granted by the District Council for a private market under this Ordinance, and the licensee at any time during the currency of such license fails to conform to the standards and by-laws applicable to private markets under this Ordinance, after his attention has been directed to such failure by means of notice in writing served upon the licensee by or under the authority of the District Council setting out a period within which such failure must be rectified, it shall be lawful for the Chairman to suspend the license of such market until the licensee shall have made good the default.

Penalty for keeping unauthorized market.

119 Any person who, after the expiration of the period of six months from the commencement of this Ordinance, shall use as a private market any premises in respect of which a license shall not have been granted under this Ordinance, or in respect of which any license so granted shall have been suspended, shall be guilty of an offence, and shall be liable on summary conviction before a Police Magistrate to a penalty not exceeding one hundred rupees, and to a further penalty of fifty rupees for every day during which such offence shall have been continued after written notice of the suspension shall have been served upon such person.

Market areas.

120 (1) In any place in which any public market is established under the control of any District Council, the Council may by by-law made under Part V. assign an area to such market (hereinafter referred to as "the market area"), and may prohibit the sale, otherwise than in accordance with licenses issued by the Chairman, of meat, fish, fruit, or vegetables within the said area.

(2) In any such case the Chairman may issue licenses for the sale of meat, fish, fruit, or vegetables, within the market area, at authorized premises other than the said market, and may fix and levy such fees in respect of the same as may be determined by by-law.

(3) In any case in which the Council is satisfied that sufficient facilities are afforded for the public requirements of the market area by the public market, or by such market and other premises already authorized in combination, the Council may by by-law made as aforesaid prohibit the sale of meat, fish, fruit, or vegetables within the said area, except at such public market, or, if the Council so determine, except at such market and such other authorized premises.

(4) In any such case the Council may by such by-law direct that no licenses, or no further licenses (as the case may be), shall be issued for the sale of meat, fish, fruit, or vegetables within the market area, and if it determine that no such licenses shall be issued, may (on providing adequate accommodation for the purpose in the public market) require that any person carrying on the sale of any of the said articles within the market area at premises other than the public market shall transfer such sale to the public market.

(5) Nothing in this section shall authorize the Council by by-law or otherwise to restrict the sale of poultry, fruit, or vegetables by itinerant vendors who do not sell at fixed places, or do not for the purposes of such sale establish themselves on the public roads or other public places.

## PART V.

### BY-LAWS.

Power of Council to make by-laws.

121 (1) Every District Council, subject to the approval of the Local Government Board, may from time to time make such by-laws as may appear to such Council necessary for the purpose of the exercise of its powers and duties under this Ordinance.

(2) Such by-laws may provide penalties for the contravention thereof, not exceeding a fine of fifty rupees for any one offence, and in the case of a continuing offence, an additional fine not exceeding twenty-five rupees for every day during which the offence is continued after conviction or written notice from the Chairman or other prescribed officer of such contravention.

(3) No by-law, or revocation, amendment, alteration, or variation of any by-law, shall have effect until the same has been confirmed by the Governor in Executive Council.

Power of Local Government Board to make by-laws.

122 (1) The Local Government Board may, for the whole Colony or for any part of the Colony, from time to time make such by-laws as may appear to the Board necessary for the purpose of the exercise of the powers and duties of the Board or of any District Council under this Ordinance.

(2) Such by-laws may provide penalties for the contravention thereof, not exceeding a fine of fifty rupees for any one offence, and in the case of a continuing offence, an additional fine not exceeding twenty-five rupees for every day during which the offence is continued after conviction or written notice from the Chairman of the District Council or other prescribed officer of such contravention.

(3) No by-law affecting any District Council or relating to any area within the competence of any District Council shall be made by the Local Government Board under this section, unless the proposed terms of such by-law shall have been submitted to the District Council for its consideration, and an opportunity afforded to the Council of making such representations on the subject of the proposed by-law as it may think necessary.

(4) No by-law made under this section, and no revocation, amendment, alteration, or variation of any such by-law, shall have effect until the same has been confirmed by the Governor in Executive Council.

(5) All by-laws made under this section for the whole Colony, or affecting matters within the competence of any District Council or group or class of District Councils, shall be subject to such modifications as may from time to time be made therein by local by-laws under section 121.

Publication of  
by-laws.

123 (1) All by-laws made under this part shall be published in the "Government Gazette," and upon such publication, all by-laws purporting so to be made, subject to the provisions of the next following section, shall be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

(2) Copies of all by-laws made under this part in the English language and in one or both of the vernacular languages shall be kept at the office of the District Council of the district to which they relate and at the office of the Local Government Board, and shall be available for sale to the public.

By-laws to be  
subject to  
revision by  
Legislative  
Council.

124 All by-laws published as aforesaid shall be laid as soon as conveniently may be before the Legislative Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

Subjects of  
by-laws.

125 The power of any District Council or of the Local Government Board to make by-laws under this chapter, without prejudice to the generality of the powers thereby conferred, shall include power to make by-laws for or with respect to all or any of the following purposes, namely :

(1) Procedure, including—

- (a) The regulation of Board, Council, and committee meetings.
- (b) The form in which estimates, budgets, statements, and returns incidental to the business of the Board or Council shall be drawn up.
- (c) The form in which the accounts of the Board or Council shall be kept.

(2) Officers, including—

- (a) The creation of offices, the appointment of officers, the payment of salaries, the provision of pensions and gratuities, and the granting of leave of absence.
- (b) The due performance of their several duties by all officers and servants.

(3) Minor local authorities, including—

- (a) The constitution of minor local authorities and the appointment or election of their members, except in so far as the same is otherwise provided for by law.
- (b) The delegation of powers, duties, and responsibilities to minor local authorities.



- (c) The meetings and proceedings of minor local authorities.
  - (d) The form in which accounts shall be kept by minor local authorities of public funds entrusted to them by the Council.
  - (e) The administration and regulation of all matters which under the provisions of this Ordinance are committed to minor local authorities under the supervision of District Councils.
- (4) Taxation, including—
- (a) The enforcement and commutation of the labour tax provided for by section 131.
  - (b) The calling out and compelling of the performance of labour.
  - (c) The preparation and maintenance of lists of persons liable to perform labour.
  - (d) The enforcement, in case of default, of the performance of increased or double labour, not exceeding in the aggregate twelve days' labour, or of the payment of increased or double commutation, and costs, not exceeding, exclusive of costs, five rupees from any person in one year.
  - (e) The recovery of any other tax payable under this Ordinance, and the rendering of all returns and information that may be required for the purposes of any such tax.
- (5) Loans, including—
- (a) The form and manner of execution of securities.
  - (b) The arrangements for liquidation.
  - (c) The mode and order of repayment of securities.
  - (d) The conditions of any loan and the appropriation of the sums advanced.
- (6) The assessment and recovery of rates and charges including—
- (a) The classification and assessment of buildings, lands and tenements.
  - (b) The rendering of returns and information required for the purpose of such classification or assessment.
  - (c) The hearing and determination of objections.
  - (d) The registration at the office of the Council of mortgages over immovable property situated within the administrative limits of the Council and of the addresses of mortgagees, and the imposing and recovery of fees for such registration.
  - (e) The posting of notices in writing to such registered mortgagees of the sale of immovable property seized for the recovery of rates, taxes, or charges.
- (7) Land and property, including—
- (a) The provision, regulation, and management of open spaces, and places for public recreation.
  - (b) The care of waste or public land.
  - (c) The maintenance and management of immovable property vested in, or under the control of, District Councils.
  - (d) The care, regulation, and provision of common pasture grounds, and the levy of fees for the use of the same.
  - (e) The putting up and preservation of boundaries and of fences of lands, whether private or public.
  - (f) The authorization of entry upon private lands for the purpose of the prevention of damage to, or the repairing or remedying defects in, any wires or apparatus or the supports thereof maintained for the purpose of any public service.
- (8) Thoroughfares, including—
- (a) The improvement, alignment, level, width, and construction of new streets in urban areas.
  - (b) The cleaning, watering, and lighting of streets.
  - (c) The use of, and regulation of traffic in, streets and thoroughfares, including the limitation of the weight and speed of vehicles, and the prevention or restriction of the use of vehicles upon any bridge, road, or street, or in any place where such use may be attended with danger to the public, or may be likely to damage such bridge, road, or street.

- (d) The regulation of processions and assemblages and of the performance of music in thoroughfares.
  - (e) The prevention, abatement, supervision, and regulation of obstructions, encroachments, projections, and other interferences with thoroughfares.
  - (f) The erection of hoardings and other temporary structures, and the charging of fees in respect of the same.
  - (g) The protection of the public against dangers resulting from building and other operations in or about thoroughfares.
- (9) Buildings, building operations, and works in urban areas, including—
- (a) The regulation of the material of such buildings with a view to securing stability, the prevention of fire, and purposes of health.
  - (b) The space to be left about any building or block of buildings to facilitate and secure free circulation of air and to facilitate scavenging.
  - (c) The dimensions of doors and windows, the level of the floor, the height of the roof, general ventilation, and drainage.
  - (d) The number and nature of latrines.
  - (e) Foundation and stability of structure.
  - (f) The line of building frontage.
- (10) Public health and amenities, including—
- (a) Drainage.
  - (b) Conservancy and scavenging, and the charging of fees for the same.
  - (c) The inspection, regulation, maintenance, and cleansing of all drains, privies, cesspits, ashpits, and sanitary conveniences and appliances.
  - (d) The regulation and management of public sanitary conveniences.
  - (e) The regulation, supervision, inspection, and control of lodging-houses and tenement buildings.
  - (f) The abatement of nuisances.
  - (g) The seizure, forfeiture, removal, and destruction of unwholesome articles of food or drink, and the prevention of the sale or exposure for sale thereof.
  - (h) The regulation, supervision, inspection, and control of bakeries, eating-houses, and restaurants, and tea and coffee boutiques.
  - (i) The regulation, supervision, inspection, and control of dairies, and the sale of milk.
  - (j) The sale of provisions, including the inspection, regulation, and control of shops and places (other than markets) used for the sale of meat, fish, fruit, vegetables, or other perishable articles of food for human consumption, and the licensing of shops and places used for the sale of fresh meat, fresh fish, or live animals, and the licensing of itinerant vendors.
  - (k) The regulation, supervision, inspection, and control of offensive and dangerous trades.
  - (l) The regulation of the dimensions and use of kraals in lakes, rivers, lagoons, and estuaries for soaking coir mats, and the charging of fees for the use of the same.
  - (m) The regulation, supervision, inspection, control, and licensing of breweries and aerated water manufactories.
  - (n) The compelling of owners and occupiers in urban areas to keep their lands free of undergrowth and rubbish, and their dwelling compounds in a clean and sanitary condition.
  - (o) The prevention of malaria and the destruction of mosquitoes and disease-bearing insects.
  - (p) The draining, cleansing, covering, or filling up of ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature or likely to be prejudicial to health.
  - (q) The cleansing, purifying, ventilating, and disinfecting of houses, dwellings, and places of assembly or worship by the owners or occupiers and persons having the care and ordering thereof.

- (r) The prevention or mitigation of epidemic, endemic, or contagious diseases, and the speedy interment of the dead during the prevalence of such diseases.
- (s) Washing and bathing, including the establishment, maintenance, and regulation of public bathing places and places for washing animals and clothes.
- (t) All such other purposes as are not specially provided for by this Ordinance, and as shall be necessary for the preservation of the public health and the suppression of nuisances.

## (11) Animals, including—

- (a) The regulation, supervision, inspection, and control of slaughter-houses, including the levy and recovery of fees for the use thereof.
- (b) The housing and penning of cattle, horses, sheep, goats, and pigs.
- (c) Stray cattle, goats, and pigs, including the fixing, levying, and recovery of charges for the occupation of pounds, and the cost of the keep of the animals impounded.
- (d) The control of epidemic diseases among animals, the maintenance and regulation of quarantine stations for animals, and the levying of fees for the occupation thereof.
- (e) The regulation of the time and manner of fishing and the use of fish kraals, the preservation of fish, and the charging of fees in respect of fishing and the use of fish kraals in public streams, lakes, lagoons, and estuaries.
- (f) The protection and preservation of fish, game, and wild birds.
- (g) The destruction of stray dogs.
- (h) The prevention of cruelty to animals (including the restriction of the exposure for sale of live animals in such a manner as, in the opinion of the bylaw-making authority, to cause unnecessary pain or suffering).
- (i) The regulation and supervision of cattle sheds, galas, and halting places, and the control of the location thereof.

## (12) Markets and fairs, public and private, including—

- (a) Their establishment, maintenance, and improvement.
- (b) Their regulation, supervision, inspection, and control (including the regulations of the prices of articles sold thereon).
- (c) Their conservancy and scavenging, and the prevention of nuisances in connection with them.
- (d) The control of traffic, and the preservation of order within them and in their immediate vicinity.
- (e) The provision, inspection, and control of latrines, bathing-places, slaughter-houses, water supply, and lighting.
- (f) The allotment of stalls and stands.
- (g) The inspection of food and seizure of unwholesome articles of food.
- (h) The prohibition of the introduction or sale of any article or articles of food in cases where, in the opinion of the bylaw-making authority, there exists good reason for such prohibition.
- (i) The prohibition, either absolutely or subject to special licenses, of any article, and the charging of fees for such special licenses.
- (j) The provision of security against fires.
- (k) The temporary closing of any market or fair.
- (l) The due performance of their duties by market keepers and other employés.
- (m) In the case of public markets, the fixing and recovery of fees or rents for the use of the market premises or any part thereof, and of the buildings and bathing-places connected therewith, and for the leasing of the right to collect any such fees or rents.
- (n) In the case of public markets, the declaration of a market area, and the licensing, restriction, or prohibition of sales within such area in accordance with section 120.

- (o) In the case of private markets or of fairs, the licensing of such markets or fairs, the conditions of the license, and the fees payable in respect thereof.
  - (p) In the case of private markets or of fairs, the standards to be observed in respect of accommodation, drainage, roads, air spaces, equipment, and sanitary requirements.
  - (q) In the case of private markets or of fairs, the renovation, alteration, enlargement, and improvement of existing buildings, and the erection of all new buildings in accordance with plans to be approved by the bylaw-making authority, and subject to notice to such authority.
  - (r) In the case of private markets, the keeping of accounts of revenue and disbursements, the submitting of such accounts to inspection, and the rendering of returns in connection with such accounts.
- 13) Waterworks, including—
- (a) The prevention of waste, misuse, undue consumption, or contamination of the water supplied for public or private use ;
  - (b) The size, nature, strength, and materials, and the mode of arrangement, position, alteration, removal, renewal, and repair of the pipes, valves, cocks, cisterns, soil pans, water-closets, and other apparatus and receptacles or any of them to be used respectively for carrying, delivering, regulating, and storing water ;
  - (c) The regulation of the public supply of water by stand-pipes, and the use of the same ;
  - (d) The regulation of the supply of water by private services, and the materials and fittings to be used ;
  - (e) The regulation of the supply of water by measurement, and the materials, meters, appliances, and fittings used for such a purpose or in connection therewith ;
  - (f) The regulation of the terms and conditions subject to which water will be supplied by private services or for other than domestic purposes, and the price to be paid for water so supplied ;
  - (g) The recovery of charges due in respect of any water so supplied in the same manner as a fine ; and
  - (h) Every other purpose relating to the supply or control of water supplied from the waterworks as to the bylaw-making authority shall appear necessary.
- 14) Public services, including all matters necessary for their establishment, maintenance, working, and supply, and for the recovery of charges in connection therewith.
- 15) The assize of bread, and the regulation of its manufacture and quality.
- 16) The regulation of weights and measures.
- 17) All other purposes, whether of the same nature as those above enumerated or otherwise, which, in the opinion of the bylaw-making authority, may be necessary for the protection or promotion of the local public interests, conveniences, and amenities.

## PART VI.

### FINANCE.

#### CHAPTER I.

##### *Local Fund.*

Local fund and its constituents.

- 126 (1) Every District Council for its general financial purposes shall establish a local fund.
- (2) There shall be payable into the local fund—
    - (a) The fines and penalties enumerated in schedule V.
    - (b) The amount of all stamp duties enumerated in schedule VI.
    - (c) Subject to any especial appropriation made by the Board, all grants allocated to the Council by the Local Government Board under section 161.
    - (d) All rates and taxes levied under the authority of this Ordinance.

- (e) All sums realized by sales, leases, or other transactions of the Council.
- (f) All revenue derived by the Council from any property vested in the Council, or by the administration of any public service.
- (g) All sums derived from any source of revenue made over to any local authority to which the Council is the successor in pursuance or in supposed pursuance of any Ordinance hereby repealed.
- (h) All sums and all sources of revenue from time to time appropriated or made over to the Council by the Legislative Council, whether by resolution or otherwise.
- (i) All sums otherwise accruing to the Council in the course of the exercise of its powers and duties.

Application of local fund.

127 (1) There shall be paid out of the local fund—

- (a) All expenses incurred by the Council in the exercise of its powers and duties under this or any other Ordinance, or any by-law made thereunder.
- (b) Subject to the approval of the Local Government Board, all such contributions as may be voted by the Council towards the cost of public ceremonies, recreations, or entertainments, or towards the support of any scientific, charitable, or benevolent institution.

(2) All orders for payment out of the local fund shall be free of stamp duty.

CHAPTER II.

Rates and Taxes.

Power of Council to levy rates.

128 (1) Every District Council, subject to such limitations, qualifications, and conditions as may be prescribed by the Council, and subject to the approval of the Local Government Board, may levy, in respect of any immovable property or any species of immovable property situated within its administrative limits, a rate on the annual value of such property.

(2) Within the administrative limits of any general or rural District Council a rate may be levied, either generally upon the whole district or specially upon the urban areas in such district, or on the part of the district not comprised in such urban areas.

No sanction necessary when rate not changed.

(3) Whenever in any area the Council in levying any rate levies without alteration the same rate as was in force during the preceding year, the approval of the Local Government Board shall not be required to the levying of such rate.

Exemptions from rates.

129 There shall be exempt from any such rate—

- (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 Council may specially exempt from such rate on the ground of the poverty of the owner.
- (e) In the case of a rate, or any defined portion of a rate declared by resolution of the Council 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 Council.

Power of Council to impose taxes.

130 (1) Every District Council, subject to such limitations, qualifications, and conditions as may be prescribed by the Council, and subject to the approval of the Local Government Board, may within its administrative limits impose any of the taxes following, that is to say:

- (a) An annual labour tax ;
- (b) A tax on vehicles and animals ;
- (c) A duty in respect of licenses issued by the Council ; and
- (d) Any other form of tax approved by the Local Government Board and sanctioned by the Governor.

(2) Whenever in any year the Council in imposing any tax imposes without alteration the same tax as was in force during the preceding year, the approval of the Local Government Board shall not be required for the imposition of such tax.

Labour tax.

131 The labour tax which a District Council is authorized to impose by section 130 shall be a tax payable in six days' labour, or in money in commutation of such labour, by all persons residing within the administrative limits of the Council who are liable to perform labour under the provisions of "The Labour Tax Ordinance, No. 31 of 1884," and shall be subject to the provisions of that Ordinance, except in so far as such provisions may have been abrogated or amended by by-laws made under Part V. of this Ordinance.

Vehicles and animals tax.

132 (1) The tax on vehicles and animals which a District Council is authorized to impose by section 130 shall be an annual tax in respect of all or any of the vehicles and animals specified in schedule IV., and ordinarily used or to be used within the administrative limits of the Council at rates not exceeding those specified in the said schedule.

(2) Such tax shall not apply to or include—

- (a) Any vehicle or animal which is the property of the Crown or of the Council ; or
- (b) The authorized number of horses belonging to military officers doing staff, regimental, or other public duty within the administrative limits of the Council ; or
- (c) Vehicles kept for sale by *bona fide* dealers in such vehicles and not used for any other purpose ; or
- (d) Vehicles subject to a license duty under section 5 of "The Vehicles Ordinance, No. 4 of 1916," or to a tax under section 53 of the said Ordinance.

(3) The said tax shall be payable annually in advance on such date as shall be ordered by the Council or shall be prescribed by by-laws.

(4) The said tax shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found so soon as it has been for thirty days used or kept for use within the administrative limits of the Council, but no person shall be liable under this section in respect of any vehicle or animal which has been in his possession for less than thirty days.

(5) No person by reason of the transfer of ownership shall be liable to pay tax for any vehicle or animal on which the tax has already been paid for the year in which the ownership was transferred.

(6) The Chairman may compound, for any period not exceeding one year, with livery stable keepers and other persons keeping or using animals for hire for a certain sum to be paid for the vehicles and animals so kept by such persons in lieu of the tax specified in schedule IV.

(7) No such tax shall be levied with respect to any animal, except in the case of animals used or to be used within such specified urban areas as the District Council may direct.

(8) Where any vehicle or animal liable to any such tax is used or to be used within the administrative limits of more than one District Council, the said vehicle or animal shall only be liable to one such tax in respect of the limits within which it is principally used or to be used, and if any question arises as to the administrative limits within which any vehicle or animal liable to any such tax is principally used or to be used, the question shall be determined by the Local Government Board.

License duty.

133 (1) The license duty which a District Council is authorized to impose under section 130 shall be in respect of any license granted by the Council authorizing the use of any premises or place for any special purpose in pursuance of this Ordinance or any by-law made thereunder.

(2) The amount of such duty shall be such as shall be determined by the Council, subject to the approval of the Local Government Board.

Provided that no such duty shall exceed the sum of two hundred and fifty rupees per annum.

Other taxes.

134 Any other tax imposed under section 130 shall be of such amount; and subject to such conditions as shall be prescribed by by-laws made under Part V.

CHAPTER III.

*Assessment and Recovery of Rates and Taxes.*

Assessment of rates and taxes.

135 The assessment of any immovable property for the purpose of any rate under this Ordinance shall, with the necessary modifications, be made in manner prescribed by section 117 of "The Municipal Councils Ordinance, No. 6 of 1910," with respect to immovable property within municipal limits, and all the provisions of the said section, together with those of sections 116, 118, 119, and 121 to 125, shall, with the necessary modifications, apply with respect to every such assessment made for the purposes of this Ordinance.

Provided that, pending the making of any such assessment, any valuation of any immovable property made for the purpose of police assessment tax under Ordinance No. 16 of 1865, or any Ordinance passed in amendment thereof, shall be deemed to be the valuation of such property for the purpose of any rate on the annual value thereof under this Ordinance.

Power of Chairman to require returns.

136 (1) For the purpose of the ascertainment of any information which, in the opinion of the Chairman, shall be necessary for the due levying or imposition of any rate or tax, the Chairman may, by notice in writing, require all persons who are liable or may be supposed to be liable to the said rate or tax, or who may be the owners or occupiers or supposed owners or occupiers of any property with respect to which any rate or tax is imposed or may be imposed under this Ordinance, or if the Chairman shall so think fit, every householder within the administrative limits of the Council, to render all such returns, and make all such declarations of such particulars and in such form as shall be prescribed by by-laws under Part V., or, pending the making of such by-laws, as may be directed by the Council.

(2) All persons on whom any such notice shall be served shall fill up in writing, sign, date, and return to the office of the Council the form served with such notice within seven days, or such longer time as may be prescribed by by-law or by the said notice.

(3) Any person who refuses to accept, or who refuses, neglects, or omits duly to fill up and return such form within the prescribed time, or who negligently renders a return which is in any material respect inaccurate to the advantage of such person, shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees.

(4) All declarations made for the purpose of any such return shall be free of stamp duty.

Power of Chairman to summon persons before him.

137 (1) The Chairman may, by notice in writing, summon before him, or before any person appointed by him in his behalf, any person whom he has reason to believe to be liable to the payment of any rate or tax, or who may be the owner or supposed owner of any property with respect to which any rate or tax is imposed or may be imposed under this Ordinance, or any other person whom he has reason to believe is able to give any information with respect to any such liability on such property, and the Chairman, or person so appointed, may thereupon examine any such person on oath with reference to the said liability, and it shall be the duty of every person so examined to answer truly all questions addressed to him.

(2) Any person summoned under this section who, without lawful excuse, fails to appear or submit to examination in obedience to the summons shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees.

(3) Any statement or declaration made by any person under this or the last preceding section with reference to the value of any property in which such person is interested, or as to the value of the interest of such person therein, shall be conclusive evidence in any proceeding or matter in which the value of such property or such interest is in question as against the person making the statement or declaration that at the date at, or with reference to, which the statement or declaration was made, the said property or the interest of such person in the said property was of the value attributed thereto in such statement or declaration.

Chairman's power of inspection.

138 (1) The Chairman, or any person appointed by him for that purpose, may, for the purpose of ascertaining or verifying any information as to the liability of any person to any rate or tax, at any time between sunrise and sunset, enter upon and inspect any premises liable or supposed to be liable to the said rate or tax, or any premises on which any vehicle, animal, or other thing in respect of which any tax is payable is situate, or may be supposed to be situate.

(2) Any person who, without lawful excuse, obstructs the Chairman or person so appointed while acting in pursuance of this section shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees.

Recovery of rates and taxes.

139 All rates and taxes levied or imposed under this Ordinance, in respect of which no other method of recovery is specifically provided under this or any other Ordinance, shall be recoverable in the same manner as rates and taxes are recoverable under "The Municipal Councils Ordinance, 1910," and all the provisions of sections 137 to 148 of that Ordinance shall, with the necessary modifications, apply accordingly.

Assessment, &c., not to be impeached for want of form.

140 No assessment or valuation, and no charge or demand of rate or tax under the authority of this Ordinance, and no seizure and sale, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to rate or tax, or any mistake in the amount of assessment or the mode of seizure and sale, or any other formal defect.

CHAPTER IV.

Loans.

Power of District Council to borrow on the security of rates and taxes.

141 (1) It shall be lawful for every District Council, subject to the approval of the Local Government Board, to borrow from the Ceylon Government, or any person or persons 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.

(2) Every such loan shall be subject to such rate of interest and to such conditions for the repayment thereof as the Local Government Board, subject to the sanction of the Governor, may approve.

(3) For the purpose of securing the repayment of the sum or sums so borrowed and the interest accruing thereon, the Council may mortgage and assign over to the lender or lenders, by or on whose behalf such sum or sums or any part thereof may be lent, the proceeds of any rate or tax levied or imposed under this Ordinance or any portion thereof, or any property vested in the Council or any other source of income accruing to the Council or any portion thereof.

Limitation of borrowing powers.

142 (1) The amount at any time outstanding in respect of all loans due from any District Council (whether raised under the authority of this or any other Ordinance) shall not exceed in the aggregate ten times the fair annual income received by the Council from all rates, taxes, properties, and other sources of income for the preceding five years, or in the case of a District Council which has not been in existence for five years, ten times its income for one year as appraised by the Council, subject to the approval of the Local Government Board.

Provided that in any case in which the liabilities of any District Council in respect of its loans are wholly or mainly due to the Ceylon Government, the Governor in Executive Council, on the recommendation of the Local Government Board, by order in Council, authorize the limit prescribed by this section to be exceeded to such extent as may be stated in the order.

(2) All securities given in respect of loans under this chapter shall be free from stamp duty.

Form of security, &c.

143 The form and manner of execution of any security given for the purpose of any loan under this chapter, the mode and order of repayment of any sums borrowed, and the arrangements for the liquidation of any loan shall (subject to the provisions of "The Local Loans and Development Ordinance, No. 22 of 1916") be such as shall be prescribed by



by-laws made under Part V., and in the absence of any such by-laws, shall be in accordance with sections 217 to 220 of "The Municipal Councils Ordinance, No. 6 of 1910," and the said sections, with the necessary modifications, shall apply to any loan made to a District Council under this Ordinance.

CHAPTER V.

*Accounts, Estimates, and Budget.*

Books of accounts to be kept by Council.

144 (1) Every District Council shall from time to time order and direct a book or books, in such form, if any, as shall be prescribed by the Local Government Board, to be provided and kept at its office in which shall be entered true and regular accounts of all sums of money received by it and expended for or on account of the purposes of this Ordinance, and of the several articles, matters, and things for which sums of money shall have been disbursed and paid.

(2) The said book or books shall not under any pretence whatever be taken from the office of the Council, except by process of a competent court.

(3) Such book or books shall at all reasonable times be open to the inspection of the members of the Council, and every resident householder within the administrative limits of the Council, and the members of the Council and other persons aforesaid, or any of them, may take copies of or extracts from the said book or books without paying for the same.

Preparation and publication of annual accounts

145 (1) In the month of January in every year, or within such other period as the Council, with the sanction of the Local Government Board, may direct, a true account of all the moneys received and paid by virtue of this Ordinance during the preceding year ending on the thirty-first day of December or such other period of twelve months as the Council, with the sanction of the Local Government Board, may direct, and a statement of the assets and liabilities existing at the said date, shall be made in writing, and a copy or duplicate of such account and statement verified on oath before any Justice of the Peace by the Chairman of the Council, or such other officer of the Council as it may appoint for the purpose, and certified by one of the members to be correct, shall be deposited with the Council, and shall be open to the inspection of any householder resident within the administrative limits of the Council or any party interested.

(2) An abstract of such account and statement shall be published in the "Government Gazette" for general information before the first day of March following, or before such other date as the Council, with the sanction of the Local Government Board, may direct.

Budget.

146 (1) At or before a date to be fixed by by-laws the Chairman shall in each year prepare and submit to the Council a budget in accordance with such form, if any, as may be prescribed by the Local Government Board, containing—

- (a) Details of the proposed expenditure.
- (b) An estimate of the available income of the Council from sources other than rates.
- (c) An estimate of the rate or rates necessary for the purpose of providing for the proposed expenditure.

(2) Every such annual budget (in the form in which it is finally settled and adopted by the Council) shall be printed and published in the "Government Gazette."

Reduction or increase of expenditure.

147 The Council may, in case of necessity during the year, reduce or increase the expenditure under any head of the budget, or may introduce new items of expenditure, or may transfer the moneys assigned under one head of expenditure to another head.

Annual administration report.

148 (1) The Chairman of every District Council shall, as soon after the close of each financial year as may be, prepare a detailed report of the administration of the Council during the preceding year, with a statement showing the nature and amount of receipts and disbursements on account of the local fund during that year.

(2) Such report and statement shall be in such form, if any, as may be prescribed by the Local Government Board, and shall be submitted to the Council, and, with any resolutions that may have been passed thereon by the Council, shall be submitted to the Governor through the Local Government Board within six weeks of the date when the same was first submitted to the Council, or within such other period as the Council, with the approval of the Local Government Board, may determine.

CHAPTER VI.

*Audit.*

Audit.

149 (1) The accounts of every District Council shall annually be audited by Government.

(2) For the purposes of any audit and examination of accounts under this Ordinance, the auditor may, by notice in writing, require the production before him of any books, deeds, contracts, accounts, vouchers, and any other document and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration in respect of the same.

(3) Every such declaration shall be free of stamp duty.

(4) If any such person neglect or refuse to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be guilty of an offence, and shall be liable for every neglect or refusal to a fine not exceeding one hundred rupees, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence.

Recovery of surcharges.

150 (1) Every auditor acting in pursuance of this chapter shall disallow every item of account contrary to law, and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person and any sum which ought to have been, but is not, brought into account by that person, and shall in every case certify the amount due from such person.

(2) Before making any surcharge or disallowance, the auditor shall afford an opportunity to the person against whom such surcharge or disallowance is made to be heard, or to make any representations with reference to the matter which he may think fit, and shall, in the event of his making such surcharge or disallowance, on application by any such person, state in writing the reason for his decision in respect of such disallowance or surcharge.

Appeal and enforcement of surcharges, &c.

151 (1) Any person aggrieved by any disallowance or surcharge may appeal against such decision to the Supreme Court, and the Supreme Court may either confirm the said disallowance or surcharge, or, if it shall be of opinion that such disallowance or surcharge is not in accordance with law, may modify or set aside the same accordingly.

(2) Every such appeal shall be presented within the time and in the manner and subject to the rules prescribed for and observed in appeal from interlocutory orders of District Courts, and all proceedings in connection therewith shall be subject to the same stamp duties as appeals from District Courts.

(3) In lieu of such appeal any person so aggrieved may, within fourteen days of the date of the decision of the auditor duly communicated to him, appeal from such decision to the Local Government Board, and it shall be lawful to the said Board, upon any such appeal, to decide the same according to the merits of the case, and if the Board shall find that any disallowance or surcharge shall have been or shall be lawfully made, but that the subject-matter thereof was incurred under such circumstances as make it fair and equitable that the disallowance or surcharge should be remitted, the Board may, by an order under its seal, direct the same shall be remitted on payment of the costs, if any, which may have been incurred by the auditor in the enforcing of such disallowance or surcharge.

(4) No expenses paid by any District Council shall be disallowed by the auditor, if such expenses have been sanctioned by the Local Government Board.

(5) Every sum certified to be due from any person by an auditor under this Ordinance shall be paid by such person to the Chairman of the District Council within fourteen days after the same had been so certified, unless there is an appeal against the decision, and if such sum is not so paid and there is no such appeal, it shall be the duty of the Chairman to recover the sum from the person against whom the sum has been certified to be due, and any sum so certified to be due on application to a Police Magistrate having local jurisdiction may be recovered in the same manner as a fine imposed by such Magistrate, together with all costs and expenses incurred in connection with the enforcement thereof.

## PART VII.

### CENTRAL CONTROL.

Dissolution and supersession of District Councils.

152 (1) If any District Council persists in refusing or neglecting to carry out the provisions of this Ordinance, or of the by-laws, rules, or orders made thereunder, or to conform to or obey the instructions, directions, recommendations, or orders of the Local Government Board, or if, having regard to its general mismanagement of the affairs of the district, the Local Government Board is of opinion that a District Council should be dissolved and superseded, the Local Government Board shall report and recommend to the Governor in Executive Council that such Council should be dissolved and superseded.

(2) The Governor in Executive Council shall consider such report, and may affirm or negative the recommendation of the Local Government Board, and in the former case shall order that such District Council shall be dissolved and superseded, and thereupon such Council shall be dissolved and cease to hold, have, enjoy, or exercise any of the rights, privileges, powers, or duties conferred or imposed by this Ordinance.

(3) Such order shall be published in the "Government Gazette."

(4) In the same or another order or orders the Governor in Executive Council may appoint a Commissioner or Commissioners to hold, have, enjoy, or exercise such rights, privileges, powers, and duties of a District Council under this Ordinance as are set forth in such order or in any amending order or orders.

(5) The Governor in Executive Council may at any time revoke the appointment of any Commissioner or Commissioners and appoint another Commissioner or Commissioners.

(6) Notwithstanding anything in this section contained, the Governor in Executive Council may, as provided in chapter II. of Part III. of this Ordinance, constitute another District Council in and for the whole or part of the area comprised within the district of a dissolved and superseded Council, or may amalgamate the whole or part of such area with another District Council.

Inquiries.

153 (1) The Local Government Board may from time to time cause to be made all such inquiries as they see fit in relation to any matters concerning public health in any place or any matters with respect to which its sanction, approval, or consent is required under this Ordinance.

(2) For the purpose of any inquiry under this section, the person appointed by the Local Government Board and holding the inquiry shall have, in relation to witnesses and their examination and production of papers and accounts, the same powers as those accorded to Commissioners under Ordinance No. 9 of 1872, and all such powers of inspection of places and matters required to be inspected as shall be necessary for the purpose of the inquiry.

Costs of inquiries and proceedings.

154 The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals or references to, the said Board under this Ordinance, and as to the parties by whom or the funds out of which such costs shall be borne, and every such order may be registered in the District Court, and may be enforced in the same manner as a judgment of the court on the application of any person named therein.

Power of Local Government Board to make inquiry as to default in duty by District Councils.

155 If at any time it appears to the Local Government Board that any District Council is omitting to fulfil any duty or to carry out any work imposed upon the Council by this or any other Ordinance, or that the Council has otherwise made default in the discharge of any of its duties or responsibilities under this or any other Ordinance, the Board may give notice to the Council that unless within a time specified in the notice the Council show cause to the contrary, the Board will appoint a person or persons to inquire and report to the Board the facts of the case, and recommend what measures should be taken for the purpose of fulfilling such duty or carrying out such work or making good such default. Such inquiry shall be conducted as far as practicable in public.

Power of Local Government Board to give and enforce order requiring Council to do necessary work.

156 (1) On the receipt of the report of the person or persons so appointed the Local Government Board, subject to the approval of the Governor in Executive Council, shall determine what measures shall be taken for the purpose of fulfilling such duty or carrying out such work or making good such default, and make an order requiring the Council within a time specified in the order to take such measures accordingly, and to raise the funds necessary for the purpose by some one or more of the rates or taxes provided for by this Ordinance, or by means of a loan.

(2) If the Council fail within such time to comply with such order, the Local Government Board may appoint some person to take the measures specified in the order, and may fix the remuneration to be paid to such person, and may direct that such remuneration and the cost of the measures taken in accordance with the order of the Board shall be defrayed out of the local fund, and that, if necessary, any one or more of the rates or taxes provided for by this Ordinance shall be levied, imposed, or increased.

(3) Any person so appointed shall have the same power of levying or imposing any such rate or tax and requiring all officers of the Council to pay over any moneys in their hands as the Council would have in the case of expenses legally payable out of the local fund, and the said person so appointed, after paying all sums of money so due in respect of the order, shall pay the surplus, if any, to or to the order of the Council.

Power to direct loan to be raised.

157 The Local Government Board may, in addition to levying, imposing, or increasing any rate or tax or in lieu thereof, direct a loan to be raised on the security of any local rate or tax for the purpose of fulfilling such duty, or carrying out such work, or making good such default.

Power of Local Government Board to certify expenses.

158 The Local Government Board may from time to time certify the amount of expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed as aforesaid, 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 said Board shall be conclusive as to all matters to which it relates.

Power of Local Loan Commissioners to advance loan.

159 (1) Whenever the Local Government Board so certifies a loan to be required, the Local Loans and Development Commissioners may advance to the Local Government Board, or any person appointed as aforesaid, the amount of the loan so certified to be required on the security of any local rate or tax without requiring any other security.

(2) The Local Government Board, or the person so appointed, may, by any instrument duly executed, charge any local rate or tax with the repayment of the principal and interest due in respect of such loan, and every such charge shall have the same effect as if the Council were empowered to raise such loan on the security of such local rate or tax, and had duly executed an instrument mortgaging the said rate or tax.

Recovery of principal and interest.

160 (1) Any principal money or interest for the time being due in respect of any loan under this chapter made for payment of the expenses incurred or to be incurred as aforesaid shall be taken to be a debt due from the Council, and, in addition to any other remedies, may be recovered in manner provided by "The Local Loans and Development Ordinance, No. 22 of 1916."

(2) The surplus of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the Council.

Allocation of grants made by Legislature.

161 (1) It shall be the duty of the Local Government Board to allocate to the several District Councils all such grants in aid of the expenses of local Government as may from time to time be made to the Board by the Legislative Council.

(2) The said grants shall be allocated and paid in such proportions, within such limits, on such dates, in such manner, and subject to such conditions as the Board, subject to the approval of the Governor, may determine.

(3) In allocating the said grants, the Board shall have regard to the character of the schemes in respect of which the grants are to be made, to the necessities of the several localities, to the amounts raised or capable of being raised by local taxation, to the manner in which the several District Councils shall have exercised their respective powers and duties in the matters with respect to which the said grants are to be made, and to any other considerations which the Board may deem equitable.

Power of Local Government Board to make general rules and orders.

162 The Local Government Board may make rules consistent with this Ordinance for the guidance of District Councils and of their officers on any matter connected with the carrying out of the provisions of this Ordinance, or any other enactment relating to the powers and duties of District Councils.

Power of Board to give directions as to accounts, returns, &c.

163 Without prejudice to the generality of its powers under the last preceding section, the Local Government Board may make rules and orders consistent with this Ordinance with respect to all District Councils, regulating—

- (a) The preparation of the annual budget and of all supplemental budgets.
- (b) The keeping and auditing of accounts.
- (c) The preparation of plans and estimates.
- (d) The rendering of periodical returns by the several Councils to the Board, and the form and contents of such returns.

Power of Board to make recommendations as to policy.

164 The Local Government Board may—

- (a) Bring to the notice of any District Council any measure which, in the opinion of the Board, ought to be taken within the administrative limits of the said Council in the interests of public health or safety ; or
- (b) Bring to the notice of any District Council any general question of administrative policy as to which it is desirable, in the opinion of the Board, that the Council should co-ordinate its policy with the policy generally in force or in force in any part of the Colony or in any neighbouring districts.

Power of Board to inspect books, &c., of District Council.

165 The Local Government Board, or any member or officer of the Board generally or specially authorized in that behalf, may—

- (a) Inspect or cause to be inspected any public building, institution, or immovable property used, occupied, or carried on, by, or under the control of a District Council, or any work in progress under the direction of the District Council.
- (b) Call for and inspect any book or document in the possession or under the control of the District Council.

(c) Require any District Council to furnish such statements, accounts, reports, or copies of documents relating to the proceedings or duties of the Council, or any committee of the Council, or any minor local authority acting under the supervision of the Council.

Power of officers of Local Government Board.

166 The officers of the Local Government Board shall, within the administrative limits of any District Council, have the same powers of entry and inspection, and all other powers and authorities required for the due exercise and discharge of their respective functions as the officers of the said District Councils.

Provided that the officers of the Local Government Board, in the exercise of their powers under this section, shall act in consultation with the Chairman of the District Council.

Provided further, that it shall be the duty of the officers of the District Council to afford to the officers of the Local Government Board all such reasonable assistance, as they may require, for the exercise of their powers under this section.

Annual budgets to be submitted to the Board.

167 The annual budget of every District Council and every variation of budget shall be communicated to the Local Government Board, and every District Council shall furnish to the Board all such reports, particulars, or explanations with regard to any such budget as the Board may require.

Power of Board to exercise control over budget of District Council.

168 Where in the opinion of the Local Government Board the financial position of any District Council is such as to make the control of the Board over its budget desirable, the Board may (with the approval of the Governor in Executive Council) by order direct that the annual budget and any variation thereof of such Council shall be subject to the sanction of the Board; and in any such case it shall be the duty of the District Council to conform to any directions of the Board with respect to such budget or variation thereof.

Annual report.

169 (1) It shall be the duty of the Local Government Board to prepare and publish annually a report of the administration of the Board, and a review of the work and expenditure of the District Councils of the Colony in such form as the Board (subject to the approval of the Governor) may determine.

(2) Every such report and review shall be laid before the Legislative Council, and shall be otherwise published in such manner as the Board (subject to the approval of the Governor) may determine.

Determination of disputes.

170 If any question shall arise between two or more District Councils or between any District Council or Councils and any other local authority with reference to the rights, powers, duties, or obligations of any such District Council or authority, or as to any question arising out of the exercise or intended exercise or enforcement of any such right, power, duty, or obligation, such dispute may, if all parties consent, or if all parties do not consent, on the application of any party to the Governor in Executive Council, be referred by the Governor in Executive Council to the Local Government Board, and any order made by the Local Government Board with reference to such dispute shall, subject to the power of the Local Government Board on good cause shown to modify such order, be deemed to be a final settlement of all matters in issue.

Provided always that any party to any such question, who shall be aggrieved by any order of the Local Government Board under this section, or any modification thereof, may within one month of the communication of the same, appeal to the Governor in Executive Council, and the Governor in Executive Council upon such appeal may make such order as he may deem just.

Power to extend time, &c.

171 The Local Government Board may, on the application of any District Council or of any person affected, after making such inquiries, if any, as it shall think necessary, extend the time or postpone the date fixed for any act or proceeding (not being a judicial proceeding) under this Ordinance, and may make such consequential order, if any, as may be necessary to give effect to such extension.

Power of Governor in Executive Council to transfer functions to Local Government Board.

172 The Governor in Executive Council may, by order in Council published in the "Government Gazette," transfer to the Local Government Board any power accorded under any Ordinance other than this Ordinance to the Governor in Executive Council relating to any matter within the competence of any District Council, or may direct that any such power of the Governor shall be exercised after consultation with the Local Government Board instead of in Executive Council, and all enactments with reference to such powers shall be construed accordingly.

Provided that any order made under this section shall be subject to the confirmation of the Legislative Council.

**PART VIII.**

**GENERAL.**

**CHAPTER I.**

*Recovery of Charges and Expenses.*

District Council in default of owner or occupier may execute works and recover expenses.

173 Whenever under the provisions of this or any other Ordinance, or any by-law, rule, or regulation made thereunder, the District Council requires any work to be executed by the owner or occupier of any house, building, or land, and default is made in the execution of such work, the District Council, whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and shall be recoverable as provided by this chapter.

Power to levy charges on occupier, who may deduct the same from his rent.

174 (1) If the defaulter be the owner of the house, building, or land, the Council may, by way of additional remedy, whether an action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the house, building, or land under such owner.

(2) In default of payment thereof by such occupier on demand, the same shall be levied by distress of the goods and chattels of such occupier.

(3) Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from such occupier in respect of any such expenses, and to retain possession until such expenses shall be fully reimbursed to him.

Occupiers not to be liable to more than the amount of rent due.

175 (1) No occupier of any house, building, or land shall be liable to pay more money in respect of any expenses charged by this Ordinance or by any other Ordinance, or any by-law, rule, or regulation made thereunder, on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Council, truly to disclose the amount of his rent and the address of the person to whom such rent is payable.

(2) The burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier.

(3) Nothing herein contained shall be taken to affect any special contract made between any owner and occupier respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner may execute works and deduct expenses from rent.

176 (1) Whenever default is made by the owner of any house, building, or land in the execution of any work required to be executed by him, the occupier of such house, building, or land may, with the approval of the Council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

(2) The owner shall not be entitled to eject the occupier until such expense shall have been fully paid or deducted as aforesaid.

Obstruction by occupiers.

177 If the occupier of any house, building, or land prevent the owner thereof from carrying into effect, in respect of such house, building, or land, any of the provisions of this Ordinance or of any by-law made thereunder after notice of his intention so to do has been given by the owner to such occupier, the Council, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such house, building, or land as may be necessary for carrying into effect the provisions of this Ordinance, or of any by-law made thereunder, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order, and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty rupees, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise, have become liable by reason of his default in executing such works.

Remedy if neither the owner nor occupier be able to pay.

178 If neither the owner nor the occupier pay the expenses incurred by the Council, the same shall be a charge upon the house, building, or land in respect of which the expenses were incurred, and payable as a debt due to the Council.

Determination and recovery of damages, costs, &c.

179 (1) Except as herein otherwise provided in all cases where damages, costs, or expenses are payable under the provisions of this Ordinance or any other Ordinance, or of any by-law, rule, or regulation made thereunder, the amount, in case of dispute, and, if necessary, the apportionment of the same, shall be ascertained and determined in manner following :

- (a) If the amount claimed does not exceed one hundred rupees, by a Police Magistrate after a summary inquiry into the claim.
- (b) If such amount exceeds one hundred rupees and does not exceed three hundred rupees, by the Commissioner of the Court of Requests having local jurisdiction.
- (c) If such amount exceeds three hundred rupees, by the District Judge having local jurisdiction.

(2) In the cases referred to in paragraphs (b) and (c), the claim shall be made by instituting a civil action therefor. Such action shall be heard and determined according to the procedure prescribed by the law for the time being in force regulating the hearing and determination of actions brought in Courts of Request and District Courts respectively.

(3) Any person aggrieved by a decision of a Magistrate under paragraph (a) may appeal therefrom to the Supreme Court in accordance with the provisions of section 338 of "The Criminal Procedure Code, 1898."

(4) Any person aggrieved by a decision under paragraphs (b) and (c) may appeal therefrom to the Supreme Court. Such appeals shall be subject to the provisions of "The Civil Procedure Code, 1889," relating to appeals to the Supreme Court.

Recovery of damages.

180 If the amount of damages, costs, or expenses determined by the Magistrate be not paid by the person liable to pay the same within seven days after demand, such default may be reported to such Magistrate, and the amount thereof shall be recovered in the same way as if it were a fine imposed by such Magistrate.

Recovery of expenses on account of improvement to private property.

181 When the Council shall have incurred any expense in executing any of the works or performing any of the acts which under this or any other Ordinance, or any by-law, rule, or regulation made thereunder, the owner of any house, building, or land is required to execute or perform, the Council may either recover the amount of such expenses in the manner provided by section 179, or, if it think fit, may take engagements from the said owner for the payment by instalments of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of nine per centum per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates payable under this Ordinance may be recovered.



CHAPTER II.

*Compensation.*

Council may make compensation out of local fund.

182 The District Council may make compensation out of the local fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Council, its officers, or servants under and by virtue of this Ordinance or any by-law made thereunder.

Determination and payment of compensation.

183 Except as herein otherwise provided, in all cases where compensation is by this Ordinance, or by any by-law made thereunder, directed to be paid, the amount, and, if necessary, the apportionment of the same, in case of dispute, shall be determined in the same manner as a claim for damages, costs, or expenses under section 179, and all the provisions of the said section shall, with the necessary modifications, apply to the determination of all questions under this section.

CHAPTER III.

*Procedure and Legal Proceedings.*

Service of notices.

184 (1) Notices, orders, and any other documents required or authorized to be served under this Ordinance, or any by-law made thereunder, may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or when addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

Provided always that where the Council has made provision for the registration of owners of property and any owner of property has registered his name and address in accordance therewith, any such notices, orders, and documents shall be served upon him by registered letter at such address.

(2) Such notices, orders, and documents may also be served by post by registered letter, and if so served, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service, it shall be sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

(3) Any notice, order, or other document required by this Ordinance to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

Notices may be given or received by secretary or any other officer authorized thereunto.

185 All notices which the Council or any officer thereof is empowered or required to give or receive, and all notices for the giving or receipt of which by the Council occasion may otherwise arise, may be given or received by the secretary of the Council or any other of its officers authorized by by-law for the purpose.

Limitation of prosecutions.

186 No person shall be liable to any fine or penalty under this Ordinance, or any by-law made thereunder, for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been made within three months next after the commission of such offence.

No action to be instituted against Council until after one month's notice, nor after three months after cause of action.

187 (1) No action shall be instituted against a District Council or any member or any officer of the Council or any person acting under the direction of the Council for anything done or intended to be done under the powers of this Ordinance, or any by-law made thereunder, until the expiration of one month next after notice in writing shall have been given to the Council or to the defendant, stating with reasonable certainty the cause of such action and the name and the place of abode of the intended plaintiff and of his proctor or agent, if any, in the cause.

(2) Upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the court shall find for the defendant.

(3) Every such action shall be commenced within three months next after the accrual of the cause of action and not afterwards.

(4) If any person to whom such notice of action is given shall before action brought tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought, and the defendant shall be entitled to be paid his costs by the plaintiff.

(5) If no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Protection of Council and its officers.

188 (1) No matter or thing done and no contract entered into by any District Council, and no matter or thing done under the direction of any District Council by any member or officer of such Council or by any other person whomsoever, shall, if the matter or thing so done or the contract so entered into was done or entered into *bona fide* for the purpose of executing this Ordinance or any other Ordinance relating to the powers and duties of the Council, or any by-law, rule, or regulation made thereunder, subject any member of the Council or any such officer or other person personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such Council, or by any member, officer, or other person acting as last aforesaid, shall be borne and repaid out of the local fund.

Provided that nothing in this section shall exempt any member of any such Council from liability to be surcharged with the amount of any payment which may be disallowed upon the audit of the accounts of such Council, and which such member authorized or joined in authorizing.

(2) Subject and without prejudice to any other powers, the District Council, where the defendant in any action, prosecution, or other proceeding is a member of the Council, or its officer, agent, or servant, may, if it think fit, except so far as the court before which the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the local fund all or any part of any sums payable by the defendant in or in consequence of the action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fines, or otherwise.

Relief against informalties.

189 If the directions of this Ordinance, or of any by-law made thereunder, are in substance and effect complied with, no proceedings under this Ordinance, or under such by-law, shall be quashed or set aside for want of form in any court of justice.

CHAPTER IV.

*Powers and Responsibilities of Officers.*

Delegation of powers of Chairman to officers of Council.

190 All duties and powers which the Chairman is empowered to perform and exercise by this or by any other Ordinance, or any by-law made thereunder, may be performed and exercised by any officer of the Council generally or specially authorized thereto in writing by the Chairman, subject to the directions and control of the Chairman, for such period and to such extent, if any, as may be specified in such written authority.

Power of Council to grant general authorities to its officers.

191 The Council may, by resolution, grant a general authority to any officer of the Council to do, give, or receive, as may be necessary, from time to time, subject to the general control of the Chairman, all acts, receipts, and approvals which the Council is empowered to do, give, or receive by this or any other Ordinance, or by any by-law made thereunder, and all acts, receipts, and approvals done or given or received by such officer, so long as such resolution remains in force, shall be equally binding and valid, as if such acts, receipts, and approvals were done or given by the Council.

Punishment for obstructing officers of Council.

192 Whoever shall wilfully obstruct any officer in the performance of any duty or in the exercise of any authority vested in or conferred upon him under or by virtue of any of the provisions of this or any other Ordinance, or any by-law, rule, or regulation made thereunder; shall be guilty of an offence, and shall be liable upon conviction to a fine not exceeding fifty rupees, or to imprisonment of either description for any term not exceeding three months.

Penalty for misuse of power by officers.

193 Every person acting under the authority of this Ordinance, or any by-law made thereunder, who shall under pretence of performing any act under the authority of this Ordinance, or any such by-law, use any unnecessary violence or give any uncalled for and vexatious annoyance shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees.

Officers and servants not to be interested in contracts.

194 (1) No member, officer, or servant of any District Council or of the Local Government Board shall be either directly or indirectly concerned or interested in any contract or work made with or executed for the Council.

(2) If any such member, officer, or servant be so concerned or interested, he shall be incapable of sitting as a member of the Council or Board or of holding any office or employment under this Ordinance, and shall be guilty of an offence, and on conviction thereof shall be liable to a fine not exceeding five hundred rupees, but no person being a shareholder of any incorporated company shall be liable to such fine merely by reason of any contract between such company and the Council or the Board, or of any work executed by such company for the Council or the Board.

District Council and Local Government Board officers and servants to be public servants.

195 Every officer and servant of a District Council, every officer and servant of the Local Government Board, of every description paid out of the local fund, every contractor or agent to whom the collection of any tax or payment on account of the lands of any District Council is entrusted by or under the power of the Council, and every servant or other person employed by such contractor or agent for the collection of such tax or payment, shall be deemed to be a public servant within the meaning of that term as used in the Ceylon Penal Code.

PART IX.

REPEAL, TRANSITIONAL ARRANGEMENTS, AND TRANSITORY PROVISIONS.

Repeal.

196 For the purposes of any area in respect of which any District Council is constituted under this Ordinance, the Ordinances enumerated in schedule VII: shall be repealed as from the date on which such Council shall be declared to be constituted by order of the Governor in Executive Council under section 20 of this Ordinance.

Adaptation of existing Ordinances.

197 (1) For the purpose of the operation of the provisions of this Ordinance, the Ordinances enumerated in schedule VIII. shall be adapted, amended, or otherwise dealt with in the manner specified in the said schedule, and in any subsequent revised edition of the legislative enactments of the Colony they shall be printed accordingly.

(2) Upon the passing of this Ordinance, the Clerk to the Legislative Council may insert, in the references to this Ordinance in the said schedule, the serial number assigned to this Ordinance, and the insertions so made shall be deemed to be part of the Ordinance.

No further roads to be constructed under Branch Roads Ordinance or Estate Roads Ordinance.

198 After the commencement of this Ordinance no further roads in any district in which this Ordinance has been brought into operation shall be constructed under the provisions of "The Branch Roads Ordinance, 1896," or "The Estate Roads Ordinance, 1902," nor shall any action be taken under section 42 or section 39 of the said Ordinances respectively to extend the said Ordinances to any road or bridge.

Adaptation of Branch Roads Ordinance and Estate Roads Ordinance.

199 Pending the vesting in the District Council of any branch or estate road, the provisions of "The Branch Roads Ordinance, 1896," and of "The Estate Roads Ordinance, 1902," shall continue to apply to such branch or estate road, with the following modifications, that is to say :

- (a) All references to the Provincial Road Committee shall be construed as references to the District Council.
- (b) All references to a Province shall be construed as references to the administrative limits of the corresponding District Council.
- (c) In any case in which any district defined under either of the said Ordinances falls within the administrative limits of two or more District Councils, the Governor may, by notification published in the "Government Gazette," declare which of such Councils shall have administrative jurisdiction for the purpose of such district, and all references to the Provincial Road Committee and to the Province in connection with such district shall be construed accordingly.

On imposition of new taxation, contributions under Estates and Branch Roads Ordinances to cease.

200 From and after the date on which any new rate or tax imposed under this Ordinance which shall affect the estates comprised in any district defined under "The Branch Roads Ordinance, 1896," or "The Estate Roads Ordinance, 1902," shall become payable in respect of such estates, no contributions (other than contributions already due) shall be payable in respect of any of such estates under the said Ordinances, but all branch or estate roads in any such district which shall not be declared principal thoroughfares under the Road Ordinance, No. 10 of 1861, shall be vested in and shall be maintainable and repairable by the District Council.

On imposition of new taxation, Gansabhawa labour tax for roads to cease.

201 From and after the date on which any new rate or tax imposed under this Ordinance shall become payable by the inhabitants of any chief headman's division or part thereof within the operation of "The Village Communities Ordinance, 1889," no contributions (other than contributions already due) shall be payable, whether in labour or in money in commutation thereof, by such inhabitants under the said Ordinance in respect of the construction or maintenance of roads.

District Councils to be successors of local authorities.

202 (1) In any case in which the administrative limits assigned to a District Council constituted under this Ordinance comprise the administrative limits or any part of the administrative limits under the control of any local authority under any Ordinance hereby repealed, the said District Council shall be the successor of the said local authority for all purposes relating to the administrative limits under the control of such local authority, or to such part thereof, as from the date of the constitution of the Council:

(2) All the property of any such local authority situated within the administrative limits of any such District Council, and all the rights, powers, duties, debts, liabilities, and obligations of any such local authority, in so far as the same relate to any area within the administrative limits of any such District Council, except in so far as provision is specially made in respect thereof in this Ordinance, shall as from the date of the constitution of such District Council be deemed to be transferred to the Council.

(3) Except in so far as provision is otherwise made by this Ordinance, all references in any Ordinance, or in any order, rule, regulation, or by-law made thereunder, or in any document or instrument executed or issued in pursuance thereof, to any class of local authorities, or to any particular local authority, shall be construed as though they were references to the District Councils constituted under this Ordinance, or in the case of a reference to any particular local authority, to the District Council which is the successor to such local authority for the purposes of the matter in question as from the date of the constitution of any such Councils or Council.

Definition of local authority.

(4) For the purposes of this section and the succeeding sections, the expression "local authority" means any Local Board, any Sanitary Board, any Provincial Road Committee, and any District Road Committee.

Saving for existing securities and discharge of debts.

203 (1) Nothing in this Ordinance shall prejudicially affect any securities granted before the commencement of this Ordinance on the credit of any rate or tax or of any property by this Ordinance transferred to any District Council; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any local authority in exercise of any of the powers or in relation to any property transferred from such local authority to any District Council under this Ordinance, shall be discharged, paid, and satisfied by such District Council.

(2) It shall be the duty of every local authority whose powers, duties, and liabilities are to be transferred to any District Council by this Ordinance to liquidate so far as practicable, before the date of such transfer, all current debts and liabilities incurred by such local authority.

Proclamations, orders, rules, and notifications continued in force.

204 All such proclamations, orders, notifications, rules, regulations, and by-laws of or affecting any local authority whose powers and duties are transferred under this Ordinance to any District Council as are in force at the time of the transfer shall, so far as they relate to or are in pursuance of the powers and duties transferred, or so far as they relate to any matter or thing within any area comprised in the administrative limits of any such District Council, continue in force as if they had been made with relation to or by the authority of such District Council under this Ordinance, subject, nevertheless, to revocation or alteration by the Governor in Executive Council or by such District Council, as the case may be, and also to any exceptions or modifications which may in pursuance of this Ordinance be made at the time of, or with reference to, the transfer.

Saving for pending actions, contracts, &c.

205 (1) If at the date of the constitution of any District Council any action or proceeding or any cause of action or proceeding is pending or existing in the interest of or against any local authority in relation to any powers, duties, liabilities, or property by this Ordinance transferred to any District Council, the same shall not be in anywise prejudicially affected by reason of the passing of this Ordinance, but may be continued, prosecuted, and enforced by or against such Council as successor of the said local authority in like manner as if this Ordinance had not been passed.

(2) All contracts, deeds, bonds, agreements, notices, and other instruments entered into, issued, or made by any local authority and subsisting at the time of the constitution of any District Council, and affecting any such powers, duties, liabilities, obligations, or property as are by this Ordinance transferred to any District Council, shall be of as full force and effect against or in favour of the Council, and may be enforced or acted upon as fully and effectually as if the said Council had been a party to or had made or issued the same.

Officers and servants.

206 (1) The officers and servants of every local authority to which any District Council constituted under this Ordinance is the successor shall, subject to the provisions of this section, upon the constitution of such District Council, become officers and servants of the Council, and shall hold their offices as nearly as practicable by the same tenor and upon the same terms and conditions as if this Ordinance had not been passed, and while performing the same or the corresponding duties shall as nearly as practicable receive not less salary or remuneration or allowances and be entitled to receive not less pensions and gratuities, if any, than they would have been entitled to receive if this Ordinance had not been passed.

(2) The District Council may distribute the business to be performed by such officers or servants in such manner as the Council may think just, and every such officer or servant shall perform such duties in relation to that business as may be directed by the Council.

Adjustment of salaries, &c.

**207** For the purpose of the adjustment of salaries, remuneration, allowances, pensions, gratuities, or duties of any such officer or servant in view of the new conditions consequent upon any such transfer as is referred to in section 206, any District Council may make such order as it shall deem to be just and equitable in all the circumstances of the case.

Provided that any officer or servant aggrieved by any such order may appeal to the Local Government Board, and the Local Government Board on any such appeal may make any such order as under this section might have been made by the District Council.

Abolition of offices.

**208** A District Council may upon any such transfer abolish the office of any existing officer whose office it may deem unnecessary, subject to such compensation, if any, as such officer would have been entitled to receive in the like circumstances if his office had been abolished by the local authority under whom he was employed before the constitution of the District Council.

Rates and assessments.

**209** (1) All rates levied and all taxes imposed by any local authority to which any District Council is the successor, which shall be due at the date of the constitution of such Council, may be enforced in the same manner as rates levied and taxes imposed by such Council.

(2) All assessments made or adopted for the purpose of any such rate shall continue in force until revised in manner provided by this Ordinance.

Equitable adjustment of property, debts, &c., on transfer.

**210** (1) Where for the purpose of the constitution of any District Council or Councils under this Ordinance any subdivision is made of the area comprised in the administrative limits of any local authority or authorities to which any such Council or Councils shall be the successor or successors, or any variation is otherwise made in the respective boundaries of the administrative limits of two or more such local authorities assigned to any District Council or Councils, an equitable adjustment shall be made of all matters relating to the respective property, rights, debts, liabilities, and obligations transferred from any such local authority or authorities to any such District Councils, either by agreement between the District Councils affected, or if such agreement shall not prove practicable, by the Local Government Board.

(2) Every agreement made under this section, and every order made by the Local Government Board under this section, shall be published in the "Government Gazette," and every order so made by the Local Government Board shall, upon such publication, take effect as though it had been embodied in this Ordinance.

Provided that any District Council aggrieved by any such order may, within two months of such publication, appeal to the Governor in Executive Council, and the Governor in Executive Council upon such appeal shall have power to make such order as he may deem just.

Pending the establishment of Local Government Board, its powers to be exercised by Governor in Executive Council.

**211** Pending the establishment of the Local Government Board under Part II., all the powers and duties assigned to the Local Government Board under this or any other Ordinance shall be executed and discharged by the Governor in Executive Council, and all references to the Local Government Board shall, with the necessary modifications, be construed as references to the Governor in Executive Council.

Adjustment of questions not provided for.

**212** In connection with the preliminary arrangements necessary for bringing this Ordinance into operation either generally or with reference to any special matter or matters, either throughout the Colony or in any special place or area, the Governor in Executive Council, by order in Council published in the "Government Gazette," may issue all such orders as he may deem 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 Ordinance.

## SCHEDULES.

### SCHEDULE I.

#### Regulations for the holding of a Poll.

(Section 30.)

1. - The Government Agent shall provide a polling place for each electoral division, and shall either himself preside or shall appoint a person to preside at each polling place.
2. At every election the votes shall be given by ballot.
3. The poll shall open and close at such times as shall be publicly notified by the Government Agent.
4. The ballot of each voter shall consist of a paper (in these regulations called a ballot paper) to be supplied by the Council, containing the names of the candidates in English and in one or both of the vernacular languages. Each ballot paper shall have a number printed on the back, and shall have a counterfoil with the same number printed on the face.
5. At the time of voting the ballot paper shall be marked on both sides with an official mark and delivered to the voter within the polling station, and a number corresponding to the number of the voter on the list of voters shall be marked on the counterfoil. The voter having secretly marked his vote on the paper by setting a cross opposite the name of the candidate for whom he desires to vote, and having folded it up so as to conceal his vote, shall place it in a closed box in the presence of the presiding officer, after having shown to him the official mark at the back. The presiding officer, on the application of any voter who states that he is unable to read, shall cause the vote of such voter to be marked on a ballot paper in manner directed by such voter.
6. Any ballot paper which has not on its back an official mark, or on which votes are given to more than one candidate, or on which anything except the said number on its back is written or marked by which the vote can be identified, shall be void, and shall not be counted.
7. If at any such poll any question arises as to the identity of any person claiming to be a person whose name is on the electoral roll, the presiding officer shall have power to inquire into the same, and if it appears expedient to him to administer an oath or affirmation to any person whom he may think fit to examine with reference to such question, and it shall be the duty of any person so examined to answer truly all questions put to him. The decision of the presiding officer on any such claim shall be final.
8. If as a result of any decision under the last preceding regulation it should appear that a person by falsely personating a new voter recorded a vote, the person entitled to vote shall be permitted to exercise his right, and the Government Agent shall declare the vote recorded by the false personation void, and on the opening of the ballot box shall, on tracing the ballot paper, have the same removed, so that it shall not be counted among the votes recorded.
9. After the close of the poll the ballot boxes shall be sealed by the presiding officer so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the Government Agent.
10. Each candidate may appoint an agent for the purpose of attending at the opening of the ballot boxes and checking and counting of the votes.
11. The Government Agent shall, in the presence of any such agents of the candidates as may be in attendance, open the ballot boxes and ascertain the result of the poll by counting or causing to be counted the votes given to each candidate, and shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given.
12. The decision of the Government Agent as to any question arising in respect of any ballot paper shall be final.
13. In the event of the election being rendered undecisive by reason of an equality of votes, the matter shall be decided by the casting vote of the Government Agent, or, at the option of the Government Agent, by lot.

**SCHEDULE II.**

**MARKET FORMS.**

(Sections 106, 107.)

**Form A.**

1. I, —, of —, being desirous of obtaining a license for the private market belonging to me at —, do hereby apply, under section — of Ordinance No. — of 1919, for a license to hold the said market at — on\* —, for the period from — to —, in accordance with the by-laws framed under this Ordinance.

2. I further append a site plan and — plans to scale and specifications as required by the local by-laws (or, the order of the Chairman, as the case may be).

3. I further declare that the statements regarding the said market contained in the declaration overleaf are true and correct.

*Signature of Applicant.*

Date : —, 19—.

Address : —.

(On back of above Form.)

Declaration under Section — of Ordinance No. — of 1919.

Private Market at —.

1. Situation :—

Province : —.

Korale : —.

District : —.

Village : —.

2. Situation with regard to roads, railroads, and canals : —.

3. Distance from nearest public markets, the names of which should be given : —.

4. Distance from nearest private markets, the names of which should be given : —.

5. Name of owner of the market : —.

6. Name of manager or lessee of the market : —.

7. Area and value of land set apart for the market : —.

8. Nature of the buildings, the purpose for which each is used, and their value : —.

9. Whether any drains, latrines, or water supply exist : —.

10. Date when the market was established : —.

11. On which days, and how often is it held : —.

12. The average attendance of—

(a) Vendors : —.

(b) Purchasers : —.

13. The gross receipts during the last twelve months were : —

14. The nett receipts during the last twelve months were : —

*Signature of Declarant.*

**Form B.—License to Maintain a Private Market.**

No. —.

Fee of Rs. — paid on the —, 19—.

Name : —, of —, place —, is hereby licensed under section — of Ordinance No. — of 1919, to maintain a market in the premises described below, subject to the provisions of "The Local Government Ordinance, No. — of 19—," and the by-laws made thereunder, and to the special conditions contained overleaf.

Place : —.

Date : —.

Chairman of the District Council.

(On back of above Form.)

Description of Premises :—.

Special Conditions on which this License is granted :—.

**SCHEDULE III.**

Standards for all Markets to be established or licensed under this Ordinance.

(Section 108.)

Standards for General Markets (i.e., Markets adapted for the Sale of Two or more Classes of Goods).

1. Every general market must have an area of not less than a quarter of an acre.

2. Every such market shall be enclosed by a wall or fence at least 4 feet high and not more than 6 feet high, and shall have an entrance of not less than 12 feet in width.

3. All roads within the market site intended for the use of vehicles, shall be not less than 15 feet in width, and shall have a surface of screened gravel or metal.

\* Here insert " daily " or the days on which the market is to be held.



*Standards for all Markets, whether General Markets or Special Markets (i.e., Markets reserved for the Sale of some Special Class of Goods).*

4. No new market building or boundary wall shall be erected within 25 feet of the centre of any road, or shall project within the street building line where such has been defined by a District Council.

5. Every market site must have a clear space of not less than 7 feet in width, free of buildings on all sides, except on any side abutting on the street.

6. Between all market buildings within the market area there shall be left a minimum space of 15 feet, exclusive of eaves.

7. All market buildings must be not less than 7 feet high at eaves, and be constructed of brick, stone, or cabook masonry, and have roofs covered with tiles or other material approved by the Chairman.

8. All floors of buildings shall be of concrete or of other impermeable material.

9. All angles and junctions of walls with walls or walls with floors shall be rounded off to facilitate cleansing.

10. All buildings shall be raised at least 1 foot above the surrounding ground level.

11. Masonry or concrete drains with a proper fall shall be provided round all buildings, and any such parts of the premises as the Chairman shall require.

12. All pillars shall be of masonry, iron, or dressed timber.

13. Every market where the sale of meat is to be carried on shall have a special space, or special meat stalls exclusively reserved for the purpose. Every such space or meat stall shall (besides conforming to the other requirements in respect of buildings) be lined inside with glazed tiles, or shall be cemented to a height of not less than 4 feet from the floor, and shall be provided with—

(a) A dust-proof ceiling.

(b) Beams and hooks for suspending meat.

(c) Such fly-proof ventilation in the doors, windows, and walls as the Chairman may require.

(d) Tables covered with impermeable tops of zinc, marble, or other substance approved by the Chairman.

(e) Chopping blocks with surfaces smoothed so as to prevent the lodgment of dirt.

14. Every market where the sale of fresh fish is to be carried on shall have a special space exclusively reserved for the purpose, which shall, besides conforming to the above requirements in respect of buildings, be open on all sides, and the drains immediately surrounding it shall lead to a movable receptacle, into which all the washings from the special space exclusively reserved for the purpose shall be conducted. It shall also be supplied with solidly constructed wooden tables with impermeable tops or with masonry tables with cemented tops.

15. Every well in a private market shall be built in accordance with a plan and specification and on a site to be approved by the Chairman, and shall in no case be within 100 feet of a cesspit or cattle shed.

16. Every latrine in a private market shall be on the dry-earth system, or such other system as may be approved by the Chairman, and shall be built on a site and in accordance with a plan and specification to be approved by the Chairman.

17. Every slaughter-house within a private market premises or used in connection with such premises shall be provided with a cemented or concrete floor sloped so as to conduct the blood into a movable receptacle. A built receptacle shall also be provided for the storage of the offal until its removal. The building shall be fitted with beams and tackle for suspending carcases, and shall either stand within an enclosure, or be secured in such a way that the slaughtering may not be visible from outside.

#### SCHEDULE IV.

##### Vehicles and Animals Tax.

(Section 132.)

For every carriage of whatever description other than a	Rs.	c.
cart, hackery, or jinricksha	5	0
For every cart or hackery of whatever description	4	0
For every jinricksha	2	50
For every bicycle or tricycle	1	0
For every horse, pony, or mule	2	50
For every bullock or ass	1	0

Children's carriages, the wheels of which do not exceed 24 inches in diameter, are exempted.

**SCHEDULE V.**

**Fines and Penalties accorded to District Councils.**

(Section 126.)

All fines and penalties recovered within the administrative limits of the Council—

- (a) Under this Ordinance or any other Ordinance thereby repealed.
- (b) In the performance of the duties or exercise of the powers of the Council under this Ordinance or any Ordinance thereby repealed.
- (c) Under "The Nuisances Ordinance, 1862."
- (d) Under "The Housing and Town Improvement Ordinance, No. 19 of 1915."

**SCHEDULE VI.**

**Stamp Duties and Fees accorded to District Councils.**

(Section 126.)

1. All stamp duties and fees assigned to District Councils by—

- (a) "The Boats Ordinance, 1900."
- (b) "The Butchers Ordinance, 1893."
- (c) "The Vehicles Ordinance, No. 4 of 1916."
- (d) Any other Ordinance by which any special provision is made in that behalf.

2. All sums paid as fees or stamp duties in respect of licenses by inhabitants of the administrative limits of any District Council under—

- (a) "The Masters Attendant's Ordinance, 1863."
- (b) "The Petroleum Ordinance, 1887."
- (c) "The Poisons Ordinance, 1901."
- (d) "The Explosives Ordinance, 1902."
- (e) "The Firearms Ordinance, No. 33 of 1916."

3. All stamp duties payable by the inhabitants of the administrative limits of any District Council—

- (a) As advocates or proctors on certificates of admission under section 1 of Ordinance No. 12 of 1848.
- (b) As proctors on the annual certificates and declarations made under sections 2 and 3 of the said Ordinance.
- (c) As notaries on warrants, certificates, and declarations issued under sections 4, 25, and 26 of "The Notaries Ordinance, 1907."
- (d) In respect of articles of apprenticeship or upon any contract whereby any person shall first become bound in order to qualify himself as a notary.

**SCHEDULE VII.**

**Repeals.**

(Section 196.)

"The Small Towns Sanitary Ordinance, 1892," and all Ordinances passed in amendment thereof.

"The Nuwara Eliya Board of Improvement Ordinance, 1896," and all Ordinances passed in amendment thereof.

"The Local Boards Ordinance, 1898," and all Ordinances passed in amendment thereof.

Ordinance No. 18 of 1856, intituled "An Ordinance to prevent the leaving of Carts on the Colombo and Kandy Road."

Ordinance No. 8 of 1866, intituled "An Ordinance to provide against the spread of Contagious Diseases in this Island," and all Ordinances passed in amendment thereof.

"The Jaffna Markets Ordinance, 1891," and all Ordinances passed in amendment thereof.

**SCHEDULE VIII.**

**Revision and Adaptation of existing Legislation.**

(Section 197.)

**FIRST PART.**

The Ordinances enumerated in the first column of this part of the schedule, as printed in the Revised Edition of the Legislative Enactments of the Island in force under "The Revised Edition Ordinance, No. 10 of 1914," shall as from the appointed day be deemed to be replaced by the substituted Ordinances

hereinafter set out, as indicated in the second column. As from the appointed day the said enumerated Ordinances (together with all Ordinances passed in amendment thereof from the date of their original enactment) are hereby repealed, and the said substituted Ordinances are hereby declared to be in force in lieu thereof.

<i>First Column.</i>	<i>Second Column.</i>
Repealed Ordinances.	Substituted Ordinances.
1. "The Road Ordinance, 1861"	"The Road Ordinance, No. 10 of 1861."
2. "The Road Ordinance, 1861, Amendment Ordinance, 1884"	"The Labour Tax Ordinance, No. 31 of 1884."

### Ordinance No. 10 of 1861.

#### To consolidate and amend the Laws relating to Public Thoroughfares in this Colony.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to public thoroughfares in this Colony, and to make other provisions respecting the same; Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

#### CHAPTER I.

##### *General.*

Short title.

1 This Ordinance may be cited for all purposes as "The Road Ordinance, No. 10 of 1861."

Interpretation of certain terms in this Ordinance.

2 In the construction and for the purposes of this Ordinance (if not inconsistent with the context or subject-matter) the following terms shall have the respective meanings hereinafter assigned to them, that is to say:

"Thoroughfare" shall mean—

- (a) Any vehicular road, other than a road which has been specially assigned to a minor local authority by order of the Governor in Executive Council published in the "Government Gazette";
- (b) Any non-vehicular road which has been specially assigned to a road authority by any such order;
- (c) Any canal or river.

The expression "thoroughfare" includes a *cul de sac*.

"Principal thoroughfare" shall mean any thoroughfare declared a principal thoroughfare by the Governor by Proclamation in force under this Ordinance, or declared a principal thoroughfare by Proclamation issued under Ordinance No. 8 of 1848 and not cancelled by a subsequent Proclamation.

"Road" shall include—

- (a) All public carriageways, cartways, and pathways, as well as all bridges, drains, and embankments, causeways, and ditches belonging or appertaining to a road;
- (b) All land adjoining any road which has been reserved for its protection or benefit;
- (c) All land which has been marked off and reserved for the construction of any road;
- (d) All waste land which, not being private property, lies within a distance of thirty-three feet of the centre of public carriageways and cartways and ten feet of the centre of public pathways, the burden of proving that such waste land is private property lying on the person asserting the same; and
- (e) All public squares, greens, market places, and other public places other than public buildings.

"Canal" shall mean any public canal, and shall include the full extent of waterway from bank to bank, together with the sides, towing-paths, embankments, drains, and ditches thereto belonging.

“ River ” shall include all public navigable streams, lakes, estuaries, creeks, and inlets of the sea, and all towing-paths and embankments thereto belonging.

“ Centre of the road ” shall be deemed to be the centre of the part thereof commonly used as a thoroughfare.

“ Road authority ” shall mean—

- (a) In the case of a principal thoroughfare, the Governor in Executive Council ;
- (b) In the case of any thoroughfare within municipal limits, the Municipality ; and
- (c) In the case of any other thoroughfare, the District Council.

“ Minor local authority ” means a minor local authority within the meaning of “ The Local Government Ordinance, No. of 1919.”

“ Proper officer ” shall mean the officer in charge of any work executed or to be executed on or in connection with any thoroughfare by direction of the road authority.

“ Government Agent ” includes an Assistant Government Agent.

For the purposes of chapter IV. of this Ordinance, the expression “ thoroughfare under the control of a road authority ” shall, in the case of a District Council, include also thoroughfares within the administrative limits of the Council other than principal thoroughfares.

Thoroughfares vested in road authority.

3 All thoroughfares, except in so far as they are already so vested by virtue of any other enactment, shall be deemed to be vested in the road authority.

Prescription.

4 Neither the provisions of Ordinance No. 22 of 1871, intituled “ An Ordinance to amend the Laws regulating the Prescription of Actions,” nor those of any other law relating to the acquisition of rights by virtue of possession or user, shall apply to roads ; and no person shall be entitled to any exclusive rights of ownership, possession, or user over or in respect of a road or any portion thereof by reason of his having, either before or after the coming into operation of this Ordinance, had possession or use of any description whatsoever of the same.

Language of notices, and how served.

5 All notices required to be given by this Ordinance shall be in the English, Sinhalese, or Tamil language, in the discretion of the road authority ; and every notice addressed to any person may be served either personally upon such person or by leaving it with some member of his household, or by affixing it to some conspicuous part of his residence.

Powers and duties of Governor may be exercised by Director of Public Works and Government Agents.

6 The powers and duties of the Governor in Executive Council as a road authority under this Ordinance (except the power to make regulations) may be exercised and discharged—

- (a) As to all matters relating to the construction, maintenance, and improvement of thoroughfares by the Director of Public Works, or any officer of the Public Works Department acting under his control or direction ;
- (b) As to all other matters by the Government Agent.

Diversion or enlargement of principal thoroughfare.

7 It shall be lawful for the Governor by order in Council to turn, divert, discontinue, stop up whether in whole or in part, widen, open, or enlarge any principal thoroughfare.

Acquisition of lands required for diversions or enlargements.

8 (1) If in connection with the diversion, widening, opening, or enlargement of any thoroughfare it shall become necessary for any road authority to take possession, for public use, of the land of any person, it shall be lawful for the road authority to make an agreement with the owner for the compensation to be paid for such land, and for any building, tree, or fence thereon, either by allowing him to possess the ground, or part of the ground, of the former thoroughfare, or by the grant of other land in exchange or by payment of money.

(2) The land of any person taken possession of in pursuance of such agreement shall vest in the road authority without any formal transfer thereof, and the certificate of the Government Agent or the Chairman of the road authority that any

person has been allowed by the road authority to possess any part of the ground of the former road or such other land, together with a survey thereof, shall be a sufficient title of the right of such person to the same.

(3) If the road authority cannot agree with such owner as to the compensation to be made, or if the owner cannot be found, or if it be not thought advisable to enter into any such agreement, then proceedings may be taken to obtain possession of such land, and for compensating the owner, in the manner prescribed by any Ordinance in force at the time providing means for taking private lands for public uses.

(4) Section 2 of Ordinance No. 7 of 1840 shall not apply to any agreement or certificate executed in pursuance of this section.

District Council to have charge of resthouses.

9 The charge of all public resthouses and of any premises belonging thereto shall be vested in the District Council of the district within which the same shall be situated; and it shall be lawful for the said Council, with the approval of the Local Government Board, to make such rules as to them may appear expedient in respect to the letting or occupation of the same, and all such rules shall be binding in law upon all parties in any manner using or occupying any such resthouse, or any of the premises belonging thereto; and all sums which shall by virtue of any such rules or otherwise be received from any person hiring, using, or occupying any such resthouse or premises shall be paid into the local fund of the said Council, who shall defray therefrom the expenses necessary for the management of the several resthouses and premises within the district.

Application of Ordinance to Municipalities.

10 Chapters II. to VIII. of this Ordinance shall not apply within the limits of any municipal town.

Provided that the Municipal Council of any such town may by by-law made and approved in manner prescribed by "The Municipal Councils Ordinance, 1910," declare any provision of the said chapters, not already otherwise in force, to be in force within the limits of the said town, and in any such case such provision shall apply accordingly.

CHAPTER II.

*Maintenance and Repair of Thoroughfares.*

Proper officers empowered to enter upon lands for repair, &c., of thoroughfares;

11 It shall be lawful for the proper officer, and for the servants, workmen, and labourers employed by or under him, at all times, and with all necessary and proper carriages and animals and other means, to enter upon any land adjacent or near to any existing or intended thoroughfare, and there severally to do and perform all acts, matters, and things necessary for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any such thoroughfare, or for building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, or for performing any act, matter, or thing under the provisions of this Ordinance.

and to take materials;

12 (1) It shall be lawful for any such officer, with the servants, workmen, and labourers employed by or under him, at all reasonable times and with all necessary and proper carriages, animals, and other means, to search for, dig, cut, take, and carry away any water, timber, brushwood, stone, gravel, clay, or any other materials whatsoever, for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing, or in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any existing or intended thoroughfare; or of building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith; or for the construction or repair of any lines or any buildings whatsoever required on or near any such thoroughfare for the use of any officer as aforesaid, or any workmen, animals, carriages, persons, or things employed in his service, in and from any land adjacent or near to any such thoroughfare, and to carry away the same through the ground of any person, without being deemed a trespasser.

(2) Provided that no such materials shall be dug for, cut, or taken away, upon or from any yard, avenue to a house, or lawn, or any inclosed garden, plantation, field, or wood, without the consent of the owner thereof, unless sufficient materials cannot conveniently be obtained from the neighbouring waste lands or common or abandoned grounds, in which case the said officer may take any of such materials where he can conveniently procure the same.

(3) Provided also that reasonable compensation for all materials so taken, and for the damage done by the getting and carrying away the same, shall be made to the owner thereof.

(4) Provided further, that such officer shall rail or fence off any quarries or pits from which any such materials shall be taken, so that the same shall not be dangerous to any person or animal.

and erect buildings and keep cattle, &c.

13 (1) It shall be lawful for any such officer when tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended thoroughfare, or building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon or in any way connected therewith—

(a) To make and erect temporary buildings on any land adjacent or near thereto for the accommodation of such officer, or for the accommodation of the servants, workmen, labourers, animals, carriages, or things employed by him during the progress of the work; and

(b) To keep duly tethered and stabled all such oxen, horses, and animals as may be employed by him upon any lands near or adjacent thereto, and to continue so to keep the said oxen, horses, and animals on such lands and for such time as may be necessary.

(2) Provided that no such building shall be erected, nor any such oxen, horses, or other animals kept on any land which shall be under cultivation, nor where there are neighbouring waste lands or common or abandoned grounds available for the purpose.

(3) Provided further, that reasonable compensation for any damage done to the land shall in all cases be made to the owner thereof.

and throw rubbish upon adjacent lands;

14 In the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended thoroughfare, or building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon or in any way connected therewith, it shall and may be lawful for any such officer to throw upon any lands adjacent or near thereto such earth, rubbish, or materials as it shall or may be necessary to remove from the place of any such work.

and make temporary road;

15 It shall be lawful for any such officer to make a road through the grounds adjacent or near to any existing or intended thoroughfare during the execution of any work thereupon or in any way connected therewith; provided such road shall not run over any ground whereon any building stands, nor over an inclosed garden or yard.

and cut trees;

16 It shall be lawful for any such officer to cut and remove, and place upon any ground adjacent or near thereto, all trees, bushes, or shrubs, and all leaves or branches or roots of trees that shall grow in or overhang any thoroughfare, or cause any obstruction therein, and for that purpose to enter upon any land or premises with such persons, animals, and instruments as may be necessary, and to proceed to do therein all such things as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots.

and put up fences;

17 It shall be lawful for any such officer to put up or make fences, hedges, ditches, drains, or banks by the side of any thoroughfare, whenever to him it shall appear necessary, and the owners or occupiers of land adjoining such fences, hedges, ditches, drains, or banks shall and they are hereby required to keep the same in good and substantial repair and order.

and to make and keep open ditches, &c., and to lay trunks, &c. ;

18 Every such officer shall have power to make, scour, cleanse, and keep open all ditches, gutters, drains, or water-courses, and also to make and lay such trunks, tunnels, plats, or bridges, as he shall deem necessary for the protection, preservation, improvement, repair, or construction of any thoroughfare in and through any lands or grounds adjoining or lying near to such thoroughfare or intended thoroughfare.

and to lay stones, &c.

19 Every such officer shall have power to lay any heap of stone or gravel, or any log of wood, or any other matter or thing whatsoever, upon any thoroughfare, and to allow the same to remain there during the time such road is under repair, and for such time before the repairs are commenced, and after the repairs are completed, as may be necessary for facilitating the making of such repairs, or for preventing damage to such recently repaired road, but he shall take due and reasonable precaution for preventing danger or injury to persons passing along such road.

CHAPTER III

*Buildings along Thoroughfares.*

Notice of intended building along a thoroughfare.

20 (1) It shall not be lawful for any person to commence any building, wall, or fence along any thoroughfare, or to place any temporary fence or inclosure on any such thoroughfare, for commencing or repairing any such building or wall, without giving one calendar month's previous notice in writing to the road authority having control of the thoroughfare in which such building, wall, fence, or inclosure is about to be commenced.

(2) Any person neglecting to give such notice, or to remove the said building, wall, or fence on being required in writing to do so by the said road authority, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding twenty rupees for each day he suffers or allows such building, wall, or fence to remain after being required to remove the same as aforesaid ; and it shall be lawful for the road authority to cause any building, wall, fence, or inclosure, commenced or erected without such notice, to be removed, and to recover the costs of such removal in the manner provided in section 31 for the recovery of the costs therein mentioned.

(3) Nothing herein contained shall be deemed to deprive any road authority of the power hereinafter conferred on such authority of removing any such building, wall, fence, or inclosure, if the same be ultimately discovered to be an encroachment, notwithstanding that no proceeding shall have been taken by such authority on the said notice.

(4) This section shall not apply to any building or wall in respect of the commencement of which notice is required to be given to the Chairman of any local authority under any Ordinance regulating the powers of the local authority.

Where the erecting of temporary fences and inclosures is allowed.

21 (1) Nothing herein contained shall be construed to prevent any public officer, duly authorized in that behalf, from making temporary use of any part of any thoroughfare for the public service, nor to prevent the road authority from granting a license on such terms and conditions as such authority may deem proper to the inhabitants for the erecting of temporary fences and inclosures, in order to the building, pulling down, or repairing of their houses and other buildings or of temporary decorations within such district, provided the length and breadth of such inclosures be described in such license, and that there be sufficient room for carriages and carts, or boats, to pass.

Provided that the person obtaining such license shall immediately after sunset, during all the time that the inclosure shall continue, if so required in such license, place and keep a sufficient light upon the premises till daybreak.

(2) Any person committing any breach of any condition of such license, or removing or extinguishing such light during such time, shall be liable to a fine not exceeding ten rupees.

Buildings along  
vehicular roads.

22 (1) It shall not be lawful for any person—

- (a) To erect any building or wall along any road used or intended for vehicular traffic within twenty-five feet from the centre of the road ; or
- (b) Except in pursuance of a license from the road authority, to re-erect or to make any addition to any such building or wall within the said limit.

(2) It shall be a condition of any license granted by the road authority under the last preceding sub-section that in the event of the land on which such building or wall is situated being at any time subsequently acquired for the purpose of the widening of the road, no further compensation shall be payable in respect of such building or wall than the value thereof as ascertained at the date of the valuation provided for by section 25, or if no such valuation has taken place, as ascertained at the date of the granting of the license.

(3) Every such condition shall be binding upon the said land, building, or wall into whosoever ownership or possession the same may at any time pass.

(4) For the purpose of any such license the value of the existing building shall be specified in the license, and for this purpose, if not already ascertained by a valuation under section 25, or, where no such valuation has taken place, if not settled by agreement between the parties, shall be ascertained by the arbitration of two arbitrators, one nominated by the owner or owners of the building or wall, and the other by the road authority, or if such two arbitrators cannot agree upon the said value, by an umpire chosen jointly by the two said arbitrators.

(5) Subject to the aforesaid condition, any person who is otherwise entitled to re-erect or make any addition to any such building or wall shall be entitled to a license to re-erect or make such addition to such building or wall within the said limit.

Provided that no part of the building or wall so re-erected or added to shall, upon such re-erection or addition, extend nearer to the centre of the road than it so extended in its original condition.

(6) The expression " re-erect " with reference to a building includes the restoration of any wall forming part of the building or of any support to the building, which has been demolished or otherwise destroyed to or within a distance of five feet from the ground, but does not include any operation, which, in the opinion of the road authority, may reasonably be considered a repair to the wall or support.

(7) Nothing in this section shall be deemed to affect the right of any local authority to define a building line in pursuance of any Ordinance regulating its powers and duties or the rights and obligations of any person with reference to any building line so defined.

Power of  
Governor in  
Executive  
Council to  
modify building  
limit.

23 It shall be lawful to the Governor in Executive Council, by Notification published in the " Government Gazette," in the case of any road specified in the said notification, to modify in respect of such road the building limit referred to in the last preceding section, and in any such case the provisions of this Ordinance relating to such building limit shall in respect of any such road take effect subject to such modification.

Power of road  
authority to  
deal with  
building or  
wall.

24 If any person shall erect or re-erect any building or wall, or make any addition to any building or wall in breach of any of the provisions of section 22, the road authority shall have the same rights of entry and survey, and shall have the same powers of removal, abatement, and recovery of costs as in the case of an obstruction or encroachment or a supposed obstruction or encroachment upon a thoroughfare under the next succeeding chapter, and all the provisions of the said chapter, in so far as the same are applicable, shall, with the necessary modifications, apply accordingly.



Duty of road authority to demarcate building line.

25 (1) It shall be the duty of every road authority, as soon as conveniently may be, to demarcate by permanent marks the building limit of every road vested in such authority, and to prepare a valuation of all buildings and walls situate or extending within the said limit.

(2) The value of all such buildings and walls shall for the purpose of the said valuation be ascertained in the manner explained in sub-section (4) of section 22, and shall be recorded, together with all agreements or awards by which the same is verified, in the office of the road authority, and the value of any building or wall so recorded shall be deemed to be the value of such building or wall for the purpose of any compensation payable in respect of such building or wall in connection with any subsequent acquisition thereof, or for the purpose of any license issued under section 22.

(3) For the purpose of demarcating the said building limit, it shall be lawful for the road authority, by their agents, servants, or workmen, to enter upon any private land and to erect at convenient places permanent marks for the purpose of demarcating the said limit, doing as little damage as possible, and making compensation for any damage so occasioned.

(4) In any case in which a building limit has been so demarcated in respect to any road, nothing in any other provision of this Ordinance shall be deemed to preclude the road authority from disposing of any part of the road not included within the said limits for the purpose of affording building facilities along the said road, or for any public purpose.

Principles of compensation in respect of land developed by buildings.

26 (1) In the event of any land already developed by buildings situated within the building limit of any road being subsequently acquired for the purpose of the widening of the road, the compensation payable in respect of such land as distinct from the buildings thereupon shall be determined by the following principles :

(a) Where the whole of the land belonging to the owner of the land acquired is of sufficient depth to admit of its being used as a building site for a building of the same character as that affected by the acquisition, the value of the land acquired shall be deemed to be the value of similar land in the vicinity not possessing a road frontage.

(b) Where the whole of the land belonging to the owner of the land acquired is not of such sufficient depth, the value of the land acquired shall be deemed to be the value of similar land in the vicinity possessing a road frontage, and the owner of the land acquired shall have the option of requiring the road authority to acquire the whole of his said land.

(2) In any such case as is mentioned in paragraph (a) of the last preceding sub-section, the road authority shall, instead of paying compensation as therein defined, have the option of acquiring only so much of the land on which the building is situate as extends within the said building limits, and of paying to the owner thereof the reasonable expenses and losses consequent upon the removal of the building and the re-erection on the remainder of the said land with the help of the original materials of a building of the same character and condition as such original building.

Provided that where in any such case the part of the building which lies within the said limits is of such an inconsiderable extent that it can be severed from the rest of the building without materially affecting the character of the building, the road authority may, instead of paying the cost of the removal and the re-erection of the building, pay to the owner such reasonable sum as shall compensate him for the effect of the severance of such part and of the cost of the adaptation of the building to its original purposes after such severance, and in any such case the road authority may either itself sever and remove the said part of the building, or permit the owner to sever and remove the same.

Power of road authority to acquire adjacent land.

27 In the case of any land situated within the building limit of any road, the road authority may, at the request of any person whose right to build upon any land is restricted by the said building limit, and who desires to erect a building upon such land, acquire for such owner at his expense any land situate at the rear of the land of such owner of sufficient extent to afford him building facilities of the same nature as he would have enjoyed but for such restriction, and all lands required for the said purposes shall be deemed to be required for a public purpose.

CHAPTER IV.

Obstructions to Thoroughfares.

Road authority may in certain cases demand production of title deeds.

28 (1) Whenever it shall appear to any road authority that any building, inclosure, or obstruction shall have been raised or made in any thoroughfare under the control of the road authority, or on any waste or other ground immediately adjoining thereto and belonging to His Majesty, it shall be lawful for any such road authority to demand in writing of the person claiming to be the owner of the premises on which such building, inclosure, or obstruction shall have been raised or made the production of every deed, document, and instrument upon which such person founds such claim.

(2) In any of the following cases, that is to say :

- (a) If the occupier of such premises, not being himself the alleged owner, shall refuse to give full information respecting the name and residence of such alleged owner upon being requested so to do by any such road authority ; or
- (b) If such alleged owner shall refuse to produce within ten days, after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said premises, and which shall be in his possession ; or
- (c) If any such deed, document, or instrument shall not be in his possession, shall refuse fully to inform any such road authority, upon application, in whose possession they are ; or
- (d) If any person having in his possession any such deed, document, or instrument shall refuse to produce the same within ten days after having been requested so to do in writing by any such road authority ;

every such occupier, alleged owner, and person so refusing shall be liable to a fine not exceeding fifty rupees.

Demand of production of deed to include power of examination.

29 (1) The deeds, documents, and instruments in the preceding section mentioned shall be produced on the premises to which the same may relate, or at such other place as the road authority may require, and the power of demanding the production thereof, in the preceding section given, shall be deemed and taken to include the power of making such examination of such deeds, documents, and instruments as shall be necessary.

(2) Every person refusing or failing to permit such examination of any such deed, document, or instrument to any party authorized under this Ordinance to demand production thereof, and making such demand, shall be liable to a fine not exceeding fifty rupees.

Road authority may make survey of premises.

30 In any such case it shall be lawful for the road authority, or any person thereto authorized by such authority, to enter upon any premises upon which any such building, inclosure, or encroachment shall have been raised or made as aforesaid, and upon any other premises whatsoever which it may be necessary to enter for the purposes of the survey hereinafter mentioned, and to make such survey of all such premises as may be necessary to enable any such road authority to ascertain whether such building or inclosure is an encroachment upon any thoroughfare, or upon any land adjoining thereto and belonging to His Majesty.

Proof of right to apparent encroachment to rest upon the owner.

31 (1) Whenever it appears to any road authority that the line of any thoroughfare under the control of such authority has been altered without proper authority, or has been stopped up, or obstructed, or encroached upon, such road authority shall give notice in writing to the occupier of the

land from off which the said thoroughfare shall be alleged to have been turned, or upon which such stoppage or obstruction or encroachment shall be alleged to have been made, that a survey of the premises has been made by the direction of such road authority, and is open to the inspection of such occupier at a place to be therein mentioned, and that unless within one month from the service of such notice he, or the person under whom he holds, shall take legal proceedings for establishing his title to such land, and for preventing the removal of any such obstruction or encroachment, the said road authority will proceed with the removal thereof, in manner provided by section 31 of this Ordinance.

(2) If no such legal proceedings are taken within the time specified, or being taken are not duly prosecuted, it shall be the duty of such road authority to cause any such obstruction or encroachment to be forthwith removed as hereinafter provided.

(3) Where legal proceedings are taken as aforesaid, it shall be incumbent on the party claiming to be the owner of the land from off which the line of any thoroughfare has been alleged to have been altered or turned, or upon which such stoppage or obstruction or encroachment shall be alleged to have been made, to prove the title to such land.

Removal of  
obstructions or  
encroachments.

32 (1) It shall be lawful for any road authority, through any person authorized by such authority in that behalf, to give order verbally, or by notice in writing, to any person obstructing or encroaching upon any thoroughfare under the control of such authority forthwith to remove or abate the same; and if any such person to whom such order shall have been given shall refuse or neglect to comply with the same within a reasonable time, or if there be any doubt as to who is the proper person to whom such order should be given, it shall be lawful for such road authority to cause any such obstruction or encroachment to be forthwith removed or abated.

(2) For that purpose it shall be lawful for the said road authority or any person authorized in writing by the said authority, where necessary, to enter into any house, garden, inclosure, or other premises, and to cause to enter therein such persons, with such instruments and things as may be necessary, and to proceed to do therein or cause to be done all such things as may be necessary for such removal or abatement.

Costs.

(3) Upon the said authority certifying to the Police Court of the district where such person resides, or where such obstruction or encroachment existed, the costs which have been *bona fide* incurred in effecting such removal or abatement, such court shall summon the party on account of whose non-compliance with any such order such costs were incurred, to appear before it on a certain day, then and there to make payment of the costs which shall appear to such court to have been properly incurred in that behalf; and if such party shall refuse or fail to make such payment forthwith, or within such time as the court shall appoint, the court shall proceed to recover such payment in such and the same manner as it would proceed to recover any fine incurred under any sentence of such court.

(4) Provided that if any removal shall be effected after the due production of all deeds, documents, and instruments affecting the title to such premises, and such premises shall nevertheless be adjudged to be the property of the party laying claim to the same, such party shall be entitled to compensation from the said road authority for all loss and injury occasioned thereby; but if the party claiming to be the owner of such premises shall refuse or neglect to produce all such deeds, documents, and instruments, or if such deeds, documents, and instruments shall not be produced within ten days after application in that behalf, and any such road authority shall nevertheless have caused the removal of such building, inclosure, or encroachment, then in the event of such premises being adjudged to be the property of the party claiming to be the owner thereof, such party shall not be entitled to any compensation for any loss or injury occasioned thereby.

## CHAPTER V.

*Injuries to Thoroughfares, &c.*

Injuries to roads, &c.

Destroying milestone, bridge, &c.

Removing fence, log, &c., put up or laid on road to prevent temporarily its use.

Taking away stones, gravel, &c.

Injuring thoroughfare by driving ox, &c., from or on or into it.

Suffering passage of water from road to be obstructed.

Suffering water, filth, &c., to flow upon road.

Interference with drainage.

Hauling or trailing timber, &c.

Making any dams, ditch, drains, &c., upon or across any road.

Erection of plant, &c., on roads without permission of road authority.

Attaching additions to the eaves of houses, or causing carts to be loaded or unloaded in front of dwellings, &c.

Using new road for certain time after making.

33 Whosoever shall commit any of the following offences on or relating to any thoroughfare shall be liable to a fine not exceeding fifty rupees :

- (1) Whosoever shall wilfully or negligently destroy, pull up, deface, throw down, break, or injure any milestone, milepost, lamp-post, or direction post, or any bridge, culvert, parapet, arch, wall, dam, drain, sluice, lock, bank, abutment, mound, prop, post, lamp, railing, chain, or fence belonging to any thoroughfare, or put up at or near any pit or quarry opened or used for getting road materials.
- (2) Whosoever shall wilfully and unnecessarily remove any fence, post, stone, log, or other thing laid or put up by the direction of any competent authority on or in any thoroughfare, for the temporary prevention of the use thereof, or for preventing danger or injury to persons passing along the same whilst undergoing repair.
- (3) Whosoever shall, without such authority as aforesaid, gather or heap up, or take away, any stones, gravel, sand, or other material, or any slutch, dirt, drift, or soil from any thoroughfare.
- (4) Whosoever shall lead or drive any ox, horse, pig, or other animal or any vehicle from or off or on or into any thoroughfare in such manner as to cause injury to the same, or shall suffer any such animal to damage the same.
- (5) Any owner or occupier of any land contiguous to any road who shall suffer the passage through or into his land of the water from such road, or from any ditch or drain leading therefrom, to be obstructed, or who shall suffer any water, filth, or other substance or thing to flow or run from such land or house into or upon any such road, or shall suffer any accumulation of dirt or rubbish in any drain opposite to his house or land to impede the flow of water.
- (6) Whosoever, without the previous consent of the road authority, by any act on his land shall interfere with the free passage of water along or from any drain or culvert of any road.
- (7) Whosoever shall haul or draw upon any thoroughfare any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages to drag or trail upon such thoroughfare to the damage thereof.
- (8) Whosoever shall make or cause to be made any dam, ditch, drain, or water-course upon or across or shall otherwise break up or injure the surface of any road.
- (9) Whosoever shall erect, set up, lay down, or construct, either permanently or temporarily in, along, under, or over any thoroughfare any posts, pillars, lamps, wires, pipes, rails, or other plant material, or works without the permission of the road authority, or otherwise than in accordance with the terms and conditions of such permission.
- (10) Whosoever shall attach additions to his house so as to project over the outer edge of the side drain of any road, or who shall by means of temporary supports or otherwise expose goods or wares of any description over any portion of a road or its side drain, or who shall by causing carts to be loaded or unloaded in front of his dwellings in any way injure the side drain.

34 It shall be lawful for any road authority to forbid all persons from riding or driving any kind of beast or carriage on any thoroughfare under the control of such authority for such space of time as shall to them appear necessary, not exceeding one month after such thoroughfare shall have been made or repaired; and any person who shall wilfully disobey such order (the same being duly notified by a notice affixed to a board or boards erected upon or near to such road) shall be liable to a fine not exceeding fifty rupees.

Owner or occupier bound to have bridge, &c., over drain leading to his house.

35 If the owner or occupant of any house or premises adjoining any thoroughfare, by the side of which a drain shall have been made or excavated, shall require the means of access to such house or premises from such thoroughfare, he shall be bound to place a bridge, platform, or arch, which shall in no case cover less than three feet of the length of such drain ; and it shall be lawful for the road authority having control of such thoroughfare, if it shall come to the knowledge of such authority that any parties have access to any house or premises so situated without such bridge, platform, or arch as aforesaid, to call upon the owner or occupant thereof forthwith to construct the same, and if he shall fail to do so within a reasonable time, to cause the same to be done, and to recover the costs thereof in the manner provided in section 32 for the recovery of the costs therein mentioned.

Allowing trees to grow in such a way as to injure thoroughfares.

36 Any person who shall allow any tree upon any premises of which he is the owner or of which he is in occupation to grow in such a way as to cause injury to any thoroughfare, after notice shall have been served upon him on behalf of the road authority calling upon him to take the necessary measures to abate such injury, and after the expiration of such reasonable time as shall be appointed in the notice for the purpose, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees, and in any such case the court before which the offender is convicted may, in default of the said necessary measures being taken by the offender, direct that the said measures shall be taken by the road authority, and that the costs thereof shall be recovered in the manner provided in section 32 for the recovery of the costs therein mentioned.

Damage to thoroughfare through clearing, draining, or opening up neighbouring land.

37 (1) It shall be the duty of every person who proposes to undertake any operations for clearing, draining, or opening up any land in the vicinity of any thoroughfare, in any case in which the said operations are likely to cause injury to any thoroughfare, or to impair the condition thereof by reason of any outflow or increased outflow of water or silt—

(a) To give notice to the road authority of his proposed operations ; and

(b) In conjunction with the road authority, and at the expense of such person, to take all such measures as shall be reasonably necessary to prevent such injury or such impairment of the condition of such thoroughfare.

(2) Any person who shall undertake any such operations without giving the said notice, or who shall otherwise make default in compliance with the requirements of this section, shall be responsible for any damage occasioned by such default, and for any expenses incurred by the road authority for the purpose of preventing or remedying any damage that may be occasioned or apprehended in consequence of such default, and the amount of any such damage or expenses may be recovered in manner provided in section 32 for the recovery of the costs therein mentioned.

CHAPTER VI.

*Nuisances on Thoroughfares, &c.*

Nuisances on roads, &c.

38. Whosoever shall commit any of the following offences shall, except where other provision is herein expressly made, be liable to a fine not exceeding fifty rupees :

Turning loose or tying cattle on or near thoroughfare.

(1) Whosoever shall turn or suffer to be turned loose any ox, buffalo, horse, sheep, goat, or other animal on to or into any thoroughfare, or so that it makes its way on to or into any thoroughfare ; or shall tie or tether, or suffer to be tied or tethered, any ox, horse, goat, or other animal of any description, so that any such animal can or shall make its way on to or into any thoroughfare, unless such animal shall be so tied or tethered during the time required for loading or unloading it, or for the loading or unloading of any cart or boat to which it may belong.

Provided that where any such animal is found on or in any thoroughfare, or tied or tethered in such a way that it can make its way on to or into any thoroughfare, such animal shall be deemed to have been turned loose, or suffered to be turned loose, or to have been tied or tethered, or suffered to be tied or tethered, as the case may be, by the owner thereof, unless he satisfies the court to the contrary.

Destruction of stray pigs.

(2) Any owner of a pig found tied, straying, burrowing, or wallowing in any road or canal shall be liable to a fine of five rupees; and it shall be lawful for every person to seize or shoot or otherwise destroy any pig that he may find tied, straying, burrowing, or wallowing in any road or canal; and such person may, if he choose, take such pig to any peace or police officer of the district in which the offence was committed, who shall forthwith sell the same, and pay the proceeds of such sale to such person.

Hanging up mats, &c.

(3) Whosoever shall hang up or otherwise expose any mats, cloths, or any substances of any nature whatever on or at the side of any road in a manner calculated to terrify horses or obstruct the use of the road.

Leaving carts on roads to which this provision applies.

(4) Whosoever shall leave, or permit to be left, on any road to which this provision shall be extended, as hereinafter mentioned, any cart or other carriage, without the oxen, horses, or other animals being yoked or harnessed thereto, unless such cart or carriage shall have accidentally broken down there; and in case of such accident, for a longer time than may be necessary for its removal.

Provided that this provision shall only extend to urban areas within the meaning of "The Local Government Ordinance, No. of 1919," and to such roads or sections of roads outside such areas as shall have been declared by Proclamation of the Governor in Executive Council to be provided with a sufficient number of halting places along the same.

(5) Whosoever shall suffer any vehicle to remain in any road between quarter of an hour after sunset and quarter of an hour before sunrise without having attached thereto the lights required by "The Vehicles Ordinance, No. 4 of 1916."

Leaving boat or timber, &c., so as to obstruct use of canal.

(6) Whosoever shall leave any boat or raft in any canal in such a way as to obstruct the use of such canal.

Laying stones, timber, rubbish, &c., on the road or canal.

(7) Whosoever shall lay or throw any stones, bricks, raft, timber, sand, lime, dung, straw, rubbish, or scourings of any ditch or drain, or other object or thing, on or in any road, river, or canal, and shall allow the same to remain there, except for such a period as shall be absolutely necessary for the removal thereof.

Carrying timber, &c., crosswise.

(8) Whosoever shall lead or drive on any road any cart or other carriage with timber, boards, iron, or other goods, so that either end shall project beyond the wheels or sides thereof.

Encroachment on thoroughfare.

(9) Whosoever shall encroach on any thoroughfare by making or causing to be made any building, platform, hedge, ditch, or fence, or other obstruction upon or in any thoroughfare.

Leaving block on road.

(10) Whosoever shall, after having blocked or stopped any cart or other carriage in going up or down a hill or rising ground, cause or suffer to be or remain on any road the stone, timber, or other thing with which such cart or other carriage shall have been blocked or stopped.

Preventing others from passing.

(11) Whosoever shall in any manner wilfully prevent any other person, or any carriage, boat, raft, or other conveyance under his care, from passing along any thoroughfare.

Erection of kraals in canals and rivers.

(12) Whosoever shall place or continue any kraal or fence or any other obstruction in any canal or river, so as to impede or in any way interfere with the convenient navigation thereof. And it shall be lawful for the road authority to cause any such kraal, fence, or obstruction so placed or continued as aforesaid to be pulled up or otherwise destroyed, and to recover the cost thereof in the manner provided in section 32 for the recovery of the costs therein mentioned.

Seizure of  
stray cattle.

39 (1) It shall be lawful for any person thereto authorized by the Chairman of the District Council to seize any ox, buffalo, horse, sheep, or goat which he may find tied, tethered, or straying on or about any thoroughfare within the administrative limits of such District Council, unless any such animal belong to any cart or boat to which it is tied or tethered whilst the same is being loaded or unloaded.

(2) If the person authorized as aforesaid shall not be a peace or police officer, every such animal seized by him shall be forthwith delivered into the custody of the nearest peace or police officer; and every such officer seizing or receiving any such animal as aforesaid shall forthwith report such seizure to the proper Police Court, President of the Village Tribunal, or Chairman of the Village Committee.

(3) Such court, President, or Chairman shall, if at the time of such report no claim be made to such animal, direct such officer to take the necessary steps for the safe custody and maintenance thereof, and to publish such seizure in the usual manner.

(4) No such animal seized as aforesaid shall be delivered to the owner thereof unless upon payment of the sum of one rupee, or such other sum as the Governor in Executive Council, by notification in the "Government Gazette," may fix from time to time, for the use of the person by whom the same shall have been seized, and of a further sum of twenty-five cents for each day during which the same shall have been kept in the custody of the said officer for the use of such officer.

(5) If no person shall claim such animal or pay such dues as aforesaid within ten days after the animal shall have been so seized, it shall be lawful for such officer, and he is hereby required, to sell the same by public auction, and after payment of two rupees, or such other sum as the Governor in Executive Council, by notification in the "Government Gazette," may fix from time to time, to the person by whom the same may have been seized, and of the sum due to himself for the custody and maintenance thereof, to pay the remainder of the proceeds of such sale, if any, to the Police Court, President, or Chariman to be disposed of according to law.

Interference  
with cattle  
seizers or pig  
seizers.

40 Any person who shall remove any animal from the lawful custody of any person authorized to seize the same under the last preceding section, or under paragraph (2) of section 38, or who shall in any way molest or obstruct such person in the discharge of his powers or duties, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees.

CHAPTER VII.

*Special user of Thoroughfares.*

Power of road  
authority to  
authorize the  
user of public  
thoroughfares  
for special  
purposes.

41 Every road authority may from time to time, and either independently or in combination with any other road authority, subject to the terms of any special enactment in that behalf, and in the case of a road authority other than the Governor in Executive Council, subject to the approval of the Local Government Board, enter into an agreement with any person or body of persons, corporate or unincorporate, including any local public authority (hereinafter referred to as "the promoters"), authorizing the said promoters for the purpose of—

- (a) Any system of tramways, or any supply of gas, electric energy, water, or other public service; or
- (b) Any private enterprise or object to make such user of thoroughfares under the control of the said road authority, and to execute all such works and to set up or maintain all such erections or plant thereon or therein as shall in the opinion of the said road authority be necessary for the purpose of the effective establishment or maintenance of the enterprise or object in question, or of any repair, modification, or development thereof.

Regulations.

42 (1) For the purpose of any such agreement, and for the purpose of securing the observance of the respective rights and obligations of the public, the road authority and the promoters

in connection with any such enterprise, or in connection with any public service established or maintained by the said road authority, the road authority (except in so far as provision is made by any special enactment in that behalf) may make regulations—

- (a) Authorizing the promoters and their agents, servants, or workmen, or the agents, servants, or workmen of the road authority, subject to such conditions as may be prescribed in the regulations—
  - (i.) To break up the soil, metal, and pavement of any thoroughfare vested in the road authority ;
  - (ii.) To open and break up any sewers, drains, or tunnels within or under such thoroughfare ;
  - (iii.) To erect, set up, or lay down, either permanently or temporarily in, along, under, or over such thoroughfare, any posts, pillars, lamps, wires, pipes, rails, or other plant, material, or works ;
  - (iv.) To alter the position of any public line, wire, or other apparatus or plant in or about such thoroughfare for the purpose of any other public service.
- (b) Requiring the promoters to do as little damage as may be in the execution of the powers granted by the said regulations, and to make compensation for any damage which may be done in the execution of such powers.
- (c) Requiring the promoters to complete any work which they may be authorized to execute under such regulations with all convenient speed, and to reinstate and make good any such thoroughfare, sewer, drain, tunnel, or any plant or apparatus which they may be authorized to affect or interfere with in pursuance of such regulations.
- (d) Requiring the promoters to remove and carry away all rubbish occasioned by their operations, and to cause proper precaution to be taken for the safety of the public in connection therewith.
- (e) Prohibiting any interference with or obstruction to any operations authorized by any regulation under this section.

(2) No such regulation shall authorize or empower any entry to be made, any material or plant to be erected or deposited, or any work to be executed upon any building or land not dedicated to public use without the consent of the owners and occupiers thereof first had and obtained.

(3) Any person committing a breach of any of the regulations under this section shall be guilty of an offence, and shall be liable to a fine not exceeding fifty rupees for every such breach, and to a further fine not exceeding fifty rupees for every day after conviction during which the breach is continued.

(4) Except in cases where the Governor in Executive Council is the road authority, all regulations under this section shall be subject to the approval of the Governor in Executive Council.

Extraordinary  
traffic.

43 (1) Where it appears to any road authority in whom any thoroughfare is vested that, having regard to the average expense of maintaining thoroughfares in the neighbourhood, extraordinary expenses have been incurred by such authority in maintaining such thoroughfare by reason of the damage caused or likely to be caused by excessive weight passing along the same or extraordinary traffic thereon, such authority may recover from any person by whose order, or in consequence of whose order, such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of a competent court to have been incurred by such authority by reason of the damage arising or likely to arise from such weight or traffic as aforesaid, or, where more than one person is responsible for such excessive weight or extraordinary traffic, may recover from each of such persons such proportion of the amount of the expenses so incurred, as in the opinion of the court may fairly be assigned to him.

(2) Any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the



payment to such authority of composition in respect of such weight or traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(3) Proceedings for the recovery of any expenses under this section shall be commenced within twelve months of the time at which the expense was incurred, or where the expense incurred is the consequence of any particular contract or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

CHAPTER VIII.

*Powers, Duties, and Responsibilities of Officers, &c.*

Powers conferred on officers in charge of public works by whom to be exercised.

44 The Director of Public Works (in respect of principal thoroughfares), and every Chairman of a District Council in respect of all thoroughfares other than principal thoroughfares within the limits of the district for which such Council is assigned to act, and every person authorized in writing by any of them in that behalf, shall and may by themselves, their servants, workmen, and labourers, exercise the several powers and authorities conferred by this Ordinance on officers in charge of works to which this Ordinance is applicable.

Survey by proper officer to be conclusive evidence.

45 If any plan or survey made by or by the direction of the road authority or any authority of which the road authority is the successor shall be proved in evidence in any proceeding under this Ordinance, such plan or survey shall be deemed and taken to be conclusive proof of the facts exhibited therein, in so far as the claim of such road authority is concerned, unless satisfactory proof to the contrary shall be established by the party contesting such claim.

Compensation for injury to property by authorized officers.

46 (1) Every person who shall sustain any loss or damage by reason of the exercise of any of the powers or authorities conferred by this Ordinance upon officers in charge of works to which it is applicable shall (except in cases in which the said loss or damage shall be incurred through the act, default, or neglect of the person in question) be entitled to receive compensation for the same.

Provided he shall make application in that behalf to the road authority at any time before the expiration of three months after the act, matter, or thing in respect of which such damage shall be alleged to have been done, and if he shall fail to make such application within the aforesaid period, his claim to compensation for the alleged injury may be disallowed, and he shall be barred from recovering the same.

(2) The amount of compensation, if the same cannot be agreed to, may be decided by arbitration, the road authority naming one arbitrator, and the person claiming compensation another. If the two arbitrators cannot agree, they shall appoint an umpire, and the award of the arbitrators or umpire, to be given in terms of the reference to be agreed to by the parties, shall be final.

Vexatious conduct of officer.

47 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence or give any uncalled-for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

Officers and contractors leaving stones, &c., on thoroughfares by night.

48 If any officer in charge of any work on any thoroughfare, or any contractor engaged upon any thoroughfare in pursuance of any contract with any road authority, shall lay or cause to be laid any heap of stones, gravel, rubbish, or other matter whatever upon any road, and allow the same to remain there at night, to the danger or personal damage of any person passing thereon (all due and reasonable precautions not having been taken by him to prevent any such danger or damage), such officer or contractor shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees.

Road officer or road contractor not liable to fine except in certain cases.

49 Save as in sections 47 and 48 provided, nothing contained in this Ordinance shall render any officer in charge of any work on any thoroughfare, or any road contractor, liable to any fine for any act done by such officer in the discharge of the duties of his office, or by such contractor in the necessary execution or performance of his contract.

Protection of officers and servants:

50 The provisions of section 187 of "The Local Government Ordinance, No. of 1919," shall apply in respect of all actions against any officer or member of any road authority, or any person acting under the direction of any road authority in respect of anything done or intended to be done in pursuance of the provisions of this Ordinance.

Police officers and headmen to enforce provisions of Ordinance.

51 It shall be the duty of all officers of the police force, and of all headmen, police, and peace officers generally, to aid and assist in the prevention of all offences against this Ordinance within their respective jurisdictions; and every officer or headman who, being cognizant of any such offence, whether upon his own view or upon the information of others, shall fail to make complaint thereof before the duly constituted authority, or shall fail to act promptly and vigorously thereupon, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

**Ordinance No. 31 of 1884.**

**An Ordinance to provide for a Labour Tax.**

Preamble.

WHEREAS it is expedient to provide for a labour tax for local public purposes: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1. This Ordinance may be cited as "The Labour Tax Ordinance, No. 31 of 1884."

Definitions.

2 In this Ordinance—

(New.)

"Road" means a thoroughfare as defined by "The Road Ordinance, No. 10 of 1861," under the control of a local authority.

"Local authority" within the limits of a municipal town means the Municipal Council, and within the administrative limits of any District Council the District Council.

"Division" means within the administrative limits of a District Council a village headman's division, and within the limits of any municipal town an electoral division of such town.

Ordinance to operate subject to by-laws.

3 This Ordinance shall operate within all administrative limits for which a local authority shall have been or may be hereafter established, subject to such modifications of the provisions herein contained, or to the substitution of such other provisions in lieu thereof as may have been or may be hereafter prescribed by by-laws under any Ordinance regulating the general powers of such local authority.

*Liability to Labour.*

Male inhabitants between eighteen and fifty-five years liable to perform labour on the roads.

4 Every male inhabitant between the ages of eighteen and fifty-five years shall be liable to perform six consecutive days' labour in each year upon the roads in this Colony, or on works necessary for the formation, repair, or improvement thereof, or in the collection and preparation of materials required for any such purpose.

Exemptions.

5 The following persons are exempted from the liability to labour imposed by the preceding section:

- (1) The Governor.
- (2) All officers, non-commissioned officers, and soldiers belonging to the staff, or to any regiment or corps of His Majesty's regular forces serving in this Colony.
- (3) All officers of the Ceylon Defence Force and all soldiers of the said Defence Force duly certified as efficient in accordance with section 26 of Ordinance No. 8 of 1910.
- (4) Buddhist priests.
- (5) Pioneers in the employ of Government.
- (6) Indian coolies in search of or employed in agricultural labour in this Island.

*Division Officers.*

Division officers how appointed.

6 The Chairman of every local authority shall be empowered from time to time to appoint as many division officers for its administrative limits as shall be necessary, and to award to them such salary or remuneration as the local authority shall deem fit, and also from time to time to remove any existing or future division officer from his office and appoint another to succeed him.

Appointment of successors to present division officers.

7 If any division officer shall die or become incapable or disqualified, or resign or be removed from his office, the local authority shall, with the least possible delay, appoint such person to the vacancy as it may deem fit.

Qualification of division officer.

8 No person shall be eligible to be appointed a division officer unless he shall be an inhabitant of the division for which he shall be appointed, or shall reside within such distance from it as the local authority shall determine.

Division officer to give security.

9 Every person appointed a division officer shall, within ten days from the time of such appointment, give security to His Majesty, his heirs, and successors, for the due and faithful execution of his office, in such amount as shall be determined by the local authority; and such security shall be given by way of mortgage of immovable property within this Island, or by deposit of money, in such manner as the said local authority shall appoint, and such mortgage bond shall be free of stamp duty.

Householders to fill up lists of males resident in their houses on requisition by division officer.

10 (1) Every householder shall, whenever thereunto required by the division officer of the division in which such householder resides, or by any person acting on behalf of such division officer, fill up a list, in such form as the Chairman of the local authority may prescribe, containing the number of inmates, and the name, age, and occupation of every male person (including such householder himself, if a male) resident in his house, so far as the same shall be known to him.

(2) If any householder is unable to write, he shall furnish the required information to the division officer, or person acting on his behalf, who shall enter the same in such list.

(3) Any householder refusing or neglecting to comply with any such requisition, or wilfully giving false information to the division officer, or to the person acting on his behalf, as to any matter or thing required to be inserted in such list, shall be liable to a fine not exceeding fifty rupees.

Absent persons usually residing with such householder to be named to the division officer.

11 (1) If any male person who usually resides in the house of such householder shall be absent from home in some other division at the time any such householder is called upon to fill up any such list, such householder shall inform the division officer, or person acting in his behalf, of the name, age, and occupation of such absent person, and also of the place to which he has gone, and of the time when he is expected to return, so far as the same shall be known to such householder.

(2) Any householder neglecting or refusing to give such information, or wilfully giving false information, to the division officer, or to the person acting on his behalf, as to any such matter or thing, shall be liable to a fine not exceeding fifty rupees.

(3) The said division officer, or person acting on his behalf, shall enter the name and other particulars respecting any such absent person in such list, and shall inform the local authority of the name and supposed residence for the time being of such absent person.

Punishment for not giving information or giving false information to division officer.

Division officer to give information thereof to the local authority.

Division officer to preserve lists; to deliver them to local authority, if required; and to permit their inspection.

12 Every division officer shall carefully preserve the lists mentioned in section 10 for such period as the local authority may direct; and he shall be bound to deliver the same at any time to the local authority, if called upon so to do, and if the same are in his possession; and he shall at all reasonable times permit any inhabitant of his division liable to perform labour to inspect the same.

Division officer to make and preserve lists and returns.

13 Every division officer shall make and preserve such lists and returns and shall conform to such instructions as the local authority shall from time to time by writing require and prescribe.

Punishment of division officer for neglect of duty, misconduct, &c.

14 Any division officer who shall commit any of the following offences shall be liable to the punishment hereinafter specified in each case :

Neglect of duty.

(1) If he shall neglect his duty in anything required of him by this Ordinance for which no particular punishment is imposed, he shall be liable for every such offence to a fine not exceeding fifty rupees.

Default of payment of money due.

(2) If he shall make default in the paying or accounting for any money received by him, within the time and according to the directions appointed by the local authority, he shall be liable for every such offence to a fine not exceeding treble the amount of the money so due.

Fraudulent acts.

(3) If he shall by any wilful act, either of commission or omission, commit or attempt to commit any fraud in the execution of his office, or shall wilfully or fraudulently alter, deface, destroy, or make away with any book, list, account, or document in his charge or custody, or which he was bound to preserve, he shall be liable for every such offence to such punishment as the court before which he shall be convicted may in its discretion award.

On removal or resignation of division officer, local authority entitled to his books, &c.

15 In the case of the death, resignation, or removal of any division officer, the local authority shall be entitled to receive and take possession of all books, lists, accounts, and other things relating to his office which were in his possession ; and if any division officer so removed from or resigning his office, or the representative of any deceased division officer, shall neglect or refuse to deliver within a time fixed by the said local authority the said books, lists, accounts, and other things, he shall be liable to a fine not exceeding fifty rupees for every day during which such neglect or refusal shall continue.

Headmen and others to assist division officers.

16 All headmen and all police and peace officers shall, when necessary, be aiding and assisting every division officer within their respective jurisdictions in the discharge of the duties imposed upon him ; and every such headman or police or peace officer who shall wilfully neglect or refuse so to aid or assist shall be liable to a fine not exceeding fifty rupees.

*Returns.*

Division officer to prepare lists of those liable to labour on the roads.

17 Every division officer shall from the lists mentioned in section 10, as well as from such other information as he may possess, compile and prepare in duplicate a return showing the name and age of every person in his division liable to perform labour under this Ordinance.

Returns to be prepared not later than twenty-first day of December in each year.

18 Such return shall be prepared not later than the twenty-first day of December in each year, and shall be published in each division on or before the thirty-first day of January in the following year by affixing one of the duplicates or a copy thereof to such conspicuous place in the division as the Chairman of the local authority shall appoint.

Duplicate of return to be retained by Chairman of local authority.

19 The other duplicate shall be furnished to and be retained by the Chairman of the local authority.

Publication of returns to constitute notice of liability to labour.

20 The return so prepared shall be signed by the division officer who shall have prepared the same, and, as soon as published in the manner provided for by section 18 of this Ordinance, shall constitute notice to every person named therein of his liability to perform labour ; and the production of either of the duplicates shall be conclusive proof of such notice.

Chairman of local authority may exempt from labour on ground of disease or bodily infirmity.

21 (1) It shall be lawful for the Chairman of the local authority, upon proof to his satisfaction that any person resident within the division and liable to the performance of labour is either from disease or bodily infirmity incapable of performing labour, to exempt such person from the performance thereof either for life or for such period as the Chairman of the local authority may think fit.

(2) Any person not already exempted for life or other specified period by such Chairman, and desiring to be exempted from the performance of labour on any of the grounds in this section already mentioned, or on the ground that he is above the age of fifty-five years, shall, on or before the thirty-first day of March in the year for which exemption

is claimed, apply to such Chairman for exemption. Such Chairman may in his discretion refuse in respect of the current year any application not presented within the time so limited.

Every person whose name appears on the returns liable to labour.

**22** Every person whose name is inscribed in the returns referred to in section 18 of this Ordinance, and which shall not have been struck off therefrom by the Chairman of the local authority, shall be liable to labour on the roads, and the returns either before or after amendment, should any amendment to them be made, or any copy thereof certified to be a copy by the Chairman, shall be final and conclusive evidence of the liability to labour of any person whose name shall appear thereon, unless, in case of a copy, it shall be proved to the local authority that such list was not a true copy of the original.

Supplemental returns may be prepared.

**23** A supplemental return, should such be found necessary, may be prepared in the same manner as the return mentioned in section 18 of this Ordinance.

Provided that any such supplemental return shall be published not later than the thirtieth day of April in any year, and provided that such supplemental return shall not include any person who was not an inhabitant on the thirty-first day of March of that year.

Provisions of this Ordinance relating to returns to apply to supplemental returns.

**24** Upon any supplemental return being so published, all the provisions of this Ordinance relating to returns shall apply, so far as may be practicable, to any such supplemental return in the same manner as if such return had been prepared and published under section 18 of this Ordinance.

*Performance of Labour.*

Performance of labour not to be required on Sundays, nor except during customary hours.  
Persons not to be required to perform labour at greater distances from their residences than that fixed by Governor and Executive Council.

**25** No person liable to perform labour shall be required to attend for the performance thereof on a Sunday, nor except during the customary hours of labour.

**26** No person, except as hereinafter provided, shall be required to attend for the performance of labour on any road which shall be at a greater distance from his residence than ten miles.

Provided that the Governor, with the advice of the Executive Council, may from time to time vary the distance within the limit hereinbefore prescribed.

Notice of when and where to labour to be given to those who are liable to perform labour.

**27** Every division officer, on being directed so to do by the Chairman of the local authority, shall give notice to the inhabitants of his division liable to perform labour, who shall not in the manner hereafter provided have commuted the same, to attend and perform such labour at the time and place appointed by the Chairman of the local authority, and such notice shall be given by publication by beat of tom-tom not less than seven days before the day appointed for the attendance of such inhabitants, and in such other way, if any, as the Chairman of the local authority shall direct.

Provided that no such notice shall be given until the time during which a person is, under section 40 of this Ordinance, allowed to commute shall have elapsed.

Persons failing to attend to perform labour liable to work for double the number of days such persons were originally liable.

**28** Any person liable to perform labour, and who has not commuted in the manner hereinafter provided, who shall, without lawful excuse, the proof of which excuse shall lie on such person, fail to attend to perform labour at the time and place appointed for that purpose, or who shall fail to pay the amount of commutation money due by him as hereinafter provided, shall be liable, on receiving notice so to do, to labour on the roads of the town or district in which such person's liability to work arose, for double the number of days for which such person was originally liable.

Provided that the limitation as to distance prescribed by section 26 of this Ordinance shall not apply to persons required to perform double labour under this section, but if the distance of the place where such person is called upon to work under this section is greater than that mentioned in section 26 of this Ordinance, such person shall be provided with lodgings by the local authority. And provided that any person who shall have become liable to the performance of the double labour under this section may commute such double labour in the manner hereinafter provided.

Persons guilty of misconduct while at labour liable to increased labour not exceeding three days for each offence.

29 If any person attending to perform labour due by him, whether it be labour for which he was originally liable, or the increased labour by reason of his having failed to attend in the first instance, shall, without lawful excuse, the proof of which shall lie on such person, neglect or refuse to remain in attendance during the working hours, or shall be guilty of any drunkenness, wilful neglect, or disobedience of the orders of the officer in charge of the work in which such person shall be employed, or of not taking due care of the tools and implements entrusted to him, or of any other misconduct in the performance of the labour required of him, every such person shall, after inquiry and on adjudication, be liable to be condemned by the Chairman of the local authority to work for an extra number of days, not exceeding three days for any one of the above offences.

Provided that the aggregate amount of punishment imposed upon any one person under the provisions of this section shall not exceed six days' labour.

Persons neglecting or refusing to perform double or additional labour to be arrested on warrant of Chairman of local authority.

30 Whenever any person fails after receiving notice to attend, or neglects or refuses to perform or abandons the performance of double labour under section 28, or additional labour under section 29 of this Ordinance, he shall be guilty of an offence, and be liable to the punishment provided by section 32 of this Ordinance, and the Chairman of the local authority of the town or district in which such person is bound to labour is hereby empowered and required, unless such person be otherwise before him, to issue his warrant for the arrest of such person, which warrant shall be substantially in the form A of the schedule hereunto annexed.

Persons by whom any such warrant may be executed.

31 Every such warrant of arrest may be executed by the person or persons to whom it is addressed, or by any police officer, headman, Fiscal, or Fiscal's officer, and every such warrant shall be executable throughout the Island without any endorsement, anything in the Criminal Procedure Code to the contrary notwithstanding.

Person arrested to be taken before Chairman of local authority, and if found guilty, to be sentenced to imprisonment or to pay penalty.

32 (1) Any person arrested under the provisions of this Ordinance shall be taken without delay before the Chairman of the local authority, according to the terms of the warrant, and the Chairman before whom such person shall be brought shall inquire into the charge on which such person was arrested, and upon being satisfied that the party arrested is the person against whom the warrant was issued, and that the offence mentioned in such warrant was committed by such person, shall, and is hereby required, by warrant substantially in the form B of the schedule to this Ordinance, to commit such person to prison, there to be detained at hard labour for the period of one month.

(2) The Chairman before whom such person shall be brought may, in his discretion, in lieu of committing such person to prison, adjudge him to pay a penalty of ten rupees, and if such sum be paid forthwith, or within such time as the Chairman may allow, such person shall not be committed to prison, but otherwise he shall, and the Chairman may, if such person shall have been released prior to the payment of such fine when inflicted, issue, if necessary, a warrant for his arrest.

(3) If after the commitment of such person such penalty shall be paid, it shall be lawful for such Chairman to discharge such person out of prison.

(4) From any decision of the Chairman under this section there shall be no appeal.

Penalty to be credited to local authority.

33 Any penalty so recovered shall forthwith be paid into the municipal or other local fund of the local authority.

Warrant of arrest to be issued without any previous summons.

34 The warrant of arrest mentioned in section 30 of this Ordinance shall be issued as a warrant of first instance, and it shall not be lawful for the Chairman of the local authority to issue a summons or any other description of notice before issuing such warrant of arrest.

Register to be kept of warrants issued, &c.

35 A register shall be kept by the Chairman of every local authority in which shall be entered a list of all warrants issued under this Ordinance, the reasons for which such warrants were issued, and the punishment inflicted upon the offenders brought up in virtue of such warrants.

Persons condemned under this Ordinance to be sent to prison as ordinary prisoners.

36 Any person sentenced to imprisonment under the provisions of this Ordinance may be imprisoned in the prison of the district wherein he is condemned, in the same way as if he had been condemned under the authority of a competent court, anything in the Ordinance No. 16 of 1877 to the contrary notwithstanding.

Local authority may pay subsistence money or provide food to persons performing labour under sections 28 and 29.

37 The local authority shall, upon the application of any person performing labour under this Ordinance, or whenever such local authority may consider it necessary to do so, provide such person for every day that he may labour with either subsistence money equal to one-half of the ordinary rate of a cooly's wages, as paid in the district in which such work shall be performed, or with food, according as such local authority may deem best ; and any person who shall receive subsistence money or food in virtue of this section shall, in addition to the labour for which he was otherwise liable, labour for an extra number of days, exclusive of Sundays, equal to the number of days for which he was otherwise liable.

Provided that any person shall, during the time that he may be so at labour, be subject to the provisions of sections 28, 29, and 30 of this Ordinance in respect of any of the offences therein mentioned.

Chairman to determine questions of age, or rate of commutation, or distance.

38 If any person shall claim to be exempted from the performance of labour by reason that his age is less than eighteen years or exceeds fifty-five, or if at any time complaint shall be made that any person has been unduly exempted from labour on a like plea, or if any question shall be raised as to the rate of commutation which ought to be paid by any person for the labour due by him, or if any person shall refuse to labour upon any work upon the plea that the same is situated at a greater distance from the place where he resides than that prescribed, it shall be lawful for the Chairman of the local authority of the town or district to which any such person may belong to make such inquiry as he shall deem necessary, and to determine any such question ; and the decision of such Chairman shall be final.

*Commutation.*

Permission to commute.

39 (1) It shall be lawful for any inhabitant to commute the performance of the labour due by him for any one year, except any double or increased labour to which he may have become liable under sections 28 and 29 of this Ordinance, by a money payment of such sum not exceeding two rupees, as the local authority may from time to time fix in respect of the administrative limits in which such inhabitant resides.

Provided that the rates of commutation hitherto paid under "The Road Ordinance, No. 10 of 1861," shall be levied until altered by resolution of the local authority.

(2) It shall be lawful for any person who shall have become liable to the performance of double labour under section 28 of this Ordinance to commute such double labour by the payment of double the amount of the rate of commutation leviable in that district at any time previous to the day on which such person shall have been notified to perform double labour.

Persons desiring to commute when to pay commutation money.

40 Any person desiring to commute the performance of labour by a money payment shall pay the amount due by him on or before the thirty-first day of March in each year, and up to such date a person shall not be liable to the penalties provided by section 28 of this Ordinance.

Commutation money to be paid to division officer or to Chairman of local authority.

41 The amount due by any person as commutation money shall be paid to a division officer of the division to which the person liable to pay may belong, or to the Chairman of the local authority, who shall grant a receipt therefor.

Division officer to grant receipts for commutation moneys, and to deposit the same according to the instructions of local authority.

42 Every division officer shall grant a receipt upon a form issued by and bearing the stamp of the local authority, and shall pay over all such sums received by him as division officer to the local authority at such times and in such manner as such authority shall direct, and all such sums shall forthwith be paid into the municipal or other local fund.

Persons fraudulently making use of commutation receipts to be prosecuted.

43 If any person, who shall have paid the amount due by him as commutation money under this Ordinance, shall deliver any receipt given to him by the division officer or by the Chairman of the local authority to any other person, in order that such last-mentioned person may make use of the same in proof of his having paid any sum of money due by him, or for any other fraudulent purpose; or if any person shall deceitfully make use of any receipt given to any other person by a division officer or a Chairman of a local authority as a receipt given to him, such persons, or either of them, shall be guilty of an offence, and be liable on summary conviction 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.

SCHEDULE A.

Warrant of Arrest under Section 30 of Ordinance No. 31 of 1884.

To (name and designation of person or persons who is or are to execute the warrant).

Whereas —, of —, is charged with the offence (here state the offence in terms of sections 28 or 29, according to the facts, as the case may be), in breach of section 30 of Ordinance No. 31 of 1884; you are hereby directed to arrest the said —, and to produce him before me at —.

Dated the — day of —, 19—.

(Signed) —, (Chairman of the Municipal Council of —, or Chairman of the District Council for the District of —.)

SCHEDULE B.

Warrant of Commitment on a Sentence under Section 32 of Ordinance No. 31 of 1884.

To the Fiscal of the — Province.

Whereas on the — day of —, 19—, (name of prisoner) was convicted before me (name, Chairman of the Municipal Council of —, or Chairman of the District Council for the District of —, as the case may be), of the offence of (mention concisely the offence), under section — of Ordinance No. 31 of 1884, and was sentenced to one month's imprisonment with hard labour:

This is to authorize and require you to receive the said (prisoner's name) into your custody in prison at —, together with this warrant, and there to carry the aforesaid sentence into execution according to law.

Given under my hand this — day of —, 19—.

(Signature and Official Designation.)

SECOND PART.

In the Ordinances hereinafter enumerated, the enactments, portions of enactments, words, or expressions set out in the first column under each Ordinance shall be adapted, abrogated, or otherwise dealt with in the manner in each case respectively indicated in the second column.

1.—The Nuisances Ordinance, 1862.

<i>First Column.</i>	<i>Second Column.</i>
Enactments, &c.	How dealt with.
Section 2: "Board of Health"	.. "local authority" to be substituted.
Section 3: "Board of Health"	.. "local authority" to be substituted.
Sections 4, 5, 6, 7, and 8	.. To be repealed.
Section 11: "Board of Health"	.. "local authority" to be substituted.
Section 15: "Board of Health"	.. "local authority" to be substituted.
Section 16: "Board of Health"	.. "local authority" to be substituted.
Section 20	.. The following section to be substituted: 20. In construing this Ordinance the terms "local authority" and "Police Magistrate" shall be respectively held to mean the "Municipal Council" or "District Council," as the case may be, and the Police Magistrate, as the case may be, having authority or jurisdiction in the area within which the nuisance exists, or any work or thing has to be performed or done, and the term "Police Magistrate" shall be held to include a Municipal Magistrate.



**2.—Ordinance No. 5 of 1873, intituled "An Ordinance to facilitate the Construction and regulate the working of Tramways in Ceylon."**

<i>First Column.</i>	<i>Second Column.</i>
Enactments, &c.	How dealt with.
Section 2 (3): "Municipal Council" ..	"Municipal or District Council" to be substituted.
Section 15: "Municipal" ..	To be omitted.
Section 19: "in a Municipal town under treaty with the Council thereof"	"in the administrative limits of a Council under treaty with the Council" to be substituted.

**3.—The Weights and Measures Ordinance, 1876.**

Section 2: from the words "as herein-after provided" to the end of the section	The following to be substituted: "by the proper authority at the office of such proper authority." In this Ordinance the "proper authority" means— (a) Within the administrative limits of any Municipal town, the Chairman of the Municipal Council; (b) Within the administrative limits of any District Council, the Chairman of the District Council.
Section 7	The following section to be substituted: 7. The proper authority may appoint examiners of weights and measures of such number as he may from time to time determine. "the proper authority" to be substituted.
Section 9: "the Municipal Council of every Municipality and by the Local Health and Improvement Board in every town possessing such Board, and at every kacheheri" "such Municipal Council or Local Board or by the Government Agent of the Province in places therein situate where there is no Municipality or Local Board"	"the proper authority" to be substituted.

**4.—The Small Tenements Ordinance, 1882.**

Section 2: definition of "town" ..	The following shall be substituted: The term "town" shall mean— (a) Any Municipal town; and (b) Any urban area within the meaning of "The Local Government Ordinance, No. of 1919."
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**5.—The Quarries Ordinance, 1889.**

Preamble: "where a Municipal Council or Local Board is established"	To be omitted.
Section 2: definitions ..	The following definition shall be added: "Town" means— (a) Any Municipal town within the meaning of "The Municipal Councils Ordinance, 1910"; and (b) Any urban area within the meaning of "The Local Government Ordinance, No. of 1919"; and the limits of a town means the limits of such town or area as defined by either of the said Ordinances, unless such limits shall be expressly altered by Proclamation under section 3 of this Ordinance.
Section 3: "where a Municipal Council or Local Board of Health and Improvement is or shall be established"	To be omitted.
Section 4: from the words "The limits of each town" to the end of the section	To be omitted.
Section 5: "where a Municipal Council or Local Board of Health and Improvement is or shall be established, the Chairman of such Council or Local Board"	The following to be substituted: "the Chairman of the Municipal Council or the District Council, as the case may be."
Section 6: "Local Board of Health and Improvement"	"District Council" to be substituted.
Section 9: "where a Local Board of Health and Improvement is or shall be substituted"	The following to be substituted: "within the administrative limits of a District Council."

6.—The Rabies Ordinance, 1893.

<i>First Column.</i>	<i>Second Column.</i>
Enactments, &c.	How dealt with.
Section 3: definition of "local authority":	
(b) Local Board .. .. .	"District Council" to be substituted.
(c) .. .. .	To be omitted, and the succeeding paragraph lettered accordingly.
(d) (re-lettered (c)) "Local Board or by the Government Agent or Assistant Government Agent"	"District Council" to be substituted.

7.—The Butchers Ordinance, 1893.

Section 4 .. .. .	The following section shall be substituted: Save as in section 23 provided, the "proper authority" referred to in this Ordinance means— (a) Within the administrative limits of any Municipal town, the Chairman of the Municipal Council; (b) Within the administrative limits of any District Council, the Chairman of the District Council.
Section 23: "For the purposes of this section" to the end of the paragraph	The following paragraph to be substituted: For the purposes of this section the proper authority shall be— (a) Within the administrative limits of a Municipal town, the Municipal Council; (b) Within the administrative limits of a District Council, the District Council.
Section 26: "Local Board of Health and Improvement of any town" "of such town" .. .. .	"District Council" to be substituted. "of the administrative limits of the Council" to be substituted.

8.—The Toll Ordinance, 1896.

Section 25A: "Provincial Road Committee or District Road Committee," in all places where the words occur	"District Council" to be substituted.
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9.—The Cemeteries and Burials Ordinance, 1899.

Section 4: definition of "proper authority"	The following to be substituted: The term "proper authority" shall mean— (a) In the case of a Municipal town, the Municipal Council; (b) In the case of any other area, the District Council.
Section 7: "Municipal Council of a Municipal town, and of the Local Board of a Local Board town, and of the Board of Improvement of the town of Nuwara Eliya" "the limits of such town" .. .. .	The following to be substituted: "every Municipal and District Council." "The limits of the Council" to be substituted.
Section 20: "if in a Local Board town" to the end of the section	The following to be substituted: "and in all other cases into the local fund of the District Council."
Section 45: paragraphs (b) to (d) .. .. .	The following to be substituted: (b) If the fine was for an offence within the administrative limits of a District Council, to the local fund of the Council.

**10.—The Boats Ordinance, 1900.**

<i>First Column.</i> Enactments, &c.	<i>Second Column.</i> How dealt with.
Section 3: definition of "proper authority"	The following definition to be substituted: "Proper authority" shall mean the Chairman of any Municipal or District Council.
Section 34: "Committees established under the provisions of 'The Road Ordinance, 1861'"	"Municipal or District Councils" to be substituted.

**The Boats (Amendment) Ordinance, No. 32 of 1916.**

Section 2: (a) Sub-section (3) of new section 14A	To be repealed.
(b) Schedule: all the schedule, save that part of it which relates to Municipal towns	The following to be substituted: District .. Chairman of the .. Local Council      District Council      fund

**11.—The Census Ordinance, 1900.**

Section 6: "and Local Board" ..	To be omitted.
"or Local Board" ..	To be omitted.
"or Local Board" ..	To be omitted.

**12.—The Dog Registration Ordinance, 1901.**

Section 3: definition of "proper authority"	The following to be substituted: "Proper authority" shall mean— (a) Within the administrative limits of a Municipal Council, the Municipal Council; (b) Within the administrative limits of a District Council, the District Council.
Section 5: "town wherein a Municipal Council or Local Board of Health and Improvement has been, or may hereafter be, established, or within the limits of the town of Nuwara Eliya"	The following to be substituted: "Municipal town or Urban District Council."
"Provided that" to the end of the section	To be omitted.
Section 14: "Local Board town" to the end of the section	The following to be substituted: District Council shall be taken and received by the District Council for the local fund.

**13.—The Public Business Ordinance, 1905.**

Section 2	To be repealed.
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**14.—The Electricity Ordinance, 1906.**

Section 4 (d): "Local Board, the Board of Improvement of Nuwara Eliya"	"District Council" to be substituted.
Section 5 (1) (b)	The following to be substituted: (b) A license or concession granted by a Municipal or District Council in pursuance of "The Municipal Councils Ordinance, 1910," or "The Local Government Ordinance, No. of 1919."
Section 5 (2): "Local Board town" to "situate"	The following to be substituted: District Council within the administrative limits of which any such place, vessel, or premises is situate or kept for use. "District Council" to be substituted.
Section 10: "Local Board or of the Board of Improvement of Nuwara Eliya"	"District Council" to be substituted.

**15.—The Guides Ordinance, 1906.**

<i>First Column.</i>	<i>Second Column.</i>
Enactments, &c.	How dealt with.
Section 3: definition of "town"— "Local Board, Board of Improvement, or Board of Health"	"or District Council" to be substituted.
Definition of "proper authority" ..	"Proper authority" shall mean the Municipal Council or District Council within the administrative limits of which the town or place in question is situate.
Section 11: "such fees shall in the case of towns be paid into the fund of such town, and in the case of places be paid into the Treasury"	The following to be substituted: "such fees shall be paid into the municipal or local fund of the proper authority."
Section 12: "in the case of any town be exercised and performed by the Chairman of the Municipal Council, Local Board, Board of Improvement, or Board of Health of such town"	The following to be substituted: "be performed by the Chairman of the proper authority."
"such Council or Board" ..	"the proper authority" to be substituted.

**16.—The Forest Ordinance, 1907.**

Section 3: Definition of "Reserved forest."	The words "(3) Road reservations" to be omitted, and the subsequent paragraph to be numbered accordingly.
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**17.—The Housing and Town Improvement Ordinance, No. 19 of 1915.**

Section 2: definition of "local authority"	The following to be substituted: Within the administrative limits of any District Council, the District Council.
"within any Local Board limits" to the end of the definition	The words "Provided that" to the end of the definition to be omitted.
Definition of "Chairman" ..	The following section to be substituted: 3. This Ordinance shall apply—
Section 3 ..	(a) Within the administrative limits of any Municipal or Urban District Council;
	(b) Within any "urban area" (as defined by "The Local Government Ordinance, No. of 1919") situated within the administrative limits of a General or Rural District Council;
	(c) Within any other limits within which it shall have been declared to be in force by resolution of any General or Rural District Council approved by the Local Government Board.

**18.—The Riot Damages Ordinance, No. 23 of 1915.**

Section 2 (b) ..	The following to be substituted: (b) In the case of any urban area as defined by "The Local Government Ordinance, No. of 1919," the limits of such area.
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**19.—The Vehicles Ordinance, No. 4 of 1916.**

Section 4: definition of "proper authority"	The following to be substituted: The term "proper authority" shall mean—
	(a) Within the administrative limits of a Municipal Council, the Chairman of the Municipal Council;
	(b) Within the administrative limits of a District Council, the Chairman of the District Council.
Section 5: "Local Board" to the end of the section	"or District Council" to be substituted.
Section 55: Schedule: "Nuw-ra Eliya Board of Improvement" to the end of the schedule	The following to be substituted: District .. Chairman of the .. Local Council .. District Council .. fund

Colonial Secretary's Office,  
Colombo, August 26, 1919.

By His Excellency's command,  
A. S. PAGDEN,  
Acting Colonial Secretary.

## STATEMENT OF OBJECTS AND REASONS.

THIS Bill follows the lines laid down in the report of the Local Government Commission, with the important exceptions that the elective principle has been more strongly emphasized in the constitution of the District Councils, and that the subject of education is being dealt with in a separate measure. The Bill deals with local government in all except Municipal areas, and it is proposed to confer on the new bodies very extensive powers over public thoroughfares, public health, public services, and general local wants and interests.

*Local Government Board.*

In order to supervise a large number of local authorities, with a view to securing uniformity and efficiency of work, it is clear that a co-ordinating and controlling authority is required. For this purpose section 5 provides for the creation of a Local Government Board, with members nominated by the Governor, subject to the requirement that half of them are to be officials and the other half unofficials. Of the unofficials, two must be Unofficial Members of the Legislative Council, a provision which will ensure close touch between the Council and the Board.

The President of the Board is to be a public officer nominated by the Governor, in accordance with the express recommendation of the Commission.

The general duties of the Board may be gathered from a perusal of section 6 of the Bill; and in other parts of the Bill will be found other provisions dealing with the sphere of activities of the Board. Of these, it is only necessary to refer to section 122 (conferring concurrent jurisdiction to make by-laws), section 141 (requiring the approval of the Board to loans by District Councils), and Part VII. of the Bill which sets out certain powers of central control exercisable by the Board, such as the power to supersede recalcitrant or inefficient District Councils (section 152), to order inquiries and enforce any orders made thereon (sections 153 to 157), to give directions as to the preparation and submission of their budgets by District Councils (sections 163, 167, and 168), the determination of disputes between District Councils (section 170), &c.

*Constitution of District Councils.*

The District Councils, to which reference has already been made, are the local authorities created by the Bill, and are to be of three kinds:—

- I.—Urban District Councils.
- II.—General District Councils.
- III.—Rural District Councils.

But it is to be noted that the constitution and powers of Municipalities are left untouched by this Bill. The areas which it is proposed to bring within the administrative limits of these several bodies correspond, roughly speaking, to the larger towns other than Municipalities, to the smaller towns connected by business or association with the country around them, and to the rural districts of the Island, respectively.

In the areas of the Urban and General District Councils, it is proposed that two-thirds of the members shall be elected, while the remainder are to be nominated by the Governor (section 11).

As regard the Rural District Councils, it is thought that local conditions make it inadvisable to introduce election at first, but under section 12 it is made possible to introduce electoral institutions gradually. The Chairman of a District Council is made the executive officer of the Council (section 16), and both he and the Vice-Chairman are to be *ex officio* Justices of the Peace and Unofficial Police Magistrates during their respective tenures of office, and are to be elected by their fellow-members (sections 16 to 18).

In Chapter III. of Part III. of the Bill are set out the provisions relating to election. The qualifications required of a member of a District Council appear in section 27 and those

of a voter in section 28, while the procedure to be followed at elections and provisions ancillary thereto are laid down in sections 29 to 38 and in Schedule I. of the Bill.

#### *Village Committees.*

The effect of the creation of District Councils at once brings up the subject of Village Committees for consideration.

Chapter IV. of Part III. contains the main provisions on this matter. It will be observed that under section 39 Village Committees are constituted minor local authorities, and, subject to the provisions of sections 57, 84, 117, and 201, and to the special exception contained in section 39 (2), are to continue to exercise their existing powers. By section 40 a District Council may, and shall, if so directed by the Local Government Board, delegate extensive powers and duties to a Village Committee, and in the exercise of such powers the Village Committee is to act as the agent of the District Council.

#### *Powers and Duties of District Councils.*

Part IV. of the Bill sets out the powers and duties of District Councils. In Chapter I. of that Part is a statement of their powers and duties, *e.g.*, the property to be vested in them (sections 44 and 45), the making of town surveys (section 48), and of contracts (sections 49 to 51), the acquisition of land (sections 52 and 53), and their general powers and duties (sections 46 and 47).

#### *Thoroughfares.*

Chapter II. of Part IV. deals with the important subject of thoroughfares.

It has not been found possible to embody all provisions dealing with this subject in the Ordinance itself, because the Road Ordinances apply to principal thoroughfares, which will remain under the Governor in Executive Council, and to a certain extent also to the Municipalities. But in Chapter II. of Part IV. of the Bill certain important provisions are laid down. By section 55 the District Council is to be the general authority for thoroughfares within their administrative limits, subject to any powers and responsibilities by law committed to any other authority. Under section 57 useful powers are conferred upon a district authority, enabling them to watch over the course and development of all public paths and roads within the administrative limits of a minor local authority. Section 60 introduces an important principle, allowing an authority which is constructing, widening, or diverting any road to acquire the frontage on such road, and so to intercept some of the profit which follows on the making of new communications.

Attention is also called to the provisions of sections 63 to 65 of the Bill, which empower a District Council to make contracts with regard to the construction and use of tramways on public roads, the organization and maintenance of forms of public vehicular communications, and to the conditions under which means of transport for passengers may be provided.

It may be convenient at this point to draw attention to the re-draft of the Road Ordinance, No. 10 of 1861. All the labour tax provisions of this Ordinance are eliminated and transferred to a separate Ordinance—a re-draft of the Ordinance which appears in the present Statute Book as No. 31 of 1884. On the other hand, in the new draft of the Road Ordinance are embodied the important proposals with regard to the widening of roads contained in paragraphs 33 and 34 of the report of the Commission. Section 43—extraordinary traffic—is new, and is derived from the Highways and Locomotive (Amendment) Act, 1878, section 23. Sections 41 and 42 dealing with the power of the road authority to authorize the user of public thoroughfares for public purposes are also new.

The labour tax provisions of the old Road Ordinance, as has been remarked above, are embodied in the re-draft of Ordinance No. 31 of 1884. This Ordinance will now be a

convenient Code for the purpose of the poll tax, and can be adapted by local by-laws according to the policy adopted by the various local authorities.

Both these Ordinances are set out in Part I. of Schedule VIII. of the Bill.

*Public Health.*

As in the case of thoroughfares, it is not possible to include all the powers vested in a District Council in respect of public health in this Ordinance, because certain Ordinances, like "The Nuisances Ordinance, 1862," and "The Housing and Town Improvement Ordinance, No. 19 of 1915," confer powers upon bodies other than District Councils, such as Municipalities. But in Chapter III. of Part IV. there are provisions of an important and far-reaching character, which are, however, modelled on existing legislation.

It is only necessary to call attention to those sections of the Ordinance which deal with these different matters. Sections 71 to 75 deal with drainage, sections 76 to 83 with latrines, sections 84 to 86 with conservancy and scavenging, sections 87 to 91 with insanitary buildings, and sections 92 to 96 with nuisances.

Interesting and important provisions appear in Chapter IV. of Part IV. of the Bill. They deal with the establishment and maintenance of public services, a list of which appears in section 97. Sections 101 to 103 relate to the provision of a water supply, on the same lines as section 45 of Ordinance No. 13 of 1898.

*Markets.*

Sections 104 to 120 deal with the important subject of markets, and it may be well if express attention were called to some of the principal requirements of these sections. In section 104 are set out the general duties of the District Council with respect to markets. They are to establish and maintain public markets, to regulate and supervise all private markets, and generally to see that they are carried on in an efficient and satisfactory manner.

Section 105 requires that no private market shall be established or maintained except in pursuance of a license from the Council, and every owner of a private market in existence at the date of the commencement of the Ordinance is required within three months of that date to make application to the Council (see section 106 of the Bill).

Sections 107 to 111 of the Bill deal with the conditions on which licenses for private markets may be issued or refused, and express provision is made in section 110 that the issue of a license for a new private market is not to create any vested interest.

Section 111 provides that a license may be refused in respect of any new private market or to any such market established within one year of the commencement of the Ordinance, if the wants of the neighbourhood are sufficiently provided by any existing markets.

If a private market does not conform to the requirements of the Bill, and has been established for a longer period than one year prior to the commencement of the Ordinance, the District Council may, subject to appeal, refuse to license the market, without payment of any compensation, if its owner or occupant refuses to put it into a proper condition, or if the District Council is satisfied that, owing to the inherent defects or position of the market, it cannot be put into proper condition or be carried on satisfactorily.

If the market has been carried on for a period of over thirty years prior to the commencement of the Ordinance and does not conform to the requirements of the Ordinance, the District Council may order the private market to be closed, but it must provide accommodation for the business theretofore carried on in such market in the public market established by the Council. The owner of a private market which has been closed under this enactment is to be entitled to a lease of the accommodation provided in the public market as above mentioned for a period not exceeding fifty years, subject to the payment of rent and other conditions. Such rent is to be revised quinquennially, and for the first period of five years the amount of the rent is not to exceed 10 per cent.

of the cost of providing such accommodation, together with a further 10 per cent. of the nett average annual profits derived from such market during the previous five years, and in the case of every subsequent five years is not to exceed 10 per cent. of the average nett annual profits derived from the accommodation so leased for the previous five years. In the event of any dispute arising as to the amount of the annual profits, the question is to be determined by the Chairman of the District Council, subject to appeal to the Local Government Board.

In section 115 of the Bill appear provisions dealing with the compensation payable where private markets are discontinued or taken over by a District Council, while in section 120 are set out provisions for the creation of market areas.

#### *By-laws.*

It is obvious that, following the lines of similar legislation elsewhere and also in Ceylon, provision must be made for carrying out the details of local administration by means of by-laws. Part V. of the Bill deals with this important subject. The District Council has general power to make by-laws, subject to the approval of the Local Government Board; but by section 122 of the Bill the Local Government Board may, for the whole or any part of the Colony, also make such by-laws as they think necessary for the purpose of exercising the duties and powers of the Board or of any District Council under the Ordinance. Before such by-laws can be brought into operation they are to be published in the *Government Gazette*, and they are also to be subject to confirmation by the Legislative Council. Provision is also made for the publication of all by-laws in the English language and in one or both of the vernacular languages (see sections 122 to 124 of the Bill).

Section 125 of the Bill deals with the subject on which by-laws may be made. They are the procedure and business of the Board, conditions under which officers may be appointed and paid, minor local authorities, taxation, loans, thoroughfares, animals, markets and fairs, waterworks, public health, and other matters.

Part VIII. of the Bill deals with matters of machinery and procedure, such as recovery of charges and expenses, compensation, procedure and legal proceedings, powers and responsibilities of officers. They are taken in the main from provisions of the existing law, and do not, it is thought, require any special mention.

Part IX. of the Bill contains certain provisions to allow of the transition being made from the existing local authorities to the authorities constituted under the Bill, and also with repeal.

#### *Finance.*

The subject of finance has been left for treatment to the last, because it is felt that the success of the local bodies constituted under the Bill must depend mainly on their being placed on a sound financial basis.

In Chapter I. of Part VI. are set out the sources from which the income of a District Council are to be derived, but it is obvious that the principal source will be local taxation, supplemented by contributions made from general revenue.

Section 128 authorizes a District Council, subject to the approval of the Local Government Board, to levy a rate on the annual value of the immovable property within their district. There are, however, certain classes of property which are exempted from rates, which may be seen by reference to section 129 of the Bill. In addition to the power to levy rates, a District Council may, under conditions similar to those which prevail in the case of rates, impose the following taxes :—

- (a) An annual labour tax ;
- (b) A tax on vehicles and animals ;
- (c) A duty in respect of licenses issued by the Council ; and
- (d) Any other form of taxation approved by the Local Government Board and sanctioned by the Governor.



With regard to the tax on vehicles and animals, however, it is necessary to consider carefully the provisions of section 132 of the Bill; and with regard to the labour tax, those of section 131.

Chapter III. of Part VI. deals with the method of assessment of rates and taxes. These are based to a large extent on the corresponding provisions of the Municipal Councils Ordinance, No. 6 of 1910, and therefore do not require special treatment.

#### *Loans.*

Chapter IV. of Part VI. deals with the very important subject of loans. A District Council is authorized, subject to the approval of the Local Government Board, to borrow money for the purposes of the Ordinance. The rate of interest and the conditions for repayment are to be such as the Local Government Board, with the sanction of the Governor, may approve, and for the purpose of securing repayment of amounts borrowed, a Council is authorized to mortgage the proceeds of any rate or tax leviable under the Bill or any property vested in the Council. A limit, however, is placed on the amount which may be borrowed by a Council. It is not to exceed in the aggregate ten times the fair annual income received from all rates, taxes, properties, and other sources of income for the preceding five years, subject to the exception that if the loans raised by a Council are wholly or mainly due to the Ceylon Government, the Governor in Executive Council, on the recommendation of the Local Government Board, may authorize the limit prescribed above to be exceeded to such extent as may be stated in the order of the Governor.

#### *Accounts, Estimates, and Budget.*

Chapter V. of Part VI. deals with accounts, estimates, and the budget. District Councils are by section 144 required to keep proper books to be prescribed by the Local Government Board. In these books shall be entered true accounts of all moneys received and expended for the purposes of the Ordinance, and these books are not to be taken from the office of the Council under any pretence, except by the order of a competent court. It is also provided that such books are at all reasonable times to be open to the inspection of members of the Council and all resident householders within the administrative limits of the Council.

By section 145 of the Bill the duty is imposed upon the Council of making annually, during the month of January, a true statement of its assets and liabilities for the year ending on the 31st day of December, which is to be verified before a Justice of the Peace by the Chairman or other officer. An abstract of such account and statement is to be published for general information in the *Government Gazette*, and the statement itself is to be kept in the offices of the Council and to be open to the inspection of any householder resident within the administrative limits of the Council or any party interested. Section 146 deals with the preparation and submission of the annual budget to the Council, whilst sections 147 and 148 deal with the reduction or increase of expenditure shown on the budget and with the annual administration report. In connection with the budget, attention may again be directed to sections 163, 167, and 168 of the Bill.

#### *Audit.*

Chapter VI. of Part VI. deals with audit. The provisions are largely based on the corresponding provisions of the Municipal Councils Ordinance, No. 6 of 1910, but special attention is called to section 150 of the Bill, which allows the auditors to disallow any item which has been expended contrary to law, and to surcharge the person responsible for the unauthorized expenditure with the amount. This amount may be recovered from the person so surcharged, subject to an appeal to the Supreme Court (see section 151).

MINUTE.

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

An Ordinance to make better provision for Education, and to revise and consolidate the Law relating thereto.

Preamble.

WHEREAS it is expedient to make better provision for education, and to revise and consolidate the law relating thereto : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title and commencement.

1 This Ordinance may be cited as "The Education Ordinance, No. of 1919," and shall come into operation on a day to be fixed by the Governor by Proclamation in the "Government Gazette."

Interpretation.

2 (1) In this Ordinance, unless the context otherwise requires—

"Director" means the Director of Education.

"Assistant Director" means the Assistant Director of Education.

"Department" means the Department of Education created under the provisions of this Ordinance.

"The Board" means the Board of Education appointed and constituted under the provisions of this Ordinance.

"District Committee" means an Education District Committee appointed and constituted under the provisions of this Ordinance.

"Secondary school" means a school of secondary education, and includes a division of a school in which secondary education is provided.

"Elementary school" means a school of elementary education, and includes a division of a school in which elementary education is provided.

"Assisted school" means a school, whether secondary or elementary, to which aid is contributed from the public funds of the Colony.

"Government elementary school" means an elementary school already or hereafter established by, or transferred to, Government and maintained entirely from the public funds of the Colony.

"Parent" includes a guardian and any person who has the legal or actual custody of a child.

"Estate" means any estate in which labourers are employed having ten acres of land actually cultivated in tea, rubber, coconuts, coffee, cacao, cardamoms, camphor, pepper, or cinchona.

"Estate school" means an estate school established under the provisions of "The Rural Schools Ordinance, 1907," or hereafter established under this Ordinance.

"Prescribed" means prescribed by regulation or by-law made under this Ordinance.

(2) The occupier of the premises in which any child usually resides shall be deemed to have the actual custody of such child until the contrary is proved.

PART I.

*The Department of Education, the Director, and Officers.*

Department of Education.

3 There shall be a Government Department to be styled the Department of Education, the head whereof shall be called the Director of Education.

Officers of Department.

4 The officers of the Department shall be as follows :

(1) The Director of Education ;

(2) The Assistant Director of Education ;

(3) The Inspectors, Assistant Inspectors, and Sub-Inspectors of Schools ;

(4) The Secretary of the Board ; and

(5) Such other officers and clerks and peons as may, in the opinion of the Governor, be necessary for carrying into effect the provisions of this Ordinance.

Duties of Director.

5 (1) It shall be the duty of the Director, under section 10 of this Ordinance, to prepare regulations, and to submit the same to the Board for approval; and further, to submit to the Board for approval any amendments of such regulations as he may consider necessary, or which he may be requested by the Board to prepare.

(2) He shall be responsible for the carrying out of such regulations.

(3) He shall before the month of April in each year make to the Board, for submission to the Governor, a report upon the state of every educational establishment supported or aided by public funds under the provisions of this Ordinance, and such report shall be printed and laid before the Legislative Council.

(4) He shall further, whenever he shall think fit, or whenever he shall be required by the Board to do so, report to the Board on any matter relative to the education of youth in the Colony.

PART II.

*Board of Education.*

Board of Education.

6 (1) There shall be established a Board to be styled the Board of Education, and composed of not less than sixteen or more than twenty members nominated by the Governor, of whom the Director and the Assistant Director and two Unofficial Members of the Legislative Council shall be four.

(2) Every member of the Board other than the Director and Assistant Director shall hold office for the term of three years from the date of his appointment.

(3) No act or proceeding of the Board or of any Committee of the Board shall be invalidated or questioned on account of any vacancy among the members of such Board or Committee, or of any defect in their appointment.

Board to be advisory.

7 The Board shall not be an administrative or executive body, but the Governor or the Director may refer any matter to the Board for their advice.

Chairman.

8 The Director shall be Chairman of the Board, provided that in his absence the Board may elect one of its members as chairman at any meeting.

Resignation and vacation of membership.

9 (1) Any member, other than the Director or Assistant Director of Education, may resign his seat on the Board by letter addressed to the Governor.

(2) Any such member as aforesaid who has not on the thirty-first day of December in each year attended at least one-half of the meetings of the Board during the preceding twelve months or during his tenure of office in such months shall be considered to have vacated his seat on the Board, unless he has been absent from ill-health or with the leave of the Board.

(3) In case of the absence on leave or through ill-health of any member of the Board, the Governor may appoint any person to act in his stead.

Powers of Board as to framing "The Code."

10 (1) The Board may make regulations, which shall be known as "The Code," and may deal with the following subjects:

(I.) *Elementary and Secondary Education.*

(a) The establishment, recognition, maintenance, continuance or discontinuance of elementary and secondary schools.

(b) The course and schedules of studies and the course of manual instruction in such schools, and the books and apparatus to be used therein.

(c) The discipline to be enforced in such schools.

(d) The inspection and examination of such schools, and the manner in which inspecting officers shall perform their duties.

(e) The duties of local managers, and the manner of their performance.

- (f) The qualification required in school teachers of various classes, and the payment of fixed salaries and other emoluments to such teachers; and the appointment, classification, suspension, and removal of such teachers.
- (g) The appointment of officers to secure the attendance of children at elementary schools in districts in which by-laws for their compulsory attendance are in force, and for the payment of the salaries of such officers by the prescribed authority.
- (h) The powers of such officers to demand and obtain information with regard to children who are required by such by-laws to attend such schools, and to require the production of such children before them for inspection.
- (i) The entry by such officers upon any premises and the search thereof for the purpose of gaining or verifying information with regard to any such children.
- (j) The provision for the infliction of penalties for the contravention of any of such regulations which may amount to a fine not exceeding twenty rupees, or in default of payment to imprisonment of either description for a period not exceeding one month.

(II.) *Training of Teachers.*

- (k) The establishment, administration, maintenance, continuance, or discontinuance of Government and assisted training schools for teachers.

(III.) *Intermediate Schools and Night Schools.*

- (l) The providing or aiding of night schools and of schools intermediary between elementary and secondary schools, subject to such provisions of the Code as the Board think fit to apply.

(IV.) *General.*

- (m) The award and tenure of exhibitions.
  - (n) Technical, agricultural, and commercial education.
  - (o) The payment or remission of fees, subject to the provisions of the Code, in respect of attendance at any school.
  - (p) The standards of accommodation and of sanitation to be maintained in Government and assisted schools, and also in all private schools or places in which classes attended by children of school-going age are held.
  - (q) Generally for the regulation and conduct of the business of the Board and of any committees thereof.
- (2) Regulations made under this section shall not have any force or effect until they have been confirmed by the Governor in Executive Council.
- (3) All such regulations shall, after such confirmation as aforesaid, be published in the "Government Gazette."
- (4) Two copies of the Code shall, within ten days of publication, be sent to each head teacher of a Government school, and to the local manager of each assisted school for the purpose of being handed over to the head master of such assisted school.
- (5) All regulations published as aforesaid shall be laid as soon as conveniently may be before the Legislative Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

Duties of Board.

11 It shall be the duty of the Board to advise upon all questions connected with the education of youth in the Colony which are referred to them by the Governor or the Director; and further, it shall be competent for the said Board to make recommendations to the Governor or the Director in connection with such education without previous reference.

Business of Board.

- 12 (1) The Board shall meet once at least in every two months on such day as may be prescribed.
- (2) The Director may at any time summon a meeting of the Board, and on a requisition signed by any five members he shall summon a meeting of the Board.

(3) The requisition shall state the object for which the meeting is required to be summoned.

(4) Seven members of the Board shall form a quorum.

(5) The Chairman shall have a casting, as well as an original, vote.

(6) The Board shall keep a minute book in which their proceedings shall be recorded.

PART III.

*Religion in Schools and Local Managers.*

Religion, nationality, race, caste, and language.

Religious instruction.

Conscience clause.

Local managers.

Formation of education districts.

13 No applicant shall be refused admission into any assisted school on account of the religion, nationality, race, caste, or language of such applicant or of either of his parents.

14 Religious teaching shall not form part of the instruction to be given at any Government school, whether secondary or elementary, by any teacher; but any minister of religion authorized by the Director by writing under his hand may give religious instruction to the children of the religious denomination to which the minister belongs at such times and places as may be agreed upon between him and the Director.

15 (1) It shall not be required as a condition of any child being admitted into or continuing in an assisted school that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent or guardian, or that he shall attend the school on any day exclusively set apart for religious observance by the religious body to which the parent belongs.

(2) The time during which any religious observance is practised or religious instruction is given at any meeting of an assisted school shall be either at the beginning or the end, or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Director, and to be kept permanently and conspicuously affixed in every schoolroom, and any scholar may be withdrawn by his parent or guardian from such observance or instruction without forfeiting any of the other benefits of the school.

16 (1) The Director may appoint such persons as he thinks fit to be local managers for Government schools, and he may in his discretion remove any such manager at any time.

(2) Any such appointment or removal shall be notified in the "Government Gazette."

(3) No teacher or any person who derives any profit or emolument from any school shall be a local manager.

(4) The head or governing body of the religious denomination in connection with which an assisted school is conducted, or the governing body, of any other assisted school, shall have the power at any time to appoint local managers for such school, or to require the retirement of any such local manager. Provided that the Director may also require the retirement of any local manager of an assisted school.

(5) The appointment of any local manager to an assisted school, together with the acceptance thereof in writing by the person so appointed and the notification of retirement of any local manager, shall be delivered to the Director by such head or governing body as aforesaid.

PART IV.

*Education Districts and District Committees.*

17 For the purposes of this Ordinance the area contained within—

(a) Every Municipal town;

(b) Every Urban District Council constituted under "The Local Government Ordinance, No. of 1919";

(c) Every General District Council constituted under the said Ordinance; and

(d) Every Rural District Council constituted under the said Ordinance;

shall be an education district.

Education District Committees:

18 (1) In every education district there shall be an Education District Committee, which shall consist of not less than six or more than nine members.

(2) Not less than two of such members shall—

(a) In the case of the Committee of an Education District which is situated within the administrative limits of a Municipal town, be nominated by the Council of such town;

(b) In the case of the Committee of an Education District which is situated within the administrative limits of an Urban General District Council or Rural District Council, be nominated by such Urban General or Rural District Council, as the case may be.

(3) The Governor in Executive Council may, by Proclamation in the "Government Gazette," increase the number of members nominated under the last preceding sub-section.

(4) All members not nominated under the provisions of the two last preceding sub-sections shall be nominated by the Governor.

(5) Every member of the District Committee shall hold office for three years from the date of his appointment.

(6) No act or proceeding of the Committee shall be invalidated or questioned on account of any vacancy amongst the members of such Committee or of any defect in their appointment.

Chairman.

19 The members of each District Committee shall from time to time elect one of such members to be Chairman of such Committee.

Tenure of office of Chairman.

20 Every Chairman shall hold office for one year from the date of his election, unless his term of office shall meanwhile have ceased or expired.

Resignation and vacation of membership.

21 (1) Any member may resign his seat on the Committee by letter addressed to the Colonial Secretary if he was nominated by the Governor, and to the authority appointing him if he was nominated by the Council of a Municipal town or by an Urban, General, or Rural District Council.

(2) Any such member as aforesaid who has not on the thirty-first day of December in each year attended at least one-half of the meetings of the Committee during the preceding twelve months, or during his tenure of office in such months, shall be considered to have vacated his seat on the Committee, unless he has been absent from ill-health or with the leave of the Committee.

(3) In case of the absence on leave or through ill-health of any member of the Committee, the Governor, or the authority appointing him as aforesaid, may appoint any other person to act in his stead.

Business of District Committee.

22 (1) A District Committee shall meet once at least in every two months on such day as may be prescribed.

(2) The Chairman may at any time summon a meeting of a District Committee, and on a requisition signed by any three members, he shall summon a meeting of the Committee.

(3) The requisition shall state the object for which the meeting is required to be summoned.

(4) Three members of a District Committee shall form a quorum.

(5) The Chairman shall have a casting, as well as an original, vote.

(6) Each District Committee shall keep a minute book in which their proceedings shall be recorded.

Village Committees.

23 In any area within the jurisdiction of a Village Committee constituted under Ordinance No. 24 of 1889, such Village Committee may, within such area, exercise such powers of a District Committee as shall be delegated to such Village Committee by any by-law made by such District Committee.

Committees to aid Director.

24 All District and Village Committees shall assist the Director in all matters relating to elementary schools within their respective districts or areas:

By-laws by  
District  
Committees.

25 (1) A District Committee may make by-laws for carrying out the provisions of this part of this Ordinance, and particularly, but without restricting such general power, may make by-laws—

- (a) For the regulation and conduct of the business of the Committee ;
- (b) For the delegation of any powers conferred upon them by this Ordinance to Village Committees, and for the manner in which such powers are to be exercised and carried out by the Village Committees and their officers ;
- (c) Specifying the limits of any area within which efficient provision has been made for elementary education by means of schools situated either within or outside of such area ; -
- (d) Requiring, subject to such exemptions and qualifications as may be contained in such by-laws, the parent of any child between the ages of six and fourteen years, or in the case of Muhammadan and Tamil girls, between the ages of six and ten, residing within such area, to cause such child to attend an elementary school, unless he has made adequate and suitable provision for the education of such child. Provided that no such by-law shall involve the attendance at any school by any child from any distance exceeding three miles ;
- (e) Determining the days on which and the hours during which children shall attend such school ;
- (f) Generally for carrying out the provisions of this part of this Ordinance ;

and may attach a penalty not exceeding a fine of ten rupees, or, in default of payment, imprisonment of either description for a period not exceeding fourteen days, and in the case of a continuing offence, an additional fine not exceeding ten rupees per day to the breach of any such by-law.

(2) A parent shall be deemed to have made adequate and suitable provision for the education of his child—

- (a) If he proves that his child is in regular attendance at an elementary school or at a school certified by the Director to provide adequate and suitable education ; or
- (b) If he proves that he has made such other provision for his child's education as the Director shall certify to be adequate and suitable ; or
- (c) If he produces a certificate from the Director recommending that the child shall be exempted from compulsory attendance.

(3) (a) No parent shall be convicted for not causing his child to attend school, if he proves to the satisfaction of the court that he has reasonable cause for not causing such child to attend.

(b) A parent shall be deemed to have a reasonable excuse for not causing his child to attend school, if he proves that the child is prevented from attending by sickness or other unavoidable cause.

(4) By-laws under this section shall be submitted by the District Committee for the approval of the Board of Education.

(5) All such by-laws, if approved by the Board of Education, shall then be submitted, for confirmation, to the Governor in Executive Council, and if and when so confirmed shall be published in the "Government Gazette" in the English, Sinhalese, and Tamil languages, and shall thereupon be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

Repeal of  
village rules by  
publication of  
by-laws under  
section 25.

26 Upon the publication under section 25 of this Ordinance of any by-laws in any education district, any rules made by the Village Committee of any subdivision situated within the administrative limits of any such district, under the provisions of section 6 of "The Village Communities Ordinance, 1889," for securing the attendance of children at school which may then be in force in such subdivision, shall from the date of such publication be rescinded and shall cease to have effect, and no rules for such purpose shall thereafter be made ; but nothing in this section shall prejudice anything lawfully done under such rules.

Allocation of Government grant.

27 Such moneys as may from time to time be granted by the Legislative Council from general revenue for the purpose shall be allocated by the Director amongst the Education District Committees.

Application of money at disposal of District School Committee.

28 (1) A District Committee may, with the approval of the Director, apply the money placed at their disposal as hereinbefore provided for the benefit of the Government schools at which the children in their district attend, and may, with the like approval, make provision therefrom for—

- (a) Erecting new buildings, extending existing school buildings, making and fencing school gardens and playgrounds, constructing teachers' dwelling houses, and wells for school gardens, and other necessary premises and offices ;
- (b) Repairing school buildings, teachers' dwelling houses, fences, wells, offices, and premises ;
- (c) Supplying furniture, school apparatus, and agricultural implements.

(2) In special cases, and with the approval of the Director, a District Committee may apply such money for the benefit of assisted schools within their district.

(3) A District Committee may also, subject to the provisions of this Ordinance—

- (a) Pay the salaries of clerks and other officers employed by them ; and
- (b) Make any payments necessary for carrying out the objects of this Ordinance.

Keeping and audit of accounts.

29 (1) Accounts shall be kept by each District Committee of their receipts and expenditure, and those accounts shall be made up to the thirty-first day of December in each year, and any balance of receipts over expenditure shall be carried forward to the following year.

(2) The accounts shall be open at all times to the inspection of the Colonial Auditor and of any other officer appointed by him to inspect them, and a copy of the accounts for each year shall be forwarded to the Colonial Auditor not later than the thirty-first day of January of the succeeding year.

(3) A correct summary of the accounts for each year shall be published in the " Government Gazette."

PART V

*Estate Schools.*

Application of Part V. to estates.

30 Parts II., III., and IV. of this Ordinance shall not apply to estates as hereinbefore in this Ordinance defined ; but, whenever it appears that the children of the labourers employed on any estate can be more conveniently educated by means of the schools of the education district within or near which such estate is situated, the Governor may, by order in the " Government Gazette," exempt such estate from the operation of this part of this Ordinance, and direct that it shall be subject to Parts II., III., and IV. thereof.

Combined schools.

31 Two or more estates may, with the sanction in writing of the Director, combine for the purpose of providing a common school under a joint manager for the instruction of the children on such estates.

Duty of superintendent as regards education of children on estate.

32 It shall be the duty of the superintendent of every estate to provide for the vernacular education of the children of the labourers employed on the estate between the ages of six and ten, to appoint a competent teacher, and to set apart and keep in repair a suitable schoolroom.

Restriction on employment of children.

33 (1) No child between the ages of six and ten shall be employed on any work upon any estate before the hour of ten in the morning.

(2) It shall be the duty of every superintendent to take effective measures for securing the observance of the provisions of this section, and any superintendent who shall fail so to do shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding one hundred rupees.

Parents to see that children attend school.

34 (1) The parent of every child between the ages of six and ten, such parent being employed as a labourer on the estate, shall cause such child to attend school during the hours prescribed by rules made by the Director.



(2) Any parent who fails to comply with the provisions of this section shall be guilty of a summary offence, and shall be liable on conviction thereof to a penalty not exceeding ten rupees, or, in default of payment, imprisonment, simple or rigorous, for any period not exceeding fourteen days.

Register of children of school-going age.

35 (1) It shall be the duty of the superintendent to supply the school teacher with the information necessary to allow of such teacher keeping a register showing the names and ages of the boys and girls, being the children of labourers employed on the estate, between the ages of six and ten.

(2) It shall be the duty of the school teacher to keep such register, and also to keep an attendance register showing the presence or absence of each child on every day on which school is held.

(3) Such first-named register shall be corrected or renewed on or before the tenth day of each month, and shall be open to inspection as hereinafter provided.

(4) Any superintendent or teacher who acts in contravention of the provisions of this section shall be liable to a fine which may extend to twenty rupees, or to imprisonment of either description for any period not exceeding one month.

Inspection of schools.

36 (1) The Director shall from time to time cause estate schools to be inspected, and on such inspection the superintendent, who shall have at least three days' clear notice of the inspection, shall afford the inspecting officer all reasonable facilities for inspecting the registers hereinbefore required to be kept and the children on the estate.

(2) Any person who acts in contravention of the provisions of this section shall be liable to a fine, which may extend to one hundred rupees, or to imprisonment for any period not exceeding three months.

Enforcement of obligation of superintendent to provide for education of children.

37 (1) Whenever provision has not been made to the satisfaction of the Director for the vernacular instruction of the children on any estate and for the supply of a suitable schoolroom, the Director may issue a notice to the superintendent calling upon him to make provision for the vernacular education of the children and for a schoolroom; and if such notice has not been complied with to the satisfaction of the Director within six months from the date when it was given, the Governor in Executive Council may authorize some person to enter upon the estate and erect a suitable schoolroom thereon and to provide suitable instruction for such children.

(2) The cost of erecting and maintaining a schoolroom and of providing instruction for the children shall from time to time be certified by the person so authorized, and shall be recovered in the manner provided by "The Medical Wants Ordinance, No. 9 of 1912," for the recovery of money payable under section 10 of the said Ordinance.

(3) The provisions of sections 34, 35, and 36 shall apply to a school established under this section.

PART VI.

General.

Duty of persons opening new schools to report to Director.

38 (1) It shall be the duty of any person who desires to open a school or give instruction in English or any other language in any schoolroom or any building not previously used by him for the purpose to any class or classes attended by children of school-going age, at least one month before the opening of such proposed school or the commencing of such proposed instruction, to report particulars of such school or instruction to the Director, and thereafter supply such information as may be required by the Director with regard to his school or his class or classes, and the courses of instruction he is giving or proposes to give.

(2) Any person who acts in contravention of the provisions of this section shall be liable to a fine not exceeding fifty rupees.

Powers of inspection.

39 (1) It shall be lawful for the Director, Assistant Director, and any inspecting officer of the Department, and for the Chairman of any District Committee within the administrative limits of such Committee to enter and inspect any elementary school, and all the registers of admission and attendance of any such school.

(2) Any person obstructing the Director or any Inspector of Schools or any such Chairman acting in pursuance of this section shall be guilty of a summary offence, and liable on conviction to a fine not exceeding one hundred rupees.

Jurisdiction in respect of offences.

40 (1) All offences under this Ordinance or under any regulations, rules, or by-laws made thereunder shall be triable by a Police Magistrate; or in the case of a Municipal town, by a Municipal Magistrate; or in the case of any offence committed within the jurisdiction of any Village Tribunal or Village Committee, by the Village Tribunal or Village Committee.

(2) The Village Tribunal or Village Committee shall have jurisdiction to award the maximum punishment prescribed therefor, anything in the Criminal Procedure Code or in "The Village Communities Ordinance, 1889," to the contrary notwithstanding.

Power of Magistrate in certain cases to order child to be sent to certified industrial school.

41 (1) If within the jurisdiction of any Police Magistrate or Municipal Magistrate any child of such age as to be liable to attend school habitually and without reasonable excuse neglects to attend such school, or is found habitually wandering about the streets and not under proper control, or in the company of disorderly or immoral persons or of reputed criminals, it shall be the duty of the attendance officer, after due warning to the child and to the parents of the child, if they can be found, to present a written report, certified as provided by section 14 (1) of Ordinance No. 5 of 1906, to the Magistrate.

(2) The Magistrate shall summon such child and the parents (if they can be found) before him, and, if satisfied of the truth of the report, may order such child, if a male, to be whipped in accordance with the provisions of "The Flogging Regulation Ordinance, 1904," or order any such child to be sent to any school or institution certified by the Governor under "The Youthful Offenders Ordinance, 1886" (hereinafter referred to as "a certified industrial school"), for such period (subject to the limitations prescribed by section 19 (d) of the said Ordinance) as to such Magistrate shall seem proper.

(3) The costs of maintaining and educating the child at the certified industrial school shall be defrayed, in the first instance, by the District Committee, but the Magistrate may in his discretion issue an order to the parent of such child requiring such parent to pay the whole or any part of the costs of such maintenance, provided that such order may be made on the application of an attendance officer appointed under this Ordinance, and shall be made and enforced, so far as is consistent with the provisions of that Ordinance, in the manner provided by sections 32 to 37 inclusive of "The Youthful Offenders Ordinance, 1886."

Procedure.

42 With regard to proceedings under this Ordinance or under any regulation, rule, or by-law thereunder, the following provisions shall have effect, namely:

(1) The Magistrate, President, or Chairman may, instead of imposing a penalty, make an order directing that the child shall attend school, and that if he fails to do so, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to cause such child to attend school.

(2) The Magistrate, President, or Chairman may require by summons any parent of a child required by regulation, rule, or by-law to attend school to produce the child before him, and any person failing without reasonable excuse, proof whereof shall lie on the parent, to comply with such summons, shall be liable to a penalty not exceeding twenty rupees.

(3) When a child is apparently of the age alleged for the purpose of the proceeding, it shall lie on the defendant to prove that the child is not of that age.

(4) A certificate purporting to be under the hand of the Director stating that a child has reached a particular standard of education, or is or is not under adequate and suitable instruction, or stating that any school does or does not provide adequate and suitable instruction, shall be sufficient evidence of the facts stated in such certificate.

Acquisition of land for purposes of Ordinance.

43 Any private land which may be required for the purposes of, or incidental to, the erection or extension of school buildings, teachers' houses, offices, or premises, or for the establishment of school gardens or playgrounds, or otherwise for the purposes of this Ordinance, may be acquired by the Crown for such purpose under the provisions of "The Land Acquisition Ordinance, 1876," or of any other Ordinance for the time being in force providing for the acquisition of private land for public uses.

Repeal.

44 For the purposes of any area or any portion thereof which is from time to time included in any education district constituted under this Ordinance and no further, the following Ordinances, namely, "The Town Schools Ordinance, 1906"; "The Rural Schools Ordinance, 1907"; "The Rural Schools (Amendment) Ordinance, No. 14 of 1913"; "The Town Schools (Amendment) Ordinance, No. 34 of 1916"; "The Rural Schools (Amendment) Ordinance, No. 8 of 1917"; and "The Rural Schools (Amendment) Ordinance, No. 34 of 1917," shall be and are hereby repealed.

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, August 26, 1919.

A. S. PAGDEN,  
Acting Colonial Secretary.

STATEMENT OF OBJECTS AND REASONS.

It may be of assistance if, before the provisions of the Bill are dealt with, a short description of the more prominent features of the existing educational system is given.

The office of Director of Education, or Director of Public Instruction as it was first called, dates back to the year 1869. This officer was appointed as the result of a recommendation of a Committee of the Legislative Council to the effect that a Department of Public Instruction should be created, and that an officer, to be called the Director of Public Instruction, should be placed at its head.

No special legislation was passed dealing with this new Department, although in the existing Education Ordinances references are made to the Director of Education and to certain powers conferred upon him.

The cost of education, so far as it is borne by Government, is met out of the annual grants made by the Legislative Council, and the expenditure of the Department is controlled in the same way as that of any other Department of the Public Service.

At first there was nobody appointed to assist the Director in the performance of his duties, but in 1896 a Board of Education was created to advise him on such questions connected with the working of the voluntary schools receiving aid from the public revenue as he might wish to take their advice upon.

It is felt that the time has come to re-organise the Department of Education, and this Bill has been prepared with that object.

I.—Department of Education.

Part I. of the Bill contains the provisions which deal with the statutory establishment of the Department, at the head of which is placed the Director of Education (section 3 of the Bill).

The officers of the Department are enumerated in section 4 of the Bill, and in section 5 the principal duties of the Director are laid down.

II.—Board of Education.

Part II. of the Bill deals with the constitution and work of the Board of Education. It is to be composed of not less than sixteen and not more than twenty members nominated by the Governor, of whom the Director and Assistant Director of Education and two Unofficial Members of the Legislative Council are to be four (section 6 of the Bill).

The Director is to be Chairman (section 8); and the duties of the Board are not administrative or executive, but the Governor or Director may refer any matter for their advice.

But the most important function of the Board is the making of the code of regulations, which are to govern the educational system of the Colony, both secondary and elementary. Reference to section 10 of the Bill will at once show the wide terms in which the power to make regulations is given, a power which is, however, controlled by the requirement that all these regulations are to be submitted for the approval of the Legislature.

The terms of section 10 of the Bill have been made purposely wide, because it is not proposed to deal in detail in the Bill with education, but to follow the practice which generally prevails, and embody in the Bill only the necessary powers and a few principles which are to be unvaryingly applied.

It will be observed that section 11 lays it down that it shall be the duty of the Board to advise upon all educational matters referred to them, and confers upon them the power of making recommendations in connection with education even without reference. In this connection attention is called to section 5 (4) of the Bill, which empowers the Board to call on the Director for a report on any matter relative to education in the Colony.

### III.—*Religion in Schools.*

Part III. illustrates the class of principle which is to be unvaryingly applied, and is therefore mentioned in the Bill. By section 13 no applicant is to be refused admission to an assisted school on account of religion, nationality, race, caste, or language; and by section 15 it is provided that attendance at, or abstention from, any religious observance is not to be made a condition of admission to any such school. With a view to enforcing this last provision, section 15 (2) lays down the rule that religious observances are to be practised, and religious instruction to be given at the beginning or end of the school day. Although the giving of religious instruction at a Government school by any teacher is forbidden, a minister of religion authorized by the Director may give religious instruction to children of his particular denomination at approved times.

### IV.—*Education Districts and Committees.*

In addition to establishing a central controlling authority, the Bill in Part IV. thereof provides for Local Committees, which are to assist the central authority in working the educational system. Every Municipal town, and every District Council as defined in the Local Government Bill, which has been published with a view to introduction into the Legislature, is to be an education district; and for each district an Education District Committee is to be created. This Committee is to consist of not less than six or more than nine members, of whom not less than two are to be nominated by the Municipal or District Council within whose administrative limits the particular education district is contained, and the rest by the Governor (sections 17 and 18 of the Bill).

The Chairman is to be annually elected by the members of the Committee from amongst their own numbers (sections 19 and 20 of the Bill).

These Education Committees are to meet once at least in every two months, and the Chairman may at any time summon a meeting; and he is to issue such a summons on the requisition of any three members of the Committee (section 22 of the Bill).

The Education Committee may delegate any specified powers to a Village Committee, and both Education and the Village Committee are required to assist the Director in all matters relating to education in the respective districts or areas (sections 23 and 24 of the Bill).

But, in addition, Education Committees have the following powers conferred on them :—

- (a) For the making of regulations under section 25 of the Bill for the purposes set out in that section ; and
- (b) For the application of moneys at their disposal for the erection, maintenance, and repair of school buildings, playgrounds, &c., used in connection with Government schools primarily ; but with the approval of the Director in connection with assisted schools also.

#### V.—*Estate Schools.*

The estate school is the creation of Part V. of "The Rural Schools Ordinance, 1907," and Part V. of the Bill is closely modelled on Part V. of Ordinance No. 8 of 1907. But opportunity has been taken to make certain amendments.

In section 33 of the Bill a prohibition appears against the employment of children between six and ten years of age on estate work ; and by section 34 the duty is thrown upon a parent of causing every one of his children between the ages above mentioned to attend school.

#### VI.—*General Provisions.*

Part VI. of the Bill consists largely of machinery, but it may be well to call express attention to sections 38 and 39 of the Bill.

By section 38 all persons who desire to open a school or classes must, one month before doing so, give notice to the Director ; and by section 39 provision is made for the inspection of all schools.

#### VII.—*Finance.*

The subject of finance has been left to the last, because on the satisfactory solution of the difficulties in connection with it the success of any educational policy must depend. The amount provided for education must, in the last resort, depend on the financial capacity of the Colony ; but it is well to remember that, if the amount expended is insufficient and educational institutions are starved, a considerable amount of the money actually spent does not produce full results. The existing educational system of the Colony is financed as follows :—

- (i.) By grants expended through the Director.
- (ii.) By the allocation of a proportion of the amount received from the labour tax.
- (iii.) By the amount received in respect of fines imposed for breaches of the Education Ordinances and by-laws made thereunder.

It is considered that the time has come when the cost of education should be wholly paid out of general revenue. There is much to be said for the principle that the money spent on education should be provided out of local taxation, supplemented by a contribution from general revenue ; but its operation here in practice would be that in the poorest parts of the Colony, where progress in education is most largely called for, the amount available for expenditure in education would be least.

The procedure adopted in the Bill is that all public moneys spent on education should come out of the public chest, and that the amount thereof should be placed on the Estimates of the Legislative Council. The education of the people is a matter of general public concern, and the Government has, therefore, decided to ask the Legislative Council to supply the necessary funds to provide and maintain a satisfactory system from public revenue.

Attorney-General's Chambers,  
Colombo, August 8, 1919.

H. C. GOLLAN,  
Attorney-General.

MINUTE.

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

An Ordinance to amend "The Vehicles Ordinance, No. 4 of 1916."

Preamble.

WHEREAS it is expedient to amend "The Vehicles Ordinance, No. 4 of 1916": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title and commencement.

1 This Ordinance may be cited as "The Vehicles (Amendment) Ordinance, No. of 1919," and shall come into operation on such date as the Governor shall, by Proclamation in the "Government Gazette," appoint.

Additions of new paragraphs to section 18 (2).

2 After paragraph (a) of sub-section (2) of section 18 of the principal Ordinance the following paragraphs shall be added :

(a 1) For marking from time to time on the hoof or otherwise such animals as are to be used, and as are, in the opinion of the proper authority, fit to draw vehicles, and for the obliteration of any such marks in the case of animals ceasing, in the opinion of the proper authority or of any convicting court, to be fit to draw vehicles.

(a 2) For preventing the use of any animals not marked as aforesaid, or whose marks have been obliterated as aforesaid, to draw vehicles.

Amendment of section 52.

3 The following proviso shall be added at the end of section 52 of the principal Ordinance :

Provided that in the case of a breach of any by-law made under section 22 of this Ordinance requiring the reporting of changes of ownership or of changes in description of mechanically propelled vehicles or changes of the postal addresses of owners, a prosecution in respect of any such breach may be commenced at any time within twelve months of the commission of any such breach.

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, May 28, 1919.

A. S. PAGDEN,  
Acting Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance is introduced at the request of the Ceylon Society for the Prevention of Cruelty to Animals. It has been found from experience that horses are used for the purpose of drawing vehicles which were not passed by the proper authority, or which have become unfit for the purpose of drawing vehicles. The Draft Ordinance introduces an amendment, under which rules can be made prohibiting the use of horses, amongst other animals, to draw vehicles, unless the hoofs of such horses are marked by the proper authority; and also for the obliteration of such marks when horses become unfit for the purpose, either in the opinion of the proper authority or of a convicting court.

Section 52 of "The Vehicles Ordinance, No. 4 of 1916," provides that no prosecution shall be commenced except within three months of the commission of the offence. It has been found by the Police in practice that this period is too short in the cases dealt with in section 3 of this Bill, and it is proposed to extend the period of limitation to twelve months.

Attorney-General's Chambers,  
Colombo, May 28, 1919.

H. C. GOLLAN,  
Attorney-General.