



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

No. 8,277 – THURSDAY, MARCH 18, 1937.

Published by Authority.

PART II.—LEGAL.

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

PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 5 of 1937.

C 21/IV

An Ordinance to authorise a sum of One Hundred Million rupees to be raised by way of loan for the construction of certain public works and for other purposes.

R. E. STUBBS.

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An Ordinance to authorise a sum of One Hundred Million rupees to be raised by way of loan for the construction of certain public works and for other purposes.

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

Short title.	1 This Ordinance may be cited as the Public Works Loan Ordinance, No. 5 of 1937.
Authority to raise loan.	2 The Governor is hereby authorised to raise by way of loan a sum not exceeding one hundred million rupees for the purposes mentioned in the first column of the Schedule.
Method of raising loan.	3 The loan or any part of the loan authorised by this Ordinance may be raised at such time or times as the Governor may determine under the General Loan and Inscribed Stock Ordinance, No. 5 of 1921, or under any other Ordinance which may hereafter be enacted to make provision for the creation and issue of registered stock, Government promissory notes and bearer bonds for the purpose of raising loans in Ceylon.
Authority to raise additional sums for incidental expenses, &c.	4 In addition to the sum specified in section 2, the Governor is hereby authorised to raise in the manner prescribed in section 3 such further sums as may be necessary for the purpose— (a) of defraying the expenses incurred in raising the loan or any part thereof; and (b) of paying the stamp duty on transfers of such stock as may be issued under the General Loan and Inscribed Stock Ordinance, No. 5 of 1921.
Determination of sterling equivalent of authorised loan.	5 For the purpose of determining in sterling currency the amount of any loan or part of a loan authorised by this Ordinance to be raised in rupee currency, one shilling and six pence shall be deemed to be the equivalent of one rupee.
Appropriation and expenditure.	6 Save as hereinafter provided, the sums respectively specified in the second column of the Schedule shall, out of any moneys raised under the authority of this Ordinance, be appropriated for the purposes mentioned in the corresponding entries in the first column of that Schedule; but no expenditure shall at any time be incurred for any purpose mentioned in the first column of the Schedule until such expenditure shall have been authorised by a resolution passed by the State Council and ratified by the Governor: Provided that nothing in this section shall apply to any refund to general revenue authorised by section 8.
Variation of appropriation authorised in Schedule.	7 It shall be lawful for the Governor to direct that any sum or part of any sum appropriated by or under this Ordinance for any purpose mentioned in the first column of the Schedule, shall, if it is not required for that purpose, be appropriated and applied to any other purpose whether mentioned in the Schedule or not: Provided that no such direction shall be given by the Governor unless the variation of the appropriation made in the Schedule shall first have been approved by resolution duly passed by the State Council.
Refund from loan to revenue.	8 Out of the total sum raised under the authority of this Ordinance, there shall be refunded to the general revenue of Ceylon— (a) a sum not exceeding sixteen million rupees in repayment of all sums expended out of the general revenue prior to the first day of October, 1936, in respect of any of the items mentioned in the Schedule hereto; and (b) all sums expended out of the general revenue on or after the first day of October, 1936, in respect of any of the said items.
Power to issue Treasury Bills and to repay expenditure in respect thereof from loan.	9 (1) In anticipation of the raising of any loan or of any part of any loan under the authority of this Ordinance, the Governor may, if he thinks fit, raise such sum as he may deem necessary by the issue of Treasury Bills under the Colonial Treasury Bills Ordinance, No. 7 of 1923, or the Colonial Treasury Bills Ordinance, No. 8 of 1923, or under both those Ordinances. (2) Every sum raised under this section shall be applied in the manner authorised for the loan or part of the loan in respect of which that sum is raised, and upon the raising of such loan or part of such loan the Governor may— (a) expend therefrom such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of the Treasury Bills issued under sub-section (1), or,

- (b) where such liabilities have been met in the first instance out of general revenue, refund to the general revenue such sums as may have been expended therefrom for that purpose.

10 Where the loan or any part of the loan authorised by this Ordinance is issued under the provisions of the General Loan and Inscribed Stock Ordinance, No. 5 of 1921, the date from which contributions to the sinking fund shall commence shall be such date, not later than three years after the date from which interest on such loan may first become payable, as the Governor may determine.

Date of first contribution to sinking fund of loan issued under Ordinance No. 5 of 1921.

11 The interest payable—

- (a) upon any inscribed stock or debentures issued by authority of this Ordinance under the General Loan and Inscribed Stock Ordinance, No. 5 of 1921, and
- (b) upon any registered stock, promissory notes or bearer bonds issued by authority of this Ordinance under any Ordinance hereafter to be enacted and held by the Government of any part of His Majesty's Dominions (including therein any British protectorates or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty),

Exemption from taxes and duties.

shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon notwithstanding anything in any such written law to the contrary.

SCHEDULE.

I.	II.
<i>New Works and Buildings.</i>	Rs.
1. New office accommodation in Colombo ..	2,000,000
2. Law Courts ..	2,000,000
3. New buildings for the Government Stores Department ..	1,250,000
4. Wireless beacons ..	84,000
5. Komari Lighthouse ..	141,000
6. Aerodrome at Ratmalana and Emergency Landing Ground, Puttalam ..	400,000
7. House of Detention and Home for Vagrants at Wanatamulla ..	170,000
8. Training School for Youthful Offenders at Watupitiwela ..	480,000
9. Model Processing house for Jaffna Malayalam Tobacco Co-operative Sale Society ..	60,000
10. Veterinary Department and Farm School (Transfer and reorganisation) ..	150,000
11. Erection of a Public Aquarium ..	175,000
12. Replacement of the S.T. "Nautilus" (Department of Fisheries) ..	150,000
13. Improvements to existing salterns and construction of brine tanks ..	100,000
14. Plants for manufacture of refined salt, &c., and of caustic soda and chloride of lime ..	185,000
15. Out-Patient Dispensary for Colombo ..	750,000
16. Hospital for Incurables ..	150,000
17. Leper Hospital ..	330,000
18. Mental Hospital ..	325,000
19. Acquisition of land for building quarters for the resident staff of the General Hospital who now live in rented buildings ..	500,000
20. Acquisition of land in Colombo for reclamation ..	600,000
21. Extension to Library, University College ..	200,000
22. Extension of the Colombo Museum ..	300,000
23. State Council and Secretariat Buildings ..	3,701,297
<i>Roads and Bridges.</i>	
24. High-Level Road to Avissawella ..	2,616,747
25. Alawwa Bridge ..	358,833
26. Widening Colombo-Galle Road ..	5,250,000
27. Hayes-Lauderdale Road ..	50,000
<i>Water Supply Scheme.</i>	
28. Water Supply, Trincomalee ..	1,000,000
<i>Post and Telegraph.</i>	
29. New Workshops and new Sorting Office, Colombo ..	1,000,000
30. New Post Offices and Postal Buildings in different parts of the Island ..	500,000
31. Modernizing the existing telephoning system, including buildings, and extensions to the existing Government Telephone Systems ..	3,177,000
32. Radio Development ..	245,000
<i>Colombo Port Commission.</i>	
33. Oil Dock, Deep Water Quay, &c. ..	12,000,000
34. Two new Tugs ..	1,000,000
35. Lebnitz Rock Breaker ..	300,000
36. New Caisson for Graving Dock ..	400,000
37. Third Lock and Bridge at McCallum Road ..	670,000
38. Deepening Colombo Harbour ..	860,000
39. Rock removal ..	380,000
40. Extension to Graving Dock ..	1,120,000

I.	II.
<i>Electrical Undertakings.</i>	Rs.
41. Hydro-Electrical Scheme and other Electrical extensions and new works ..	24,000,000
<i>Irrigation Works.</i>	
42. Irrigation Schemes ..	15,150,000
<i>Miscellaneous.</i>	
43. Government Model Farms ..	1,000,000
44. Industrial Development ..	3,000,000
45. Water Supply Schemes ..	7,500,000
46. New roads and bridges and other works of development ..	4,221,123
	100,000,000

* Passed in Council the Eighteenth day of December, One thousand Nine hundred and Thirty-six.

E. W. KANNANGARA,
Clerk of the Council.

* See Proclamation dated March 17, 1937, appearing in Part I. of the *Government Gazette* of March 18, 1937.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 6 of 1937.

C 21/IV

An Ordinance to amend the Ordinance intituled "An Ordinance to authorise a sum of One Hundred Million rupees to be raised by way of loan for the construction of certain public works and for other purposes".

R. E. STUBBS.

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

Short title.

1 This Ordinance may be cited as the Public Works Loan (Amendment) Ordinance, No. 6 of 1937.

Clause 7 of the Public Works Loan Bill to be amended in the event of that Bill becoming law.

2 In the event of the Bill intituled "An Ordinance to authorise a sum of One Hundred Million rupees to be raised by way of loan for the construction of certain public works and for other purposes" receiving the assent of His Majesty and taking effect as an Ordinance upon the signification of such assent by Proclamation published in the *Government Gazette*, that Ordinance shall with effect from the date of the publication of such Proclamation, be amended in the proviso to section 7 thereof by the substitution for the words "by resolution duly passed by the State Council.", of the words "by resolution of the State Council and sanctioned by the Secretary of State."

* Passed in Council the Twenty-fourth day of February, One thousand Nine hundred and Thirty-seven.

E. W. KANNANGARA,
Clerk of the Council.

* See Proclamation dated March 17, 1937, appearing in Part I. of the *Government Gazette* of March 18, 1937.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend the Village Communities Ordinance, No. 9 of 1924.

(17a

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

Short title and date of operation.

1 This Ordinance may be cited as the Village Communities Amendment Ordinance, No. of 1937, and shall come into operation on such date as may be appointed by the Governor by Proclamation in the *Gazette*.

Amendment of section 2 of Ordinance No. 9 of 1924.

2 Section 2 of the Village Communities Ordinance, No. 9 of 1924, (hereinafter referred to as "the principal Ordinance") is hereby amended as follows:—

- (1) by the omission of the figure "1" in parenthesis from sub-section (1) thereof; and
- (2) by the repeal of sub-section (2) thereof.

Re-numbering of sections 37 to 98, and section 100 and repeal of section 99 of the principal Ordinance.

3 (1) Sections 37 to 98, both inclusive, and section 100, of the principal Ordinance are hereby renumbered respectively as sections 64 to 125, and section 128, of that Ordinance.

- (2) Section 99 of the principal Ordinance is hereby repealed.

4 Sections 3 to 36, both inclusive, of the principal Ordinance are hereby repealed, and the following sixty-one sections are hereby inserted in the principal Ordinance and shall have effect as sections 3 to 63 thereof:—

Repeal of sections 3 to 36 of the principal Ordinance and insertion of new sections 3 to 63 therein.

PART I.

Village Areas.

3. (1) It shall be lawful for the Governor by Proclamation published in the Gazette, to declare that any chief headman's division or any part thereof shall, from a date to be named therein, be brought within the operation of this Ordinance.

Application of Ordinance to chief headman's divisions.

(2) On such Proclamation being published as aforesaid, such division or part thereof shall, from the said date, be within the operation of this Ordinance.

(3) Any chief headman's division or part thereof, which at the commencement of this Ordinance is within the provisions of any Ordinance repealed by this Ordinance, shall be deemed to be within the operation of this Ordinance, and the provisions of this Ordinance shall apply to such division or part as if it had been brought within the operation thereof by a Proclamation under this section.

4. (1) Every chief headman's division or part thereof brought within the operation of this Ordinance shall be subdivided into village areas consisting of one or more villages or groups of villages in such manner as the Governor may, by Proclamation published in the Gazette, appoint:

Subdivision of divisions into village areas.

Provided that, where, in the opinion of the Governor, it is unnecessary that any such chief headman's division or part thereof should be subdivided in manner aforesaid, the Governor may, if he thinks fit, by Proclamation published in the Gazette declare that such chief headman's division or part thereof shall not be subdivided, and in such case such chief headman's division or part thereof shall be deemed to be a village area within the meaning of this Ordinance.

(2) Any subdivision declared or constituted under the provisions of any Ordinance repealed by this Ordinance shall, from the commencement of this Ordinance, be deemed to be a village area within the operation of this Ordinance, and the provisions of this Ordinance shall apply to such subdivision as if it were a village area declared by a Proclamation under this section.

5. (1) For the purpose of giving to a Village Tribunal jurisdiction over an area within the administrative limits of a Local Board of Health and Improvement or an Urban District Council, any such area may, by Proclamation under the provisions of this Part of this Ordinance, be brought within the operation of this Ordinance and be included in any village area:

Application of Ordinance to Urban and Sanitary Board areas.

Provided that—

- (a) no inhabitant of any such area shall be entitled to attend or vote at any meeting of the voters, or to be elected as a member of the Village Committee, of that village area;
- (b) no by-law made or deemed to have been made under this Ordinance shall have any operation in any such area; and
- (c) section 39 shall not apply to any property belonging to the Local Board or Urban District Council.

(2) Where any town or village has been brought under the operation of both this Ordinance and the Small Towns Sanitary Ordinance, 1892—

- (a) no inhabitant of such town or village shall be entitled to attend or vote at any meeting of the voters, or to be elected as a member of the Village Committee, of any village area;
- (b) section 39 of this Ordinance shall not apply to any property whatsoever belonging to the Sanitary Board; and
- (c) rules made or deemed to have been made under any law for the time being in force for the purpose of regulating the procedure of Village Tribunals shall have force therein notwithstanding section 36 of the Small Towns Sanitary Ordinance, 1892.

Alteration of boundaries and extent of village areas.

6. (1) For the purposes of this Ordinance the Governor may, from time to time, by Proclamation in the Government Gazette—

- (i) alter and redefine the limits of any village area ;
- (ii) divide any village area into two or more village areas ;
- (iii) amalgamate two or more village areas or portions thereof ;
- (iv) constitute new village areas.

(2) Anything in this Ordinance to the contrary notwithstanding, the Governor may, by Proclamation in the Government Gazette provide from time to time for all matters which he may deem to be necessary to give effect to any alteration, definition, division, amalgamation or constitution made under sub-section (1), including—

- (a) the dissolution of any Village Committee and the election of a fresh Committee ;
- (b) the continuance or the application of by-laws in force in the village area or any part thereof at the time of the Proclamation under sub-section (1) ;
- (c) the transfer, apportionment and adjustment of property rights, debts, liabilities and obligations ;
- (d) the extension, curtailment or redefinition of the area within the jurisdiction of any Village Tribunal ;
- (e) the collection and levy of taxes, tolls, penalties, fines and other sums of money which may be or become due ;
- (f) pending contracts and legal proceedings.

Proclamations to be laid before State Council.

7. Every Proclamation made under the provisions of this Part of this Ordinance shall be laid before the State Council as soon as conveniently may be, and may, at any time within forty days of its 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, but without prejudice to anything that may have been done thereunder.

PART II.

Election of Village Committees.

Village Committee to be elected for each village area.

8. In every village area there shall be constituted a Village Committee, elected in accordance with the provisions of this Ordinance and the rules made thereunder.

Term of office of Village Committee.

9. (1) Every Village Committee elected under the provisions of this Ordinance shall, subject to the provisions of section 62, go out of office on the last day of June of the third year after the general election at which the members were elected.

(2) All Village Committees in existence at the commencement of this Ordinance shall continue to exist until the thirtieth day of June in the year in which they would, under the provisions of any Ordinance repealed by this Ordinance, have gone out of office by the effluxion of time, and shall have and exercise all privileges, powers, and duties conferred or imposed on Village Committees by this Ordinance as if they had been constituted under the provisions of this Ordinance.

(3) Notwithstanding the provisions of sub-section (1) or sub-section (2)—

- (a) the Governor may, by order published in the Gazette in respect of any Village Committee, substitute for the date specified in those sub-sections the last day of any other month, whether in the year so specified or in the year immediately preceding or following that year, but so that the period by which the term of office of the Committee is extended or curtailed by the order shall not exceed twelve months ; and
- (b) in the application of this Part of the Ordinance to any Village Committee in respect of which an order is so made, all references to the last day of June and to the first day of July shall be deemed to be references respectively to the date substituted by the order and to the day following that date.

10. In place of every Village Committee going out of office, another Committee to be elected as hereinafter provided, shall come into, and remain in, office for the next ensuing period of three years, and, at the expiration of such period, shall in like manner go out of office and be succeeded by another such Committee for a like term of three years, and so on during the continuance of this Ordinance :

Election of new Committees.

Provided that no Committee elected in place of a Committee going out of office otherwise than by effluxion of time, shall remain in office beyond the unexpired portion of such latter Committee's term of office.

11. (1) For the purposes of the election of the Village Committee every police headman's division in a village area shall be deemed to be a ward of that area :

Wards and representation.

Provided, however, that no police headman's division or part thereof which is within the limits of any area or town or village to which section 5 applies shall be deemed to be a ward or part of a ward for the purposes of this section :

And provided further that with the approval of the Governor, the Executive Committee may, by notification published in the Gazette, subdivide any such police headman's division into two or more wards, or amalgamate two or more police headman's divisions into one single ward, with such limits as may be specified in the notification, and thereupon each such subdivision or amalgamated division shall be deemed to be a ward within the meaning of this section.

(2) Each of the wards of a village area within the meaning of this section shall be entitled to return one member to the Village Committee for that area.

(3) The total number of persons elected as members of the Village Committee for any village area shall not exceed or be less than the total number of the wards of that area.

12. Every person of either sex, other than an Indian labourer within the meaning of Ordinance No. 13 of 1889, shall be entitled to vote at the election of a member for any ward of a village area, if such person—

Qualification of voter.

- (a) is a British subject ; and
- (b) is not less than twenty-one years of age on the first day of May of the year in which the election is held ; and
- (c) is resident in that ward, and has been so resident for a continuous period of six months during the eighteen months immediately preceding the date of the election :

Provided, however, that no person, otherwise qualified under this section to vote at an election, shall be entitled or permitted to vote, if he—

- (a) has been adjudged by a competent court to be of unsound mind ; or
- (b) is at the time of the election disqualified by order of any court by which he has been convicted of an election offence under section 18.

13. Every person who is entitled to vote at the election of a member for any one of the wards of a village area shall be deemed to be qualified for election as the member for any ward of that area, if he—

Qualification for election as member.

- (a) is possessed, either in his own right or the right of his wife, of immovable property of the value of two hundred rupees exclusive of any mortgage debt thereon ; and
- (b) is able to read and write the Sinhalese, the Tamil or the English language ; and
- (c) is not the holder of the office of chief or minor headman, or of any office of emolument in the service of the village committee of that area ; and
- (d) is not either directly or indirectly except as a shareholder in an incorporated company, interested in any contract entered into by any person with the village committee of that area ; and
- (e) has not at any time served a sentence of imprisonment of either description for a period of three months or any longer period on conviction of any crime within the meaning of the Prevention of Crimes Ordinance, No. 2 of 1926.

Meetings of voters for purposes of elections.

14. (1) Every election, whether it be of the first Village Committee for any area brought within the operation of this Ordinance, or of a Committee to succeed any Committee going out of office, or of one or more individual members to fill any casual vacancy or vacancies, shall, subject to the provisions of section 15 (4), be held at a meeting of the voters of each of the wards or of the ward for which a member has to be elected; and every such meeting shall be summoned and conducted by the Government Agent in the manner hereinafter provided.

(2) The Government Agent shall fix one or more convenient dates for the meetings of the voters of the several wards, and such date or dates shall—

- (a) in the case of the first general election of a Committee for any village area brought within the operation of the Ordinance by a Proclamation under section 3, be not more than three months after the date of the Proclamation;
- (b) in the case of a general election of a Committee to succeed a Committee going out of office by effluxion of time, be not more than three months before the date on which the term of office of the Committee is to expire, or not more than six months before that date in any case where the Governor, by order published in the Gazette, so directs on the ground of the impracticability of completing the election within a period of three months;
- (c) in the case of a general election of a Committee to succeed a Committee which goes out of office otherwise than by effluxion of time, be not more than three months after the date on which the Committee goes out of office; and
- (d) in the case of the election of a member to fill any casual vacancy in a Committee, be not more than six weeks after the date on which the vacancy arises.

(3) The place of each meeting of the voters of a ward, shall also be fixed by the Government Agent; and where a suitable place is not available within any ward, any place within a convenient distance thereof may be fixed, but in no case shall any place be so fixed which is outside the limits of the village area of which that ward forms a part.

(4) Not less than one month's notice of the time and place fixed for each meeting of the voters of a ward, shall be given by the Government Agent, by beat of tom-tom, and by causing written notices in English and in Sinhalese or Tamil or both in Sinhalese and in Tamil to be affixed in conspicuous places within the ward.

(5) Every notice under sub-section (4) shall specify in addition—

- (a) a date on or before which the candidate or candidates for election shall be nominated, such date not being less than fourteen days before the date fixed for the meeting of the voters of the ward; and
- (b) the place at which nomination papers shall be delivered to the Government Agent.

Nomination of candidates.

15. (1) No person shall be entitled to be a candidate for election at any meeting held under section 14, unless he is qualified for election within the meaning of section 13, and unless he has—

- (a) been nominated as a candidate by means of one or more nomination papers, each signed by himself to signify his consent and by a proposer and a seconder severally entitled to vote at that election; and
- (b) delivered or caused such nomination paper or papers to be delivered to the Government Agent, on or before the date specified for the delivery of nomination papers in the notice under section 14, at the Kachcheri or such other place as may be specified in that notice; and
- (c) deposited or caused to be deposited with the Government Agent a sum of ten rupees on or before the date specified in that notice for the delivery of nomination papers.

(2) No person shall be entitled to be nominated as a candidate for more than one ward of any one village area in the course of the same general election or in the course of a bye-election for filling two or more vacant seats in the Village Committee of that area.

(3) The nomination paper or papers delivered by or on behalf of the candidate or candidates for election shall be scrutinised forthwith by the Government Agent; and all objections raised against any candidate, on the ground that he is not qualified to be elected or that he is not a candidate duly nominated, shall be disposed of by the Government Agent, after such inquiry as he may deem sufficient, either forthwith or at any convenient time prior to the date of the meeting of voters summoned under section 14. Every decision of the Government Agent under this sub-section shall be final and conclusive.

(4) If not more than one candidate is duly nominated for any ward, the Government Agent shall declare that candidate to be the duly elected member for that ward, and shall cancel the meeting of the voters of that ward summoned under section 14 by notice given in like manner as the notice under that section.

(5) If two or more candidates are duly nominated for any ward, the Government Agent shall hold a poll at the meeting of voters summoned under section 14.

16. (1) Every meeting of the voters of a ward for the purposes of an election shall be held at the time and place specified in the notice issued in that behalf under section 14, and shall be presided over by the Government Agent: Provided, however—

Procedure at
meeting of
voters.

- (i) that the Government Agent may appoint any other officer of Government other than a chief or minor headman to be the presiding officer at any meeting, and the presiding officer so appointed shall be entitled to exercise all the powers and to perform all the duties that may be exercised or performed by the Government Agent at that meeting; and
- (ii) that the Government Agent or the presiding officer may, for sufficient reason appearing to him, adjourn any such meeting to any other time or place to be then announced to the voters present at the meeting and also notified thereafter by beat of tom-tom and written notices as required by section 14.

(2) Every poll at a meeting of voters under this section shall be held by secret ballot and shall be conducted in accordance with such rules as may be made in that behalf under section 59.

(3) For the purposes of any election of members under this Ordinance, the preparation of a register of voters shall not be obligatory.

(4) If at any meeting any question is raised as to the right of any person to vote, the Government Agent shall then and there make such inquiry as he may deem sufficient and decide whether or not such person has the right to vote. Every decision of the Government Agent under this sub-section shall be final and conclusive.

(5) The Government Agent shall keep the minutes of each meeting of the voters of a ward and enter or cause to be entered therein a complete record of the proceedings, including—

- (a) the number of voters present at the meeting;
- (b) the reasons for any adjournment directed by him, and the time and place fixed for the adjourned meeting;
- (c) the name of each candidate nominated for election, with the names of the proposer and seconder in each case;
- (d) the objections or other questions raised, and the decision given by him in each case together with his reasons therefor; and
- (e) the name of the member declared by him to be elected, with details of the number of votes recorded.

17. (1) The deposit made by a candidate shall be returned to him, if—

- (a) he refrains from delivering any nomination paper for the purposes of the election for which the deposit was made; or

Return or
forfeiture of
deposits.

- (b) he withdraws from the candidature before four o'clock in the afternoon of the date specified in the notice under section 14 for the delivery of nomination papers; or
- (c) in the event of a poll being held, he obtains more than one-eighth of the number of votes polled.

(2) The deposit made by a candidate who fails to obtain more than one-eighth of the number of votes polled shall be forfeited to the Crown.

(3) The deposit made by a candidate who is declared to be duly elected shall not be returned to him until he has taken his seat as a member of the Committee.

Penalty of disqualification for election offences.

18. Any person who is convicted of the offence of bribery or undue influence or personation, within the meaning of Chapter IXA of the Ceylon Penal Code, at or in connection with any election held for the purposes of this Ordinance, shall, in addition to such fine as may be imposed under the provisions of that Code, be disqualified by order of the court which convicts him from taking any part as a voter or as a candidate in any other such election for a period of four years.

Vacation of office by operation of law.

19. (1) Any member of a Village Committee shall be deemed to vacate his seat *ipso facto*, if he—

- (a) is disqualified after his election by an order of a court under section 18, or ceases to be qualified as required by section 13; or
- (b) is absent, without leave of the Committee, from more than three consecutive meetings of the Committee; or
- (c) is adjudicated an insolvent; or
- (d) is sentenced to, and has commenced to serve, any term of imprisonment imposed for any offence under the Ceylon Penal Code; or
- (e) is found to be of unsound mind by a court of competent jurisdiction.

(2) Any member of a Village Committee who votes at or takes any other part in any meeting of the Committee after he has, either directly or indirectly, otherwise than as a shareholder of an incorporated company, become interested in any contract entered into by any person with the Committee, shall be guilty of an offence punishable by a police court after summary trial with a fine not exceeding one hundred rupees and with disqualification for a period of four years from taking part in any election under this Ordinance.

Refusal or resignation of office.

20. (1) Any person elected, but deciding before the first meeting of a Village Committee not to serve, as a member of the Committee, shall communicate his refusal of office to the Government Agent in writing.

(2) After the first meeting of a Village Committee any member deciding not to continue in office, shall communicate his resignation of the office in writing to the Government Agent either direct or through the Chairman of the Committee.

Filling of casual vacancies.

21. In the event of any member of a Village Committee dying, or ceasing to possess the qualifications required by section 13, or vacating his office by virtue of the provisions of section 19, or refusing or resigning office under section 20, the Government Agent shall take steps for the election of a duly qualified person in place of that member in accordance with the provisions of sections 14, 15 and 16; and the person so elected shall hold office until the next succeeding general election of members of that Committee.

Nomination of members on failure of election.

22. Where, for any reason, the voters of all or any of the wards of a village area fail either to nominate any candidate on the date fixed for the nomination of candidates, or to elect any member on the date fixed for the meeting or any adjourned meeting of the voters, for the purposes of a general election or a bye-election, it shall be lawful for the Executive Committee to nominate such number of duly qualified persons as may be necessary to constitute or to complete the Village Committee, as the case may be; and the Village Committee or the member or members so nominated shall be deemed, for all the purposes of this Ordinance, to have been duly elected.

23. If the term of office of any Village Committee is allowed to expire before the election of another Committee as its successor, it shall nevertheless be lawful for the Government Agent to take steps under section 14 for the election of a Committee; but the term of office of any Committee elected in such circumstances shall be reckoned from the date on which the term of office of the first-mentioned Committee expired.

Delay in holding elections.

24. (1) Whenever any doubt arises as to the validity of the election of any Committee, the Attorney-General may state a case for the opinion of the Supreme Court as to the validity of such election.

Procedure in cases of doubt as to validity of an election.

(2) On the consideration of any case so stated, the Committee whose election is in question or any member thereof may appear and be represented, and the Supreme Court may make any such declaration or order thereon as it may think fit, including an order as to costs against any party to the proceedings if, in the opinion of the court, any other party to the proceedings has been put to expense or inconvenience by reason of the unnecessary or unreasonable opposition or delay of such first-mentioned party: Provided, however, that no such order as to costs shall be made against the Attorney-General.

(3) Whenever any election is declared invalid under this sub-section, the Government Agent shall, as soon as conveniently may be, proceed to convene a meeting of the voters of the several wards of the village area for the purpose of electing another Committee in all respects as if the Committee whose election is declared invalid were about to go out of office, and the term of office of the Committee so elected shall be reckoned from the first day of July next preceding the date of its election.

(4) All proceedings held or taken and all acts, matters, or things performed or done, by any Committee whose election is declared invalid under this sub-section, or by the members or any of the members thereof, in accordance with the provisions of this Ordinance and prior to the date on which such election is declared invalid, shall be deemed for all purposes whatsoever to have been duly held, taken, performed or done, as the case may be.

25. (1) The Government Agent shall, as soon as possible after the election of a Village Committee, convene the first meeting thereof by notices in writing addressed to and served upon each elected member of that Committee not less than five days before the date of the meeting. Where service of any such notice cannot for any reason be effected personally on any member, the notice shall be deemed to have been duly served if it is left at that member's last known place of abode.

First meeting of a Committee and meetings for the election of the Chairman.

(2) Every notice under sub-section (1) shall specify the date, time and place of the meeting, and the date specified shall be within the period of twenty-one days next succeeding the date appointed for the commencement of the term of office of the Committee, or in the case of a Committee elected as successor to another Committee, within the period of twenty-one days next succeeding the date on which such other Committee went out of office.

(3) Every meeting under this section shall be held at the time and place and on the date specified in the notice under sub-section (1), and shall be presided over by the Government Agent or other officer of Government deputed by him to act as presiding officer.

(4) At such meeting the members of the Committee shall elect two of their own number to be respectively the Chairman and the Vice-chairman of the Committee.

(5) Whenever the office of Chairman of a Village Committee falls vacant during the term of office of the Committee, the Government Agent shall within one month of his receiving information of the vacancy, take steps in the manner provided by sub-section (1) for the election of a new Chairman.

26. (1) No election of a Chairman shall be held at any meeting summoned under section 25 unless there is present a quorum consisting of not less than half the number of the members elected to the committee.

Quorum for election of Chairman.

(2) If there is no quorum present, the meeting shall not be held, and it shall be lawful for the Government Agent or other presiding officer to convene a meeting for another date or time or place in the manner prescribed in section 25, but so that the new date shall similarly be within the period of twenty-one days referred to in that section.

Procedure for election of Chairman.

27. (1) The election of the Chairman of a Village Committee shall be by ballot, and, where there are three or more candidates for election, the balloting shall be repeated as often as may be necessary, the candidate obtaining the smallest number of votes at each ballot being excluded from the next succeeding ballot, until one candidate obtains more votes than the remaining candidate or the aggregate votes of the remaining candidates, as the case may be.

(2) Every election of a Chairman and the ballot or ballots for that purpose shall be conducted in accordance with such procedure as may be prescribed by rules under section 59.

Procedure for election of Vice-chairman.

28. (1) The first Vice-chairman of a Village Committee shall be elected at the meeting held under section 25.

(2) Every vacancy in the office of Vice-chairman of a Committee after the first election to that office shall be filled by election held at the ordinary meeting of the Committee next succeeding the date on which the office became vacant.

(3) The Chairman shall preside at every election of a Vice-chairman, and such election shall be conducted in accordance with such procedure as may be prescribed by rules under section 59.

In default of election, the first Chairman and Vice-chairman to be nominated by Executive Committee.

29. If a Chairman and Vice-chairman are not elected at any meeting convened and constituted as provided by sections 25 and 26 within the period of twenty-one days prescribed in section 25, it shall be lawful for the Executive Committee to nominate two of the members of the Committee to be respectively the Chairman and the Vice-chairman thereof, and the members so nominated shall for all purposes be deemed to be respectively the elected Chairman and Vice-chairman of the Committee.

Term of office and powers and duties of Chairman.

30. (1) The Chairman of a Village Committee shall hold office for the term of office of the Committee, unless he resigns the office earlier or ceases for any cause to be or to be qualified to be a member of the Committee.

(2) The Chairman shall preside over every meeting of the Committee held for the election of a Vice-chairman and over every other meeting at which he is present, and shall be the chief executive officer of the Committee; and all executive acts and functions, which are by this Ordinance directed or empowered to be done or discharged by the Committee, may, unless the contrary intention appears from the context, be done or discharged by the Chairman: Provided always that the Chairman, in the exercise of his powers under this section, shall, except in matters expressly committed to him, act in conformity with such resolutions as may from time to time be passed by the Committee.

(3) The Chairman may at any time, without vacating his office as a member, resign the office of Chairman by a written communication addressed to the Government Agent.

(4) On vacating office whether by operation of law or by resignation, the Chairman of a Village Committee shall hand over charge of all minute books, accounts, records, furniture and other property of the Committee, either personally or by a duly authorized person—

(a) to the person duly elected to succeed him as Chairman, within twenty-four hours of the receipt of notice of the election of such successor, or

(b) where a successor is not elected within a period of fourteen days of the occurrence of the vacancy, to the Government Agent or an officer or person deputed in that behalf by the Government Agent, within twenty-four hours after the expiry of the aforesaid period of fourteen days.

(5) Any Chairman of a Village Committee who contravenes the provisions of sub-section (4) shall be guilty of an offence punishable with a fine not exceeding twenty rupees by the Village Tribunal having jurisdiction over the village area for which the Committee is constituted.

Term of office, powers and duties of Vice-chairman.

31. (1) The Vice-chairman of a Village Committee shall hold office for a period of one year from the date of his election to that office, unless he resigns the office earlier or ceases for any cause to be or to be qualified to be a member of the Committee. A Vice-chairman vacating his office by effluxion of time shall be eligible for re-election.

(2) The Vice-chairman shall whenever he is present preside over every meeting of the Committee from which the Chairman is absent, and may 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

(3) The Vice-chairman may at any time, without vacating his office as a member, resign the office of Vice-chairman by a written communication addressed to the Government Agent through the Chairman.

32. In the absence of both the Chairman and the Vice-chairman, the members present at any meeting of a Committee may elect one of themselves to preside over that meeting; and if the meeting has been duly convened and is in all other respects properly constituted, it shall for all purposes be deemed to have been duly held.

A member to preside at meetings in the absence of the Chairman and Vice-chairman.

33. (1) Ordinary meetings of a Village Committee shall be held for the despatch of business on such dates or at such intervals as may be fixed by by-laws made under section 49.

Meetings of Committee.

(2) A special meeting of a Committee may be convened by the Chairman whenever he considers it desirable, and shall be convened whenever a written requisition is presented to him signed by members of the Committee not less in number than the quorum prescribed for ordinary meetings of the Committee.

(3) The special meeting in compliance with any requisition shall be convened within seven days of the receipt of the requisition by the Chairman.

(4) If the Chairman of any Committee refuses or wilfully neglects to convene a special meeting within seven days of the receipt of any requisition presented to him, it shall be lawful for the Government Agent to convene a special meeting at any time thereafter and to preside or to depute an officer of Government to preside over that meeting.

(5) Not less than two days' notice of the date appointed for each special meeting under this section and of the business to be transacted thereat shall be given to, or left at the residence of, each member of the Committee.

34. Save as provided in section 26, the quorum for any meeting of a Village Committee shall, unless and until it is fixed by a by-law made in that behalf under section 49, be not less than one-third of the total number of members constituting the Committee.

Quorum.

35. The business of every Village Committee shall, as far as possible, be conducted in the language prevailing in the village area for which that Committee is constituted.

Language in which business is to be conducted.

PART III.

Status, Powers and Duties of Village Committees.

36. Every Village Committee shall be a corporation with perpetual succession and a common seal and shall have capacity to hold property, to enter into contracts, and to sue and be sued by the name and designation of the Village Committee of the area in and for which it is constituted.

Village Committees to be corporations.

37. All acts whatsoever, authorised or required by this Ordinance or any other written law to be done by any Village Committee, shall be decided upon and done by the majority of members present at any meeting of the Committee held in accordance with the provisions of this Ordinance:

Decisions and acts of Village Committees.

Provided that when the votes of the members present at any meeting are equally divided on any question brought up for decision, the Chairman, Vice-chairman or other member presiding over that meeting shall, in addition to his vote as a member, have also a casting vote.

38. All proceedings, decisions, orders and acts of a Village Committee shall be entered in a book of minutes, and upon their confirmation with such amendments as may be necessary at the next succeeding meeting of the Committee, shall be signed by the Chairman; and a copy, certified by the Chairman, of any record so entered and signed, shall be admissible in evidence in any court or Village Tribunal in the Island.

Minutes.

39. All property movable or immovable vested in or enjoyed or controlled by the inhabitants of any village area under any Ordinance repealed by this Ordinance, shall be vested in the Village Committee constituted or deemed to have been constituted for that area under the provisions of this Ordinance:

Property deemed to be vested in Village Committees.

Provided, however,—

- (i) that any building used, whether in whole or in part, as the court-house of a Village Tribunal together with the land on which that building stands and

any other land or building appurtenant thereto, may, if such building and any such land have heretofore been vested in the inhabitants or are vested in the Village Committee of the area in which they are situate, be resumed by or transferred to the Crown by Order of the Governor published in the Government Gazette ; and

- (ii) that the publication of such Order shall, without the execution of any deed or instrument, be sufficient to convey to the Crown the right, title and interest of the inhabitants or of the Committee in the land or building affected by such Order, and the description in any such order of any land or building as appurtenant to any court-house to which the Order relates shall, as between the Crown and the inhabitants or the Committee be conclusive proof of the fact that it is so appurtenant.

Further
property
vested in
Village
Committees.

40. There shall further be vested in every Village Committee, the following classes of property :—

- (a) all such immovable property of the Crown as may hereafter, with the sanction of the Governor, be handed over to the Village Committee for the purposes of this Ordinance by a vesting order signed by the officer or person authorised in that behalf by the Governor : Provided, however, that nothing in this section shall be deemed to affect or prejudice any right or title of the Crown, at any time to resume possession of any such property or to dispose of it for any other public purposes ;
- (b) all moneys which for the time being form part of the communal fund ;
- (c) all village works and all fixtures, fittings or equipment in village works, for the construction, maintenance, or provision of which any part of the communal fund, or any tax payable in labour, is applied by the Committee.

Transfer to
Village
Committees
of the rights
and liabilities
of Sanitary
Boards.

41. (1) Where any town or village excluded from the operation of the Small Towns Sanitary Ordinance, 1892, by Proclamation under section 4 of that Ordinance, is duly brought or continues to be within the operation of this Ordinance, the Governor may by order published in the Gazette—

- (a) transfer to the Village Committee of the area in which that town or village is situated, the whole or any specified part of any property or rights over property or any funds, acquired or received by or vested in the Sanitary Board for the use or benefit of that town or village ;
- (b) apportion and assign to the aforesaid Village Committee the whole or any specified part of the rights, liabilities, debts or obligations of the Sanitary Board under any contract entered into by the Board for the benefit of that town or village ; and give directions as to the security to be given by the Village Committee for any debt, and as to the mode and conditions of discharge of any liabilities or obligations, so apportioned or assigned ; and
- (c) prescribe the terms and conditions on which any officer or servant employed by the Sanitary Board for any purpose relating exclusively to that town or village, may be transferred to the service of the aforesaid Village Committee.

(2) Upon the publication of an order under sub-section (1)—

- (a) all the property or the rights over property or the funds, specified therein, shall vest in the Village Committee ;
- (b) such rights, liabilities, debts or obligations as may be apportioned or assigned thereby, shall be enforceable or shall be secured or discharged by the Village Committee in such manner and subject to such conditions as may be specified therein ; and
- (c) any officer or servant of the Sanitary Board who is offered and accepts employment under the Village Committee, shall be appointed and shall hold office on the terms and conditions specified in the order, without prejudice, however, to any qualifications acquired by him for any pension, gratuity or other compensation payable out of the funds of the Sanitary Board in respect of his service under the Board.

(3) In this section the expression "Sanitary Board" used in relation to any town or village means the Sanitary Board of the province or district within which that town or village is situated.

42. All property vested in a Village Committee under the provisions of sections 39, 40 and 41 shall be used or administered, and any revenue derived therefrom shall be employed, by the Village Committee for the purposes of this Ordinance.

Use of
property and
revenue.

43. Subject to the provisions of section 53, every Village Committee shall have power—

Powers of
Village
Committees.

- (a) to purchase or take on lease any land or building ;
- (b) to sell or exchange any land or building of which the full ownership is vested in the Committee, or to let or give out on lease any land or building vested in it, or to surrender to the Crown any immovable property handed over to the Committee by a vesting order under section 40 ;
- (c) to undertake the construction of such new village works as may be necessary and the alteration, improvement or maintenance of existing village works ;
- (d) to apply any part of the communal fund for the construction or alteration, improvement or maintenance of village works, and for the purposes of administering any property vested in or acquired by the Committee, or of carrying out the provisions of this Ordinance or any by-law duly made or deemed to have been made thereunder ;
- (e) to enter into any contract with any person for any work to be done, services to be rendered, or materials to be supplied ;
- (f) to employ all such officers and servants as may be necessary, and to provide for their remuneration and for the payment of pensions, gratuities or other compensation, on the termination of their services ;
- (g) to enter into any arrangement with any other Village Committee or other local authority for the joint execution of any work or for the employment and remuneration of any officer or servant for the several purposes of each Committee or local authority ;
- (h) to impose and levy taxes in accordance with the provisions of this Ordinance ;
- (i) to impose and levy tolls at any ferry established or maintained by the Committee, and for the protection of such ferry to prohibit or restrict private ferries by by-laws made in that behalf ;
- (j) to apply any part of the communal fund to the conduct of experiments in agriculture and the breeding of domestic animals, and to the maintenance of experimental farms and studs for this purpose ;
- (k) to organise schemes for the relief of distress in times of famine or of epidemic diseases, and to set apart contributions from the communal fund for such purposes and for any charitable purposes that may be approved by the Executive Committee ;
- (l) to enforce the by-laws made or deemed to have been made by it under this Ordinance, and to enter prosecutions in the Village Tribunal for breaches of such by-laws ; and
- (m) generally to do all things necessary for the effective discharge of its duties under this Ordinance.

44. A Village Committee may impose and levy within the limits of the village area for which it is constituted a capitation tax on every male voter resident in that area, such tax being payable either in labour performed in or in connection with a village work, or in money by way of commutation, in such manner and according to such rates of commutation as may be prescribed by by-laws.

Capitation
tax.

45. (1) In lieu of the capitation tax under section 44 a land tax may be imposed and levied under this section by any Village Committee which is authorised in that behalf by the Executive Committee, with the approval of the the Governor, by notification published in the Gazette.

Authority to
levy land tax
in lieu of
capitation
tax.

(2) A Village Committee shall not be authorised under sub-section (1) to impose and levy a land tax, unless a resolution, that such tax should be levied in that area in lieu of the capitation tax, is passed by that Committee.

(3) The land tax under this section shall consist of the following:—

- (a) an assessment tax not exceeding four per centum of the annual value of all buildings not wholly or mainly used for agricultural purposes and on all lands situated in localities within the village area which are declared by the Village Committee with the approval of the Government Agent to be built-up localities; and
- (b) an acreage tax not exceeding one rupee a year on each acre of land which is situated outside a built-up locality and is under permanent cultivation or regular cultivation of any kind other than chena cultivation, and in the case of uncultivated land situated outside a built-up locality, an acreage tax at one-quarter of the rate of the aforesaid acreage tax imposed for the time being on cultivated land:

Provided, however, that no assessment tax or acreage tax shall be imposed by any Village Committee on—

- (a) any land or building wholly or mainly used for religious, educational, or charitable purposes;
- (b) any building in charge of military sentries;
- (c) any burial or cremation ground; or
- (d) any divided portion of land, duly defined and forming one property, which is less than one quarter of an acre in extent:

And provided, further, that the Committee may by resolution specially exempt any property from the assessment tax or acreage tax on the ground of the poverty of the owner.

(4) The land tax under this section shall be assessed and levied, and, in cases of default, shall be recovered summarily, in such manner as may be prescribed by rules under section 59.

(5) The authority to levy a land tax given to a Village Committee by the Executive Committee by notification under sub-section (1) may at any time be withdrawn by a like notification upon the passing of a resolution in that behalf by the Village Committee in the manner required by sub-section (2) and upon the recommendation of the Government Agent that effect should be given to such resolution; and where the authority is so withdrawn the Village Committee shall forthwith impose and take steps to levy the capitation tax under section 44.

Licence
duties.

46. A Village Committee may impose and levy on every licence issued by it under this Ordinance or the by-laws made or deemed to have been made thereunder, a licence duty at such rates as may be approved by the Governor.

Tax on
vehicles and
animals.

47. (1) A Village Committee may impose and levy each year a tax on such of the vehicles and animals specified in the First Schedule as are ordinarily used or kept for use within the village area, at such rates not exceeding the respective amounts set out in that Schedule as the Committee may from time to time determine by resolution:

Provided, however, that no such tax shall be levied in respect of—

- (a) any vehicle or animal which is the property of the Crown or of the Village Committee; or
- (b) the authorised number of horses belonging to military officers doing staff, regimental or other public duty within the village area; or
- (c) any vehicle kept for sale by a *bona fide* dealer in such vehicles and not used for any other purpose; or
- (d) any vehicle subject to a licence duty under sections 5 and 7 of the Vehicles Ordinance, No. 4 of 1916, or under the Motor Car Ordinance, 1927.

(2) The tax on vehicles and animals shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found thirty days after it has been used for the first time within the village area or brought into the village area for use therein.

(3) No person shall be liable in any year to pay the tax in respect of any vehicle or animal—

- (a) which has been in his possession for less than thirty days in that year, or
- (b) which has been transferred to him after the payment by the previous owner of the tax due thereon for that year.

48. Every village area shall, for the purposes of this Ordinance, have a communal fund, and there shall be paid into that fund—

Communal fund.

- (a) all fines and penalties enumerated in the Second Schedule ;
- (b) all taxes levied under sections 44, 45 and 47 ;
- (c) all licence duties levied under section 46 and the amount of all stamp duties enumerated in the Third Schedule ;
- (d) all sums realised by sales, leases, or other transactions of the Committee ;
- (e) all revenue derived from any property vested in the Committee or from any public service maintained by the Committee ;
- (f) all grants from the general revenue of the Island allocated to the Committee by the State Council whether by resolution or otherwise ; and
- (g) all sums otherwise accruing to the Committee in the course of the exercise of its powers and duties under this Ordinance.

49. (1) Every Village Committee may from time to time make all such by-laws as may be necessary for the exercise of its powers or the performance of its duties under this Ordinance.

Power to make by-laws.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), a Committee may make by-laws for or in respect of all or any of the following purposes :—

- (i) Meetings and procedure, including—
 - (a) the intervals at which ordinary meetings are to be convened ;
 - (b) special meetings ;
 - (c) mode of convening a meeting ;
 - (d) the quorum ;
 - (e) conduct of meeting.
- (ii) Officers and servants, including—
 - (a) the number of officers and servants to be employed, and the qualifications necessary for each grade or class ;
 - (b) the salaries or wages for each grade or class ;
 - (c) the conditions for the payment to officers and servants of compensation on termination of service whether by way of pension, gratuity or contribution to a provident fund ;
 - (d) the procedure to be followed in appointing, and in paying salaries or wages and compensation on termination of service to, officers or servants employed in the joint service of the Committee and of any other Committee or local authority ;
 - (e) conditions for the grant of leave of absence to officers and servants.
- (iii) The Capitation Tax, including—
 - (a) the exemption of any person or class of persons from the liability in respect of the tax ;
 - (b) the number of days' labour not exceeding ten days' labour in any one year to be imposed on every male inhabitant electing to pay the tax by the performance of labour ;
 - (c) the allotment, performance and supervision of labour, and the enforcement of double labour in cases of default ;
 - (d) the rate at which payment is to be made in money by way of commutation of the liability to perform labour, or in cases of default, of double labour ;
 - (e) the manner of collecting the tax when it is paid in money.
- (iv) Taxation of land, including—
 - (a) the fixing, for the purposes of the assessment tax on property, of the percentage or rate to be deducted from the annual value for the probable annual average cost of insurance, repairs, maintenance and upkeep ;
 - (b) the form of the returns, statements or information that may be called for for the purposes of any tax, and the manner in which they are to be called for by the Chairman and furnished by the inhabitants.

(v) 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.

(vi) Land and property, including—

- (a) the provision, regulation, and management of ambalams and madams, 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, the Committee ;
- (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 ;

(vii) Roads and paths, including—

- (a) the improvement, alignment, level, width, and construction of new roads and paths in the area ;
- (b) the cleaning, watering, and lighting of roads and paths ;
- (c) the use of, and regulation of traffic in, roads and paths, 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 path, 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 path ;
- (d) the regulation of processions and assemblages and of the performance of music in roads or paths ;
- (e) the prevention, abatement, supervision, and regulation of obstructions, encroachments, projections and other interferences with roads and paths ;
- (f) the erection of hoardings and other temporary structures, and charging of fees for the use of hoardings erected by the Committee ;
- (g) the protection of the public against dangers resulting from building and other operations in or about roads and paths.

(viii) Buildings, building operations, and works, including—

- (a) the definition, after due notice and hearing of objections, of areas to which the by-laws under this heading are to apply ;
- (b) the regulation of the material of new buildings with a view to securing stability, the prevention of fire, and purposes of health ;
- (c) the space to be left about any building or block of buildings to facilitate and secure free circulation of air and to facilitate scavenging ;
- (d) the dimensions of doors and windows, the level of the floor, the height of the roof, general ventilation, and drainage ;
- (e) the number and nature of latrines ;
- (f) foundation and stability of structure ;
- (g) the line of building frontage.

(ix) Public health and amenities, including—

- (a) drainage ;
- (b) conservancy and scavenging, and the charging of fees therefor ;
- (c) the inspection, regulation, maintenance, and cleansing of drains, privies, cesspits, ash-pits, 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, poultry, 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 ;
 - (k) the regulation, supervision, inspection, and control of trades deemed to be offensive or dangerous by the Committee ;
 - (l) the regulation of the dimensions and use of kraals in public lakes, rivers, lagoons, and estuaries for soaking coir husks, and the charging of fees for the use of such kraals ;
 - (m) the regulation, supervision, inspection, control, and licensing of breweries and aerated water manufactories ;
 - (n) the compelling of owners and occupiers in the village area 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 may be necessary for the preservation of the public health and the suppression of nuisances.
- (x) Animals, including—
- (a) the regulation, supervision, inspection, and control of slaughter-houses, including the levy and recovery of fees for the use of village slaughter-houses ;
 - (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 any manner which in the opinion of the Committee is likely 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.
- (xi) Markets and fairs, including—
- (a) the establishment, maintenance, and improvement of village markets ;
 - (b) the protection, regulation, supervision, inspection, and control of village markets ;
 - (c) the conservancy and scavenging, and the prevention of nuisances in connection with village markets ;
 - (d) the control of traffic, and the preservation of order within village markets and in their immediate vicinity ;
 - (e) the provision, inspection, and control of latrines, slaughter-houses, water supply, and lighting on the premises of village markets ;
 - (f) the allotment of stalls, stands, seats or spaces in village markets ;
 - (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 Committee there exists good reason for such prohibition ;
 - (i) the absolute prohibition, or the restriction by means of special licences, of the sale of any article, and the charging of fees for such special licences ;
 - (j) the provision of security against fires ;
 - (k) the temporary closing of any village market or fair ;
 - (l) the due performance of their duties by market keepers and other employees at village markets ;
 - (m) the fixing and recovery of fees or rents for the use of the premises of a village market or any part thereof, or of the buildings thereon, and for the leasing of the right to collect any such fees or rents ;
 - (n) the declaration of a market area for each village market, and the licensing, restriction, or prohibition of private markets or of the sale of market commodities within such area in any place other than the village market ;
 - (o) the licensing of private markets or fairs, the conditions of the licence, and the fees payable in respect thereof ;
 - (p) the standards to be observed in respect of accommodation, drainage, roads, air spaces, equipment, and sanitary requirements in private markets or fairs ;
 - (q) the renovation, alteration, enlargement, and improvement of existing buildings, and the erection of new buildings after notice to the Committee and in accordance with plans to be approved by the Committee, in or about the premises of private markets or fairs.
- (xii) Water supply, including—
- (a) the regulation, protection and maintenance of communal wells, spouts, springs or other watering places for the supply of water for domestic purposes ;
 - (b) the regulation and maintenance of watering places of any kind set apart by the Committee for bathing or for the washing of animals, clothes and other articles ;

- (c) the regulation of the construction and maintenance of private wells in such manner as may be necessary to safeguard the public health and safety.
- (xiii) Public services, including all matters necessary for their establishment, maintenance, working, and supply, for the recovery of charges in connection therewith, and for their protection against damage and against competition.
- (xiv) The measure or dimension of bread, and the regulation of its manufacture and quality.
- (xv) The regulation of weights and measures.
- (xvi) The prevention of accidents connected with toddy drawing and for the periodical inspection of the ropes and other appliances used for that purpose.
- (xvii) The prevention of accidents caused by the setting of spring guns and traps.
- (xviii) The fencing of wells and pits.
- (xix) The prevention of gambling and cock-fighting and of cart-racing on public paths or roads.
- (xx) The prevention of disorderly conduct, of loitering in public paths or roads or public places, and of the use of abusive language.
- (xxi) The prevention of the sale to boys under sixteen years of age or to females, of any description of spirits or other intoxicating liquor or toddy drawn from any species of palm or the fermented juice of the sugar cane.
- (xxii) The enforcement of ancient custom relating to cultivation, the repair, protection and maintenance of village tanks, and the irrigation of fields and gardens under such tanks.
- (xxiii) All other purposes, whether of the same nature as those above enumerated or otherwise, which, in the opinion of the Committee, may be necessary for the protection or promotion of the local public interests, conveniences, and amenities.

(3) No by-law made under this section shall have effect until it is approved by the Executive Committee and confirmed by the Governor, and notification of such approval and confirmation is published in the Government Gazette.

50. (1) Subject to the provisions of section 56, a Village Committee may, from time to time, raise a loan for the purpose of carrying out any resolution passed by it as to the construction or maintenance of any village work.

Power to
raise loans.

(2) For the purpose of securing repayment of the sum or sums so borrowed and the interest accruing thereon, the Committee may mortgage and assign to the lender, by or on whose behalf such sum or sums or any part thereof may be lent, any revenues accruing under the provisions of this Ordinance and any property acquired by or belonging to the Committee.

(3) Notwithstanding anything in section 14 of the Local Loans and Development Ordinance, No. 22 of 1916, contained, it shall be lawful for the Commissioners appointed under that Ordinance to advance money to a Village Committee for the purposes aforesaid on such security as such Commissioners may deem sufficient, and the provisions of that Ordinance shall apply to any such loan whether made before or after the commencement of this Ordinance.

(4) All securities given by a Village Committee in respect of loans under this section shall be free of stamp duty.

(5) It shall be the duty of any Village Committee which raises a loan under this section to set apart each year such portion of the communal fund as may be sufficient for the purpose of paying the interest falling due on the loan and of repaying the principal when it falls due.

(6) Any loan raised by the Village Committee or the inhabitants of any area, under any provision of law repealed by this Ordinance, shall be deemed to be a loan raised under this section by the Village Committee constituted or deemed to be constituted for that area under this Ordinance; and all liabilities under that loan shall accordingly be discharged by such last-mentioned Village Committee.

51. Notwithstanding the provisions of section 4 of the Cemeteries and Burials Ordinance, 1899, every Village Committee shall be the proper authority under that Ordinance within the limits of the village area for which that Committee is constituted.

Village
Committee to
be proper
authority under
Ordinance No. 9
of 1899.

Definition of
village work.

52. In this Part of the Ordinance, "village work" includes—

(a) any path, road, drain, bridge, culvert, edanda, ambalam, madam, schoolroom, spout, well, watering or bathing place, canal, tank, ford, ferry, burial or cremation ground, pasture land, gala, market or slaughtering-place, or

(b) any other work or scheme for the preservation of the public health or the promotion of the comfort, convenience or welfare of the people,

which is constructed, established, maintained, protected, or regulated and controlled, by a Village Committee.

PART IV.

Supervision and Control of Village Committees.

Limitation of
powers of
Village
Committees.

53. The powers conferred on a Village Committee by sections 43 to 47 shall be subject to the limitation and condition that it shall not be lawful for the Village Committee to give effect to any resolution or decision arrived at in the exercise of those powers, until such resolution or decision is approved—

(1) by the Governor, in every case where the resolution or decision relates to the imposition of any tax, licence duty, or toll; or

(2) by the Government Agent, subject to an appeal to the Executive Committee, in every case where the resolution or decision relates to—

(a) the purchase, sale or exchange of any land or building; or

(b) the lease of any immovable property handed over to the Committee by a vesting order under section 40; or

(c) the creation of any salaried office in the service of the Committee; or

(d) the expenditure of any sum of money exceeding one hundred rupees out of the communal fund on any work, scheme or project; or

(e) the formation of any contract or other agreement involving any expenditure exceeding one hundred rupees out of the communal fund; or

(f) the organisation of any scheme for the relief of distress, to which contributions are to be given from the communal fund.

Further
financial
control.

54. The administration of the communal fund by a Village Committee shall be further subject to such rules of procedure as may be made under section 59 for prescribing—

(a) the form in which estimates and budgets shall be prepared;

(b) the period within which, and the manner in which, the approval of the Governor or of the Government Agent shall be obtained in any matter connected with a budget, which requires such approval under the provisions of this Ordinance;

(c) the steps to be taken in any matter connected with a budget, in the event of its being disapproved by the Governor or the Government Agent;

(d) the form in which books of accounts shall be kept by a Village Committee;

(e) the form of the periodical statement of accounts which shall be prepared by a Village Committee;

(f) the manner in which, the intervals at which, and the persons by whom, the accounts of a Village Committee shall be audited; and

(g) the mode of giving notice, within the village area, of the financial proposals of a Village Committee, and of publishing the periodical statements of accounts.

Deposit and
use of
communal
fund.

55. (1) The communal fund of each village area shall be deposited with the Government Agent to the credit of an account bearing the name of that area, and such of the moneys payable into that fund as are collected or recovered by the Village Committee or by the Chairman on behalf of the Village Committee, shall be paid by the Chairman into that account within two weeks of the receipt thereof, or in the case of moneys received in commutation of the capitation tax, within one month after the respective final dates fixed by the by-laws of the area for the performance and the commutation of labour and double labour.

(2) No payment shall be made out of the communal fund by the Government Agent except on an order of payment under the hand of the Chairman, or of the Vice-chairman acting under the authority of the Chairman; and no order

of payment shall be issued by the Chairman unless the expenditure to which it relates has been authorised by the Committee, either generally or by a resolution in that behalf.

(3) For the purposes of this section the Chairman of a Village Committee shall be deemed to be a public servant within the meaning of the Ceylon Penal Code.

56. (1) Every resolution passed by a Village Committee relating to the raising of a loan shall specify the rate of interest which is to be paid on the loan and the purposes to which the money is to be applied, and a copy of the resolution shall be submitted forthwith to the Governor for approval.

(2) No loan shall be raised by a Village Committee unless the resolution relating thereto has been approved by the Governor.

Interest on loans raised by Village Committee.

PART V.

Supplemental Provisions relating to Village Committees.

57. No part of the expenses incurred by the Government Agent in conducting meetings of the voters of any village area for the election of members or for any other purpose, shall be chargeable to the Village Committee of that area; but all such expenses shall be defrayed out of the general revenue of the Island.

Expenses of elections and other meetings.

58. All costs, charges, and expenses arising from or in respect of any suit, action, or legal proceeding, which a Village Committee may become liable to pay, shall be paid from the communal fund; and no member of the Village Committee or inhabitant of the village area shall be personally liable for the payment thereof.

Payment of costs awarded against Village Committees.

59. (1) The Executive Committee may make all such rules as may be necessary for the purpose of prescribing—

Rules as to elections, land tax and finance.

- (a) the procedure to be followed by Government Agents or presiding officers in conducting the election of members to a Village Committee, and the election of the Chairman and Vice-chairman of a Village Committee;
- (b) the manner in which the land tax shall be assessed and levied, or, in cases of default, recovered summarily, by a Village Committee;
- (c) the manner in which any toll, rent, fee or licence duty, which is not payable in advance under the by-laws made by a Village Committee, may be recovered summarily in the event of default being made in the payment thereof; and
- (d) the several matters appertaining to finance for which rules are required under section 54.

(2) No rule made by the Executive Committee under this section shall have effect until it is approved by the State Council and ratified by the Governor and until notification of such approval and ratification is published in the Gazette.

60. (1) As soon as may be after the publication, in the Gazette, of any by-law made by a Village Committee under section 49 the Government Agent shall cause such by-law to be translated and printed at the expense of the Committee in the language or languages prevailing in the village area in which the by-law is to be enforced.

Publication of by-laws and translation in village area.

(2) The Village Committee shall cause copies of the by-law, and copies of the translation thereof, to be made available for purchase at the Village Committee office at such price as may be fixed by the Government Agent.

61. Every rule, not inconsistent with the provisions of this Ordinance—

Savings for rules in force at the commencement of this Ordinance.

- (a) made under any provisions of law repealed by this Ordinance, and in force at the commencement of this Ordinance; or
- (b) duly made under any law relating to village communities which was in force at the time the rule was made, and kept in force by virtue of any provisions of law repealed by this Ordinance,

shall continue in force, and shall be deemed, for the purposes of any amendment that may be necessary and for all other purposes, to be a by-law made under this Ordinance, until such rule is rescinded by a by-law made under this Ordinance or a by-law made under this Ordinance is substituted for such rule.

Removal of
Chairman and
dissolution of
Committee.

62. (1) If at any time the Governor is satisfied that there is sufficient proof of—

- (a) incompetence and mismanagement, or
- (b) persistent refusal or wilful neglect to perform the duties imposed by this Ordinance, or
- (c) misconduct in the performance of those duties, or
- (d) abuse of the powers conferred by this Ordinance,

on the part of the Chairman of a Village Committee or on the part of the Village Committee, the Governor may by order published in the Gazette—

- (i) remove the Chairman from office, or
- (ii) supersede and dissolve the Committee, and direct the Government Agent either to take steps for the election of a fresh Committee or to administer the affairs of that area for such period as may be specified in the order.

(2) Upon the publication of an order under sub-section (1) the following consequences shall ensue :—

- (a) if the order removes the Chairman from office, he shall be deemed to vacate forthwith the office of member of the Committee as well as the office of Chairman ;
- (b) if the order directs the election of a fresh Committee, any fresh Committee so elected shall go out of office on the date on which the original Committee would have gone out of office if it had not been superseded and dissolved ;
- (c) if the order directs the Government Agent to administer the affairs of the area, all the property and the rights under contracts, and all the powers vested in the Committee, shall be deemed to be vested in the Government Agent for all the purposes of this Ordinance ; and all the liabilities and duties of the Committee shall be deemed to be transferred to him and shall be discharged by him, until the end of the period specified in the order.

Contra-
vention of
by-laws to be
an offence.

63. Every contravention of a by-law made or deemed to have been made under this Ordinance, shall be an offence punishable in the manner provided by section 84, by the Village Tribunal having jurisdiction over the area in which the contravention takes place, or, if there is no such Village Tribunal, by the Village Committee of that area.

Amendment of
section 39 of
the principal
Ordinance.

5 Section 39 of the principal Ordinance (renumbered as section 66 thereof by this Ordinance) is hereby amended as follows :—

- (1) by the substitution for the expression " section 95 " of the expression " section 122 " ; and
- (2) by the substitution for paragraph (a) set out therein, of the following new paragraph :—

" (a) possess the qualifications specified in section 13 for members of Village Committees ; and ".

Amendment of
section 40 of the
principal
Ordinance.

6 Section 40 of the principal Ordinance (renumbered as section 67 thereof by this Ordinance) is hereby amended by the substitution for the expression " section 38 " of the expression " section 65 ".

Amendment of
section 44 of
the principal
Ordinance.

7 Section 44 of the principal Ordinance (renumbered as section 71 thereof by this Ordinance) is hereby amended as follows :—

- (1) by the substitution for the words " any rules shall have been duly made by the Village Committee of any subdivision ", of the words " any by-laws made or deemed to have been made under this Ordinance are in force in any village area " ;
- (2) by the substitution for the words " for such subdivision " of the words " with jurisdiction over such village area " , and
- (3) by the substitution for the words " of such rules " of the words " of such by-laws ".

Amendment of
section 55 of
the principal
Ordinance.

8 Section 55 of the principal Ordinance (renumbered as section 82 thereof by this Ordinance) is hereby amended as follows :—

- (1) in that part of that section which is set out under the heading " A. Civil ", by the substitution in paragraph (c) for the expression " section 95 " of the expression " section 122 " ;

(2) in that part of that section which is set out under the heading "*B. Criminal*"—

- (a) by the substitution in paragraph (a) for the words "rules made under section 29 of this Ordinance", of the words "by-laws made or deemed to have been made under this Ordinance"; and
- (b) by the substitution in paragraph (b) for the word "schedule" of the words "Fourth Schedule";

9 Sections 56, 59 and 60 of the principal Ordinance (renumbered as sections 83, 86 and 87 thereof by this Ordinance) are hereby amended by the substitution for the words "rules made under section 29 of this Ordinance" or "rules under section 29", of the words "by-laws made or deemed to have been made under this Ordinance".

Amendment of sections 56, 59 and 60 of the principal Ordinance.

10 Section 63 of the principal Ordinance (renumbered as section 90 thereof by this Ordinance) is hereby amended by the substitution for the expression "section 62 of this Ordinance", of the expression "section 89".

Amendment of section 63 of the principal Ordinance.

11 Section 64 of the principal Ordinance (renumbered as section 91 thereof by this Ordinance) is hereby amended by the substitution for the words "rule under section 29 of this Ordinance", of the words "by-law made or deemed to have been made under this Ordinance".

Amendment of section 64 of the principal Ordinance.

12 Section 70 of the principal Ordinance (renumbered as section 97 thereof by this Ordinance) is hereby amended by the substitution for the expression "section 69 of this Ordinance" of the expression "section 96".

Amendment of section 70 of the principal Ordinance.

13 Section 80 of the principal Ordinance (renumbered as section 107 thereof by this Ordinance) is hereby amended by the substitution for the words "or of any rule", of the words "or of any by-law made or deemed to have been".

Amendment of section 80 of the principal Ordinance.

14 Section 95 of the principal Ordinance (renumbered as section 122 thereof by this Ordinance) is hereby amended in sub-section (1) thereof, as follows:—

Amendment of section 95 of the principal Ordinance.

- (1) by the omission of the words "in Executive Council";
- (2) by the substitution in paragraph (viii) set out in that sub-section, for the expression "sections 55 and 60", of the expression "sections 82 and 87"; and
- (3) by the substitution for paragraph (ix) set out in that sub-section, of the following new paragraph (ix):—

"(ix) The person by whom, the times at which, and the manner in which, fines, penalties, and other sums recovered by a Village Tribunal shall be deposited with the Government Agent".

15 Section 96 of the principal Ordinance (renumbered as section 123 thereof by this Ordinance) is hereby amended by the substitution for the expression "section 95" of the expression "section 122".

Amendment of section 96 of the principal Ordinance.

16 The principal Ordinance is hereby further amended by the substitution for the expression "subdivision", "village tribunal" or "village committee" wherever such expression occurs in any of the sections 37 to 97 thereof (renumbered as sections 64 to 124 thereof by this Ordinance) of the expression "village area" or "Village Tribunal" or "Village Committee", as the case may be.

Further amendment of sections 37 to 97 of the principal Ordinance.

17 The following new sections shall be inserted immediately after section 98 (renumbered as section 125 by this Ordinance) and shall have effect as sections 126 and 127, of the principal Ordinance:—

Insertion of new sections 126 and 127 in the principal Ordinance.

126. (1) All fines, penalties and other sums recovered by a Village Tribunal shall, subject to the provisions of sections 97, 98 and 99, be deposited with the Government Agent by the President or such other person as may be designated, and at such times and in such manner as may be prescribed, by rules made under section 122.

Fines recovered by Village Tribunals to be deposited with Government Agent.

(2) Of the fines, penalties and other sums deposited with the Government Agent under sub-section (1), such part as may be payable under section 48 into the communal fund of any village area within the jurisdiction of the Village Tribunal shall be credited by the Government Agent to that communal fund and the balance shall be credited by him to the general revenue.

Interpretation.

127. In this Ordinance, unless the context otherwise requires—

- “ chief headman ” means a ratemahatmaya, mudaliyar, adikar, maniyagar, or vanniya ;
- “ chief headman’s division ” means the area under the supervision of a chief headman ;
- “ co-operative society ” means any society registered under any law for the time being in force relating to such societies ;
- “ excepted persons ” means persons resident in the colony and being (a) persons commonly known as Europeans, (b) persons commonly known as Burghers, and (c) labourers as defined in Ordinance No. 13 of 1889, including any woman or child related to any such labourer or any aged or incapacitated relative of any such labourer ;
- “ Executive Committee ” means the Executive Committee of Local Administration ;
- “ Fiscal ” includes a Deputy Fiscal within the province of the Fiscal ;
- “ Government Agent ” includes the Assistant Government Agent of a district ;
- “ minor headman ” means any headman other than a chief headman and includes a muhandiram, korala, udayar, vidane arachchi, or police headman ;
- “ plantation ” includes any land on which tea, coffee, cacao, cardamoms, cinchona, or rubber is growing, and any coconut estate of over five acres in extent ;
- “ police headman ” means a police vidane or gar-arachchi ;
- “ produce ” includes the fruit, leaf, bark, latex, and roots of any plant or tree cultivated on a plantation ;
- “ village area ” means a portion of a chief headman’s division declared to be a village area by Proclamation under section 4 ;
- “ voter ” in relation to any ward means a person entitled under section 12 to vote at an election of a member for that ward ;
- “ ward ” means a ward of a village area within the meaning of section 11.

Renumbering of the Schedule to the principal Ordinance as the Fourth Schedule thereto.
Insertion of First, Second and Third Schedules to the principal Ordinance.

18 The Schedule to the principal Ordinance is hereby amended by the substitution for the heading “ SCHEDULE ” of the heading “ FOURTH SCHEDULE ”.

19 The three following Schedules shall be set out immediately before the Fourth Schedule, and shall have effect respectively as the First, the Second and the Third Schedule to the principal Ordinance :—

FIRST SCHEDULE. Section 47.

	Rs.	c.
For every carriage of whatever description other than a cart, hackery, or jinricksha ..	5	0
For every double bullock cart or hackery of whatever description ..	4	0
For every single bullock cart or hackery ..	2	50
For every jinricksha ..	2	50
For every bicycle ..	1	0
For every—		
Elephant ..	10	0
Horse ..	5	0
Mule ..	2	50
Donkey ..	2	50

SECOND SCHEDULE. Section 48.

All fines, penalties and other sums, recovered by the Village Committee of a village area or by a Village Tribunal having jurisdiction over that area, in respect of breaches, committed within that area, of the following provisions of written law :—

- (1) The provisions of this Ordinance.
- (2) The by-laws made or deemed to have been made under this Ordinance.
- (3) The Nuisances Ordinance, 1862.
- (4) Any other written law the operation of which is extended to the village area.

THIRD SCHEDULE. Section 48.

1. All stamp duties and fees paid by or recovered from the inhabitants of the village area under—
 - (a) The Boats Ordinance, 1900
 - (b) The Butchers Ordinance, 1893
 - (c) The Vehicles Ordinance, No. 4 of 1916
 - (d) Any other Ordinance the operation of which is extended to the village area.
2. All stamp duties and fees paid in respect of licences by the inhabitants of the village area under—
 - (a) The Masters Attendant's Ordinance, 1865
 - (b) The Petroleum Ordinance, 1887
 - (c) The Explosives Ordinance, 1902
 - (d) The Firearms Ordinance, No. 33 of 1916
 - (e) The Poisons, Opium and Dangerous Drugs Ordinance, No. 17 of 1929.
3. All stamp duties paid by inhabitants of the village area—
 - (a) as advocates or proctors, on certificates of admission under section 1 of Ordinance No. 12 of 1848, or as proctors on the annual certificates and declarations under sections 2 and 3 of that Ordinance;
 - (b) as notaries, on warrants, certificates and declarations issued under sections 4, 25 and 26 of the Notaries Ordinance, 1907;
 - (c) in respect of articles of apprenticeship or upon any contract whereby any person first becomes bound in order to qualify himself as a notary.

Objects and Reasons.

The object of this Bill is to substitute in the Village Communities Ordinance, No. 9 of 1924, in place of the thirty-four sections relating to Village Committees, sixty-one new sections based for the most part on the provisions of the Local Government Ordinance, No. 11 of 1920, and designed as far as possible to assimilate the powers, duties and functions of Village Committees to those of District Councils. For this purpose the remaining sections of the Village Communities Ordinance and its schedule are first to be renumbered (Clause 3) and partly rearranged (Clauses 16 and 18); and thereafter consequential amendments, chiefly of a verbal or formal nature, are also to be made in them (Clauses 2 and 5 to 15.)

2. The main object is dealt with in Clauses 4 and 19. Clause 4 seeks to repeal sections 3 to 36 of the Village Communities Ordinance and to insert new sections 3 to 63 to take their place. Clause 19 contains three new Schedules which are to be added to the Ordinance.

3. The principal features of the new provisions may be summarised as follows:—

- (1) The unit of village self-government is in future to be known as a village area, and a Village Committee is to be established in every such area. Except in special cases, every police headman's division in a village area will be a ward entitled to return a member. The number of members of a Village Committee will therefore not remain uncertain and variable as before, and every part of an area will be duly represented.
- (2) Adult suffrage for both sexes is to be introduced, subject to a condition requiring residence in the ward for a period of six months in the eighteen months next preceding an election. For candidates for election, the qualifications are to include literacy and property of the value of two hundred rupees.
- (3) The elections, as in the past, are to be held at meetings of voters, but in order to prevent unnecessary expenditure on such meetings, provision is made for a nomination day on which uncontested candidates can be declared to be duly elected.

In order to keep out the man of straw, provision is also made for a deposit of a sum of ten rupees by every candidate.

- (4) Where the voters for any reason refuse or fail to elect the requisite number of members, power is to be given to the Executive Committee of Local Administration to nominate the necessary number of qualified persons.
- (5) The Chairman is to hold office for the full term of a Committee, and the Vice-Chairman for one year at a time.
- (6) Every Village Committee will be a corporation with perpetual succession and capacity to hold property and to enter into contracts.

- (7) The existing tax payable in labour, or in money by way of commutation, is to be retained under the name of the capitation tax ; but as an alternative in suitable cases, there will be a land tax leviable (a) on buildings and building sites, (b) on cultivated lands and (c) on uncultivated lands. In addition to the usual statutory exceptions, deserving cases will be exempted from the tax on the ground of poverty. Where the land tax is found to be unsuitable, a Committee will be permitted to revert to the capitation tax.
- (8) Provision is also made for adding to the funds of a Village Committee the licence duties which in other areas have been made over to the District Councils by Ordinance No. 11 of 1920 ; and Village Committees are given the same power as District Councils to impose a tax on vehicles and animals.
- (9) The administration of the funds, and all other financial matters including the raising of loans, will be governed by rules of procedure made by the Executive Committee of Local Administration, and will be under the supervision and control of the Government Agent. In the more important matters it will be obligatory to obtain the approval of the Governor before a Village Committee proceeds to give effect to its decisions.
- (10) The subsidiary legislation passed by a Village Committee will, in future, be called "by-laws". The enabling provisions are almost identical with those of the Local Government Ordinance, but it is not expected that a Village Committee will find it necessary to exercise all the powers that are conferred on it in this behalf.
- (11) In cases of incompetence and mismanagement or wilful misconduct or neglect of duty, the Governor is given the power to remove a Chairman from office or to supersede and dissolve a Committee.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, March 10, 1937.