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PART 2

CONFIDENTIAL FILING

Visits of the Prime Minister of Sri Lanka, the Hon R. Premadasa

Visits of President Jayewardene

S 3002

SRI LANKA

PT 1: May 1979

PT 2: April 1987

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Series closed

See Sri Lanka : Relations

PREM 19/2581

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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

6 September, 1988.

Thank you for your letter of 5 September about the request by the Prime Minister of Sri Lanka to call on the Prime Minister between 30 September and 4 October. As I explained yesterday, the Prime Minister has decided that she simply cannot accept any more meetings with visiting foreign leaders in this period because of the weight of her other engagements and the need to prepare for the Party Conference. I should be grateful if this could be explained as tactfully as possible to Mr. Premadasa. It would obviously be desirable if some alternative could be offered to reduce his disappointment.

(C.D. Powell)

R.N. Peirce, Esq.,
Foreign and Commonwealth Office.

ECPC (1)

Foreign and Commonwealth Office

London SW1A 2AH

5 September 1988

Prime Minister

In the light of your comments on the Passition request for a meeting, I propose to say that you simply cannot manage this in the time in question. Agree?

CDP 5/9

Dear Charles

The Prime Minister of Sri Lanka, the Hon R Premadasa, has requested a call on the Prime Minister between the afternoons of 30 September and 4 October. Accompanied by his wife, he is making a private visit to London for the presentation at noon on Monday 3 October of World Habitat Day Awards.

The Prime Minister has seen Mr Premadasa on at least four occasions during the past years, most recently on 14 July 1987. These calls demonstrated our regard for a friendly Commonwealth country with democratic traditions (which voted with us on the Falklands at the UN) and our support for Sri Lanka's efforts, since reinforced by the Indo-Sri Lankan Accord of 29 July 1987, to solve chronic ethnic problems. Mr Premadasa is being tipped increasingly in Sri Lanka as the governing United National Party's presidential candidate if President Jayewardene, who is 82, decides not to stand again.

His request for a call on the Prime Minister is no doubt intended partly to attract publicity in the run up the Presidential elections due in December 1988. Nevertheless, the Foreign Secretary believes that it would be right for the Prime Minister to offer him a call as in previous years if her diary permits.

Yours

Yours ever

R N Peirce

(R N Peirce)
Private Secretary

C D Powell Esq
PS/No 10 Downing Street

CONFIDENTIAL

(2)

cc PC

Foreign and Commonwealth Office

London SW1A 2AH

6 June 1988

Mr Richard Gozney
CDP
6/6

Dear Charles

Possible Visit by the President of Sri Lanka

Your letter of 18 February authorised us to extend an invitation to President Jayewardene to visit this country at a date convenient to him in the summer.

On 3 March our High Commissioner in Colombo delivered an invitation for a Guest of Government visit. Since then he has repeatedly sought a response, and has now heard from the President's Private Secretary that the President does not wish to accept the invitation to visit London this year. Mr Gladstone will be seeking a more formal reply, but says that we can safely stop planning for a visit in July.

It is unlikely that President Jayewardene will come up with alternative dates this year since what he would really like is for us to reinstate the earlier invitation to a State Visit. If he decides to stand for re-election, and if he then wins later this year we shall need to consider a new invitation at some future date.

Yours ever

Bob Peirce

(R N Peirce)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL

SRI LANKA: Visits of
PM + PRES PT 2

cc MALTA: Relations NOW
SRI LANKA: Visit by Pres Jayawardene Pt 2
SAUDI ARABIA: Visit by Crown Prince Abdullah Oct 2
TANZANIA: Visit by Pres Nyerere Aug 79
TURKEY: Visit by Pres Evren? March 88

SLWBKP

ccPC

RESTRICTED

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

13 May 1988

Dear Tom

FORTHCOMING FOREIGN VISITORS: SPEECHES

It may be helpful to set down the likely requirement for draft speeches on occasions when the Prime Minister is giving a lunch or dinner for a distinguished foreign visitor over the next few months. They are as follows:

- President Reagan. This will be a small dinner and a speech by the Prime Minister is likely to be of a highly personal nature. But it would be helpful if Sir Antony Acland could be asked to suggest one or two points for it, in particular references which would give the President pleasure (i.e. specific events, decisions or achievements of his Presidency). It would be helpful to have this by 26 May.

- President of Tanzania. We need a draft for an after-dinner speech by 26 May (to allow for the Whitsun recess). It should have some historical and personal allusions.

- Crown Prince Abdullah. We need to establish whether or not there will be speeches. If there are to be, then a draft will be needed by Wednesday 8 June.

- President Evren. Again we need to decide whether there will be speeches. If there are, then a draft would be needed by 6 July.

- President Jaywardene. I am not sure whether his visit is confirmed yet. Assuming it is, we shall need a speech (bearing in mind that the Prime Minister has already made speeches both at Downing Street and in Sri Lanka on occasions when he has been present). A draft please by Wednesday 20 July.

BF

- Prime Minister of Malta. We shall need a draft speech by 7 September.

Yours ever

(C. D. POWELL)

A. C. Galsworthy, Esq., C.M.G.,
Foreign and Commonwealth Office.

RESTRICTED

CONFIDENTIAL

CC PC

Foreign and Commonwealth Office

London SW1A 2AH

7 March 1988

CDP
7/3

Dear Charles

Possible visit by the President of Sri Lanka

Your letter of ~~18~~ 16 February authorised us to extend an invitation to President Jayewardene to visit this country, either as a guest of government or on a working visit, at a date convenient to him in the summer.

Our High Commissioner in Colombo called on the President on 3 March. He reports that the President received the news calmly but without obvious enthusiasm. The President is now reflecting on the invitation and has promised to let us know his answer shortly.

David Gladstone is unable to predict what the President's reaction will be. You will wish to be aware that he thinks it possible that President Jayewardene may make a direct approach to No 10, presumably in the hope of securing an invitation to pay a full State Visit. The day before David Gladstone's call on the President, the Sri Lankan High Commissioner here called at the FCO to press the case for a State Visit. He made it clear that the President considered that a State Visit to Britain would be the pinnacle of his career: he hinted that the President's delay in confirming a renewed invitation to visit Moscow was because he wanted to hear what London could offer first.

Yours ever

Robin

(R N Culshaw)
Private Secretary

C D Powell Esq
PS/No 10 Downing Street

CONFIDENTIAL

SRI LANKA : VOL 6. PT2

SUBJECT cc MASTER

CONFIDENTIAL

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

18 February 1988

POSSIBLE VISIT BY THE PRESIDENT OF SRI LANKA

The Foreign Secretary raised with the Prime Minister this afternoon the possibility of extending an invitation to President Jayewardene to visit the United Kingdom. Jayewardene had himself made clear that he would very much welcome an invitation before he retired next year, in the belief that it would increase his standing.

The Prime Minister expressed some concern whether it was wise to encourage President Jayewardene to leave the country, given the dangers of a coup. On the other hand, he had been a loyal friend of the United Kingdom and if he really wanted to come we should not rebuff him.

It was agreed, therefore, that an invitation should be extended to President Jayewardene to visit the United Kingdom, either as a guest of the Government or on a working visit, at a time of his choosing in the summer. The Prime Minister pointed out that it would be difficult for her to receive him before July. She also suggested that he should come at a time when there was a Buckingham Palace Garden Party which he might attend.

CHARLES POWELL

R.N. Culshaw, Esq., MVO,
Foreign and Commonwealth Office.

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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

12 January 1988

VISIT OF PRESIDENT JAYWARDENE

Thank you for your letter of 11 January proposing that President Jaywardene be invited to Britain as a guest of the Government in the week beginning 29 February.

The Prime Minister recalls that President Jaywardene came in June 1984 when she gave a dinner for him. She wonders whether a further visit is really so pressing. In any event, she doubts whether he will feel able to leave Sri Lanka at this juncture: and points out that the end of February is likely to be a very cold time. In short, she has reservations about the proposal and would like it to be reconsidered.

CHARLES POWELL

Lyn Parker, Esq.,
Foreign and Commonwealth Office.

CONFIDENTIAL

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CC PC (1)

Foreign and Commonwealth Office

London SW1A 2AH

11 January 1988

Prime Minister
This would involve a ceremony in the FCO courtyard, talks & a lunch or dinner.
Agree?
CDP 11/1

Dear Charles,

It is a very cold time for him to come - and I doubt very much whether he will feel able to leave. He has visited us before - not very long ago. nr

1. Following the Royal Visits Comittee's recent agreement that President Jayewardene of Sri Lanka should be invited to pay a guest of Government visit in place of that envisaged for President Ershad of Bangladesh, I am writing to seek the Prime Minister's agreement to host such a visit in the week beginning 29 February, and her approval that we should issue an invitation in her name subject to a favourable response to intitial soundings by our High Commissioner in Colombo.

2. President Jayewardene was due to make a State Visit to Britain in 1983. Much to his regret the visit had to be postponed, and was later cancelled when communal violence broke out in Colombo. The ethnic conflict which followed has troubled Sri Lanka ever since. The Indo-Sri Lanka Peace Agreement, signed on 29 July 1987 by President Jayewardene and Rajiv Gandhi, seems to offer the only route to a lasting settlement of the conflict.

3. President Jayewardene has on a number of occasions expressed his strong desire for the invitation to Britain to be renewed. He has stated publicly that he does not intend to stand in elections due in early 1989; and in any case, the President's age makes it unlikely that he would continue in office for many more years (he is 82 this year). This year therefore probably represents the last opportunity we will have to accede to the President's wish to visit, and to mark our respect for his personal commitment to a brave and imaginative attempt to restore peace in Sri Lanka. We have warmly welcomed the Agreement, and an invitation to the President would demonstrate our continuing support as well as consolidating our position as a close friend of Sri Lanka. We would also wish to show our thanks for his continuing support in the UNGA over the Falklands.

4. The Royal Visits Committee decided that an invitation for a State Visit would not be possible in 1988. However, our High Commissioner believes that an invitation to visit as a Guest of Government - although less than the State Visit the President had hoped for - would be welcomed. We understand that the Queen and the Prime Minister would be available to see and entertain him in the week beginning 29 February. The Foreign Secretary will be available from the afternoon of 2 March, on his return from Hamburg. I would therefore be most grateful for your agreement that we should issue an invitation to President Jayewardene on behalf of the Prime Minister in the week 29 February - 4 March.

CONFIDENTIAL

5. I understand that the Prime Minister will be available on the morning of Monday 29 February. If she agrees, the President's visit could begin with a Guard of Honour that morning followed by a meeting at Number 10 (and if at all possible, by lunch).

Yours ever, Lyn Parker

(L Parker)
Private Secretary

C D Powell Esq
PS/No 10 Downing Street

Communications on this subject should be addressed

HIGH COMMISSIONER FOR THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

Our Reference HCL/PROT/I/I

Your Reference

HIGH COMMISSION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

13 HYDE PARK GARDENS
LONDON W2 2LU

Telephone: 01-262 1841 (7 lines) Ext
Telegrams: Lankacom, London
Telex: 25844

Date 14th July 1987

14/7

Dear Mr Powell,

You will recall that at the meeting between the Hon. R. Premadasa, Prime Minister of Sri Lanka and the Rt Hon Margaret Thatcher Prime Minister of Great Britain, our Prime Minister mentioned that he would send a copy of the Pradeshya Sabha Act for the perusal of your Prime Minister.

I am sending herewith a copy of the Act under reference. Please bring the contents of same to the attention of the Rt Hon Margaret Thatcher.

Yours sincerely,

C. Monerawela
High Commissioner.

Mr Charles Powell
Private Secretary to the
Rt Hon Prime Minister
10 Downing Street
London SWI.



PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

PRADESHIYA SABHAS ACT, No. 15 OF 1987

[Certified on 16th April, 1987]

Printed on the Orders of Government

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[Certified on 16th April, 1987]

L.D.—O 14/86

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF PRADESHIYA SABHAS WITH A VIEW TO PROVIDE GREATER OPPORTUNITIES FOR THE PEOPLE TO PARTICIPATE EFFECTIVELY IN DECISION-MAKING PROCESS RELATING TO ADMINISTRATIVE AND DEVELOPMENT ACTIVITIES AT A LOCAL LEVEL; TO SPECIFY THE POWERS, FUNCTIONS AND DUTIES OF SUCH SABHAS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

Short title and date of operation.

1. This Act may be cited as the Pradeshiya Sabhas Act, No. 15 of 1987, and shall come into operation in respect of all or any of its provisions on such date or dates as the Minister may appoint by Order published in the *Gazette*.

PART I

CONSTITUTION OF PRADESHIYA SABHAS

Constitution of Pradeshiya Sabhas.

2. (1) The Minister may, with a view to facilitating the effective participation of the people in local government and development functions, by Order published in the *Gazette* declare any area to be a Pradeshiya Sabha area for the purposes of this Act and shall define the administrative limits of the area so declared. The administrative limits of every Pradeshiya Sabha area so declared shall, as far as possible, correspond to limits of an Assistant Government Agent's division excluding any areas comprised in a Municipality or a town (within the meaning of the Urban Councils Ordinance) which falls within the limits of such Assistant Government Agent's division. The Minister may by the same Order or by a subsequent Order, constitute a Pradeshiya Sabha for such Pradeshiya Sabha area and assign a name to such Sabha.

(2) Every Pradeshiya Sabha constituted by an Order under subsection (1) shall be a body corporate with perpetual succession and a common seal and shall have power, subject to the provisions of this Act, to acquire, hold and sell property and may sue and be sued in such name.

(3) The common seal of the Pradeshiya Sabha shall remain in the custody of the Secretary of such Sabha, and shall not be affixed to any contract or other instrument on behalf of the Pradeshiya Sabha, except in the presence of the Chairman and the Secretary of such Sabha, who shall sign their names to such contract or other instrument in token of their presence.

(4) No act or proceeding of a Pradeshiya Sabha constituted by an Order under subsection (1) shall be deemed to be invalid by reason only of the existence of a vacancy among its members or any defect in the election of a member thereof.

Functions of the Pradeshiya Sabhas.

3. The Pradeshiya Sabha constituted for each Pradeshiya Sabha area shall be the local authority within such area and be charged with the regulation, control and administration of all matters relating to public health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people and all amenities within such area.

Members of Pradeshiya Sabhas.

4. A Pradeshiya Sabha constituted by an Order under subsection (1) of section 2, shall consist of a Chairman, Vice-Chairman and such number of elected members as may be determined by the Minister by Order published in the *Gazette*, having regard to the extent, population and the level of economic development of the Pradeshiya Sabha area for which such Pradeshiya Sabha is constituted.

Term of office of members.

5. (1) The term of office of each member of a Pradeshiya Sabha elected at a general election shall—

(*a*) in the case of the first general election be calculated from the date specified by the Minister under section 6 ; and

(*b*) in the case of a member elected at a general election subsequent to the first general election, be calculated from the date of expiration of the term of office of the members of the immediately preceding Pradeshiya Sabha,

and shall, unless such member vacates office earlier by death, resignation or removal be for a period of forty-eight months.

(2) The Minister may, by Order published in the *Gazette*—

(*a*) curtail the term of office referred to in subsection (1) by appointing, in substitution for the date on which the term of office expires, a day of any month preceding the month on which such term of office expires in that year or in the year immediately preceding that year ;

(*b*) extend such term by appointing, in substitution for the date on which the term of office expires under subsection (1) or on the date appointed under paragraph (*a*) of this subsection a day of any month after the day on which the term of office expires in that year or in any year subsequent to the year so specified or appointed and thereafter from time to time extend such term by appointing in substitution for the date of expiry of such term specified in the last Order, a later date :

Provided, however, that the period by which such term is extended or the aggregate of the periods by which such term is from time to time extended shall not exceed twelve months.

(3) Where a member is elected in place of a member of a Pradeshiya Sabha who dies, resigns or otherwise vacates office, he shall subject to the provisions of this Act, hold office for the unexpired period of office of his predecessor.

Commencement of term of office of Pradeshiya Sabha and date of constitution of such Pradeshiya Sabha.

6. The term of office of each Pradeshiya Sabha to be constituted under this Act shall commence on such date as the Minister may appoint by Order published in the Gazette. Such date shall be deemed to be the date of the constitution of such Pradeshiya Sabha for all purposes of this Act, and such Pradeshiya Sabha shall be deemed to be constituted on that date.

Vacation of office

7. Any member of a Pradeshiya Sabha who without leave of the Pradeshiya Sabha first had and obtained fails to attend meetings of the Pradeshiya Sabha for a period of three months shall *ipso facto* vacate his office.

Chairman and Vice-Chairman.

8. (1) The Chairman of a Pradeshiya Sabha shall be the chief excecutive officer of the Pradeshiya Sabha, and all executive acts and responsibilities which are by this Act or any other written law directed or empowered to be done or discharged by the Pradeshiya Sabha may, unless the contrary intention appears from the context, be done or discharged by the Chairman.

(2) The Chairman may by order in writing delegate to the Vice-Chairman or Secretary or any other officer of the Pradeshiya Sabha any of the powers, duties or functions conferred or imposed upon or vested in the Chairman by this Act or any other written law.

(3) The exercise, discharge or performance by the Vice-Chairman or the Secretary or any other officer of the Pradeshiya Sabha of any power, duty or function delegated to him by order of the Chairman, shall be subject to such conditions and restrictions and limited to such purpose or purposes as may be specified in the order; and any such delegation may at any time be varied or cancelled by order of the Chairman.

(4) During the period of absence of the Chairman on account of illness or other unavoidable cause, the Vice-Chairman may exercise the same powers and perform the same duties as the Chairman.

Appointment, powers and duties of Secretary.

9. (1) There shall be appointed a fit and proper person to be or to act as the Secretary of the Pradeshiya Sabha.

(2) The Secretary of a Pradeshiya Sabha shall be the chief administrative officer of the Pradeshiya Sabha and shall exercise, perform and discharge such powers, duties and functions as are conferred or imposed upon him by this Act or any rules made under this Act or by any other written law for the time being in force.

(3) Where a Pradeshiya Sabha is unable to discharge its functions by reason of the Chairman and Vice-Chairman ceasing to hold office, the Secretary shall, during any period that elapses between the occurrence of the vacancies in respect of those offices and the filling of those vacancies in accordance with the provisions of the Local Authorities Elections Ordinance, have, exercise, perform and discharge all the rights, privileges, powers, duties and functions vested in, or conferred or imposed on, the Pradeshiya Sabha, the Chairman or Vice-Chairman by this Act or by any other written law.

MEETINGS

Chairman or Vice-Chairman to preside at meetings of the Pradeshiya Sabha.

10. The Chairman or in his absence the Vice-Chairman shall preside at all meetings of the Pradeshiya Sabha and if both the Chairman and Vice-Chairman are absent, the members present shall elect one of their own number to preside at the meeting.

Meetings.

11. (1) Ordinary meetings of a Pradeshiya Sabha shall be held for the despatch of business on such dates or at such intervals as may be fixed by by-laws or rules made or deemed by any written law to have been made under this Act.

(2) A special meeting of a Pradeshiya Sabha 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 that Pradeshiya Sabha not less in number than the quorum prescribed for ordinary meetings of the Pradeshiya Sabha.

(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 Pradeshiya Sabha 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 Assistant Commissioner to convene a special meeting at any time thereafter and to preside or to depute a public officer 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 transacttd thereat shall be given to, or left at the residence of, each member of that Pradeshiya Sabha.

Pradeshiya Sabha to appoint Committees.

12. (1) A Pradeshiya Sabha may, from time to time, appoint committees consisting either of members of the Sabha or partly of members of the Sabha and partly of other inhabitants of the Pradeshiya Sabha area, and of the Chairman of the Gramodaya Mandalayas established within such Pradeshiya Sabha area for the purpose of advising the Sabha with reference to any of its powers, duties and functions, or any matter under the consideration of the Sabha, and may, from time to time, subject to such conditions as it may determine, delegate any of its powers and duties to such committees other than the power to raise any loan, to levy any rate or to impose any tax.

(2) A separate Committee shall be appointed under subsection (1) to advice the Pradeshiya Sabha on each of the following subjects :—

(*a*) finance and policy making ;
(*b*) housing and community development ;
(*c*) technical services ; and
(*d*) environment and amenities.

Subject to the foregoing, any number of Committees may be appointed under subsection (1).

Quorum.

13. The quorum for any meeting of a Pradeshiya Sabha shall be one-third of the number of members in office on the date of that meeting. Where one-third of such number is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one-third for the purposes of this section.

Powers of Pradeshiya Sabhas to be vested in the majority.

14. (1) All matters or questions authorized by this Act or by any other written law to be decided by a Pradeshiya Sabha shall be decided upon by the majority of members present at any meeting of the Pradeshiya Sabha held in accordance with the provisions of this Act.

(2) Where the votes of the members present at any meeting are equally divided in regard to any question, the Chairman, Vice-Chairman or other member presiding at the meeting shall, in addition to his vote as a member, have a casting vote.

Minutes.

15. All proceedings, decisions, orders and acts of a Pradeshiya Sabha 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 Pradeshiya Sabha, 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 tribunal in Sri Lanka.

PART II

Status, Powers and Duties of Pradeshiya Sabhas

Vesting of movable and immovable property and assets and liabilities in a Pradeshiya Sabha.

16. (1) All such movable or immovable property vested in a Development Council and situated or used, in Pradeshiya Sabha area, on the day preceding the date appointed under section 1, as may be determined by the Minister or by any officer authorized in that behalf in writing shall vest in the Pradeshiya Sabha constituted for such Pradeshiya Sabha area, with effect from the date of such determination.

(2) Any dispute as to whether any movable or immovable property is a movable or immovable property to which subsection (1) applies, shall be referred to the Secretary to the Ministry of the Minister and his decision thereon shall be final.

(3) All assets and liabilities acquired, or incurred, by a Development Council in the exercise of its local government powers with respect to a Pradeshiya Sabha area, shall, with effect from the date appointed under section 1, stand transferred to, and vest in, the Pradeshiya Sabha constituted for that Pradeshiya Sabha area.

(4) All rates, taxes, duties, fees or other charges levied, by a Development Council, under the Town Councils Ordinance or the Village Councils Ordinance or any other law relating to local government, in respect of any land or thing in a Pradeshiya Sabha area and remaining unpaid on the date appointed under section 1, shall be paid, from and after that date, to the Pradeshiya Sabha constituted for that Pradeshiya Sabha area.

Methods of vesting administration &c. of such land.

17. (1) A vesting order, certificate or other record, signed by the persons authorized to make over any property referred to in section 16 and by an officer of the Pradeshiya Sabha authorized to receive or accept such property on behalf of a Pradeshiya Sabha shall be sufficient, and shall be deemed at all times to have been sufficient to vest such property and all rights, title and interest in such property in such Pradeshiya Sabha.

(2) Nothing in section 16 or in the provisions of this section shall be deemed—

(i) to affect or prejudice any right or title of the State to any such property, or the right of the State at any time to resume or dispose of such property for public purposes ; or

(ii) to affect or prejudice any right, title or interest which any military or other authority, in which lands are vested on behalf of the State, has or may have in such property ; or

(iii) to empower the Pradeshiya Sabha to sell or otherwise dispose of any such property otherwise than in accordance with such terms and conditions as may be set out in the aforesaid vesting order, certificate or other record relating to such property.

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(3) All property vested in Pradeshiya Sabhas shall be administered, and the revenue thereof shall be employed and made use of, for the purposes of this Act.

Other property vested in Pradeshiya Sabhas.

18. There shall be further vested in each Pradeshiya Sabha for the purposes of this Act, the following classes of property :—

(*a*) all public parks, gardens and open spaces acquired by or otherwise transferred to the Pradeshiya Sabha, and all erections and other structures therein and the equipment thereof, subject always to the terms of any trust or the conditions in any instruments by which any such property may have been transferred to the Pradeshiya Sabha ;

(*b*) all public roads, streets, canals and bridges except such roads, streets, canals and bridges vested in any other authority under any other enactment together with the lands used for the purposes thereof, and all the pavements, stones and other materials thereof, and also all erections, materials, implements and other things provided therefor ;

(*c*) all public markets and all works, erections or structures for the benefit or convenience of the public which may be constructed, erected or provided under this Act, or which may have been constructed, provided or erected under any repealed enactment, or may be otherwise transferred, or have been transferred to the Pradeshiya Sabhas and all sites, appurtenances, materials, furniture and equipment thereof, subject always to any such trust or condition as aforesaid ;

(*d*) all other public buildings constructed or provided in whole or in part out of the funds of the Pradeshiya Sabha or which may be otherwise transferred to the Pradeshiya Sabha, and all the sites, appurtenances, materials, furniture, and equipment thereof, subject always to any such trust or condition as aforesaid ;

(*e*) the property of and in all the lamps, lampirons, lamp posts, sluices, dams, pipes, posts, chains, piles, rails and other similar erections and things in, about, or belonging to the roads, streets, and public places vested in the Pradeshiya Sabha and of and in all the materials, furniture and things belonging thereto, except in so far as the same shall be otherwise regulated by contract with the Sabha or shall be otherwise shown to be private property or subject to private rights.

Powers of the Pradeshiya Sabha.

19. (1) For the purpose of the performance of its duties under this Act, a Pradeshiya Sabha (without prejudice to any other powers specially conferred upon it) shall, subject to the other provisions of this Act and to any rules made thereunder and the Local Government Service Law, No. 16 of 1974, have the following powers :—

(i) to create all such posts or offices as it may deem necessary and to assign to any such post or office, such salary, allowance or remuneration as the Pradeshiya Sabha may deem fit, subject however, to the prior approval in writing of the Commissioner regarding such creation and assignment of salary ;

(ii) to make appointments to any post or office in the service of the Pradeshiya Sabhas ;

(iii) to remove any officer or servant of the Pradeshiya Sabha ;

(iv) to abolish any post or office in the service of the Pradeshiya Sabha ;

(v) to grant pensions to officers and servants of the Pradeshiya Sabha on their retirement from service ;

(vi) to enter into any agreement with any other Pradeshiya Sabha or other local authority for the joint execution of any work or for the employment and remuneration of any officer or servant, of such Pradeshiya Sabha ;

(vii) to spend any part of the Pradeshiya Sabha Fund on maternity and child-welfare services, health education, maintenance of primary health centres, the training of midwives for the purpose of any maternity service established by the Pradeshiya Sabha, housing schemes, such charities or such measures for the relief of distress caused by rain, floods, gales, fire, earthquake, famine or epidemics, or such other purpose as may be approved by the Minister ;

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(viii) to purchase or take on lease any land or building;

(ix) to receive and hold property in trust for the inhabitants of the area for which such Pradeshiya Sabha is constituted or any section of such inhabitants, or for the purposes of any public service administered by the Pradeshiya Sabha, and to otherwise act as trustee for any public purpose ;

(x) to sell or exchange with the prior approval in writing of the Minister, any land or building belonging to the Pradeshiya Sabha or vested in it otherwise than by virtue of section 16 and subject to the terms and conditions of the instrument by which such land or building was transferred to the Pradeshiya Sabha ;

(xi) to let or lease with the prior approval in writing of the Minister, any land or building vested in the Pradeshiya Sabha by virtue of section 16 or section 18 and not required for a public purpose and subject to the terms and conditions of the instrument by which such land or building was transferred to or vested in the Pradeshiya Sabha ;

(xii) to let or lease any land or building belonging to the Pradeshiya Sabha or vested in such Pradeshiya Sabha, otherwise than by virtue of section 16 or section 18 and subject to the terms and conditions of the instrument by which such land or building was transferred to or vested in the Pradeshiya Sabha :

Provided that no lease of any such land or building for a period exceeding three years shall be executed, without the prior approval in writing of the Minister ;

(xiii) to enter into any contract with any person for any work to be done, service to be rendered, goods or materials to be supplied ;

(xiv) to spend any part of the Pradeshiya Sabha Fund for the construction or alteration, improvement or maintenance of village works, and for the purpose of administering any property vested in or acquired by or otherwise transferred to the Pradeshiya Sabha, or of carrying out the provisions of this Act or any by-law made or deemed by virtue of any written law to have been made thereunder ;

(xv) to establish ferries, to impose and to levy or to lease the right to collect tolls at any ferry established or maintained by the Pradeshiya Sabha, and for the protection of such ferry, to prohibit or restrict private ferries by by-laws made in that behalf ;

(xvi) in the case of a ferry established or maintained between any place within the limits of any Pradeshiya Sabha and any place within the limits of any other Pradeshiya Sabha or within the administrative limits of any other local authority, to distribute the tolls that may be imposed or levied in respect of any such ferry, in such manner or proportion as may be fixed by agreement entered into with any other Pradeshiya Sabha or with such local authority, as the case may be, and to spend any part of the Pradeshiya Sabha Fund for any work of construction or maintenance to be carried out beyond the limits of the Pradeshiya Sabha area in connection with any such ferry ;

(xvii) to spend any part of the Pradeshiya Sabha Fund in the conduct of experiments in agriculture and the breeding of domestic animals, and in the maintenance of experimental forms and studies for that purpose ;

(xviii) to spend any part of the Pradeshiya Sabha Fund in the promotion of religion and culture, including the making of contributions towards the costs of the organization of religious ceremonies and festivals, the maintenance of Dhamma Schools and Sasana Rakshaka Mandalayas, the establishment of cultural centres, the organization of literary and cultural festivals, the publication of books of literary and cultural value and the award of prizes to artists, authors and craftsmen ;

(xix) to—

(*a*) prepare and submit to the appropriate authority, a programme for the provision of educational facilities, such as buildings, furniture, playgrounds, hostels, teachers quarters, sports materials and library facilities, in the Pradeshiya Sabha area ;

(*b*) recommend to the appropriate authority, the opening, closing, amalgamation, naming and upgrading of, schools in the Pradeshiya Sabha area ;

(xx) to organize employment programmes for the inhabitants of the Pradeshiya Sabha area ;

(xxi) to implement any scheme or work delegated to it by the Development Council established for the administrative district within the limits of which the Pradeshiya Sabha area is situated ;

(xxii) to spend any part of the Pradeshiya Sabha Fund, in promoting rural women's development activities, integrated development of selected villages, community development projects, and in making grants to rural development projects, Gramodaya Mandalayas and rural development organisations qualified to be represented on Gramodaya Mandalayas ;

(xxiii) to spend any part of the Pradeshiya Sabha Fund, in the provision of relief to poor people, the rehabilitation and care of destitute persons and physically, mentally or socially handicapped persons ;

(xxiv) with the prior approval of the Minister—

(a) to engage in commercial and industral enterprises for the manufacture and production of such machinery, equipment, articles, materials and goods, as may be required for the public services or the public utility services, as the case may be, which may be established and maintained by any Municipal Council or Urban Council under the Municipal Councils Ordinance or the Urban Councils Ordinance respectively, or under any other written law ; and

(b) to sell such machinery, equipment, articles, materials or goods to any Urban Council or Municipal Council or to the public at such prices as may be determined by the Pradeshiya Sabha and approved by the Minister ;

(xxv) to make by its officers authorized in that behalf and the servants or workmen accompanying them, all such entries into lands and buildings and inspections thereon as may be necessary for the detection and abatement of nuisance, the detection

prevention and abatement of all contraventions of this Act or of by-laws or rules made thereunder, or for the performance of acts required to be done under this Act in respect of which the owner or occupier is, or may be deemed to be, in default ;

(xxvi) by its Chairman or other officers authorized by him, to hold all inquiries which the Chairman may deem necessary for any of the purposes of this Act, and for the purpose of all such inquiries, to administer oaths and summon witnesses ;

(xxvii) to set apart such contributions from the Pradeshiya Sabha Fund as the Minister may approve towards the cost of any association of local authorities for the consideration of matters relating to local administration ;

(xxviii) to spend any part of the Pradeshiya Sabha Fund in the payment of allowances to the Chairman, Vice-Chairman and other members at such rates as may be prescribed by rules ;

(xxix) to spend any part of the Pradeshiya Sabha Fund in the payment of travelling allowances to members of the Pradeshiya Sabha, for attendance at meetings of the Pradeshiya Sabha, or to members or officers of the Pradeshiya Sabha attending, with the approval of the Pradeshiya Sabha any meeting or conference of members or officers of Pradeshiya Sabhas for the consideration of matters relating to local administration ;

(xxx) to institute or defend any legal proceedings which the Pradeshiya Sabha may deem necessary to institute or defend for the purpose of enforcing or protecting the rights of the Pradeshiya Sabha or of the public or of protecting its members or officers in the execution or intended execution of their duties ;

(xxxi) to enforce by-laws made or deemed to have been made by it under this Act and to enter prosecutions in the Magistrate's Court for breaches of such by-laws ; and

(xxxii) generally to do all things necessary for the effective exercise of the powers and duties of the Pradeshiya Sabha.

(2) (*a*) The Minister may approve any commercial or industrial enterprise under paragraph (xxxv) of subsection (1) having regard to—

(i) the economic viability of such enterprise;

(ii) the benefits that may accrue to any Pradeshiya Sabha and the public by the operation of such enterprise;

(iii) the financial position of the Pradeshiya Sabha engaging in such enterprise.

(*b*) No sums of money appropriated or granted to a Pradeshiya Sabha by Parliament under paragraph (c) or (*d*) or (i) of subsection (2) of section 129 shall be utilized by such Sabha for the purpose of establishing or maintaining any commercial or industrial enterprise.

(*c*) Where the Minister is of the opinion that the continued operation of any commercial or industrial enterprise of any Pradeshiya Sabha would be prejudicial to the interest of such Sabha by reason of mismanagement or that it is likely to involve financial loss to the Sabha, he may, after consultation with the Sabha, by Order published in the *Gazette* terminate the operation of such enterprise and direct the Sabha to take charge of all books, records and assets of the enterprise and to take such measures that may be necessary to give effect to such Order.

(3) The Minister or the Commissioner may, from time to time, give any Pradeshiya Sabha engaged in any commercial or industrial enterprise general or special directions as to the carrying on or transaction of its business and such directions shall be carried out by the Sabha.

(4) The Minister or the Commissioner may, from time to time, direct the Sabha in writing to furnish him in such form as he may require, returns, accounts and other information with respect to the business of such enterprise, and the Sabha shall carry out every such direction.

Power to authorize surveys.

20. (1) Whenever it appears to the Chairman of any Pradeshiya Sabha that an examination or a survey of any private land, building, or premises is necessary for any public purpose in the area for which the Pradeshiya Sabha is constituted, it shall be lawful for the Chairman to direct

any officer or servant of the Pradeshiya Sabha to make such examination or survey, and it shall thereupon be lawful for such officer or servant and his workmen to enter such land, building or premises, and to do thereon any of the following acts:—

(*a*) to make a survey and to take levels;

(*b*) to dig or bore into the sub-soil;

(*c*) to do other acts to ascertain whether the land, building, or premises is or are adaptable to such public purpose;

(*d*) to set out the boundaries of any land which is to be acquired, or street lines, or the lines of any work proposed to be carried out;

(*e*) to make such levels, boundaries, or lines, by placing permanent marks on existing buildings, trees, posts, walls, fences, or other fixed objects, or by fixing new marks, or by cutting trenches as the case may require;

(*f*) and where otherwise a survey cannot be completed or levels taken, or the boundaries and the lines marked, to cut down, and clear away any obstructions interfering with the execution of such work.

(2) Where any damage is caused to any land or to anything thereon by the performance of any of the acts referred to in subsection (1), full compensation shall be paid by the Pradeshiya Sabha to the owner or other person entitled thereto.

(3) No person shall enter any building or any enclosure attached to a dwelling house for the purposes of subsection (1) except with the written consent of the occupant thereof, or if such consent is withheld, with the written sanction of the Chairman of the Pradeshiya Sabha.

(4) Every mark fixed on any land under this section shall be deemed to be the property of the Pradeshiya Sabha.

PART III

Powers and Duties as to Thoroughfares

THOROUGHFARES

Pradeshiya Sabha to be the general authority for thoroughfares and communications.

21. (1) Subject to the powers and responsibilities by law committed to any other authority, the Pradeshiya Sabha shall be the general administrative authority for the purpose of all thoroughfares and communications, other than principal thoroughfares, within its administrative limits, with all such powers as are vested in it under this Act, the Housing and Town Improvement Ordinance, and any other enactment from time to time enacted in that behalf.

(2) Subject to such directions as may be given by the Minister from time to time by Order published in the *Gazette*, the Pradeshiya Sabha shall be the administrative authority for the purposes of the protection of any principal thoroughfare that may be situated within its area, and shall be entitled for such purpose to exercise or perform in relation to any such principal thoroughfare, any of the powers or duties conferred or imposed by sections 43 to 67 (both inclusive) relating to buildings along thoroughfares, obstructions to thoroughfares, encroachments on thoroughfares, injuries to thoroughfares and nuisances on thoroughfares.

General powers of Pradeshiya Sabha with regard to thoroughfares and open spaces.

22. Subject to the powers and responsibilities by law belonging to any other authority, it shall be the duty of the Pradeshiya Sabha and every such Pradeshiya Sabha is hereby empowered, to take all necessary measures for securing and maintaining all public rights, interests, and amenities arising out of, or in connection with, all thorough fares or upon spaces within its area and for utilizing, regulating, adapting, and developing such thoroughfares or open spaces for public purposes.

Thoroughfares vested in Pradeshiya Sabha.

23. All thoroughfares within the Pradeshiya Sabha area, other than principal thoroughfares, except in so far as such thoroughfares are already vested by virtue of any other enactment, shall be deemed to be vested in the Pradeshiya Sabha of that area.

Pradeshiya Sabha to demarcate and publish a list of roads and paths.

24. (1) It shall be the duty of every Pradeshiya Sabha within three years of the coming into force of these provisions or within such further period as may in the special circumstances of any case be allowed by the Minister—

(*a*) to demarcate by permanent marks the limits of the roads and paths maintained by the Pradeshiya Sabha and cause to be prepared plans of all such roads and paths ; and

(*b*) to cause notices to be published in the prescribed manner setting out a list of such roads and paths.

(2) Upon the publication of such notices any party claiming to be the owner of land from which such road or path has been demarcated shall within the time prescribed by such notice institute action in the appropriate court for establishing his title to such land.

(3) After the expiration of a period of three months and before the expiration of a period of six months from the date on which the notice under subsection (1) is published in the *Gazettte*, the Pradeshiya Sabha shall cause to be published a notice in the prescribed manner setting out a list of all such roads and paths as set out in the notice published under subsection (1)—

(*a*) excluding those roads and paths or portions of roads and paths in respect of which no final determination had been made in any action instituted as required by subsection (2) ; and

(*b*) with the necessary alterations made in the demarcation of the limits of such roads and paths and in such plans in respect of which a final determination had been made in any action instituted as required by subsection (2).

(4) Where a final determination has been made on any action instituted as required by subsection (2) after the publication of the notice under subsection (3), the

Pradeshiya Sabha shall cause a notice, to be published in the prescribed manner, setting out a supplementary list of such roads and paths or portions of roads and paths. Before the publication of this notice the necessary alterations shall be made in the demarcation of the limits of the roads and paths and in the plans on the basis of the final determination made in respect of any action instituted as required by subsection (2).

(5) Upon the publication of such notice under subsection (3) or (4), all such roads and paths or portions of such roads and paths as defined in such notices and depicted by such plans shall be deemed to be vested in the Pradeshiya Sabha.

(6) Whenever any road or path or any portion of any road or path vested in a Pradeshiya Sabha ceases to be used as a road or path the Pradeshiya Sabha shall publish an amendment to the notice under subsection (3) or (4).

Prescription.

25. Neither the provisions of the Prescription Ordinance, nor those of any other law relating to the acquisition of rights by virtue of possession or user, shall apply in the case of the roads within the limits of any Pradeshiya Sabha; and no person shall be entitled to any exclusive rights of ownership, possession or use over or in respect of any such road or any portion thereof by reason of his having, either before or after the coming into operation of this Act, had possession, or use of any description whatsoever of such road or portion thereof.

Notices how served.

26. Every notice required to be given under this part may be served either personally upon such person, or by leaving it with some member of his household, or by affixing it to some conspicuous part of his residence.

Power of Pradeshiya Sabha to construct new and improve existing thoroughfares.

27. The Pradeshiya Sabha of each Pradeshiya Sabha area may within that area—

(*a*) lay out and construct new roads, streets, bridges, tunnels or other thoroughfares;

(*b*) widen, open, enlarge or otherwise improve or turn, divert, discontinue, or stop up, whether in whole or in part, any public street or thoroughfare, not being a principal thoroughfare, and with the sanction of the Minister in charge of the subject of highways, any principal thoroughfare, making due compensation to the owner or occupier of any property required for such purposes, or any person whose legal rights are thereby infringed.

Acquisition of lands required for diversions or enlargements.

28. (1) If in connection with the turning, diversion, widening, opening, enlargement, or improvement of any thoroughfare it becomes necessary for any Pradeshiya Sabha to take passession, for public use, of the land of any person, it shall be lawful for such Pradeshiya Sabha to make an agreement with the owner for the compensation to be paid for such land, and for any building, boundary wall, gateway, fence or tree standing thereon, either by allowing him to possess the ground, or part of the ground, of the former thoroughfare, or by the grant of other land in exhange or by payment of money or by any two or more of such methods.

(2) Any land of which possession is taken by a Pradeshiya Sabha in pursuance of any agreement under subsection (1) shall vest in the Pradeshiya Sabha without any formal transfer thereof, and the certificate of the Chairman that any person has been allowed by the Pradeshiya Sabha to possess any part of the ground of any former road or any land given in exchange under subsection (1), together with a survey thereof, shall be sufficient proof of the right of such person to such ground or land.

(3) Where a Pradeshiya Sabha cannot agree witth the owner of any land as to the compensation to be paid under subsection (1), or where such owner cannot be found, or where the Pradeshiya Sabha does not deem it advisable to enter into any agreement with the owner of any land, then proceedings may be taken to obtain possession of such land, and for compensating to the owner, in the manner prescribed by section 128.

(4) Every agreement under subsection (1) shall be in writing, and section 2 of the Prevention of Frauds Ordinance shall not apply to any such agreement or to any certificate issued under subsection (2).

Gifts of lands required for diversion or enlargement of thoroughfare.

29. If in connection with the turning, diversion, widening, opening, enlargement or improvement of any thoroughfare, it becomes necessary for any Pradeshiya Sabha to take possession of the land of any person for public use, and if the person claiming to be the owner of the land desires to make a gift of the land to the Pradeshiya Sabha for such purpose, a record in writing to that effect duly signed by

such person in the presence of the Chairman or of a person authorized by the Chairman in writing in that behalf shall be sufficient to vest the land in the Pradeshiya Sabha. No such record shall be deemed to be invalid or of no effect in law by reason only that the requirements of section 2 of the Prevention of Frauds Ordinance have not been complied with as to attestation by a notary public and by witnesses.

Power to dispose of discontinued street.

30. Whenever any street or oher thoroughfare or any part of any street or thoroughfare vested in a Pradeshiya Sabha ceases to be used as a street or thoroughfare, the Pradeshiya Sabha, with the prior approval of the Minister, may sell, lease or exchange such street or other thoroughfare or part thereof.

Power to take land adjoining new street for building purposes.

31. In laying out or constructing any new street or thoroughfare, or in turning, diverting, widening, opening, enlarging, or otherwise improving, any street or thoroughfare, a Pradeshiya Sabha may, in addition to the land required for the purposes of the carriageways and footways thereof, also purchase the land necessary for houses and buildings to form the said street or thoroughfare, and may sell, lease or otherwise dispose of the same, subject to the provisions of paragraphs (x), (xi) and (xii) of section 18 and subject to such stipulations and conditions as to the class and description of houses or building to be erected thereon as the Pradeshiya Sabha may think fit.

Other powers of a Pradeshiya Sabha.

32. It shall be lawful for a Pradeshiya Sabha without prejudice to any other powers vested in it, to do any of the following acts :—

(*a*) to water the streets ;

(*b*) to remove encroachments and obstructions in or upon any street or thoroughfare subject to the condition that where the person responsible therefore is known to the Pradeshiya Sabha such action shall be taken by the Pradeshiya Sabha only after notice has been given to him, and he fails to remove such encroachments or obstructions within such time as may be specified in the notice or with due diligence ;

(*c*) to paint up the names of streets and the numbers of houses or tenements on any private property ;

(*d*) to shut up and secure deserted houses ;

(*e*) to recover in the manner hereinafter provided, the expenses incurred by any action taken under paragraphs (*b*) and (*d*) hereof from the person whose act or neglect shall have rendered such action necessary.

Roads for benefit of individual property owners.

33. The Pradeshiya Sabha may, at the request of the ownr or owners of any one or more estates or industrial enterprises situated within its limits, in any case in which the Pradeshiya Sabha is of opinion that the public interest would not otherwise justify the construction or maintenance of a road in such a locality, contract with such owner or owners, for the construction or maintenance of a road for the service of the estate or estates, or the enterprise or enterprises in question, subject to the payment of such contribution towards the expenses of such construction or maintenance as may be approved by the Pradeshiya Sabha and subject to the condition that by an appropriate instrument such road is constituted a public road and is vested in the Pradeshiya Sabha, and all such agreed contributions shall be deemed to be special rates imposed upon the lands benefited, and shall be recoverable in the same manner as a rate imposed under this Act, and all the provisions of this Act relating to rates shall apply thereto.

Public vehicular communications.

34. A Pradeshiya Sabha may, subject to such prohibition or restriction as may be imposed in respect thereof by any other law, and, in so far as any principal thoroughfare may be thereby affected, subject to the approval of the Minister in charge of the subject of highways, organize and maintain, either by itself and its officers, or by agreement with any promoter or promoters any form of public vehicular communication for the service of the inhabitants of any area within the administrative limits of the Pradeshiya Sabha.

Houses in a ruinous and dangerous state.

35. If any house, building, boundary wall or gateway adjoining any street or thoroughfare in any area or anything affixed thereon, be deemed by the Pradeshiya Sabha of that area to be in a ruinous state, whether dangerous or not, or to be likely to fall, the Pradeshiya Sabha shall immediately

if it appears to be necessary, cause a proper hoarding or fence to be put up for the protection of persons using such street or thoroughfare, and shall cause notice in writing to be served on the owner or occupier forthwith to take down, secure, or repair such house, building, boundary wall, gateway or thing affixed thereon, as the case may require.

Failure to comply with notice.

36. If any person, on whom a notice is served by or on behalf of a Pradeshiya Sabha under section 35, does not begin to comply with such notice within three days of the service thereof or does not complete the work with due diligence, the Pradeshiya Sabha shall cause all or so much of the work as it may think necessary to be carried out, and all the expenses incurred by the Pradeshiya Sabha shall be paid by such person and shall be recoverable as hereinafter provided.

Sale of materials of ruinous houses.

37. If any house, building or wall, or any part thereof be pulled down by any Pradeshiya Sabha under section 36, the Pradeshiya Sabha may sell the materials thereof, or so much of the materials as may have been taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, pay any surplus arising from such sale to the owner of such house, building, or wall :

Provided always that, in case no demand for such surplus is made within twelve months by any person entitled to make such demand, the Pradeshiya Sabha shall be at liberty to pay the amount of such surplus to the credit of the Fund of the Pradeshiya Sabha, and shall be freed from any liability to pay or answer for or in respect of such unclaimed surplus :

Provided, further, that the Pradeshiya Sabha, notwithstanding that it may have sold such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the expenses as may remain due after the application of the proceeds of the sale as by this Act are given to it for compelling the payment of the entirety of the expenses.

MAINTENANCE AND REPAIR OF THOROUGHFARES

Proper offices empowered to enter upon lands for repairs, &c., of thoroughfares.

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

Power to take materials.

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

Provided that no such materials shall be dug for, cut, or taken away, upon or from any yard, avenue, to a house, or lawn or any enclosed garden, plantation, field, or wood,

without the consent of the owner thereof, unless sufficient materials cannot conveniently be obtained from the neighbouring waste lands or common or abandoned grounds, in which case the said officer may take any of such materials where he can conveniently procure them :

Provided, also, that reasonable compensation for all materials so taken and for the damage done in taking and carrying away the materials, shall be made to the owner thereof :

Provided, further, that such officer shall rail or fence off any quarry or pit from which any such materials may be taken, so that it may not be dangerous to any person or animal.

Power to erect buildings and keep cattle &c.

40. It shall be lawful for the proper officer of the Pradeshiya Sabha of any area when tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended thoroughfare within that area or building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith—

(*a*) to make and erect temporary buildings and any land adjacent or near thereto for the accommodation of the servants, workmen, labourers, animals, carriages, or things employed by him durng the progress of the work ; and

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

Provided that no such building shall be erected, nor any such animal kept on any land which is under cultivation or is situated in any area where there are neighbouring waste lands or common or abandoned grounds available for the purpose :

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

Power to throw rubbish upon adjacent lands.

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

Provided that all earth, rubbish or materials thrown upon any such land by the proper officer shall be removed by him from such land within a reasonable time.

Power to make temporary road.

42. It shall be lawful for the proper officer of the Pradeshiya Sabha to make a temporary road through the grounds adjacent or near to any existing or intended thoroughfare within the limits of the Pradeshiya Sabha, during the executing of any work thereupon or any work in any way connected therewith :

Provided that such road shall not be made over any ground whereon any building stands or over any enclosed garden or yard.

Power to cut trees.

43. It shall be lawful for the proper officer of the Pradeshiya Sabha to cut and remove, and place upon any adjacent or neighbouring land, all trees, bushes or shrubs, and all leaves or branches or roots of trees that shall grow on or overhang any thoroughfare within the limits of the Pradeshiya Sabha or cause any obstruction therein, and for that purpose to enter upon any land or premises with such persons, animals and instruments as may be necessary, and to proceed to do therein all such things as may be necessary for the cutting, lopping or removing of such trees, bushes, shrubs, leaves, branches or roots :

Provided that all trees, bushes, or shrubs, and all leaves or branches or roots of trees placed upon any such land by the proper officer shall be removed by him from such land within a reasonable time.

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Power to put up fences.

44. It shall be lawful for the proper officer of the Pradeshiya Sabha to put up or make fences, hedges, ditches, drains, or banks by the side of any thoroughfare within the limits of the Pradeshiya Sabha, whenever to him it shall appear necessary, and the owner or occupier of each land adjoining such fences, hedges, ditches, drains, or banks shall, and he is hereby required to keep them in good and substantial repair and order.

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

45. The proper officer of the Pradeshiya Sabha shall have power to make, secure, cleanse, and keep open all ditches, gutters, drains or watercourses along any thoroughfare within the limits of the Pradeshiya Sabha and also to make and lay such drains, watercourses, trunks, tunnels, plats, or bridges, as he may deem necessary for the protection, preservation, improvement, repair, or construction of any thoroughfare or intended thoroughfare in and through any lands or grounds adjoining or lying near to such thoroughfare or intended thoroughfare.

Power to lay stones, &c.

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

BUILDING ALONG THOROUGHFARES

Notice of intended building along a thoroughfare.

47. (1) It shall not be lawful for any person to commence any building, boundary wall, gateway or fence along any thoroughfare within the limits of any Pradeshiya Sabha or to erect any temporary fence or enclosure on any such thoroughfare for the purpose of commencing or repairing any such building, boundary wall or gateway without giving one calendar month's previous notice in writing to the Pradeshiya Sabha.

(2) Any person neglecting to give the notice prescribed by subsection (1), or to remove any building, boundary wall, gateway or fence erected without such notice when he is required in writing to do so by the Pardeshiya Sabha

under this sub-section, shall be guilty of an offence, punishable with a fine not exceeding fifty rupees, and with a further fine not exceeding twenty rupees for each day he suffers or allows such building, boundary wall, gateway or fence to remain after he is required to remove as aforesaid.

(3) It shall be lawful for the Pradeshiya Sabha to remove or cause to be removed any building, boundary wall, gateway, fence or enclosure, commenced or erected without the notice prescribed by subsection (1) and to recover the costs of such removal in the manner provided in section 59 for the recovery of the costs therein mentioned.

(4) Nothing herein contained shall be deemed to deprive any Pradeshiya Sabha of the power, hereinafter conferred on such Pradeshiya Sabha, of removing any such building, boundary wall, gateway, fence, or enclosure, which may subsequently be discovered to be an encroachment on a thoroughfare, notwithstanding that no proceedings may have been taken by the Pradeshiya Sabha on the notice given in respect of such building, boundary wall, gateway, fence or enclosure under subsection (1).

Erection of temporary fences and enclosures.

48. (1) Nothing contained in section 47 shall be construed to prevent any public officer, duly authorized in that behalf, from making temporary use of any part of any thoroughfare for the public service, or to prevent the Pradeshiya Sabha from granting a licence to the inhabitants of the Pradeshiya Sabha area for the erection of temporary fences and enclosures on any thoroughfare, in connection with the building, pulling down, or repairing of their houses and other buildings, or for temporary decorations within that area on such terms and conditions as the Pradeshiya Sabha may deem proper, including conditions as to—

(a) the length, breadth and height of such enclosure ;

(b) the space to be allowed for carriages and carts, or boats, to pass along the thoroughfare ; and

(c) the exhibition by the person obtaining such licence, daily between sunset and sunrise throughout the period during which the fence or enclosure is maintained or continued by him, of a light sufficient to indicate clearly the exact situation of the fence or enclosure or any obstruction caused thereby.

(2) Every holder of a licence granted under subsection (1) who commits a breach of any of the conditions of such licence and every person who removed or extinguished any light placed and kept in accordance with the requirements of the conditions of such licence, shall be guilty of an offence, punishable with a fine not exceeding ten rupees.

Building limits along roads.

49. Notwithstanding anything contained in the Housing and Town Improvement Ordinance, or other law it shall not be lawful for any person—

(*a*) to erect any building, boundary wall or gateway within a limit (hereinafter referred to as the "building limit") of twenty-five feet from the centre of any road which is used or intended for vehicular traffic within limits of any Pradeshiya Sabha and in respect of which street lines providing for a roadway exceeding fifty feet in width have not been defined under this Act or the Housing and Town Improvement Ordinance :

Provided, however, that the Pradeshiya Sabha, shall have power to authorize the erection of a boundary wall or gateway on condition that the owners of the premises shall execute an undertaking that no compensation shall be payable in respect of such boundary wall or gateway in the event of the land on which such wall or gateway is situated being required for a public purposes ; or

(*b*) except under the authority of a licence granted by the Pradeshiya Sabha to re-erect or to make any addition to any such building, boundary wall or gateway within such limit :

Provided always that nothing contained in this subsection shall apply to any repairs effected in any building, boundary wall or gateway existing at the date of the constitution of the Pradeshiya Sabha or in the case of—

(i) any street which is intended for foot traffic only and is not less than twenty feet in width ; or

(ii) any back lane or other service passage which is intended only for the purposes of scavenging or conservancy or other special sanitary purpose and is not less than ten feet in width,

where such street, lane or passage has been defined or approved by the Pradeshiya Sabha.

For the purpose of the foregoing provisions of this subsection, "repairs" shall not be deemed to include any work of re-erection or re-construction or the addition of any new part.

Demarcation of building limits.

50. (1) It shall be the duty of every Pradeshiya Sabha, within three years after the date of the constitution thereof or within such further period as may in the special circumstances of any case be allowed by the Minister or upon the directions of the Minister, and within such period of time if any, which he may allow—

(*a*) to demarcate by permanent marks the building limit prescribed by section 49 on every road referred to in that section ;

(*b*) in the case of each road on which the building limit has been so demarcated, to ascertain and record the value of each building, boundary wall, or gateway or part thereof situated or extending within such limit ; and

(*c*) in the case of any road on which the building limit has not been demarcated, to ascertain and record the value of each building, boundary wall or gateway in respect of which a licence under section 49 is granted by the Pradeshiya Sabha for the purposes of any re-erection or addition.

(2) The value of any building, boundary wall or gateway shall, for the purposes of subsection (1)—

(*a*) be fixed by agreement between the Pradeshiya Sabha, and the owner or owners of the building, boundary wall or gateway ; or

(*b*) where it is not so fixed by agreement, be determined by the arbitration of two arbitrators, one nominated by the owner or owners of the building, boundary wall or gateway and the other by the Pradeshiya Sabha, or if such arbitrators cannot agree upon the said value, by an umpire chosen jointly by the two arbitrators.

(3) In determining the value of any building, boundary wall or gateway or any part thereof for the purposes of subsection (2), the following principles shall be followed :—

(*a*) where any building, boundary wall or gateway, or any part thereof, the removal of which would render the remaining part useless, is situated within the

building limit of any road, and where, for that reason, at the time of the widening of the road the removal of the entire building, boundary wall or gateway will become necessary, the value of the entire building, boundary wall or gateway shall be determined ; and such value shall be the difference between the market value of the premises, that is to say, of the building, boundary wall or gateway together with the land attached thereto, at the time of the demarcation of the building limit, and the market value at that time of the land as distinct from the building, boundary wall or gateway ;

(*b*) where only a part of a building, boundary wall or gateway is situated within the building limit of any road, and after the severance and removal of such part the remaining part will be capable of adaptation either to the original purpose of the building, boundary wall or gateway or to any other purpose permitted by law, the value of the part within the building limit shall alone be determined ; and such value shall be the aggregate of—

(i) the estimated cost of the severance and removal of that part of the building, boundary wall or gateway ; and

(ii) the estimated cost, in the case of a building of adapting the part of the building which will then remain to the purpose for which the building is used at the time of the demarcation of the building limit, and in the case of a boundary wall or gateway, of completing such additions or repairs as may be necessary ;

(iii) where, at the time of the demarcation of the building limit on any road, the value of any building, boundary wall or gateway is found to have been increased by any alteration or improvement effected in the building, boundary wall or gateway after the date of the constitution of the Pradeshiya Sabha, then notwithstanding that the alteration or improvement may have been authorized by a licence under section 49, the amount of the

increase shall not be taken into account unless the alteration or improvement was necessary for the maintenance of the building, boundary wall or gateway in a proper state of repair.

(4) Every award or agreement made or entered into, as the case may be, under subsection (2) in respect of the value of any building, boundary wall or gateway or part thereof, shall specify the particular paragraph or paragraphs of subsection (3) in accordance with which the value aforesaid was fixed or determined.

(5) The value of each building, boundary wall or gateway or part thereof situate within a building limit, fixed or determined as provided in subsection (2) shall be recorded in the office of the Pradeshiya Sabha together with all agreements or awards by which the value so recorded may be verified.

(6) For the purpose of demarcating the building limit of any road it shall be lawful for any officer, servant or workman of the Pradeshiya Sabha, to enter upon any private land adjoining the road and to erect permanent marks at convenient places, taking all such precautions as may be necessary to ensure that as little damage as possible is caused to the land compensation shall be paid by the Pradeshiya Sabha for any damage so occasioned.

(7) Where the building limit of any road has been demarcated under this section, nothing in any of the other provisions of this Act shall be deemed to preclude the Pradeshiya Sabha, from letting or leasing any part of the road not included within such building limit for the purpose of affording building facilities along the road, or from using or permitting the use of any such part for any public pur- or permitting the use of any such part for any public purpose.

(8) Nothing in this section shall apply to, or in the case of, any road in respect of which street lines providing for a roadway exceeding fifty feet in width have been defined under this Act or the Housing and Town Improvement Ordinance or any other law.

Condition to be attached to all licences under section 49.

51. (1) It shall be a condition of any licence granted by a Pradeshiya Sabha under section 49 for the re-erection of or for any addition to any building, boundary wall or gateway within the building limit of any road that in the event of the land on which the building, boundary wall or gateway is situated being acquired at any time thereafter for the purpose of the widening of the road, the compensation payable in respect of such building, boundary wall or gateway shall be determined in accordance with the provisions of section 53.

(2) (*a*) Full particulars of every licence containing a condition of the description set out in subsection (1), and of the land and the building, boundary wall or gateway to which the condition relates, shall be entered by the Pradeshiya Sabha in a register to be kept for that purpose at the office of the Pradeshiya Sabha and the Chairman shall cause a certified copy of the entry so made in respect of each land and building, boundary wall or gateway, and the condition of the licence relating thereto, to be registered in the office of the Register of Lands. The Registrar of Lands shall register all such copies free of any charge or duty.

(*b*) Upon the registration of any entry under this subsection the condition of the licence set out in such entry shall be binding upon the land or building or boundary wall or gateway affected thereby, in accordance with the tenor of such condition, into whomsoever ownership or possession the land or building or boundary wall or gateway may at any time pass.

(*c*) The register kept at the office of the Pradeshiya Sabha shall be made available for inspection to any person interested, at any time when the office is open for the transaction of business.

(*d*) The provisions of section 2 of the Prevention of Frauds Ordinance shall not apply to any entry or copy of an entry referred to in this subsection.

(3) Subject to the condition referred to in subsection (2) any person who is otherwise entitled to re-erect or make any addition to any building, boundary wall or gateway shall be entitled to a licence to re-erect or make such addition to such building, boundary wall or gateway within the building limit specified in section 49 :

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

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

Power of Pradeshiya Sabha to deal with building, boundary wall or gateway erected in contravention of law.

52. If any person erects or re-erects any building, boundary wall or gateway, or makes any addition to any building, boundary wall or gateway, within the limits of any Pradeshiya Sabha in contravention of any of the provisions of section 49, the Pradeshiya Sabha shall be entitled to cause such building, boundary wall or gateway, or such addition, to be demolished or removed by any officer or servant, and for that purpose the Pradeshiya Sabha shall have the same rights of entry and survey, and shall have the same power of removal, abatement and recovery of costs as are vested by this part in a Pradeshiya Sabha for the purposes of the abatement or removal of any obstruction or encroachment or supposed obstruction or encroachment upon a thoroughfare, and all the provisions of this Part relating to such obstructions or encroachments, so far as they are applicable, shall apply accordingly with such modifications as may be necessary.

Principles of assessing compensation in respect of land developed by building.

53. (1) Where any land which is situated within the building limit demarcated on a road, and which has been developed by the erection of any building wholly or partly within that building limit, is acquired for the purposes of the widening of that road, the determination of the compensation payable in such case under the Land Acquisition Act, shall be subject to the following special provisions, notwithstanding anything to the contrary contained in that Act—

(*a*) no compensation shall be allowed in respect of any building, boundary wall or gateway which at any time after the date of the constitution of the Pradeshiya Sabha has been erected in contravention of section 49 or re-erected or added to without the licence required by that section :

(*b*) the value assigned to the land as distinct from the buildings thereon shall be the market value of the land at the time of the acquisition ;

(*c*) where the land is only a portion of any premises belonging to any one person or group of persons—

(i) if the remaining portion of such premises is a building of the same character as the building which is to be acquired, the market value assigned to the land shall be one-half of the value at that time, of similar land in the vicinity possessing a road frontage ; and

(ii) if the remaining portion of such premises is not of sufficient depth for the purpose mentioned in sub-paragraph (i), the market value assigned to the land shall be the value at that time of similar land in the vicinity possessing a road frontage ;

(*d*) regard shall be had to any increase, in the value of any other land or building belonging to the same owner or owners, which is likely to accrue from any widening of the road carried out after the acquisition of the land or the demolition of any building, boundary wall or gateway situated thereon ;

(*e*) no additional compensation shall be allowed in respect of the compulsory nature of the acquisition whether in the case of the building or in the case of the land.

(2) In any case referred to in paragraph (*c*) (ii) of subsection (1), the owner shall have the option of requiring the Pradeshiya Sabha to acquire the entirety of his premises at the rate at which the portion which the Pradeshiya Sabha originally proposed to acquire, was valued under that paragraph.

Power of Pradeshiya Sabha to acquire adjacent land for owner of land within building limit.

54. The Pradeshiya Sabha may, at the request of any person whose right to build upon any land abutting upon a road within its limits is restricted by the building limit demarcated upon that road, and who desires to erect a building upon the land, acquire for such owner at his expense any land, situate at the rear of such first-mentioned land and of sufficient extent to afford him building facilities of the same nature as he would have enjoyed but for such restriction. All lands required for any such purpose shall be deemed to be required for a public purpose ; and the provisions of section 53 shall apply to the valuation of such land.

Power to demand production of title deeds.

55. (1) Whenever it appears to any Pradeshiya Sabha that any building, enclosure, or obstruction has been raised or made in any thoroughfare under the control of the Pradeshiya Sabha, or on any waste or other land immediately adjoining such road and belonging to the State, it shall be lawful for the Pradeshiya Sabha by written notice served on the person claiming to be the owner of the premises on which such building, enclosure, or obstruction has been raised or made, to demand the production of every deed, document and instrument upon which such person found such claim.

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

(*a*) where the occupier of any premises, not being himself the alleged owner, refuses to give full information respecting the name and residence of the alleged owner upon being requested so to do by the Pradeshiya Sabha ; or

(*b*) where the alleged owner of any premises refuses to produce within ten days, after being requested so to do, every deed, document, and instrument upon which he founds his claim to the premises and which is in his possession ; or

(*c*) where the alleged owner of any premises, not being in possession of any such deed, document, or instrument refuses to give full information to the Pradeshiya Sabha upon being requested so to do, of the name and residence of the person in whose possession they are ; or

(*d*) where any person having in his possession any such deed, document, or instrument refuses to produce it within ten days after having been requested so to do in writing by the Pradeshiya Sabha,

every such occupier, alleged owner, or person so refusing shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred rupees.

Demand of production of deed to include power of examination.

56. (1) Every deed, document or instrument the production of which is demanded by a Pradeshiya Sabha under section 55 shall be produced on the premises to which it relates, or at such other place as the Pradeshiya Sabha may require and the power given by that section to demand the production thereof, shall be deemed to include the power to make such examination and copies of such deeds, documents, and instruments as may be necessary.

(2) Every person refusing or failing to permit any person authorized by the Pradeshiya Sabha to examine any deed, document or instrument, or to take copies thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees.

Power to make survey of premises.

57. In any case referred to in section 55(1), it shall be lawful for any person authorized thereto by the Pradeshiya Sabha to make such survey of the premises on which the building, enclosure, or obstruction has been raised or made, as may be necessary, to enable the Pradeshiya Sabha to ascertain whether an encroachment has been made thereby upon any thoroughfare or on any State land adjoining any thoroughfare and for the purpose of such survey to enter upon such premises and upon any other premises whatsoever which it may in his opinion be necessary to enter.

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

58. (1) Whenever it appears to any Pradeshiya Sabha that the line of any thoroughfare under the control of the Pradeshiya Sabha has been altered without proper authority, or has been stopped up, or obstructed, or encroached upon, the Pradeshiya Sabha shall give notice in writing to the occupier of the land from off which the thoroughfare is alleged or suspected to have been turned, or upon which such stoppage or obstruction or encroachment is alleged or suspected to have been made, that a survey of the premises has been made by the direction of the Pradeshiya Sabha, and is open to the inspection of such occupier at a place to be mentioned in the notice, and that unless within one month from the service of the notice, he, or the person under whom he holds, takes legal proceedings for establishing his title to such land, and for preventing the removal of any such obstruction or encroachment, the Pradeshiya Sabha will proceed with the removal thereof in manner provided by section 59.

(2) If no legal proceedings are taken within the time specified in subsection (1) or being taken are not duly prosecuted, it shall be the duty of the Pradeshiya Sabha to cause any such obstruction or encroachment to be forthwith removed as provided by section 59.

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

Removal of obstructions or encroachments.

59. (1) It shall be lawful for any Pradeshiya Sabha through any person authorized by the Pradeshiya Sabha in that behalf, to give orders verbally or by notice in writing, to any person obstructing or encroaching upon any thoroughfare under the control of the Pradeshiya Sabha, forthwith to remove or abate the obstruction or encroachment; and if any person to whom such order is given refuses or neglects to comply therewith within a reasonable time, or, if there be any doubt as to who is the proper person to whom such order should be given after such notice has been affixed for a reasonable time to such obstruction or encroachment, it shall be lawful for the Pradeshiya Sabha to cause any such obstruction or encroachment to be forthwith removed or abated.

(2) For the purpose of removing or abating any obstruction or encroachment under subsection (1) it shall be lawful for the Pradeshiya Sabha, or any person authorized in writing by the Pradeshiya Sabha to enter into any house, garden, enlosure, or other premises, together with such persons and with such implements and materials as may be necessary, and to proceed to do or take therein or cause to be done or taken all such acts or measures as may be necessary for such removal or abatement.

(3) The costs incurred by the Pradeshiya Sabha in the removal or abatement of any obstruction or encroachment shall be payable by the person whose failure to comply with an order under subsection (1) caused such costs to be incurred; and such costs, where they are not paid by such person on demand, shall be certified by the Chairman of the Pradeshiya Sabha to the Magistrate's Court having jurisdiction over the area where such person resides and shall be recovered by that court in like manner as a fine imposed by the Court. All moneys so recovered shall be paid by the Court into the Pradeshiya Fund.

(4) Where the removal or abatement of any obstruction or encroachment is effected after the due production of all deeds, documents, and instruments effecting the title to such premises and such premises are nevertheless adjudged to be the property of the party laying claim to the same, such party shall be entitled to compensation from the Pradeshiya Sabha for all loss and injury occasioned thereby; but if the party claiming to be the owner of such premises shall refuse or neglect to produce all such deeds, documents and instruments, of if such deeds, documents and instruments shall not be produced within ten days after applica-

tion in that behalf, and any such Pradeshiya Sabha shall nevertheless have caused the removal of such building, enclosure, or encroachment, then, in the event of such premises being adjudged to be the property of the party claiming to be the owner thereof, such party shall not be entitled to any compensation for any loss or injury occasioned thereby.

INJURIES TO THOROUGHFARES, &c.

Destroying milestone, bridge. &c.

60. Every person who—

(i) wilfully or negligently destroys, pulls up, defaces, throws down, breaks, or injures any milestone, mile-post, demarcation stone, demaracation post, lamp-post or direction post, or any bridge, culvert, parapet, arch, wall, dam, drain, sluice, lock, bank, abutment, mound, prop, post, lamp, railing, chain or fence belonging to any thoroughfare, or erected at or near any pit or quarry opened or used for getting road materials ; or

(ii) wilfully and unnecessarily removes any fence, post, stone, log, or other thing laid or erected by the direction of any competent authority on or in any thoroughfare for the temporary prevention of the use thereof, or for preventing danger or injury to persons passing along the same whilst undergoing repair ;

(iii) without the permission of a competent authority gathers or heaps-up, or takes away, any stones, gravel, sand, or other material or any slutch dirt drift, or soil from any thoroughfare ;

(iv) leads or drives any elephant, ox, horse, pig, or other animal or any vehicle from or off or on or into any thoroughfare in such manner as to cause injury to the thoroughfare or shall suffer any such animal to damage the thoroughfare ;

(v) being the owner or occupier of any land contiguous to any thoroughfares suffers the passage through or into his land of the water from such road, or from any ditch or drain leading therefrom, to be obstructed, or suffers any water, filth, or other substance or thing to flow or run from such land or house into or upon any such thoroughfares, or suffers any accumulation of dirt or rubbish in any drain opposite to his house or land to impede the flow of water ;

(vi) without the previous consent of the Pradeshiya Sabha, by any act on his land interferes with the free passage of water along or from any drain or culvert of any thoroughfares ;

(vii) hauls or draws upon any thoroughfare any timber stone, or other thing, otherwise than upon a wheeled carriage, or suffers any timber, stone, or other thing carried principally or in part upon a wheeled carriage to drag or trail upon such thoroughfare to the damage thereof ;

(viii) makes or causes to be made any dam, ditch, drain, or watercourse upon or across, or otherwise breaks up, or injures, the surface of any thoroughfare ;

(ix) erects, sets up, lays down, or constructs, either permanently or temporarily in, along, under, or over any thoroughfare, any post, pillar, lamp, wire, pipe rails or other plant, material or work without the permission of the Pradeshiya Sabha or otherwise than in accordance with the terms and conditions of such permission ; or

(x) attaches additions to his house so as to project over the outer edge of the side drain of any thoroughfare, or by means of temporary supports or otherwise exposes goods or wares of any description over any portion of a thoroughfare or its side drain, or by causing carts to be loaded or unloaded in front of his dwelling in anyway injures the side drain,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees.

Prohibition of riding or driving any animal or vehicle.

61. Upon the construction of a new thoroughfare or upon the execution of any repair to an existing thoroughfare, it shall be lawful for the Pradeshiya Sabha having control of such thoroughfare, by notice exhibited upon or so as to be visible from the thoroughfare, to prohibit the riding or driving of any animal or vehicle on the thoroughfare for a specified period not exceeding one month after the completion of the work of construction or repair ; and every person doing any act in contravention of such notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees.

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

62. If the owner or occupier of any house or premises adjoining any thoroughfare, by the side of which a drain has been made or excavated, requires means of access to such house or premises from such thoroughfare, he shall be bound to place over the drain, to the satisfaction of the Pradeshiya Sabha a bridge, platform, or arch, which shall in no case cover less than three feet of the length of such drain ; and it shall be lawful for the Pradeshiya Sabha on being satisfied that any house or premises so situated and that such bridge, plaform or arch should be provided, to call upon the owner or occupant of the house or premises forthwith to construct such bridge, platform or arch, and if he fails to do so within a reasonable time, to cause the work to be done, and to recover the costs thereof in the manner provided by section 59 for the recovery of the costs therein mentioned.

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

63. Any person who allows any tree, upon any premises of which he is the owner or of which he is in occupation, to grow in such a way as to cause injury to any thoroughfare after the service of a notice upon him by the Pradeshiya Sabha calling upon him to take the necessary measures to abate such injury, and after the expiration of such reasonable time as may be specified in the notice for the purpose, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred rupees, and in any such case the Magistrate before whom the offender is convicted may, in default of the necessary measures being taken by the offender, direct that such measures shall be taken by the Pradeshiya Sabha and that the costs thereof shall be recovered in the manner provided in section 59 for recovery of the costs therein mentioned.

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

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

(a) to give notice in writing to the Pradeshiya Sabha of his proposed operations ; and

(b) in addition to such measures as may be taken by the Pradeshiya Sabha, to take at his own expenses all such measures as may be reasonable to prevent such injury to or such impairment of, the condition of such thoroughfare.

(2) Any person who undertakes any of the operations referred to in subsection (1) without giving the notice required by that subsection, or who otherwise makes default in compliance with the requirements thereof, shall be responsible for any damage occasioned by such operations, and for any expenses incurred by the Pradeshiya Sabha for the purpose of preventing or remedying any damage that may be occasioned or apprehended in consequence of such operations, and the amount of any such damage or expense may be recovered in the manner provided in section 59 for the recovery of the costs therein mentioned.

NUISANCES ON THOROUGHFARES, &c.

Offences

65. (1) Every person who within the limits of a Pradeshiya Sabha turns loose or suffers to be turned loose any elephant, ox, buffalo, horse, sheep, goat or other animal on to or into any thoroughfare, or so that it makes its way on to or into any thoroughfare ; or ties or tethers or suffers to be tied or tethered any animal of any description in any manner which permits it to make its way on to or into any thoroughfare, unless such animal is so tied or tethered during the time required for loading or unloading of any cart or boat to which it may belong, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees :

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

(2) The owner of any pig found tied, straying, burrowing or wallowing in any road or canal within the limits of a Pradesiya Sabha shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty rupees ; and it shall be lawful for any person to seize or shoot or otherwise destroy any pig that he may fined tied, straying, burrowing, or wallowing in any such road or canal ; and such person may, if he chooses take such pig to any peace officer or police officer, and such officer shall forthwith sell the pig, and pay the proceeds of such sale to such person.

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(3) Every person who within the limits of a Pradeshiya Sabha area—

(*a*) hang up or otherwise expose any mats, clothes, or any substances of any nature whatever on or at the side of any road in a manner calculated to obstruct the use of the thoroughfare;

(*b*) leaves or permits to be left, on any thoroughfare any cart or other carriage, without the oxen, horses or other animal being yoked or harnessed thereto, unless such cart or carriage has accidentally broken down there, and in case of such accident, for a longer time than may be necessary for its removal;

(c) suffers any vehicle to remain in any thoroughfare between a quarter of an hour after sunset and a quarter of an hour before sunrise without having attached thereto the lights required by the Vehicles Ordinance, or the Motor Traffic Act;

(*d*) leaves any boat or raft in any canal in such a way as to obstruct the use of such canal;

(*e*) lays or throws any stones, bricks, raft, timber, sand, lime, dung, straw, rubbish or scourings of any ditch, or drain or other article or thing, on or in any thoroughfare, river, or canal and allows such article or thing to remain there, except for such period as may be absolutely necessary for the removal thereof;

(*f*) leads or drives on any road any cart or other carriage with timber, boards, iron or other goods so that either end of any such goods projects beyond the wheels or sides thereof;

(*g*) encroaches on any thoroughfare by making or causing to be made any building, platform, hedge, ditch or fence, or other obstruction upon or in any thoroughfare;

(*h*) after having blocked or stopped any cart or other carriage in going up or down a hill or rising ground cause or suffers to be or to remain on any thoroughfare the stone, timber, or other thing with which such care or other carriage may have been blocked or stopped;

(*i*) in any manner wilfully prevents any other person, or any carriage, boat, raft or other conveyance under his care, from passing along any thoroughfare,

shall be guilty of an offence and shall be liable on conviction a fine not exceeding five hundred rupees.

(4) Every person who within the limits of a Pradeshiya Sabha area places, or continues any kraal or fence or any other obstruction in any canal or river so as to impede or in any way interfere with the convenient navigation thereof, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees. It shall be lawful for the Pradeshiya Sabha to cause any such kraal, fence, or obstruction so placed or continued, to be pulled up or otherwise destroyed, and to recover the cost thereof in the manner provided in section 59 for the recovery of the costs therein mentioned.

Seizure of stray cattle.

66. (1) It shall be lawful for any person thereto authorized by the Chairman of the Pradeshiya Sabha, to seize any ox, buffalo, horse, sheep, goat or pig which he may find tied, tethered or straying on or about any thoroughfare within the limits of the Pradeshiya Sabha unless such animal belongs to any cart or boat to which it is tied or tethered whilst the cart or boat is being loaded or unloaded, and to place every animal so seized in the pound established by the Pradeshiya Sabha for the purpose.

(2) No animal seized under subsection (1) shall be delivered to the owner thereof unless upon payment of such sum as the Pradeshiya Sabha may by resolution fix, from time to time, for the use of the person by whom the animal may have been seized, and of such further sum as the Pradeshiya Sabha may by resolution fix from time to time for each day during which the animal may have been kept in the pound.

(3) If no person claims any animal placed in the pound or pays the dues required by subsection (2) within ten days after the seizure of the animal, it shall be lawful for the Pradeshiya Sabha to sell it by public auction, and after payment of such sum as the Pradeshiya Sabha may by resolution fix from time to time to the person by whom the animal was seized, and of a sum calculated at such rate per day as the Pradeshiya Sabha may by resolution fix from

time to time for the custody and maintenance of the animal in the pound, to keep any balance of the proceeds of such sale in deposit and if such balance is not claimed and payment thereof is not obtained by any person entitled thereto within a period of one year from the date of the sale, to pay such balance into the Pradeshiya Sabha Fund.

(4) The provisions of this section shall have effect in every Pradeshiya Sabha area to which this Act applies, notwithstanding anything contained in the Animals Act, No. 29 of 1958.

Interference with cattle seizers.

67. Any person who removes any animal from the lawful custody of any person authorized to seize it under section 66 or under subsection (2) of section 65 or who in any way molests or obstructs such person in the exercise or discharge of his powers or duties, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees.

SPECIAL USER OF THOROUGHFARES

Power of Pradeshiya Sabha to authorize the uses of public thoroughfares for special purposes.

68. Any Pradeshiya Sabha may from time to time, and either independently or in combination with any other Pradeshiya Sabha, subject to the terms of any special enactment in that behalf, enter into an agreement with any person or body of persons or any local authority constituted by law (hereinafter referred to as "the promoters"), to authorize such promoters for the purpose of the supply of gas, electrical energy, water or other public service (not being a tramway service or any other public vehicular communication service), or any private enterprise or object, to make such user of thoroughfares under the control of the Pradeshiya Sabha other than principal thoroughfares, to make such user of principal thoroughfare with the prior approval of the Minister in charge of the subject of thoroughfares, and to execute all such works and to set up or maintain all such erections or plants thereon or therein as may in the opinion of the Pradeshiya Sabha be necessary for the purpose of the effective establishment or maintenance or the modification or development of such public service or such enterprise or object.

By-laws

69. (1) For the purpose of any agreement referred to in section 68 and for the purpose of securing the observance of the respective rights and obligations of the public, the Pradeshiya Sabha and the promoters in connection with any public service or any private enterprise or object to which the agreement relates, the Pradeshiya Sabha (except in so far as provision is made by any special enactment in that behalf) may make by-laws—

(a) authorizing the promoters and their agents, servants, or workmen, or the agents, servants or workmen of the Pradeshiya Sabha, subject to such conditions as may be prescribed in the by-laws—

(i) to break up the soil, metal, and pavement of any thoroughfare vested in the Pradeshiya Sabha;

(ii) to open and break up any sewers, drains, or tunnels within or under such thoroughfare;

(iii) to erect, set up, or lay down either permanently or temporarily in, along, under or over such thoroughfare, any post, pillar, lamp, wire, piperails, or other plant, material or works;

(iv) to alter the position of any public line, wire or other apparatus or plant in or about such thoroughfare for the purpose of any other public service;

(b) requiring the promoters to do as little damage as may be in the execution of the powers granted by the said by-laws, and to make compensation for any damage which may be done in the execution of such powers;

(c) requiring the promoters to complete any work which they may be authorized to execute under such by-laws with all convenient speed, and to reconstruct, repair or restore any thoroughfare, sewer, drain, tunnel, or any plant or apparatus which they may be authorized to remove, alter or interfere with, in pursuance of such by-laws;

(d) requiring the promoters to remove and carry away all rubbish occasioned by their operations, and to cause proper precautions to be taken for the safety of the public in connection therewith;

(*e*) prohibiting any interference with or obstruction any operations authorized by any by-law under this section.

(2) No by-law under this section shall authorize or empower any entry to do made, any material or plant to be erected or deposited or any work to be executed upon any building or land which is not vested in the Pradeshiya Sabha, without the consent of the owners and occupiers thereof first had and obtained.

Expenses caused by extraordinary traffic.

70. (1) Where it appears to any Pradeshiya Sabha that, having regard to the average expense of maintaining thoroughfares in the neighbourhood, extraordinary expenses may have been incurred by the Pradeshiya Sabha in maintaining any thoroughfares of which it has control, by reason of the damage caused or likely to be caused by the carriage of any excessive weight or the passing of any extraordinary traffic thereon, the Pradeshiya Sabha shall be entitled to recover from any person by whose order, or in consequence of whose order, such weight or traffic was carried or caused, the amount of such expenses as may be proved to the satisfaction of a competent court to have been incurred by the Pradeshiya Sabha by reason of the damage arising or likely to arise from such excessive weight or extraordinary traffic, or, where more than one person is responsible for such excessive weight or extraordinary traffic, may recover from each of such persons such proportion of the amount of the expenses so incurred, as in the opinion of the court may fairly be assigned to him.

(2) Any person against whom expenses are or may be recoverable by a Pradeshiya Sabha under this section may enter into an agreement with the Pradeshiya Sabha for making payment to the Pradeshiya Sabha by way of compensation in respect of such weight or traffic, and, where payment is made in accordance with such agreement, no proceedings under this section shall be instituted or maintained against such person.

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

POWERS, DUTIES, AND RESPONSIBILITIES OF OFFICERS, &C.

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

71. In respect of all thoroughfares other than principal thoroughfares within the limits of a Pradeshiya Sabha, the Chairman of the Pradeshiya Sabha and all persons authorized in writing by him in that behalf, shall and may by themselves, their servants, workmen, and labourers, exercise the several powers and authorities conferred by this Part on officers in charge of works to which this Part is applicable.

Survey by proper officers to be conclusive evidence.

72. If any plan or survey, made by or by the direction of the Pradeshiya Sabha or any authority of which the Pradeshiya Sabha is the successor, is produced in evidence in any proceeding under this Part, such plan or survey shall be deemed and taken to be proof of the facts exhibited therein, in so far as the claim of the Pradeshiya Sabha is concerned, unless the contrary be established by the party contesting such claim.

Compensation for injury to property by authorized officers.

73. Every person who sustains any loss or damage by reason of the exercise by or by the authority of the Chairman of any Pradeshiya Sabha, of any of the powers or authorities conferred by this Part upon officers in charge of works to which it is applicable, shall (except where the loss or damage is incurred through the act, default, or neglect of such person) be entitled to receive compensation for such loss or damage, if he makes application in that behalf to the Pradeshiya Sabha at any time before the expiration of three months after the claim for compensation has arisen. Where any such person fails to make such application within the aforesaid period, his claim to compensation for the alleged loss or damage shall be disallowed, and he shall be barred from recovering such compensation.

Arbitration.

74. Where, for any reason, the amount of any compensation payable under section 73 is not agreed upon between the Pradeshiya Sabha and the claimant, such amount may be determined by two arbitrators, of whom one shall be nominated by the Pradeshiya Sabha and the other by the claimant. If the two arbitrators cannot agree, they shall appoint an umpire, and the award of the arbitrators or umpire, as the case may be, given in terms of the reference agreed to by the Pradeshiya Sabha and the claimant, shall be final.

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

75. If any officer of a Pradeshiya Sabha in charge of any work on any thoroughfare, or any person engaged upon any thoroughfare in pursuance of any contract with any Pradeshiya Sabha, lays, or causes to be laid any heap of stones, gravel, rubbish, or other matter whatsoever upon the thoroughfare, and allows such heap to remain there at night, to the danger or personal damage of any person passing along the thoroughfare (all due and reasonable precautions not having been taken by him to prevent any such danger or damage), such officer or person shall be guilty of an offence punishable with a fine not exceeding five hundred rupees.

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

76. Save as in sections 75 and 218 provided, nothing contained in this Part shall render any officer of a Pradeshiya Sabha in charge of any work on any thoroughfare, or any contractor under the Pradeshiya Sabha, liable to any prosecution or fine under this Part for any act done by such officer in the discharge of the duties of his office, or by such contractor in the necessary execution or performance of his contract.

Police officers and Grama Seva Niladharis to enforce provisions of this Part.

77. It shall be the duty of all officers of the police force and of all Grama Seva Niladharis generally, to aid and assist in the prevention of all offences against this Part within the areas for which they are respectively appointed.

PART IV

Powers and Duties as to Public Health

PUBLIC HEALTH

Pradeshiya Sabha to be general public health authority.

78. (1) Subject to the powers and responsibilities by law committed to any other authority, the Pradeshiya Sabha shall be the general administrative authority for the purpose of promoting and securing the public health within its limits and shall for that purpose be entitled to exercise all such powers as are vested in it by this Act, the Nuisances Ordinance, the Housing and Town Improvement Ordinance, and any other written law for the time being in force in that behalf.

(2) The Pradeshiya Sabha shall, in the exercise, discharge and performance of the powers, duties and functions vested in, assigned to or imposed on the Pradeshiya Sabha by or under this Act in matters relating to public health, act in consultation with the Medical Officer of Health within its limits. It shall be the duty of the Medical Officer of Health to advise the Pradeshiya Sabha in all such matters and to supervise and direct the carrying out in that area of measures relating to public health.

DRAINAGE

Pradeshiya Sabha to make public drains.

79. The Pradeshiya Sabha may from time to time cause to be made, altered or extended such public, main or other drains, sewers and watercourses as may appear to be necessary for the effectual draining of any area within the Pradeshiya Sabha area, and, if necessary, the Pradeshiya Sabha may carry them through, across, or under any street or any place laid out as or intended, for a street, or any cellar or vault which is under any of the streets, and after reasonable notice in writing in that behalf, into, through, or under any closed or other lands whatsoever, doing as little damage as may be and making full compensation for any damage done.

Duty of Pradeshiya Sabha to repair, alter and discontinue drains.

80. (1) The Pradeshiya Sabha shall maintain and from time to time repair and as it sees fit, enlarge, alter, arch over or otherwise improve all or any of the public drains, culverts, gutters, and watercourses and may discontinue, close up, or destroy such of them as it may deem useless or unnecessary, but so that no nuisance is created by such act.

(2) Where, by reason of the discontinuance, closing up, destruction or alteration of any drain, culvert, gutter or watercourse, any person is deprived of the lawful use thereof, the Pradeshiya Sabha shall with due diligence provide an effective substitute therefor.

Obstruction of discharge of rain water and drainage.

81. Whenever a Pradeshiya Sabha has by a resolution determined that any natural watercourse, channel, lake, swamp or any part thereof into which rain water or drainage has thereto discharged, shall remain open for the reception of such rain water or drainage, any person who, after receiving a written notice of the resolution from the Pradeshiya Sabha, fills up or permits to remain filled up any such watercourse, channel, lake or swamp in such a manner as to obs-

truct or interfere with the free flow of such rainwater or drainage, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees :

Provided that—

(*a*) such natural watercourse, chanel, lake or swamp may be filled up if the owner thereof first provides such other channel or drain, as may be in the opinion of the Chairman, be sufficient and suitable for the reception and conveyance of such water or drainage ; and

(*b*) the Pradeshiya Sabha may contribute in part or in whole to the cost of providing such other channel or drain.

General control of the drains.

82. (1) Every private drain within the limits of any Pradeshiya Sabha shall be under the survey and control of the Pradeshiya Sabha of that area, and shall be constructed, altered, repaired, or kept in proper order as the Pradeshiya Sabha may require, at the cost and charges of the owners of the land or building to which such drain belongs or for the use of which it is constructed.

(2) If the owner of any land or building to which any such drain belongs neglects during eight days after the service of a written notice in that behalf by the Pradeshiya Sabha, to alter, repair, or put the drain in good order in such manner as may be specified in the notice, the Pradeshiya Sabha may cause such drain to be altered, repaired or put in good order in the manner required and the expenses incurred therein by the Pradeshiya Sabha shall be paid by the owner and shall be recoverable as hereinafter provided.

Penalty for making unauthorized drains into public drains.

83. Whoever within the limits of any Pradeshiya Sabha without the written consent of the Pradeshiya Sabha first obtained, makes or causes to be made any drain leading into any of the public sewers or drains, shall be guilty of an offence punishable with a fine not exceeding five hundred rupees and the Pradeshiya Sabha may cause the drain so made to be demolished, altered, re-made, or otherwise dealt with as it may think fit ; and all the expenses incurred therein by the Pradeshiya Sabha shall be paid by the person convicted of the offence and shall be recoverable as hereinafter provided.

Buildings over drains, &c., not to be erected without consent of the Pradeshiya Sabha.

84. No new buildings shall be erected over any public drain, sewer, culvert, gutter, or watercourse within the limits of any Pradeshiya Sabha area without the written consent of the Pradeshiya Sabha and where any building is so erected, the Pradeshiya Sabha may cause it to be pulled down or otherwise dealt with as it may think fit ; and the expenses incurred therein by the Pradeshiya Sabha shall be paid by the person convicted of the offence, and shall be recoverable as hereinafter provided.

LATRINES

Duty of Pradeshiya Sabha as to latrine accommodation.

85. It shall be the duty of the Pradeshiya Sabha—

(*a*) to take effective measures to secure that adequate and proper latrine accommodation is provided for all houses, buildings and lands within such area ;

(*b*) to provide such public latrine accommodation as is necessary at all places of public resort within its limits ; and

(*c*) to ensure that all latrine accommodation both public and private within its limits is maintained in proper order and condition.

Construction of additional latrines.

86. (1) In any case where the Pradeshiya Sabha is of opinion that any latrine, water-closet or bathroom, or additional latrine, water-closet or bathroom should be attached to, or provided for, any house or building or land, the Pradeshiya Sabha, may, by notice in writing served on the owner of such house or building or land, require such owner, within thirty days from the service of the notice, to cause such latrine, water-closet or bathroom to be constructed in accordance with the requirements contained in such notice.

(2) Every owner who fails or neglects to comply with the requirements of any notice served on him under subsection (1) within the said period of thirty days shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty rupees.

Duty of employers of labourers to provide latrines.

87. (1) The Pradeshiya Sabha may, by notice in writing served on any person employing a large body of workmen or labourers, require such person to—

(*a*) provide within such time as may be specified in the notice, such number of latrines, water-closets and urinals as may seem to the Pradeshiya Sabha necessary having regard to the number of labourers or

workmen employed by such persons; and in any case where persons of both sexes are employed or intended to be employed or are in attendance, to provide proper separate accommodation for persons of each sex; and

(b) cause the same to be maintained in a sanitary condition and proper order.

(2) Where any person served with a notice under subsection (1) fails or neglects to provide and maintain such latrines, water-closets, and urinals or to maintain the same in a sanitary condition or in proper order, the Pradeshiya Sabha may cause such latrines, water-closets and urinals to be constructed or to be maintained in a sanitary condition or in proper order, and that expenses incurred by the Pradeshiya Sabha in respect thereof shall be paid by the person aforesaid and, in case of default, shall be recoverable as hereinafter provided.

(3) Every person who fails or neglects to comply with the requirements of any notice served on him under subsection (1) within the time specified in the notcei, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty rupees.

Neglecting to enclose private latrine.

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

(2) The owner or occupier of any house or building or land who fails to comply with, or shall commit any breach of, any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of fifty rupees for each day during which such breach is continued:

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

General control of latrines.

89. (1) All latrines and cesspits within the limits of any Pradeshiya Sabha shall be under the survey and control of the Pradeshiya Sabha and shall be altered, repaired, or kept in proper order or any latrine may be converted to a water sealed latrine, as the Pradeshiya Sabha may require, at the cost and charges of the respective owners of the houses, buildings or lands to which the latrines belong, or for the use of which they are constructed or maintained.

(2) If the owner of any house, building, or land to which any latrine or cesspit belongs, neglects during one month after service of notice in writing for that purpose by the Pradeshiya Sabha, or within such other period as may be prescribed by the notice, to alter, repair, and put the latrine or cesspit in good order in the manner required by the Pradeshiya Sabha or to convert such latrine to a water sealed latrine, the Pradeshiya Sabha may cause such latrine or cesspit to be altered, repaired or put in good order in the manner required or such latrine to be converted to a water sealed latrine and the expenses incurred by the Pradeshiya Sabha in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Penalty for persons making or altering latrines, &c., contrary to the directions or by-laws of the Pradeshiya Sabha.

90. If any person within the limits of any Pradeshiya Sabha—

(a) constructs any latrine or cesspit contrary to the directions of the Pradeshiya Sabha or contrary to the provisions of this Act, or any by-law made thereunder; or

(b) continues the use of any latrine or cesspit which has been ordered by the Pradeshiya Sabha to be removed or closed;

such person shall be guilty of an offence punishable with a fine not exceeding five hundred rupees.

Inspection of latrines, &c.

91. (1) The Pradeshiya Sabha or any officer authorized by the Pradeshiya Sabha for that purpose may, subject to the other provisions of this Act, inspect any latrine or cesspit within its limits, and may for that purpose at any time enter upon any house, building or land, with such assistants and workmen as are necessary, and cause the ground to be opened, where such Pradeshiya Sabha or officer may think fit, doing as little damage as may be.

(2) If upon any inspection under subsection (1) it appears that any latrine or cesspit is not in good order and condition, or that it has been constructed after the date of the constitution of the Pradeshiya Sabha in any manner contravening the provisions of this Act or the by-laws made thereunder or contray to the direction of the Pradeshiya Sabha, the expenses of such inspection shall be paid by the person to whom such latrine or cesspit belongs, and shall be recoverable as hereinafter provided.

(3) If any latrine or cesspit is found to be in proper order and condition, and not to have been constructed in contravention of the provisions of this Act or the by-laws made thereunder or the directions of the Pradeshiya Sabha, the Pradeshiya Sabha or the authorized officer of the Pradeshiya Sabha shall cause the ground to be closed and made good as soon as may be and the expenses incurred thereby shall in that case be defrayed by the Pradeshiya Sabha.

Power of Pradeshiya Sabha to direct removal of latrine or closure of cesspit.

92. (1) The Pradeshiya Sabha or any officer authorized by the Pradeshiya Sabha for that purpose may by written notice require the owner or occupier of any house or buildings or land within the limits of a Pradeshiya Sabha on which is situated a latrine or cesspit which, in the opinion of the Pradeshiya Sabha or the officer, is structurally defective or unsuitable for the purpose to which it is put, or is liable to give rise to a nuisance, to repair, alter, reconstruct or remove the latrine or cesspit, or to substitute an earth-closet therefor.

(2) If any owner or occupier neglects for a period of one month after service of notice in that behalf under subsection (1), or within such other period as may be specified in the notice to repair, alter, reconstruct or remove the latrine or cesspit to which the notice relates, or to substitute an earth-closet therefor, he shall be guilty of an offence punishable with a fine not exceeding five hundred rupees.

(3) The Pradeshiya Sabha or the authorized officer may cause the latrine or cesspit referred to in subsection (2) to be repaired, altered, re-constructed, or to be removed and an earth-closet to be substituted therefor, and the expenses incurred by the Pradeshiya Sabha or the officer in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

CONSERVANCY AND SCAVENGING

Duty of Pradeshiya Sabha as to conservancy and scavenging.

93. It shall be the duty of the Pradeshiya Sabha, so far as is reasonably practicable to take all necessary measures within its limits—

(*a*) for properly sweeping and cleaning the streets, including the footways, and for collecting and removing all street refuse;

(*b*) for securing the due removal at proper periods of all house refuse, and the due cleaning and emptyng at proper periods of all latrines and cesspits; and

(*c*) for the proper disposal of all street refuse, house refuse and night-soil.

All refuse collected to be property of Pradeshiya Sabha.

94. All street refuse, house refuse, night-soil or other similar matter collected by any Pradeshiya Sabha under the provisions of this Part shall be the property of the Pradeshiya Sabha, and the Pradeshiya Sabha shall have full power to sell or dispose of all such matter.

Places for disposal of refuse and keeping equipment.

95. Every Pradeshiya Sabha shall from time to time provide places convenient for the proper disposal of all street refuse, house refuse, night-soil, or similar matter removed in accordance with the provisions of this Part and for keeping all vehicles, animals, implements, and other things required for that purpose or any of the other purposes of this Act and shall take all such measures and precautions as may be necessary to ensure that no such refuse, night soil, or similar matter removed in accordance with the provisions of this Part is diposed of in such a way as to cause a nuisance.

INSANITARY BUILDINGS

Duty of Pradeshiya Sabha as to insanitary buildings.

96. It shall be the duty of the Pradeshiya Sabha to cause to be made from time to time an inspection of every part within the limits of the Pradeshiya Sabha with a view to securing that the houses or buildings within its limits are kept in such sanitary condition as is required by the provisions of this Act or any other enactment, and to undertake all necessary measures to enforce such provisions within that area.

Duty of Pradeshiya Sabha as to existing buildings.

97. (1) Whenever the Pradeshiya Sabha is satisfied that any building or block of buildings are by reason of the concurrence of an epidemic or of the manner in which such buildings are crowded together, or of the want of drainage or the impracticability of scavenging, attended with risk to the health of the inhabitants thereof or of the neighbourhood, the Pradeshiya Sabha shall serve a notice on the owners or occupires thereof, or, at its option, on the owner of the land on which such buildings are constructed, to execute within such time as may be specified in the notice, such operations including the alteration of such building as the Pradeshiya Sabha may deem necessary for the avoidance of such risk.

(2) In any case where an owner or occupier served with a notice under subsection (1) refuses or neglects to execute such operations within the time specified in the notice, any officer authorized by the Pradeshiya Sabha in that behalf may cause the building to be taken down, or such operations to be performed in respect thereof, as the Pradeshiya Sabha may deem necessary to prevent such risk.

(3) Where any buildings are taken down under subsection (2) the Pradeshiya Sabha or the authorized officer shall cause the materials of each building to be sold separately if such sale can be effected, and the proceeds shall be paid to the owner of the building, or if the owner be unknown or the title disputed, shall be held in deposit by the Pradeshiya Sabha until the person entitled thereto obtains the order of a competent court for the payment of such proceeds.

Overcrowding of houses.

98. Whenever it appears to the Pradeshiya Sabha that any house is so overcrowded as to be dangerous or prejudicial to the health of the occupiers thereof, or of the neighbourhood, and the occupiers consist of more than one family, the Pradeshiya Sabha shall cause proceedings to be taken before a Magistrate to abate such overcrowding, and the Magistrate shall thereupon make such order as he may think fit ; and each of the persons permitting such overcrowding shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees for each day after the date of such order during which such overcrowding shall continue.

Power of Pradeshiya Sabha to inspect and limewash houses.

99. It shall be lawful for any person authorized in that behalf by the Pradeshiya Sabha at any time between sunrise and sunset to enter into and inspect any house or building, and where it finds such house or building to be in an unsatisfactory condition to direct by an order in writing, all or any part thereof to be internally and externally limewashed or otherwise cleaned ; and if the owner or occupier of such house or building neglect to comply with such direction within seven days from the time when the order shall have been served upon him, the Pradeshiya Sabha may cause the work to be done, and the expenses thereby incurred shall be paid by the owner, and in case of default be recoverable as hereinafter provided.

NUISANCES

Inspection of nuisances.

100. It shall be the duty of the Pradeshiya Sabha to cause to be made from time to time an inspection of its area with a view to ascertaining what nuisances exist calling for abatement under the powers conferred by this Act or any other enactment, and to the enforcement of the provisions of this Act or such other enactment in order to abate such nuisances.

Power to fill up unwholesome tanks on private premises.

101. (1) Where within the limits of any Pradeshiya Sabha any private tank or low marshy ground or any waste stagnant water, situated on any private land, appears to the Pradeshiya Sabha to be injurious to health or to be offensive to the neighbourhood, the Pradeshiya Sabha shall, by notice in writing, require the owner of that land to cleanse or fill up such tank or marshy ground or to drain off or remove such waste or stagnant water.

(2) If any owner on whom a notice under subsection (1) is served refuses or neglects to comply with the notice within such period as may be specified therein, the Chairman, or the officers and workmen of the Pradeshiya Sabha may enter into the land and do all necessary acts for all or any of the purposes referred to in subsection (1), and the expenses incurred thereby shall be paid by the owner of the land, and, in case of default, shall be recoverable as hereinafter provided.

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(3) Where the land referred to in subsection (2) is owned by more than one person, the expenses referred to in that subsection shall be apportioned among, and recoverable from, the several owners in such proportions as may be determined by the Pradeshiya Sabha having regard to the interests of such person in such land.

Licensing of slaughter house.

102. (1) No place within the limits of any Pradeshiya Sabha other than a place provided by the Pradeshiya Sabha shall be used as a slaughter house, unless a licence for the use thereof as a slaughter house has been obtained from the Chairman of the Pradeshiya Sabha, who is hereby empowered to grant such licence and to suspend or revoke such licence as to him may seem necessary.

(2) Every person who uses as a slaughter house any place (other than a place provided by the Pradeshiya Sabha) which is not licensed under subsection (1), or in respect of which any licence given has been suspended or revoked, shall be guilty of an offence punishable with a fine not exceeding six hundred rupees and a further fine not exceeding five hundred rupees for every day during which such offence is continued after notice has been served upon him by the Chairman requiring him to discontinue the use of such slaughter house.

Nuisance by child.

103. Every person who, having the care or custody of any child under twelve years of age, fails to prevent such child from committing a nuisance in or by the side of any street, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

Public bathing places.

104. (1) The Pradeshiya Sabha may by public notice prohibit bathing or the washing of animals or clothes in any public place not set apart for the purpose, or at times or by persons other than those specified in the notice and all other acts which may in any manner pollute or render water in public places foul or unfit for use or may cause inconvenience or annoyance to persons using the bathing or washing places. Such notice shall be published in the Gazette in the Sinhala, Tamil and English languages and in at least one Sinhala, one Tamil and one English newspaper.

(2) Every person who bathes, washes, or does any act contrary to subsection (1) shall, be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundered rupees.

Pollution of streams which flow into reservoirs or water works.

105. Every person who bathes in, or washes any clothes or other things in, or causes or suffers any dirt, refuse, or impurity to flow into or otherwise in any manner pollutes or contaminates any reservoir used for the purposes of the water-works belonging to any Pradeshiya Sabha, or any stream or watercourse whereof the water flows into or feeds any such reservoir, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred rupees, and, in the case of a continuing offence, to an additional fine not exceeding one hundred rupees for each day during which the offence is continued after conviction therefor, or after the date of service of the written notice from the Council directing attention to the offence.

Pollution caused by factories.

106. (1) Any person who, within the Pradeshiya Sabha area, operates or causes to be operated any factory which causes pollution so as to endanger or prejudice the health of the neighbourhood shall be guilty of an offence.

(2) Where a Magistrate after summary trial convicts a person of an offence under subsection (1) he shall, depending on the degree of pollution caused by such factory make order—

(*a*) that such person pay a fine, equivalent to twice the fee payable for a licence issued under the provisions of this Act or any by-law made thereunder in respect of the premises on which that factory is situated notwithstanding that such amount exceeds the amount of fine which a Magistrate may

impose in the exercise of his ordinary jurisdiction and the amount so recovered shall be paid into the Fund of the Pradeshiya Sabha ; or

(b) that operations in such factory shall cease.

Power of a Chairman of a Pradeshiya Sabha in regard to trees or branches, trunks or fruits of trees endangering the safety of person or property.

107. (1) Where in any Pradeshiya Sabha area any tree or any branch, trunk, fruit or other part of a tree is causing or is likely to cause damage to any building, or is in a condition dangerous to the occupants of any building, or to the safety of passers-by along any public thoroughfare, the Chairman of the Pradeshiya Sabha of such area may, by a notice in writing served on the owner or occupier of the land on which such tree stands require such owner or occupier to tie up and make secure, or to cut down and remove such tree or the branch, trunk, fruit or other part of such tree within such time as may be specified in the notice.

(2) Every person on whom a notice is served under subsection (1), shall comply with the requirements of such notice within the time specified therein, and in the event of the refusal or neglect of such persons to comply with such requirements within such time, the Chairman, or any officer or workman authorized in writing in that behalf by the Chairman, may enter upon the land referred to in such notice and do what such person was required to do by such notice, and the expenses thereby incurred may be recovered from such person as a debt due to the Pradeshiya Sabha.

For the purposes of section 104, section 105 and section 106 "pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by dicharging, emitting or depositing wastes so as to effect any beneficial use adversely or to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare or to animals, birds, wildlife, fish or acquatic life, or to plants of every description.

PUBLIC UTILITY SERVICE

Power of Pradeshiya Sabha to establish public utility services.

108. A Pradeshiya Sabha may, within its limits either independently or in conjunction with any other local authority or any other person, establish and maintain for the benefit of the persons inhabiting or resorting to such area, the following public utility services :—

(*a*) water supply ;

(*b*) the lighting of streets, public places and public buildings ;

(*c*) the supply of electricity or power ;

(*d*) markets ;

(*e*) resthouses ;

(*f*) public baths and bathing places ;

(*g*) the manufacture and supply at cost price of squatting plates for latrines ;

(*h*) the provision of housing accommodation for the poorer classes ;

(*i*) any other form of public service which the Pradeshiya Sabha is authorized to establish, maintain or provide under any other provision of this Act, or under any other written law.

Manner of defraying expenses of public utility service.

109. For the purpose of the establishment and maintenance of any public utility service which a Pradeshiya Sabha is authorized by or under section 108 to establish and maintain, the Pradeshiya Sabha may—

(*a*) provide for any expense involved out of the revenue of the Pradeshiya Sabha ; or

(*b*) subject to the sanction of the Minister, levy a special rate upon the area benefitted by such service, subject to such limits and exemptions as may be prescribed by by-laws ; or

(*c*) contract with the owners or occupiers of premises benefitted by such service for the supply of the service, and charge and enforce such rates in respect of such service as may be prescribed by by-laws ; or

(*d*) charge such fees as it may deem reasonable from persons deriving benefit from such service; or

(*e*) where any such public service is establish and maintained through any promoter or body of promoters, in pursuance of any agreement made with the Pradeshiya Sabha or under any licence issued by the Pradeshiya Sabha, authorize such promoter or promoters to charge such fees as may be approved by the Pradeshiya Sabha from persons deriving benefit from such service.

Maximum of special rate for water or conservancy service.

110. A special rate levied by a Pradeshiya Sabha upon the area benefitted by a water service or conservancy service established and maintained by the Pradeshiya Sabha shall not exceed nine *per centum* of the annual value of all buildings and lands situated within such area.

Liability for special rates in respect of State property.

111. (1) Where any land or building, which is situated within the limits of any Pradeshiya Sabha area and is the property of the State, is occupied or held by any person under any lease or permit granted by the State, such land or building shall be liable to be assessed in respect of any special rate imposed under section 109 and such person shall be liable to pay and shall pay the special rate leviable in respect of that land or building.

(2) No property of the State whether movable or immovable, shall be liable to be seized or sold for the recovery of any special rate which may be due from any person occupying or holding that property under any agreement, contract or permit, whether expressed or implied, with or from the State.

Assessment and recovery of special rates.

112. Every special rate under section 109 shall be assessed and levied and, in case of default shall be recovered summarily, in such manner as is prescribed by section 159.

Exemption from special rate by resolution.

113. A Pradeshiya Sabha may by resolution, specially exempt any property from any special rate imposed under section 109 on the ground of the poverty of the owner.

Water Supply

Supply to premises in adjacent areas.

114. A Pradeshiya Sabha may, with the approval of the Minister and subject to the consent of the local authority of any area adjacent to its limits, contract with the owners or occupiers of any premises situated in any such adjacent area for the supply of any public utility service to such premises, and may charge and enforce rates in respect of such supply.

General power of Pradeshiya Sabhas.

115. For the purposes of the establishment and maintenance of any public utility service which it is authorized to establish and maintain by or under this Act, any Pradeshiya Sabha may enter into any contract and may, subject to the provisions of this Act, purchase, take upon lease, hire, construct, or maintain all premises machinery and apparatus required for such purposes and do and execute all such works, matters and things as may be necessary in that behalf.

Rate-payers entitled to free water supply from public stand pipes for domestic purposes.

116. Where the Pradeshiya Sabha establishes and maintains a public water supply for the benefit of the inhabitants living within its limits or any part thereof, the owner or occupier of any premises in such area or part, as the case may be, in respect of which the Pradeshiya Sabha levies a special water rate, shall be entitled to have free of further charge, a supply of water from the public stand-pipes for the domestic purposes of himself and his household or of his tenants or other persons occupying the premises.

Meaning of "domestic purposes".

117. A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire or a supply for any trade, manufacture or business, or fountains or swimming baths or for any ornamental or mechanical purpose or for purposes of irrigation.

Contract for private service.

118. A Pradeshiya Sabha may supply water for other than domestic purposes or allow a private service of water to any premises for domestic purposes in such quantities and upon such terms and conditions as may be agreed upon between the Pradeshiya Sabha and the person desirous of being so supplied, or as may be prescribed by by-laws in that behalf.

MARKETS

Power of Pradeshiya Sabha as to village fairs.

119. It shall be lawful for a Pradeshiya Sabha to establish and maintain within its limits such public markets and village fairs as are required for the service of its inhabitants, and to provide for the proper regulation, supervision and control of such fairs.

Provision applicable where a licence is required for a private fair.

120. Every licence issued by a Pradeshiya Sabha for the establishment and maintenance of a private fair shall be subject to the following conditions :—

(*a*) every licence for a private fair granted on or after such date as the Minister may appoint by Order published in the *Gazette* shall be upon the condition that should the Pradeshiya Sabha at any time decide that it is in the public interest to establish a village fair in place of such private fair, the authority empowered in that behalf may refuse to renew the licence of such private fair, and that the owner of such private fair shall not be entitled to any compensation in respect of such refusal ;

(*b*) the authority empowered in that behalf may, on or after the date appointed under paragraph (*a*) of this section, refuse to issue or renew a licence for a private fair, if he is satisfied that the wants of the area are sufficiently provided for by the village and private fairs already in existence or in contemplation.

Compensation for discontinuance of private fair.

121. (1) Where a Pradeshiya Sabha is satisfied that it is in the public interest that any private fair should be either—

(*a*) discontinued, or

(*b*) taken over by the Pradeshiya Sabha and maintained as a private fair,

the Pradeshiya Sabha may either direct the discontinuance of such fair, or may take it over and maintain it as a public fair subject in either case to the payment of compensation in accordance with the provisions of this section.

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

(3) Where any private fair is taken over by a Pradeshiya Sabha to be maintained as a public fair, the compensation payable shall be the value of the premises when used as a private fair under this Act.

(4) In estimating value of the premises used as a fair under this Act, regard shall be had to the depareciation likely to occur in the value of such premises in the event of a public fair or a new private fair being established in the same neighbourhood.

Power to make by-laws.

122. (1) Every Pradeshiya Sabha shall have power to make from time to time such by-laws, not inconsistent with the provisions of this Act, as may be authorized or required by this Act, or may appear to the Pradeshiya Sabha to be necessary for the purposes of the exercise of its powers and the discharge of its duties under this Act, and to amend, vary or rescind any by-laws so made.

(2) A by-law made by any Pradeshiya Sabha may provide the penalty of a fine for any contravention thereof, such fine not exceeding seven hundred and fifty rupees for any one act or ommission constituting such contravention, and in the case of a continuing contravention, an additional fine not exceeding two hundred and fifty rupees for every day during which the contravention is continued after a conviction thereof by a court of competent jurisdiction or after service of a written notice from the Chairman or other authorized officer directing attention to such contravention.

(3) (*a*) Where any person contravenes any by-laws made under paragraph (ix) of section 126, and where such person has not been previously convicted under this section, the Chairman shall compound such offence if so requested by the offender, for a sum of money equal to one-fourth of the maximum fine imposable for such offence under this section, and where a prosecution has been entered against any such offender, the Chairman shall compound such offence at any time before judgment with the consent of court.

(*b*) Any sum of money accepted by the Chairman under subsection (1) shall be credited to the Pradeshiya Sabha Fund.

Approval and publication of by-laws.

123. (1) No by-law and no amendment, variation or recission of any by-law under this Act shall have effect until it has been approved by the Minister, and notification of such approval is published in the *Gazette*.

(2) Every by-law made under this Act shall be published in the *Gazette* with the notification required by subsection (1).

Supply of copies of by-laws.

124. Copies of all by-laws made under this Act shall be kept at the office of the Pradeshiya Sabha to which they relate and at the office of the Commissioner, and shall be open for inspection and be available for sale to the public.

By-laws to be subject to disallowance or amendment.

125. Every by-law made under this Act shall, as soon as convenient by may be after the publication thereof under section 123 be brought before the Parliament by motion that such by-law be not disallowed, and may, by resolution of the Parliament, be rescinded or amended. Notification of the recission or amendment of a by-law by Parliament shall be published forthwith in the *Gazette;* and such recission or amendment shall take effect from the date of such publication out without prejudice to anything that have been done or any proceedings that may have been instituted under that by-law prior to that date.

Subject of by-laws.

126. The powers of any Pradeshiya Sabha to make by-laws under this Part shall, without prejudice to the generality of the powers thereby conferred, include the power to 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*) conduct of meetings ;

(ii) officers and servants, including—

(*a*) the creation of posts or officers,

(*b*) appointments to posts or offices in the service of the Pradeshiya Sabha not being local government service posts within the meaning of the Local Government Service Law, No. 16 of 1974,

(*c*) the qualifications necessary for appointments to posts or offices referred to in sub-paragraph (*b*),

(*d*) the payment of salaries, allowances and remuneration to officers and servants of the Pradeshiya Sabha who are not members of the Local Government Services,

(*e*) the provision of pension or gratuities to the widow, children, next of kin or dependents of deceased officers and servants,

(*f*) the establishment and regulation of a provident fund for the benefit of the officers and servants referred to in sub-paragraph (*d*),

(*g*) the grant of leave of absence to officers and servants referred to in sub-paragraph (*d*) ;

(iii) taxation including the recovery of any tax payable under this Act, for which no other express provision is made and the rendering of all returns and information that may be required for the purpose of any such tax ;

(iv) 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 advance ;

(v) the imposition, levey and recovery of rates and charges including—

(*a*) the assessment of buildings, lands and tenements,

(*b*) the rendering of returns and information required for the purposes of such assessment.

(c) the hearing and determination of objections,

(d) the registration at the office of the Pradeshiya Sabha of mortgages over immovable property situated within the administrative limits of the Pradeshiya Sabha and of the addresses of mortgages, and the imposition and recovery of fees for such registration,

(e) the posting of notices in writing to such registered mortgages of the sale of immovable property seized the recovery of rates, taxes, or charges ;

(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 porperty vested in, or under the control of, the Pradeshiya Sabha,

(d) the care, regulation, and provision of common pasture grounds, and the levy of fees for the same,

(e) the putting up and preservation of boundaries and of fences for lands, whether private or public,

(f) the authorisation 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 thoroughfares 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 thoroughfares,

(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 thoroughfare,

(d) the regulation of processions and assemblys and of the performance of music on roads, or thoroughfares,

(e) the prevention, abatment, supervision, and regulation of obstructions, encroachments, projections and other interference with roads and thoroughfares,

(f) the election of hoardings and other temporary structures or any decoration of any type, on or abutting any street and the charging of fees for any permits issued in that connection, the charging of fees for the use of hoardings erected by the Pradeshiya Sabha,

(g) the protection of the public against dangers resulting form building and other operations in or about roads and thoroughfares,

(h) the control of parking of motor vehicles within the Pradeshiya Sabha area, by providing parking places and collecting the prescribed fee for parking such motor vehicles in such places :

provided that the provisions of this sub-paragraph shall not apply in respect of the motor vehicles of the Sri Lanka Transport Board ;

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

(a) the definition 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, preventing fire, and safeguarding 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 levy of fees for the examination and consideration of plans for new buildings or for alterations to existing buildings,

(*f*) the number and nature of latrines,

(*g*) foundation and stability of structure,

(*h*) 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 cleaning of drains, privies, cesspits, ashpits and sanitary conveniences and appliances,

(*d*) the regulation and management of public sanitary conveniences,

(*e*) the regulation, supervision, inspection and control of lodging-house and tenement buildings,

(*f*) the abatement of nuisances including the regulation and control of the operation of gramaphones, loudspeakers, amplifiers and other instruments automatically or mechanically producing or reproducing sound,

(*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, hotels 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 Pradeshiya Sabha,

(*l*) the regulation of the dimensions and use of kraals in public lakes, rivers, lagoons, and estauries 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 within the limits of the Pradeshiya Sabha to keep their lands free of undergrowth and rubbish, and their dwelling compounds in 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 or control thereof,

(r) the prevention or mitigation of epidemic, endemic or, contagious diseases, and the speedy interment of the dead during the prevalence of such disease,

(s) washing and bathing, including the establishment, maintenance, and regulation of public bathing places and places for washing animals and clothes,

(t) the regulation and control of industrial waste,

(u) the preservation of public health and the supression of nuisances;

(x) itinerant vendors, including—

(a) the supervision or control of itinerant vendors,

(b) the issue of licenses for the purpose of such supervision or control, and the conditions to be attached to such licenses,

(c) the refusal of licenses in prescribed circumstances,

(d) the regulation or prohibition of the sale of any specified article or the sale of articles in any specified place or area;

(xi) animals, including—

(a) the housing and penning of cattle, horses, sheep, goats, and pigs,

(b) 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,

(c) 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, the provision of facilities for vaccination and immunization of livestock and dogs,

(d) the regulation and control of the collection and sale of the dung of cattle, horses, sheep, and goats, and the removal of such dung from any place within the limits of any Pradeshiya Sabha to any place outside such limit,

(e) the protection and preservation of game and wild birds,

(f) the destruction of stray dogs,

(g) 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 Pradeshiya Sabha is likely to cause unnecessary pain or suffering),

(h) the regulation and supervision of cattle sheds, galas, night paddocks for cattle and halting places and the control of the location thereof,

(i) the regulation, supervision, inspection and control of slaughter houses and the levy and recovery of fees for the use thereof,

(j) the disposal of the bodies of dead animals, and

(k) the branding of animals;

(xii) public or private markets and fairs, including—

(a) their establishment, maintenance and improvement,

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(b) their regulation, supervision, inspection, and control including the regulation of the prices of articles sold therein,

(c) their conservancy and scavenging, and the prevention of nuisances in connection therewith,

(d) the control of traffic, and the preservation of order within them and in their immediate vicinity,

(e) the provision, inspection, and control of latrines, slaughter houses, water supply and lighting on the premises of markets,

(f) the allotment of stalls, stands, seats or spaces,

(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, there exists good reason for such prohibition,

(i) the absolute prohibition, or the restriction by means of special licences, of the sale of any articles, and the charging of fees for such special licences,

(j) the provision of security against fires,

(k) the temporary closing of any market or fair,

(l) the due performance of their duties by market-keepers and other employees,

(m) the fixing and recovery of fees or rents for the use of the premises of a public 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 public market, and the licensing, restriction, or prohibition of private markets or of the sale of market accommodation within such area in any place other than the public market,

(o) the licensing of private markets or fairs, the conditions of the licence, and the fees payable in respect therefor,

(p) the standards to be observed in respect of accommodation, drainage, roads, air spaces, equipment, and sanitary requiremnts, 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 Pradeshiya Sabha and in accordance with plans to be approved by the Pradeshiya Sabha, in or about the premises of private markets or fairs ;

(xiii) water supply and waterworks including—

(a) the provision, 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 Pradeshiya Sabha 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,

(d) the regulation, control, protection and maintenance of the supply of water from any waterworks established or maintained by the Pradeshiya Sabha,

(e) the prevention of waste, misuse, undue consumption or contamination of the water supplied for public or private use,

(f) the direction of the use and prescribing the size, nature, strength and materials and the mode of arrangement, position, alteration, removal, renewal and repair of the pipes,

valves, cocks, cisterns, soil pans, water closets and other apparatus and receptacles or any of them to be used, respectively, for carrying, delivering, regulating and storing water,

(*g*) the regulation of the public supply of water by stand-pipes and the use of the same,

(*h*) the regulation of the supply of water by private services and the materials and fittings to be used,

(*i*) the regulation of the supply of water by measurement and the materials, meters, appliances and fittings used for such purpose or in connection therewith,

(*j*) the regulation of the terms and conditions subject to which water will be supplied for domestic purposes or for other than domestic purpose and the price to be paid for water so supplied,

(*k*) the prescribing of the procedure for the recovery of moneys due for the supply of water,

(*l*) every other purpose relating to the supply or control of the supply of water supplied from the waterworks as to the Pradeshiya Sabha may appear necessary;

(xiv) public services, including all matters necessary for their establishment, maintenance, working and supply, for the imposition and recovery of charges in connection therewith, and for their protection against damage and against competition;

(xv) the measure of dimension of bread, and the regulation of its manufacture and quality;

(xvi) the regulation of weights and measures;

(xvii) the prevention of accidents connected with toddy drawing, for the periodical inspection of the ropes and other appliances used for that purpose;

(xviii) the prevention of accidents caused by the setting of spring guns and traps;

(xix) the fencing of wells and pits;

(xx) the prevention of gambling and cock fighting and of cart racing on public paths or roads;

(xxi) the prevention of disorderly conduct, or loitering in public paths or roads or public places, and of the use of abusive language;

(xxii) 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;

(xxiii) the regulation, supervision, inspection and control of hairdressing saloons and barbers' shops;

(xxiv) the regulation, supervision, inspection and control of billiard saloons;

(xxv) the regulation, supervision, inspection and control of forges;

(xxvi) the removal of obstructions to coastal fishing;

(xxvii) welfare facilities for fishermen;

(xxviii) the licensing of persons as brokers;

(xxix) the licensing of persons carrying on the business of money lending;

(xxx) the regulation and control of advertisements displayed or exhibited so as to be visible from any thoroughfare and the charging of fees in respect of advertisements so displayed or exhibited.

Pradeshiya Sabha to be proper authority under the Cemeteries and Burials Ordinance.

127. For the purpose of section 3 of the Cemeteries and Burials Ordinance every Pradeshiya Sabha shall be the proper authority under that Ordinance within the limits of the Pradeshiya Sabha.

Compulsory acquisition of lands and buildings.

128. Any land or building required for the purpose of a Pradeshiya Sabha shall be deemed to be for a public purpose and may be acquired under the Land Acquisition Act by the Government for such Pradeshiya Sabha.

PART V

FINANCE

Pradeshiya Sabha Fund.

129. (1) Every Pradeshiya Sabha shall for its general financial purposes establish a Pradeshiya Sabha Fund.

(2) There shall be payable into the Pradeshiya Sabha Fund—

(*a*) the fines and penalties enumerated in the First Schedule ·

(*b*) the amount of all stamp duties enumerated in the Second Schedule;

(*c*) subject to any special appropriation made by the Minister, all general or special grants allocated to the Pradeshiya Sabha by the Minister;

(*d*) any special grant allocated to the Pradeshiya Sabha by the Minister, in order to ensure that the revenue available to the Sabha is equal to the proposed expenditure of the Sabha;

(*e*) all rates, taxes, duties, fees and other charges levied under the authority of this Act or of any other written law;

(*f*) all sums realized by sales, leases or other transactions of the Pradeshiya Sabha;

(*g*) all revenue derived by the Pradeshiya Sabha from any property vested in the Pradeshiya Sabha or by the administration of any public service;

(*h*) all sums derived from any source of revenue made over to any local authority to which the Pradeshiya Sabha is the successor in pursuance or in supposed pursuance of any repealed enactment;

(*i*) all sums and all sources of revenue from time to time appropriated or made over to the Pradeshiya Sabha by Parliament whether by resolution or otherwise;

(*j*) all sums borrowed by the Pradeshiya Sabha in the exercise of its powers under this Act;

(*k*) all sums otherwise accruing to the Pradeshiya Sabha in the course of the exercise of its powers and duties.

Moneys received by the Pradeshiya Sabha to be lodged with the bank.

130. All moneys received by a Pradeshiya Sabha and payable into the Pradeshiya Sabha Fund shall be lodged with an approval bank, and shall be credited to an account entitled "the Pradeshiya Sabha Fund".

In this section "approved bank" means a bank specified by the Minister by Order published in the *Gazette* as a bank in which the moneys of any Pradeshiya Sabha may be deposited.

Power to invest any part of the Pradeshiya Sabha Fund.

131. Any part of the Pradeshiya Sabha Fund may be invested by a Pradeshiya Sabha in any of the securities specified in section 20 of the Trusts Ordinance.

Application of Pradeshiya Sabha Fund.

132. There shall be paid out of the Pradeshiya Sabha Fund established by each Pradeshiya Sabha—

(*a*) all expenses incurred by the Pradeshiya Sabha in the exercise of its powers and the performance and discharge of its duties and functions under this Act or any other enactment or any by-law or rule made thereunder;

(*b*) all sums payable by the Pradeshiya Sabha in respect of any liability under the Workmen's Compensation Ordinance;

(*c*) all sums payble by the Pradeshiya Sabha as premium for the insurance of any property belonging to or vested in each Pradeshiya Sabha, or for insurance against any liability that may be incurred by such Pradeshiya Sabha under the Workmen's Compensation Ordinance;

(*d*) all sums which the Pradeshiya Sabha may decide to award by way of *ex gratia* payments to any persons or the dependants of any person (other than servants of the Pradeshiya Sabha) who receive injuries or sustain any other damage or are killed in circumstances which, being due to an accident or to a defect in any machinery, plant or equipment used by the Pradeshiya Sabha or to the unauthorized or unlawful interference of a third party, are only indirectly attributable to the exercise of any of the powers vested in the Pradeshiya Sabha or its officers or servants by or under this Act or any other written law;

(*e*) all sums received by the Pradeshiya Sabha, which the Sabha is authorized or required by any written law to refund to the persons by whom they were paid;

(*f*) all expenses incurred by the Pradeshiya Sabha for the purpose of any such charities or such measures for the relief of distress caused by rain, floods, fire, gales, earthquake, famine or epidemics as may be approved by the Minister;

(*g*) all expenses incurred by the Pradeshiya Sabha in the maintenance of a fire brigade and the protection of life and property from fire;

(*h*) all expenses incurred by the Pradeshiya Sabha in the establishment and maintenance of any form of public service which the Pradeshiya Sabha is authorized to establish, maintain or provide by or under this Act or any other written law;

(*i*) all contributions voted by the Pradeshiya Sabha, subject to such limits as may be prescribed for the welfare of the servants of the Pradeshiya Sabha or for any fund or scheme constituted or established for the purpose of granting relief or assistance to officers or servants of the Pradeshiya Sabha in cases of sickness, indebtedness or distress;

(*j*) such expenses not exceeding in the aggregate one thousand rupees in any year as may be incurred by the Pradeshiya Sabha, and such other expenses as may be incurred by the Pradeshiya Sabha with the prior sanction in writing of the Minister in connection with civic receptions or the celebration or observance of any events or occasions of public interest or any religious, charitable, cultural, health, recreational or educational purposes;

(*k*) such contributions not exceeding in the aggregate one thousand rupees in any year as may be voted by the Pradeshiya Sabha, and such other contributions as may be voted by the Sabha with the prior sanction in writing of the Minister towards the cost of public entertainments or recreations or towards the support of any libraries or any educational, scientific, charitable or benevolent institutions;

(*l*) all sums payable by the Pradeshiya Sabha in respect of subsistance and travelling allowances to the Chairman, Vice-Chairman, members, officers and servants of the Pradeshiya Sabha by way of reimbursement of expenses incurred by them in the performance of their duties;

(*m*) all such contributions, as may be approved by the Minister, towards the cost of any association of local authorities for the promotion, organization or establishment of Local Government;

(*n*) all sums voted by the Pradeshiya Sabha to meet the travelling expenses of members or officers of the Sabha attending any meeting or conference of members or officers of local authorities for the consideration of matters relating to Local Government;

(*o*) all expenses incurred by or on behalf of the Secretary of the Pradeshiya Sabha in the exercise of any powers and the performance of any duty imposed upon him by this Act or any other written law;

(*p*) all expenses incurred by the Pradeshiya Sabha or by the Chairman or the Secretary or any other officer of the Pradeshiya Sabha on behalf of the Pradeshiya Sabha in the exercise of its powers and the discharge of its functions and duties under this Act or other written law or any by-law, rule or regulation, made thereunder; and

(*q*) all sums which are required or authorized to be paid out of the Pradeshiya Sabha Fund, by or under, this Act or any other written law.

Orders, cheques, &c., for payment out of the Pradeshiya Sabha Fund.

133. All orders or cheques for the payment of moneys out of the Pradeshiya Sabha Fund shall be signed by two officers specially authorized by the Pradeshiya Sabha for that purpose subject to the approval of the Assistant Commissioner. The bank in which the Fund is established may pay all orders or cheques against the said Fund which are so signed.

RATES AND TAXES

Rates and acreage tax.

134. (1) Every Pradeshiya Sabha may, subject to the approval of the Minister, impose and levy a rate on the annual value of any immovable property or any species of immovable property situated in localities declared by the Pradeshiya Sabha, with the approval of the Assistant Commissioner to be built up localities.

(2) The Pradeshiya Sabha may impose different rates for different built-up localities or parts thereof, having regard to the level of development of such localities or such parts, as the case may be.

(3) The Pradeshiya Sabha may, subject to the approval of the Minister, impose and levy an acreage tax not exceeding the rates set out below, on each hectare of land situated within the limits of any Pradeshiya Sabha and which is under permanent of regular cultivation of any kind:

Extent of Land	*Rate*	
	Rs.	
Where such extent is less than five hectares but not less than one hectare	50	per year
Where such extent is five hectares or over ..	10	per year for each hectare

Provided that the Pradeshiya Sabha shall not impose an acreage tax on any divided portion of land duly defined and ter by Order published in the *Gazette* to be a special area extent unless it is situated in an area declared by the Minister by Order published in the *Gazette* to be a special area for the purpose of the imposition and levy of that tax :

Provided, further, that the Pradeshiya Sabha shall not impose an acreage tax on any land which is situated in localities which are declared to be built-up localities for the imposition of a rate.

(4) Where a building is used wholly or mainly for purposes connected with or incidental to the cultivation of the land on which it is situated, or for residential purposes by any person or persons engaged in the cultivation of that land, and an acreage tax is levied and paid on that land no rate shall be recovered on that building notwithstanding that it is situated within a built-up locality.

(5) Where the Pradeshiya Sabha in imposing any rate for any year under subsection (1) or an acreage tax under subsection (3) resolves to levy without alteration the same rate as was in force during the preceding year the approval of the Minister shall not be required for the imposition and levy of such rate or acreage tax.

(6) Such rate or acreage tax under this section shall be payable by such instalments and at such times as the Pradeshiya Sabha may direct.

(7) Every Pradeshiya Sabha shall allow a discount of ten *per centum* of the amount of any annual rate or acreage tax if such rate or tax is paid on or before the thirty-first day of January of that year or where such rate or tax is payable in instalments, a Pradeshiya Sabha shall allow a discount of five *per centum* of the amount of the instalment of such rate or tax due if such amount is paid within the first one month of the period for which the instalment of such rate or tax is due.

Exemption from rate or acreage tax imposed by the Pradeshiya Sabha.

135. There shall be exempt from any rate or acreage tax—

(*a*) all lands or buildings wholly or mainly used for the purpose of public religious worship including any such buildings and the land appurtenant thereto set apart as the dwelling of the incumbent of such place of public religious worship ;

(*b*) all lands or buildings wholly or mainly used for cultural, social, religious or charitable purposes approved or recognized by a Government department and where such lands or buildings are owned by such institutions ;

(*c*) all lands or buildings wholly or mainly used by non-fee levying educational institutions or to which grants from State funds are paid or to which such grants were earlier paid but at present are not paid ;

(*d*) all burial and cremation grounds proclaimed or registered under the Cemeteries and Burial Grounds Ordinance ;

(*e*) all properties that are specially exempt by a resolution of the Pradeshiya Sabha on the ground of poverty of the owner.

Assessment of state property.

136. All houses, buildings, lands and tenements within the limits of any Pradeshiya Sabha belonging to the State and leased or let by the State to any person, shall be liable to be assessed in respect of the rate or rates or acreage tax leviable under section 134 and every lessee or occupier of any such premises shall be liable to pay, and shall pay to the Pradeshiya Sabha, the rate or rates or acreage tax leviable in respect of the house, building, land or tenement so held or occupied.

Property of the State not liable to seizure and sale.

137. No property whatever of the State, whether movable or immovable, shall be liable to be seized or sold for the recovery of any rate or rates, tax or taxes, which may be due from any person holding, occupying, or enjoying any house, building, land or tenement, the property of the State, under any agreement, contract, or permit, either express or implied, with or from the State.

Division or consolidation of property for assessment.

138. (1) The Pradeshiya Sabha may from time to time for the purpose of assessment, and whenever there is sufficient ground therefor divide any house, building, land or tenement, and consolidate any separate houses, buildings, lands or tenements whatsoever within the limits of any Pradeshiya Sabha and assess, in respect of any rate or rates leviable under this Act, each such divided portion separately, and each such consolidated premises as a whole :

Provided that in the case of any such consolidation the consolidated premises shall be assessed at the aggregate annual value of the several houses, buildings, lands or tenements of which such premises are composed.

(2) The Pradeshiya Sabha shall cause a notice of such division or consolidation to be given to every occupier, whether he be proprietor, joint proprietor, or tenant of each such house, building, land or tenement.

(3) The assessed annual value of any premises so dealt with shall not, by reason of such division or consolidation be increased or reduced for the year in which the division or consolidation is made.

Return for purposes of valuation.

139. (1) In order to enable a Pradeshiya Sabha to assess the annual value of any house, building, land or tenement liable to be rated or the extent of any cultivated land for the purposes of the acreage tax, the Pradeshiya Sabha may require the owner and occupier of such house, building, land or tenement to furnish returns of the rent or annual value or extent thereof, and for like purpose it shall be lawful for any person authorized in that behalf by the Pradeshiya Sabha at any time between sunrise and sunset to enter and inspect and survey such house, building, land or tenement.

(2) It shall be the duty of the owner of any immovable property in a built-up locality to notify in writing to the Pradeshiya Sabha, the completion of any new building or of any addition to any existing building, within fourteen days of such completion or addition.

(3) Every person who—

(*a*) fails or neglects to furnish the return herein specified within seven days from the day on which he is required to do so ; or

(*b*) knowingly makes a false or incorrect return ; or

(*c*) hinders, obstructs or prevents any person authorized as aforesaid from entering or inspecting or, if need be, surveying any such house, building, land or tenement ; or

(*d*) fails to comply with subsection (2),

shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one thousand rupees.

Assessment of annual value of properties

140. (1) For the preparation of a new assessment, the annual value of each house, building, land and tenement within the limits of any Pradeshiya Sabha shall be assessed by the Chief Valuer or any person or persons appointed by the Pradeshiya Sabha with the approval of the Assistant Commissioner.

(2) For the purpose of ascertaining the extent of all cultivated lands for the purpose of the acreage tax, every Pradeshiya Sabha shall have power to appoint one or more persons to be assessors.

(3) For the purpose of assessing or verifying the annual value or the extent of cultivated land, it shall be lawful for the Chief Valuer or any person or persons appointed by the Pradeshiya Sabha under subsection (1) or subsection (2) to enter at any time between sunrise and sunset any building or land and to do or cause to be done therein, all such acts as may be necessary to ascertain the annual value or the extent thereof.

Assessment list and acreage list.

141. (1) Upon the completion of an assessment list or acreage list, the Pradeshiya Sabha shall cause to be given public notice thereof and the place where the assessment list or the acreage list may be inspected.

(2) Any person shall be permitted free of charge, to inspect any portion of such assessment list or acreage list.

(3) The Pradeshiya Sabha shall cause a notice of assessment of the annual value or verification of the extent to be served on, or left at, the premises of every occupier whether he be owner or tenant of the house, building, land or tenement assessed or cultivated land the extent of which was verified. The said notice shall be substantially in the form set out in the Third Schedule. Such notice shall further intimate that written objection to the assessment or verification will be received at the Pradeshiya Sabha office, within thirty days from the date of service of the notice.

(4) The Pradeshiya Sabha shall cause to be kept a book to be called the "Book of Objections" and cause every objection to an assessment or verification to be registered therein. The Pradeshiya Sabha shall cause to be given notice in writing to each objector and the owner or occupier of the house, building, land or tenement or cultivated land of the day on which and the place and the time at which the objections will be investigated.

(5) At the time and place so fixed the Pradeshiya Sa shall cause to be investigated the objections in the presen of the objector, owner and occupier or their authoriz agents who may be present. Such investigation may be a journed from time to time for reasonable cause.

(6) When any objection to an assessment or verificati is disposed of, the Pradeshiya Sabha shall cause the decisi thereon to be notified to the objector, owner and occupi and such decision shall be noted in the Book of Objectio and any necessary amendment shall be made in the asse ment list or the acreage list, as the case may be.

(7) Every assessment against which no objection is tak shall be final for the period for which such assessment li or acreage list, as the case may be, continues to be in force

Procedure in case of objection to assessment, &c.

142. (1) Every person who is aggrieved by the decisi under section 141 with regard to the assessment of any hou building, land, or tenement or the verification of the exte of the cultivated land may, within thirty days of receivi the notification of the decision, institute an action objecti to such decision in the Magistrate's Court having jurisdi tion in the place where such house, building, land, or ten ment or such cultivated land is situated, if the amount the rate or rates on the annual value of such house, buildi land or tenement, or in the case of a consolidation, on t annual value of the houses, buildings, lands or tenemen so consolidated, or the acreage tax on the verified exte does not exceed one thousand five hundred rupees, and the District Court having such jurisdiction where su amount exceeds the sum of one thousand five hundr rupees.

(2) Upon the trial of any action under this section, t plaintiff shall not be allowed to adduce evidence of a ground of objection which is not stated in his written obje tion to the assessment or verification.

(3) Every such Court shall hear and determine such acti according to the procedure prescribed, by the law for t time being in force, for hearing and determination of ci actions and the decision of such Court shall in all cases b subject to appeal to the Court of Appeal.

(4) Every such appeal shall be governed by the provisions of any written law regulating the making of appeals to the Court of Appeal, from any judgment, decree, or order of a Magistrate's Court or a District Court, as the case may be.

(5) Neither the lodging of any objection against any assessment or verification nor the institution of such action or any appeal therein shall stay the levying of the whole or any part of such rate or rates or tax, and the excess, if any, collected shall be returned according to the decision on the objection or the decision of such Magistrate, Court or District Court if there be no appeal or of the Court of Appeal, in case of appeal.

Division of assessment &c., on alterations to property affecting annual value.

143. (1) Where physical alterations affecting the annual value of any house, building, land or tenement or the extent of cultivated land are made after the assessment or verification in respect thereof has become final by virtue of the preceding section, a Pradeshiya Sabha may, notwithstanding anything to the contrary contained in the preceding sections, at any time prepare a new assessment or verification for such premises.

(2) Every such new assessment or verification shall come into force from the first day of the month following that in which it is entered in the assessment list or the acreage list, as the case may be :

Provided always that such new assessment or verification shall, as far as possible, be made in the manner prescribed by the preceding sections and be subject to the objections, investigations, actions, and appeals referred to therein.

Division of assessment or verification of rates in certain cases.

144. The Pradeshiya Sabha shall have power and authority at any time to revise any assessment or verification, if it is satisfied that there are sufficient grounds therefor by increasing or decreasing the same as it may seem fit, and to fix the date upon which the revised assessment or verification shall come into force.

Remission of rates in case of non-tenancy.

145. (1) If any building other than a building containing furniture, is or remains untenanted, a proportionated remission of the rates payable in respect of such building may be allowed for the period during which the building is or remains untenanted.

(2) If any building containing furniture and registered with the Pradeshiya Sabha as a building intended to be let as a furnished building is or remains untenanted, a proportionate remission of one-half of the rates payable in respect of such building may be allowed for the period during which such building is or remains untenanted.

(3) The period for which a remission is allowed under subsections (1) and (2) shall in respect of any building, commence on the day on which the Pradeshiya Sabha receives a written notice of its being untenanted and terminate on the date on which it is re-occupied :

Provided that, the said period shall terminate on a date one month prior to the said date of re-occupation if within three days of the re-occupation, notice thereof is not given to the Pradeshiya Sabha. Every notice under this subsection shall contain an address to which all communications arising therefrom may be posted.

(4) When with reference to any claim for remission under this section a dispute arises regarding the period during which any building is or remains untenanted, a written notice of the decision of the Pradeshiya Sabha thereon shall be posted to the last of the addresses given under subsection (3) ; and such decision shall be final, unless written application for its revision is presented to the Pradeshiya Sabha within seven days from the date upon which such notice is posted and unless such decision is in consequence revised by the Pradeshiya Sabha.

Adoption of previous assessment or verifications.

146. (1) A Pradeshiya Sabha shall prepare a new assessment or verification only when directed generally or specially by the Minister. The Minister may direct the preparation of a new assessment or verification in respect of all or any class or species of immovable property within the limits of any Pradeshiya Sabha having regard to the provision of new services or the improvement of existing services within the limits of such Pradeshiya Sabha area. Except when a new assessment or verification is carried out on the directions of the Minister, the Pradeshiya Sabha shall adopt the assessment or verification for the preceding year with such alterations as may, in particular cases, be deemed necessary, as the assessment or verification for the following year.

(2) The notice of assessment or verification shall be given in the prescribed manner.

Power of Pradeshiya Sabhas to impose taxes and licence duties

147. (1) A Pradeshiya Sabha may, impose and levy any of the following taxes and licence duties within the limits of any Pradeshiya Sabha area :—

(*a*) a tax on vehicles and animals ;

(*b*) a duty in respect of licences issued by the Pradeshiya Sabha ; and

(*c*) any other form of tax approved by the Minister and confirmed by resolution of Parliament.

(2) Where the Pradeshiya Sabha, in imposing any tax under this section for any year resolves to levy without alteration the same tax as was in force during the preceding year, the approval of the Minister shall not be required for the imposition and levy of such tax.

Vehicles and animals tax.

148. (1) The tax on vehicles and animals which a Pradeshiya Sabha is authorized to impose by section 147 shall be an annual tax in respect of all the vehicles and animals specified in the Fourth Schedule and ordinarily used or to be used within the limits of any Pradeshiya Sabha at the rates specified in that Schedule.

(2) The tax on vehicles and animals shall not be leviable or payable in respect of—

(*a*) any vehicle or animal which is the property of the State or of the Pradeshiya Sabha ; or

(*b*) vehicles kept for sale by bona fide dealers in such vehicles, and not used for any other purpose ; or

(*c*) vehicles subject to a licence duty under section 3 of the Vehicles Ordinance or to a tax under any enactment for the time being in force relating to motor vehicles.

(3) The tax on vehicles and animals shall be payable annually in advance on such date as may be ordered by the Pradeshiya Sabha or prescribed by by-laws.

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(4) The tax on vehicles and animals shall be payable by each person in whose possession or custody or control any vehicle or animal liable to a tax may be found as soon as it has been for thirty days used or kept for use within the limits of the Pradeshiya Sabha area, but no person shall be liable under this section in respect of any vehicle or animal which has been in his possession for less than thirty days.

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

(6) Where any vehicle or animal liable to any tax under this Act is used or intended to be used within the limits of more than one Pradeshiya Sabha, such vehicle or animal shall only be liable to one such tax in respect of the limits of the Pradeshiya Sabha within which it is principally used or intended to be used, and if any question arises as to the limits within which any vehicle or animal liable to any such tax is principally used or intended to be used, the question shall be determined by the Assistant Commissioner.

(7) If any person liable to pay tax leviable under this section fails to pay such tax within seven days after demand, the Secretary of the Pradeshiya Sabha shall report the failure to the Magistrate's Court having jurisdiction over the area for which such Pradeshiya Sabha is constituted and the Court shall proceed to recover the amount due as if it were a fine imposed by Court, notwithstanding that such amount exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction and the amount so recovered shall be paid into the Pradeshiya Sabha Fund.

Power of Pradeshiya Sabha to levy certain licence duties.

149. The licence duty a Pradeshiya Sabha is authorized to levy under section 147 in respect of any licence issued by the Pradeshiya Sabha authorizing the use of any premises or place for any of the purposes described in this Act or in any by-law made thereunder shall be determined from time to time by the Pradeshiya Sabha according to the annual value of the premises so licensed, and where such licence authorizes the use of such premises for the purposes of any trade, having regard to—

(*a*) the annual value of such premises;

(*b*) the turnover of business of such trade;

(*c*) the profit that is likely to be earned in such trade; and

(*d*) the essential nature of the goods or services supplied in the course of such trade:

Provided that where the annual value of such premises falls within the limits of any item in Column I set out below, the maximum duty shall not exceed the sum set out in the corresponding entry in Column II:

Column I	*Column II*
	Rs.
Where the annual value does not exceed Rs. 750 ..	500
Exceeds Rs. 750 but does not exceed Rs. 1,500 ..	750
Exceeds Rs. 1,500	1,000

Provided further, that where any such premises are used for the purposes of a hotel, restaurant or lodging house, and such hotel, restaurant or lodging house is registered with or approved or recognized by the Sri Lanka Tourist Board for the purposes of the Tourist Development Act, No. 14 of 1968, the duty so levied shall be according to the takings of the hotel, restaurant or lodging house for the year preceding the year in which the licence duty is levied, and shall not exceed one *per centum* of such takings. Where such hotel, restaurant or lodging house is in its first year of operation, the licence duty shall be determined and levied according to the annual value of such premises.

For the purposes of this section, "takings" in relation to a hotel, restaurant or lodging house means the total amount received or receivable from transactions entered into in respect of that hotel, restaurant or lodging house or for services performed in carrying on the hotel, restaurant or lodging house.

Tax on certain trades.

150. (1) A Pradeshiya Sabha may by resolution impose and levy a tax on any trade carried on within the limits of any Pradeshiya Sabha.

(2) The tax levied under subsection (1) shall be an annual tax determined by the Pradeshiya Sabha according to the annual value of the premises on which that trade is carried on:

Provided that where the annual value of such premises falls within the limits of any item in Column I set out below, the tax levied shall not exceed the sum set out in the corresponding entry in Coulmn II :

Column I	*Column II*
	Rs.
Whtre the annual value does not exceed Rs. 750 ..	500
Exceeds Rs. 750 but does not exceed Rs. 1,500 ..	750
Exceeds Rs. 1,500	1,000

Provided further, that such tax shall not be leviable or payable in respect of any trade for which a licence is necessary under the provisions of this Act or any by-law made thereunder.

(3) The tax levied under subsection (1) shall be payable, on such date as may be determined by the Pradeshiya Sabha or prescribed by by-law, by the person who carries on such trade.

(4) If any person liable to pay the tax leviable under this section fails to pay such tax within seven days after demand, the Secretary of the Pradeshiya Sabha shall report such failure to the Magistrate's Court having jurisdiction over the area for which such Sabha is constituted. The Court shall proceed to recover the amount due as if it were a fine imposed by Court, notwithstanding that such amount exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction, and the amount so recovered shall be paid into the Pradeshiya Sabha Fund.

Determination of duty or tax where several trades are carried on.

151. Where a Pradeshiya Sabha resolves to impose and levy a duty in respect of a licence under section 149, or a tax on a trade under section 150 and the trade carried on is one of many other trades carried on in the same premises, the Pradeshiya Sabha shall determine such duty or tax on the basis of the apportioned annual value of the area of the premises occupied for the purposes of such trade.

Tax on certain businesses and professions.

152. (1) A Pradeshiya Sabha may by resolution impose and levy annually on every person who, within the limits of such Pradeshiya Sabha, carries on any business for which no licence is necessary under the provisions of this Act or any by-law made thereunder, or no tax is payable under

section 150 a tax according to the takings of the business for the year preceding the year in which such tax is payable, at such rates not exceeding the rates set out below :

Column I	*Column II*
	Rs.
Where the takings of the business for the year—	
(i) does not exceed Rs. 6,000 ..	Nil
(ii) exceeds Rs. 6,000 but does not exceed Rs. 12,000	90
(iii) exceeds Rs. 12,000 but does not exceed Rs. 18,750	180
(iv) exceeds Rs. 18,750 but does not exceed Rs. 75,000	360
(v) exceeds Rs. 75,000 but does not exceed Rs. 150,000	1,200
(vi) exceeds Rs. 150,000	3,000

Provided however, that the preceding provisions of this section shall not apply to itinerant vendors who do not carry on business at fixed places or do not for the purposes of such business establish themselves on the public roads or other public places.

(2) A Pradeshiya Sabha may by resolution impose and levy annually on every person who, within the Pradeshiya Sabha area, practices any profession, a tax of an amount not exceeding an amount specified by the Minister by regulation as the maximum amount of tax which the Pradeshiya Sabha may so impose and levy.

(3) The tax payable under subsection (1) or subsection (2) shall be payable on such date as may be specified by the Pradeshiya Sabha or prescribed by by-law.

(4) If any person liable to pay any tax leviable under this section fails to pay such tax within seven days after demand, the Secretary of the Pradeshiya Sabha shall report such failure to the Magistrate's Court having jurisdiction over the area for which such Pradeshiya Sabha is constituted. The Court shall proceed to recover the amount due as if it were a fine imposed by Court, notwithstanding that such amount exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction, and the amount so recovered by Court shall be paid into the Pradeshiya Sabha Fund.

For the purposes of this section—

(*a*) "business" includes any trade or the business of a manufacturer or of any person taking commission or fees in respect of any transaction or services rendered or the business of an independent contractor, but does not include the occupation of selling articles, goods or materials at a private fair or the occupation of maintaining any educational establishment or school to which grants from state funds are paid or to which such grants were earlier paid but at present are not paid ; and

(*b*) "taking" in relation to any business means the total amount received or receivable from transactions entered into in respect of that business or for service performed in carrying on that business, and includes—

(i) in the case of a financier, money-lender or pawnbroker, the moneys given out by him as loans, the interest received or receivable by him on such loans, and the sums received by him as fees or other charges in respect of such loans ;

(ii) in the case of an auctioneer, and subject to the provisions of paragraph (iii) in the case of a broker or commission agent—

(*a*) in respect of lands sold by him or in the sale of which he is instrumental, the commissions or fees received or receivable by him for any transactions effected or services performed by him in connection with such sale ;

(*b*) in respect of any goods sold by him or in the sale of which he is instrumental, the total amount paid or payable by the purchaser of such goods ;

(iii) in the case of any broker (other than a share broker or a produce broker), or commission agent, who—

(*a*) on behalf of any person not resident in Sri Lanka, sells or is instrumental in selling, any goods of that non-resident person ; or

(*b*) acts on behalf of an exporter of any goods manufactured in Sri Lanka ; or

(*c*) on behalf of any other person carrying on a business in Sri Lanka, is instrumental in selling in Sri Lanka any goods of that other person, being goods the total proceeds of the sale of which is included in the takings of the business of that other person,

the commissions or fees received or receivable by such broker or commission agent in respect of any transactions effected, or services performed by him in so selling, acting, or in being instrumental in so selling, and in the case of a share broker or a produce broker, the commissions or fees received or receivable by such broker or commission agent in respect of any transactions effected or services rendered by him ; and

(iv) in the case of a person carrying on any educational establishment or school, the total amount, excluding profits from investment of the moneys of the educational establishment or school, received or receivable by him in carrying on such educational establishment or school, but does not include any amount received or receivable by the sale of capital assets.

Tax on undeveloped land.

153. (1) Where any land within the limits of a Pradeshiya Sabha area is suitable for building purposes, or for the purposes of permanent or regular cultivation, or such land is capable of being developed for any such purpose at a cost which would in the opinion of the Pradeshiya Sabha, be reasonable, and where—

(*a*) no building has been erected on such land ; or

(*b*) the extent of such land which is actually covered by buildings bears to the total extent of such land, a proportion less than that prescribed by the Pradeshiya Sabha by resolution ; or

(*c*) such land has not been subject to regular or permanent cultivation.

the Pradeshiya Sabha shall levy annually on the owner of such land, a tax not exceeding two *per centum* of the capital site value of such land.

(2) The provisions of sections 135 and 136 of this Act shall, with the necessary modifications, apply with respect to every assessment of the capital site value of land made under subsection (1).

For the purposes of this section, " capital site value " when used in reference to any land, means the probable price which would be paid for the land, exclusive of all buildings thereon, if the land were sold in the open market, free of all mortgages, leases, encumbrances or other charges.

Tax on certain sales of land.

154. (1) Where any land within the limits of a Pradeshiya Sabha is sold by public auction or otherwise by an auctioneer or broker or his servant or agent, the vendor or such auctioneer or broker or his servant or agent shall pay to the Pradeshiya Sabha, from the proceeds of the sale of such land, a tax equivalent to one *per centum* of the amount of such proceeds.

(2) If the tax payable under subsection (1) is not paid within fourteen days of demand, the Secretary of the Pradeshiya Sabha shall report such failure to the Magistrate's Court having jurisdiction over the area for which such Pradeshiya Sabha is constituted and the Court shall proceed to recover the amount due as if it were a fine imposed by Court shall proceed to recover the amount due as if it were a fine imposed by Court, notwithstanding that such amount exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction and the amount so recovered by Court shall be paid into the Pradeshiya Sabha Fund.

Movable property exempt from seizure in respect of rates, &c.

155. No movable property found in or upon any house, building, land or tenement in respect of which any rate or rates under this Act may be imposed shall be seized by the Pradeshiya Sabha for any arrears of such rate or rates beyond two quarters next proceding such seizure, unless such movable property belongs to any person who was the owner or joint owner of the said house, building, land or tenement at the time the arrears beyond such two quarters accrued and became due, or unless such movable property belongs to any person who has occupied such house, building, land or tenement at the time when the said last mentioned arrears accrued and became due.

Deduction of amounts paid from rent due.

156. The occupant of any house, building, land or tenement not being the owner or joint owner thereof whose property has been seized as aforesaid or who to avoid such seizure, or after seizure, to avoid a sale of such property, has paid the amount of rate or rates due in respect of such house, building, land or tenement, and costs, may deduct the amount so paid by him from the rent due by him on account of the said house, building, land or tenement to the owner or owners thereof ; and the receipt by the Pradeshiya Sabha of the amount so paid shall be deemed an acquittance in full for the like amount of rent :

Provided that nothing herein contained shall affect any such deduction from the rent by any occupant, who by the terms of his lease or other agreement is himself bound and liable to pay such rate or rates.

Assessment, &c., not impeached or affected by reason of mistake in name, &c.

157. No assessment, valuation or verification, and no charge or payment of any rate or tax under the authority of this Act and no seizure and sale, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment or verification or the mode of seizure and sale ; and no proceedings under this Act or any by-law made thereunder shall be set-aside for want of form by any Court of the provisions of this Act or of such by-law.

Warrant for recovery of rates and taxes.

158. (1) If the amount of any rate payable under this Act or the amount of any tax imposed thereunder, is not paid into the Pradeshiya Sabha office within such time as the Pradeshiya Sabha may direct, a warrant signed by the Secretary shall be issued to some collector or other officer of the Pradeshiya Sabha named therein, directing him—

(a) in the case of non-payment of any rate or acreage tax, to levy such rate or acreage tax and the cost of recovery by seizure and sale of all and singular the movable property of the owner of the premises on account of which such rate or acreage tax may be due and of all movable property to whomsoever the

same may belong which may be found in or upon any such premises, and the immovable property on account of which such rate or acreage tax may be due ; and

(b) in the case of non-payment of any other tax, to levy such tax and the cost of recovery by seizure and sale of the property on account of which such taxes may be due and of all and singular the movable or immovable property of the defaulter.

(2) A Pradeshiya Sabha may, by resolution, waive the whole or any part of any rate or tax and any costs incurred for the purpose of recovering that rate or tax, if it appears to the Pradeshiya Sabha that the amount to be waived is inconsiderable or irrecoverable or that it should be written off on the ground of the poverty of the person liable therefor ; and in such case where any such resolution is passed, no warrant under subsection (1) shall be issued and any such warrant that may have been issued shall be recalled.

Warrant for recovery of rent and fees due to the Pradeshiya Sabha.

159. (1) If the amount due as rent for any premises let by the Pradeshiya Sabha is not paid into the Pradeshiya Sabha office within fourteen days after such amount becomes due, it shall be the duty of the Secretary by warrant signed by him to authorize an officer of the Pradeshiya Sabha named therein, and his assistants to levy such amount and the costs of recovery by the seizure and sale of all movable and immovable property situated within its limits and belonging to the tenant, and by the seizure and sale of all movable property to whomsoever the same may belong which may be found in or upon the premises for which rent is due.

(2) If the amount due as fees for the removal of any refuse from premises where a trade is carried on is not paid into the Pradeshiya Sabha office within fourteen days after demand, the Secretary may, by warrant, authorize an officer of the Pradeshiya Sabha named therein and his assistants to levy such amount and the cost of recovey by the seizure and sale of movable and immovable property situated within its limits and belonging to the defaulter.

Restrictions as to seizure of property.

160. No property of any class or description set out hereunder shall be seized or sold in execution of any warrant issued under this Act—

(a) the necessary wearing apparel, beds and bedding and cooking utensils of the person whose property is to be seized or of his wife and children ;

(b) the tools, utensils and implements of trade or business of such person and where such person is an agriculturist, the implements of husbandry and such cattle and seed grain as may be reasonably necessary to enable him to earn his livelihood as such ; and

(c) professional instruments and library books necessary for the carrying on of the profession or business of such person to the value of five hundred rupees.

Scale of costs.

161. The amount of the cost of recovery authorized to be levied under any warrant issued under this Part, shall be determined in accordance with the following provisions :—

(a) a charge of—

(i) ten *per centum* on the amount of the tax or rent due ;

(ii) fifteen *per centum* on the amount of rate due on bare lands and residential premises ; and

(iii) twenty *per centum* on the amount of rate due on properties other than bare lands and residential premises,

shall be made in respect of the cost of issue of the warrant ;

(b) a charge of ten *per centum* of the amount of the rate, tax, rent or fee to be levied under the warrant may be made in any case, where goods are removed after seizure under the warrant and a further charge not exceeding twenty-five cents per day shall be made for keeping such goods in safe custody during detention but so however, that no such charge shall be made in respect of detention for more than one month ;

(c) in the case of the seizure of immovable property or where goods seized are not removed after seizure, a charge not exceeding three rupees per day shall be made for keeping a person in possession of the property or goods ;

(*d*) a charge of ten *per centum* of the amount of the rate, tax, rent or fee to be levied under the warrant may be made in any case where the property seized is advertised for sale but no sale takes place due to the rates, taxes, rents or fees and costs due being paid before the sale ;

(*e*) in case of seizure of immovable property a charge of ten *per centum* of the amount of the rate, tax, rent or fee to be levied under the warrant may be made in respect of the cost of issue of notice of seizure ; and

(*f*) where a sale takes place a charge not exceeding two and a half *per centum* of the proceeds of sale shall be made in respect of the cost of sale.

Seizure of property.

162. (1) Subject of the provisions of sections 160 and 161 it shall be the duty of the collector or other officer to whom the warrant is issued under this Part for the seizure and sale of any property, to effect any such seizure as far as possible in accordance with the provisions of this section.

(2) Such movable property wherever situated of the owner as can be found and as may, in the opinion of the collector or other officer, be sufficient to defray the amount leviable, shall be seized and sold before any property is seized in execution of the warrant.

(3) Where no movable property of the owner is found or where the amount realized by sale of movable property seized under subsection (2) is insufficient to defray the amount leviable, such movable property as can be found in or upon the property to which the warrant relates shall be seized and sold.

(4) Where no movable property has been seized and sold under the preceding provisions of this section or where the proceeds of sale of any movable property so seized is insufficient to defray the amount leviable, the collector or other officer shall seize and sell the rents and profits from the property to which the warrant relates, for a period sufficient in the opinion of such collector or other officer to defray the amount recoverable.

(5) Where no such rents and profits are found or where the amount realized by the sale of movable property under subsection (2) or subsection (3) or rents and profits under subsection (4) is insufficient to defray the amount leviable, the collector or other officer, in accordance with such direction as the Secretary shall issue in that behalf shall seize the immovable property to which the warrant relates.

(6) Upon the seizure of such immovable property such Secretary shall cause notice of seizure to be served on, or left at the premises of the occupier of the property whether he is the owner or tenant of the property seized. The said notice shall intimate that the property seized shall be vested in the Pradeshiya Sabha on a date to be specified in the notice, if the rates and costs due thereof are not paid before such date. The date to be specified shall be a date after the expiry of a period of twenty-eight days from the date of seizure but not later than forty-two days from the date of such seizure.

(7) The Secretary shall cause a notice to be published in the *Gazette* and in a newspaper circulating in the area setting out the immovable properties seized under subsection (5), of the dates specified in the notice under subsection (6) on which such property shall be vested in the Pradeshiya Sabha, if all the rates, taxes, rents or fees, as the case may be, and costs due thereof are not paid before such date. This notice shall be published at least twenty-four days before the specified date referred to in subsection (6).

(8) No collector or other officer shall be liable in damage by reason of his failure to carry out any seizure and sale in accordance with the provisions of this section, unless the person who claims such damages proves to the satisfaction of the Court that at the time when that person's immovable property was being seized he or some other person on his behalf pointed out to the collector or officer free and unclaimed property which would have been sufficient to defray that amount leviable and which should lawfully have been seized in the first instance as hereinbefore provided, and that the collector or officer failed to seize the property so pointed.

(9) No seizure of any immovable property under sub-section (5) shall be deemed to be invalid or be impeached or affected by reason that the order in which property must be seized had not been followed or movable property that could be seized and sold had not been seized and sold, unless the person who makes such application had made written declaration to the collector or officer and the Secretary of the Pradeshiya Sabha setting out free and unclaimed property which would have been sufficient to defray the amount leviable and which could lawfully have been seized in the first instance as hereinbefore provided, and that the collector or officer or such Secretary failed to seize the property as declared.

Sale of movable property.

163 (1) The movable property seized in execution of any warrant issued under this Part, shall be sold by public auction in accordance with the provisions of this section by the collector or officer to whom the warrant was issued or by some other person authorized in that behalf by the Secretary.

(2) No property which in the opinion of the collector or officer seizing such property exceeds rupees one thousand in value shall be sold under this section—

(*a*) except after the expiry of a period of twenty-four days from the date of such seizure ; and

(*b*) unless notice of the date time and place fixed for the sale has, not less than eleven days before the date so fixed, been published in the *Gazette* and a newspaper circulating in Sri Lanka.

(3) The Secretary of the Pradeshiya Sabha shall cause any movable property seized in execution of any warrant to be sold within a period of sixty days from the date of such seizure.

(4) No property seized in execution of any warrant shall be sold under this section if at or before the time fixed for the sale of such property payment of the amount and of the costs recoverable under the warrant is duly made to the Secretary.

Surplus of sale.

164. Where any movable property seized in execution of a warrant is sold under this Part, the Secretary of the Pradeshiya Sabha shall, after deducting from the proceeds of sale the amount, and cost leviable under the warrant, on application made by the owner of the property or joint owners, pay the surplus, if any, to the owner or owners as the case may be :

Provided, however, that where no such application is made before the expiry of one year from the date of the sale of any movable property, the amount of such surplus shall be credited to the Pradeshiya Sabha Fund and no person shall thereafter be entitled to demand or receive such amount.

Power to break open houses.

165. The person to whom any warrant under this Part is addressed may break open in the day time any house or building for the purpose of seizing property in pursuance of such warrant.

Default in the payment of rate or tax.

166. (1) In every case where no movable property of any description other than property referred to in section 160 can be found or where the collector or other officer to whom the warrant is issued, reports that it is impracticable to seize movable property, the Secretary shall serve a written notice in the form set out in the Fifth Schedule hereto on the person who had made default in the payment of the rate or tax, calling upon him to pay such rate or tax along with the warrant cost within a period of thirty days from the date of service of the notice and informing him that in the event of any default in the payment of the rate or tax and costs within that period, steps will be taken for the seizure and sale of the building or land in respect of which the rate or tax is due.

(2) In default of compliance by any person with any notice served on him under subsection (1) within the time specified in such notice, the Secretary shall certify the aggregate amount due from that person to the Magistrate's Court where the amount of rate or tax does not exceed rupees one thousand five hundred, and to the District Court where the rate or tax due exceeds one thousand five hundred rupees within whose jurisdiction the property lies and upon such application being made, and the Court shall issue to the fiscal a writ for the recovery of such amount of rates or taxes and costs by the seizure and sale of such immovable property.

(3) The provisions of the Civil Procedure Code relating to the seizure and sale of property by the fiscal in execution of a writ issued by Court shall apply to the seizure and sale of immovable property for the recovery of the sum certified by the Secretary.

(4) For the purpose of the application of such provisions, the sum so specified shall be deemed to be due on a decree entered by the Court and the Secretary shall be deemed to be the judgment-creditor and the person liable to pay such sum shall be deemed to be the judgment-debtor.

(5) Every sum paid or recovered under this section shall be credited to the Pradeshiya Sabha Fund.

Closure order by Magistrate.

167. (1) Where a person convicted by any Court for the offence of using any premises for any trade or business without a licence issued in that behalf under this Act or under any by-law made thereunder, continues to use such premises without a licence for such trade or business, whether by himself or by any other person on his behalf, a Magistrate may, upon an application for a closure order made by the Chairman or Secretary of the Pradeshiya Sabha or any officer authorized in that behalf by such Chairman or Secretary, as the case may be, order the closure of such trade or business at such premises, until such time such person obtains a licence from the Pradeshiya Sabha.

(2) In any proceedings under subsection (1), a certificate issued by the Chairman, or Secretary of the Pradeshiya Sabha or any officer authorized in that behalf by such Chairman or Secretary, as the case may be, setting out that the person mentioned in the certificate, continues to use such premises without obtaining a licence for any trade or business, shall be prima facie evidence of the matters stated therein.

(3) In any case where such person fails to comply with the closure order issued under subsection (1), the Magistrate shall forthwith order the Fiscal of the Court requiring and authorizing such fiscal before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order, to close any trade or business at such premises. Such order shall be sufficient authority for the said fiscal or any police officer authorized by him in that behalf, to enter the premises with such assistants as the fiscal or such officer shall deem necessary to close any trade or business at such premises.

PART VI

Supervision and Control of Pradeshiya Sabhas

Budget

168. (1) The Chairman of every Pradeshiya Sabha shall each year on or before such date and in such form as may be specified by rules, prepare and submit to the Pradeshiya Sabha, a budget for the next succeeding year, and containing an estimate of the available income and details of the proposed expenditure for the ensuing year.

(2) Every Pradeshiya Sabha shall finally consider and adopt the budget together with the amendments, if any, before the commencement of the year to which such budget relates.

(3) The Chairman of the Pradeshiya Sabha may at any time prepare a supplementary budget and lay it before the Pradeshiya Sabha.

(4) The Pradeshiya Sabha may pass, modify or reject all or any of the items in any budget or supplementary budget or add any item thereto.

Chairman's powers with regard to budget.

169. If the Pradeshiya Sabha modifies or rejects all or any of the items in any budget or supplementary budget or adds any item thereto, and the Chairman does not agree with any such decision of the Pradeshiya Sabha, he shall re-submit the budget or supplementary budget to the Pradeshiya Sabha for further consideration. Where a budget or supplementary budget is not passed by the Pradeshiya Sabha within two weeks after it is re-submitted, such budget or supplementary budget shall, notwithstanding that it has not been passed by the Pradeshiya Sabha, be deemed to be the duly adopted budget or supplementary budget of that Pradeshiya Sabha.

Variation of expenditure proposed in budget.

170. The Chairman may, in case of necessity during the course of any year, reduce or increase the expenditure under any head, or transfer the moneys appropriated under one head to any other head, in the budget or in any supplementary budget adopted for that year, but so however, that the total amount or expenditure sanctioned by such budget is not exceeded.

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Rules as to administration of Fund and property.

171. The administration by a Pradeshiya Sabha of the Pradeshiya Sabha Fund and of the property vested in, or used or occupied by, the Pradeshiya Sabha, shall be further subject to such rules of procedure as may be made under this section 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 Minister or of the Assistant Commissioner shall be obtained in any matter connected with a budget, which requires such approval ;

(c) the steps to be taken in any matter connected with a budget in the event of its being disapproved by the Minister or the Assistant Commissioner ;

(d) the form in which books of accounts shall be prepared and kept by a Pradeshiya Sabha ;

(e) the form of the periodical statements of accounts which shall be prepared by a Pradeshiya Sabha ;

(f) the manner in which, the intervals at which, and the persons by whom, the books, accounts, documents and other records of a Pradeshiya Sabha, the work of construction, maintenance or repair undertaken or executed by a Pradeshiya Sabha, and the lands and buildings vested in or used or occupied by a Pradeshiya Sabha shall be inspected ; and

(g) the mode of giving notice within the limits of a Pradeshiya Sabha of the financial proposals of a Pradeshiya Sabha, and of publishing the periodical statements of accounts.

Audit of accounts and surcharge.

172. (1) Article 154 of the Constitution shall apply to the audit of the accounts of every Pradeshiya Sabha.

(2) Every Pradeshiya Sabha shall pay to the Government, as a contribution towards the cost of such audit, a fee according to such rates as may from time to time be determined by the Minister in charge of the subject of Finance.

(3) In auditing the accounts of a Pradeshiya Sabha under this section, the Auditor-General shall disallow every item of the accounts which is contrary to law, and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person the amount of any deficiency or loss incurred by the negligence or misconduct of that person and any sum which ought to have been, but is not, brought into account by that person and shall in each case certify the amount due from such person and communicate his decision in writing to such person through the Commissioner of Local Government. The communication shall be transmitted by the Commissioner of Local Government to such person by registered post, and if so transmitted shall be deemed to be received by such person at the time when the letter containing the decision would be delivered in the ordinary course of post, and in proving that such letter was posted it shall be sufficient to prove that such letter was properly addressed and put into the post :

Provided that no expenses incurred by a Pradeshiya Sabha shall be disallowed by the Auditor-General if such expenses have been sanctioned by the Minister.

(4) Where any item of the accounts of a Pradeshiya Sabha relating to any expenditure authorized by a resolution of that Pradeshiya Sabha is disallowed by the Auditor-General as being contrary to law under subsection (3) of this section, the Chairman of that Pradeshiya Sabha and every other member of that Pradeshiya Sabha who voted in favour of such resolution, shall each be deemed to be a person who made or authorized the making of the payment for the purpose of that subsection.

(5) Before making any surcharge or disallowance against any person, the Auditor-General shall afford an opportunity to such person to be heard or to make any representation with regard to the matter which he may think fit, and shall, in the event of his making such surcharge or disallowance, furnish such person in writing, on application being made to him for that purpose. with the reasons for his decision in respect of such surcharge or disallowance.

(6) (*a*) Any person aggrieved by any surcharge or disallowance may appeal therefrom to the Court of Appeal, and the Court of Appeal may either confirm such surcharge or disallowance if it is opinion that surcharge is not in accordance with the law, or modify or set aside such surcharge or disallowance.

(*b*) Every appeal under paragraph (*a*) shall be presented, prosecuted, and enforced within the time and in the manner and subject to the rules prescribed for and observed in appeal from interlocutory orders of District Courts.

(7) (*a*) In lieu of an appeal under subsection (6), any person aggrieved by any surcharge or disallowance may within thirty days of the date on which the decision of the Auditor-General is communicated to him, appeal against such decision to the Secretary to the Ministry of the Minister and it shall be lawful for such Secretary, upon any such appeal, to decide the question at issue according to the merits of the case.

(*b*) The Secretary to the Ministry of the Minister may by order direct the recovery from the person making such appeal, the whole or any portion of the amount surcharged or disallowed, if he thinks that there are grants therefor, and if he finds that any surcharge or disallowance has been lawfully made but that the subject matter thereof was incurred under such circumstances as to make it fair and equitable that the surcharge or disallowance shall be remitted, he may by order direct that the same shall be remitted, but that the amount of costs and expenses which may have been incurred by the Auditor-General in the enforcing of such surcharge or disallowance or such portion of it as may be determined by the Secretary, shall be recovered from such person.

(8) Every sum certified to be due from any person by the Auditor-General as aforesaid, shall be paid by such person to the Commissioner of Local Government within fourteen days after the decision of the Auditor-General has been communicated to such person unless there is an appeal against the decision ; and if such sum is not so paid and there is no such appeal, it shall be the duty of the Commissioner of Local Government to recover the sum due from such person in the manner specified in subsection (9) or subsection (10).

(9) If any sum referred to in subsection (8) is not paid within the time limit allowed therefor by that subsection to the Commissioner of Local Government by the person from whom it is due, such Commissioner may make an application to the District Court within whose jurisdiction such person resides, for the recovery of such sum by seizure and sale of the immovable property of such person and upon such application being made, the Court shall issue to the fiscal a writ for the recovery of such sum by the seizure and sale of such immovable property. The provisions of the Civil Procedure Code relating to the seizure and sale of immovable property by the fiscal in execution of a writ issued by a Court and to the making and adjudication of claims in respect of immovable property seized by the fiscal shall apply to the seizure and sale of immovable property for the recovery of the sums specified in the Commissioner's application and to the making and adjudication of claims in respect of immovable property seized for the recovery of such sum. For the purpose of the application of such provisions, the sum so specified shall be deemed to be due on a decree entered by the Court and such Commissioner shall be deemed to be the judgment-creditor and the person liable to pay such sum shall be deemed to be the judgment-debtor.

(10) Where the Commissioner of Local Government is of the opinion in any case that recovery from any person of any sum referred to in subsection (8) by seizure and sale of such person's immovable property is impracticable or inexpedient, or where the full amount of such sum has not been so recovered, such Commissioner may issue a certificate containing particulars of the amount due from such person and the name and last known place of business or residence to such person to a Magistrate having jurisdiction in the place in which such person resides. The Magistrate shall thereupon summon such person before him to show cause why proceedings for the recovery of the amount due should not be taken against such person and if no sufficient cause is shown by such person, the amount due shall be deemed to be a fine imposed by a sentence of the Magistrate on such defaulter for an offence punishable with a fine only or not punishable with imprisonment, and may be recovered accordingly.

(11) Any amount directed to be recovered from any such person by any order made by the Secretary to the Ministry of the Minister under this section may forthwith be recovered by the Commissioner of Local Government in the same manner as any sum certified by the Auditor-General is recoverable under the provisions of this section.

(12) The correctness or validity of any certificate or surcharge or disallowance made by the Auditor-General under subsection (3) or an order made by the Secretary of the Ministry of the Minister under subsection (7) or the certificate given by the Commissioner of Local Government under subsection (10) of this section shall not be called in question in any District Court or Magistrate's Court in any proceedings for the recovery of any sum due under this section.

(13) Every sum paid or recovered under this section other than any sum paid or recovered as costs and expenses incurred in the enforcement of any surcharge or disallowance, shall be credited to the Pradeshiya Sabha Fund of the Pradeshiya Sabha.

Contracts for execution of work to be reduced to writing if exceeding prescribed limits.

173. Any contract for the execution or performance of any work or service or for the supply of any articles or materials or for any other matter necessary for the purpose of this Act which involves an estimated expenditure or revenue exceeding the limits as may be prescribed by regulations or which will or is expected to endure for more than one year, shall be reduced to writing and signed by the Chairman and the Secretary of the Pradeshiya Sabha on behalf of the Pradeshiya Sabha and sealed with the common seal of the Pradeshiya Sabha and in addition to such other matters as may be deemed necessary for inclusion in any such contract, shall specify—

(i) the work or services to be executed or performed or the articles or materials to be supplied ;

(ii) the price or rate to be paid for the work, service, articles or materials ;

(iii) the time or times within which the work or service is to be completed or the articles or materials are to be supplied ;

(iv) any penalty or penalities to be imposed in case of breach.

Procedure for entering into contracts referred to in section 173.

174. Before any contract as is referred to in section 173 is entered into—

(i) the Secretary shall, if the Pradeshiya Sabha so directs, take sufficient security for the due performance of the contract ;

(ii) the Secretary or the Chairman shall call for tenders or quotations in the prescribed manner ;

(iii) the invitation to tender and the tenders or quotations if any or copies thereof shall be laid before the Sabha which shall either accept one of such tenders or quotations or reject all of them and where a tender or a quotation other than the lowest, where it relates to expenditure and the highest where it relates to revenue, is accepted, the resolution shall give satisfactory reasons for not accepting the lowest or the highest, as the case may be ; and

(iv) the contract shall be sanctioned by the Pradeshiya Sabha after satisfying itself that the necessary funds have been provided for the same in a sanctioned budget or supplementary budget :

Provided that it shall not be necessary for the Secretary of the Pradeshiya Sabha or the Chairman to call for tenders or quotations where the work or service or the supply of any article or material or any other matter necessary for the purpose of this Act, is to be carried out by a Government Department, Public Corporation or a registered Co-operative Society.

Resolving doubts as to legality of item of expenditure

175. (1) For the purpose of resolving any doubts as to the legality of any item of expenditure authorized by a resolution of a Pradeshiya Sabha, the Chairman of the Pradeshiya Sabha may refer the matter for decision through the Assistant Commissioner to the Commissioner of Local Government. The Commissioner shall communicate his decision on any such refenence through the Assistant Commissioner to the Chairman.

(2) Where the Commissioner of Local Government has, on any reference made to him under subsection (1), confirmed the legality of any item of expenditure authorized by a resolution of a Pradeshiya Sabha, the Chairman of the

Council and every other member thereof shall not, notwithstanding anything to the contrary in section 172, be liable to a surcharge by the Auditor-General under that section in respect of any payment relating to that item of expenditure.

Ex gratia of pension, annuity, gratuity or retiring allowance

176. (1) A Pradeshiya Sabha may, with the approval of the Minister given after consultation with the Minister in charge of the subject of Finance, grant, out of the Pradeshiya Sabha Fund of that Pradeshiya Sabha to any person—

(*a*) who retires or has retired from service as an officer or servant of that Pradeshiya Sabha, or

(*b*) who is or was transferred from such service to, and retires or has retired from, the service of the Government,

a person, gratuity, or retiring alolwance in respect of any period of his service as such officer or servant for which no pension, gratuity or retiring allowance, or no adequate pension, gratuity, or retiring allowance is payable under any by-laws or rules of the Pradeshiya Sabha or under any pension scheme established under the Local Government Service Law, No. 16 of 1974.

(2) Where no pension, annuity, or gratuity, or no adequate pension, annuity, or gratuity is payable to the widow, children, next of kin or dependants of any deceased officer or servant of a Pradeshiya Sabha under any by-laws or rules of that Pradeshiya Sabha or under any scheme or fund established under the Local Government Service Law, No. 16 of 1974, that Pradeshiya Sabha may, with the approval of the Minister given after consultation with the Minister in charge of the subject of Finance, grant to such widow, children, next of kin or dependents a pension, an annuity or a gratuity out of the Pradeshiya Sabha Fund of the Sabha.

(3) Nothing in subsection (1) or subsection (2) of this section shall be construed to confer on any person any right to any pension, annuity, gratuity or retiring allowance under either of those subsections.

Power to establish gratuity scheme.

177. (1) A Pradeshiya Sabha may, with the approval of the Minister given with the concurrence of the Minister in charge of the subject of Finance, make by-laws providing for the establishment of, and may establish in accordance with such by-laws, a scheme for the payment of gratuities to temporary officers and servants of that Pradeshiya Sabha uopn their discontinuance from the service of that Pradeshiya Sabha.

(2) The by-laws made under subsection (1) may be applicable to temporary officers and servants of that Pradeshiya Sabha who have been discontinued from the service of that Pradeshiya Sabha before coming into operation of the by-laws.

LOANS

Power of Pradeshiya Sabha to borrow on the security of rates and taxes.

178. (1) It shall be lawful for a Pradesriya Sabha subject to the approval of the Minister, to borrow from the Sri Lanka Government, or any person or persons or body of persons, whether incorporated or not, such sum or sums of money as may be necessary for any of the purpose of the Pradeshiya Sabha :

Provided that the approval of the Minister shall not be necessary for borrowing any such sum if the amount outstanding in respect of all loans already raised by such Pradeshiya Sabha does not exceed the total income received by such Pradeshiya Sabha during the three years immediately preceding the year in which that sum is to be borrowed.

(2) Every loan raised by a Pradeshiya Sabha shall be subject to such rate of interest and to such conditions for the payment thereof as may, where that loan is raised with the approval of the Minister, be approved by the Minister, and in any other case, be determined by the Pradeshiya Sabha.

(3) For the purpose of securing the payment of the sum or sums borrowed by a Pradeshiya Sabha and the interest accruing thereon, the Pradeshiya Sabha may mortgage and assign to the lender or lenders, by or on whose behalf such sum or sums or any part thereof may be lent, the proceeds of any rate or tax levied or imposed under this Act or any portion thereof, or any property belonging to the Pradeshiya Sabha or any other source of income accruing to the Pradeshiya Sabha or any portion thereof.

Limitation of borrowing powers

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

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

Form of security &c.

180. The from and manner of execution of any security given for the purpose of any loan under this Part, the mode and order of repayment of any sums borrowed and the arrangements for the liquidation of any loan, shall, subject to the provisions of the Local Loans and Development Ordinance be such as may be prescribed by by-laws made under this Act, and, in the absence of any such by-laws, shall be in accordance with the provisions of the Municipal Councils Ordinance, and the said provisions, with the necessary modifications, shall in such circumstances apply to any loan made to any Pradeshya Sabha under this Act.

When Chairman may exercise powers of Pradeshiya Sabha relating to raising of loans.

181. If the Pradeshiya Sabha fails to sanction the raising of loans for the purpose of fulfilling any duty imposed on the Pradeshiya Sabha for carrying out any work which the Chairman considers to be necessary, the Chairman may, with the approval of the Commissioner, raise such loans and may exercise all the powers vested in the Pradeshiya Sabha under the provisions of section 178 as though such powers were conferred by that section on the Chairman.

Waiver of sums due to Pradeshiya Sabha.

182. A Pradeshiya Sabha may by resolution, waive the whole or any part of any sum of money due to the Pradeshiya Sabha from any person on the ground that the amount to be waived is inconsiderable or irrecoverable or on the ground of the poverty of such person. A resolution relating to the waiver of an amount exceeding fifty rupees, shall be subject to the approval of the Minister.

PART VII

Supplementary Provisions Relating to Pradeshiya Sabha

Payment of costs awarded against Pradeshiya Sabha.

183. All costs, charges and expenses arising from or in respect of any suit, action, or legal proceeding, which a Pradeshiya Sabha may become liable to pay, shall be paid from the Pradeshiya Sabha Fund; and no member of the Pradeshiya Sabha or inhabitant living within the limits of a Pradeshiya Sabha shall be personally liable for the payment thereof.

Rules as to meetings, and tax and finance.

184. (1) The Minister may make rules not inconsistant with the provisions of this Act, on any matter connected with the execution or enforcement of these provisions, and without prejudice to the generality of the powers hereby conferred, may make such rules on all or any of the following matters:—

(a) the form of the notice summoning meetings of a Pradeshiya Sabha, the intervals at which ordinary meetings are to be held, and the procedure to be followed in the conduct of meetings;

(b) the manner in which any rent or fee which is not payble in advance under the by-laws made by a Pradeshiya Sabha, may be recovered summarily by the Pradeshiya Sabha in the event of default being made in the payment thereof;

(c) the several matters appertaining to finance and the administration of funds and other property for which rules are required under section 171 to be made and all other matters connected therewith or incildental thereto;

(d) the rates of subsistance and travelling allowances payable to members and officers or servants of a Pradeshiya Sabha by way of reimbursement of expenses incurred in the performance of any duty;

(e) the rates of travelling allowances payable to members of a Pradeshiya Sabha for attendance at meetings of the Pradeshiya Sabha;

(f) the rates of allowances payable to the Chairman, Vice-Chairman and members of a Pradeshiya Sabha;

(*g*) the returns to be rendered periodically by the Pradeshiya Sabha to the Minister ;

(*h*) the receipt and disposal of stores and equipment, the keeping of inventories and the manner in which such inventiories shall be kept ;

(*i*) the appointment, discipline, suspension and dismissal of officers and servants of Pradeshiya Sabhas who are not members of the Local Government Service, and—

(i) the qualifications necessary for appointment to posts or offices not being Local Government Service posts within the meaning of the Local Government Service Law, No 16 of 1974,

(ii) the scales of the salaries to be assigned to such posts or offices,

(iii) the terms and conditions, and the duration, of any leave of absence that may be granted to such officers and servants,

(iv) provident fund for the benefit of such officers and servants of Pradeshiya Sabhas who are not members of the Local Government Service ;

(*j*) the powers and duties of the Chairman in his capacity as the chief executive officer of a Pradeshiya Sabha ;

(*k*) the procedure to be followed by a Pradeshiya Sabha before any area, to which by-laws under section 126 (xii) are to apply, is defined.

(2) Every rule made by the Minister under this section shall be published in the *Gazette* and shall be brought before Parliament as soon as may be after such publication for approval.

(3) Every rule made by the Minister, when approved by Parliament, shall prevail over any by-law made or deemed to be made by, or any power vested in, a Pradeshiya Sabha in respect of the same matter or for the same purpose. Notification of such approval shall be published in the *Gazette*.

Removal of Chairman and dissolution of Pradeshiya Sabha.

185. (1) If any time the Minister 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 Act, or

(*c*) misconduct in the performance of those duties, or

(*d*) persistent disobedience to or disregard of the directions, instructions or recommendations of the Minister, or the Commissioner, or

(*e*) abuse of the powers conferred by this Act on the part of the Chairman of a Pradeshiya Sabha or any of the members of the Pradeshiya Sabha,

the Minister may as the circumstances of each case may require, by Order published in the *Gazette*.

(i) remove the Chairman from office, or

(ii) remove all or any of the members from office ; or

(iii) dissolve the Pradeshiya Sabha,

and such Order shall as soon as may be convenient be laid before Parliament.

(2) The Minister shall before making an Order under subsection (1), appoint, for the purpose of satisfying himself in regard to any of the matters referred to in subsection (1), a retired judicial officer to inquire into and report upon such matter within a period of three months, and such officer shall in relation to such inquiry have the powers of a Commission of Inquiry appointed under the Commissions of Inquiry Act.

(3) (*a*) When the Minister appoints a retired judicial officer under subsection (2) to inquire into any matter, the Minister may, as the circumstances of each case may require, by Order published in the *Gazette*—

(i) suspend the Chairman from office and direct the Vice-Chairman or, where the office of the Vice-Chairman is vacant or where the Vice-Chairman has been suspended, the Assistant Commissioner of the region, to exercise the powers and perform the duties of the Chairman ; or

(ii) supend any of the members from office : or

(iii) suspend the Pradeshiya Sabha and direct the Assistant Commissioner of the region to exercise the powers and perform the duties of that Pradeshiya Sabha and its Chairman.

(*b*) Upon the receipt of the report of the person appointed under subsection (2), the Minister may make an Order under subsection (1) or revoke the Order made under paragraph (*a*) of this subsection.

(4) Where the Minister removes any member of a Pradeshiya Sabha from office by Order under subsection (1), the member appointed in place of such member who is removed, shall hold office for the unexpired period or portion of the term of office of his predecessor.

(5) Where the Minister dissolves a Pradeshiya Sabha by Order under subsection (1), he may by the same or any sub-subsequent Order—

(*a*) appoint for a stated period, or from time to time, a Special Commissioner or Commissioners to administer the affairs of the Pradeshiya Sabha and, for that purpose and subject to such conditions, or limitations as may be specified in the Order, to exercise the powers and perform the duties of a Pradeshiya Sabha under this Act, and

(*b*) give such directions as may be necessary for constituting for that Predeshiya Sabha area, a new Pradeshiya Sabha consisting of a larger or a smaller number of members, as to him may seem expedient.

(6) Where the Minister appoints any Special Commissioner or Commissioners under subsection (5), all the property and the rights under contracts and all the powers vested in the Pradeshiya Sabha shall be deemed to be vested in such Special Commissioner or Commissioners, and all the liabilities and duties of the Pradeshiya Sabha shall be transferred to and shall be discharged by such Special Commissioner or Commissioners until the end of the period stated in the Order or until the Minister otherwise directs.

(7) Where upon the termination of the administration of the affairs of a Pradeshiya Sabha by a Special Commissioner or Commissioners, a new Pradeshiya Sabha is constituted for that Pradeshiya Sabha area, the new Pradeshiya Sabha shall be the successor of the Special Commissioner or Commissioners, as the case may be.

Breach of by-laws

186. Every breach of a by-law made or deemed by virtue of any written law to have been made under this Act, shall be an offence triable in the manner provided for by the Code of Criminal Procedure Act, No. 15 of 1979, by the Magistrate Court having jurisdiction over the area in which the breach takes place.

Power of Minister when Pradeshiya Sabha make default &c.

187. (1) If at any time it appears to the Minister that any Pradeshiya Sabha is omitting to perform any duty or to carry out any work imposed upon the Pradeshiya Sabha by this Act or any other written law, or that the Pradeshiya Sabha has otherwise made default in the performance of any of its duties or the discharge of any of its responsibilities under this Act or any other written law, the Minister may in writing give notice to the Pradeshiya Sabha that, unless within such time as shall be specified in the notice the Pradeshiya Sabha shows cause to the contrary, the Minister will appoint a person or persons to inquire into and report upon such commission or default to the Minister and to make recommendations as to the measure that should be taken for the purpose of performing such duty or carrying out such work or making good such default.

(2) Where any cause or sufficient cause is not shown by any Pradeshiya Sabha to which notice is given under subsection (1), the Minister shall appoint a person or persons to hold the inquiry referred to in the notice. Such inquiry shall be held as far as practicable in public.

Minister to determine measures to be taken upon receipt of report under section 187.

188. (1) On the receipt of the report of the person or persons appointed to hold an inquiry under section 187, the Minister shall determine what measures shall be taken for the purpose of performing any duty or carrying out any work which the Pradeshiya Sabha has omitted to perform or carry out or in respect of which the Pradeshiya Sabha has made any default, and make in writing an Order requiring the Pradeshiya Sabha within such time as shall be specified in the order to take such measures accordingly, and to raise the funds necessary for the purpose by levying any one or more of the rates or taxes leviable under this Act or by means of a loan.

(2) If a Pradeshiya Sabha fails to comply with an Order made under subsection (1), within the time specified therein, the Minister may in writing appoint some person to take measures specified in the Order, and may in writing fix the remuneration to be paid to such person, and direct that such remuneration and the cost of the measures taken in accordance with the Order of the Minister shall be paid or defrayed out of the Pradeshiya Sabha Fund and that, if necessary, any one or more of the rates or taxes leviable under this Act shall be imposed, or increased, and levied.

(3) For the purpose of carrying out a direction of the Minister under subsection (2), any person appointed under that subsection shall have the power—

(*a*) to impose, or increase, and levy any such rate or tax as may be imposed, or increased, and levied by the Pradeshiya Sabha affected by such direction ; and

(*b*) to sign and issue a cheque or an order of payment for the withdrawal of and to withdraw, any sum from the Pradeshiya Sabha Fund of the Pradeshiya Sabha,

and he shall, after paying or defraying all sums and expenditure authorized by such direction to be paid or defrayed by him, pay to the Pradeshiya Sabha Fund the surplus, if any, of the moneys received by him in the exercise of his powers under this subsection.

Power of Minister to direct raising of loans.

189. The Minister may direct a person appointed under subsection (2) of section 188 in respect of any Pradeshiya Sabha area, in addition to imposing, or increasing, and levying any rate or tax within the limits of a Pradeshiya Sabha area or in lieu thereof, to raise a loan from the Local loans and Development Commissioners on the security of any rate or tax within its limits for the purpose of performing any duty, or carrying out any work, or making good any default under that section.

Power to certify expenses.

190. The Minister may from time to time certify the amount of the expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed under subsection (2) of section 188 and the amount of any loan, required to be raised for the purposes of defraying the expenses that have been so incurred, or are estimated as about to be incurred, and a certificate of the Minister shall be conclusive as to all matters to which it relates.

Power of Local Loans Commissioners to advance loans.

191. (1) Whenever the Minister under section 188 certifies a loan to be necessary in respect of any Pradeshiya Sabha, the Local Loans and Development Commissioners may lend to the Commissioner of Local Government or the person appointed under subsection (2) of section 188 the amount of such loan on the security of any rate to tax within the limits of that Pradeshiya Sabha area without requiring any other security.

(2) The Commissioner of Local Government or the person appointed under subsection (2) of section 188 may, as security for any such loan referred to in subsection (1) as is obtained for any Pradeshiya Sabha, mortgage any rate or tax in that area, and such mortgage shall have the same effect as if it had been made by that Pradeshiya Sabha.

Recovery of principal and interest from the Pradeshiya Sabha.

192. (1) The principal and interest due in respect of any loan raised for payment of any expenses incurred or to be incurred under this Part within the limits of any Pradeshiya Sabha area shall be deemed to be a debt due from the Pradeshiya Sabha and, in addition to any other remedies, may be recovered in the manner provided by the Local Loans and Development Ordinance.

(2) The surplus of any loan, after payment of such expenses in respect of any Pradeshiya Sabha as are referred to in subsection (1), shall, after that surplus is certified by the Minister, be paid to the Pradeshiya Sabha Fund.

Delegation of powers or duties of Commissioner of Local Government to Assistant Commissioner.

193. Any power, duty or function vested in or imposed on or assigned to the Commissioner of Local Government by or under this Act, may be exercised, performed or discharged by any Assistant Commissioner generally or specially authorized thereto in writing by the Commissioner, subject to the direction and control of the Commissioner, for such period and to such extent, if any, as may be specified in such written authority.

Minister's power to call for and inspect any book or document of a Pradeshiya Sabha.

194. The Ministry may in writing direct the Chairman of a Pradeshiya Sabha to transmit to him for inspection any such book or document as relates to any affairs of that Pradeshiya Sabha.

11—C 094617 (86/12)

Power to make recommendations as to policy.

195. The Minister or the Commissioner may—

(*a*) bring to the notice of any Pradeshiya Sabha any measure which, in the opinion of the Minister or the Commissioner, ought to be taken within the area administered by the Pradeshiya Sabha in the interest of public health or safety ; or

(*b*) bring to the notice of any Pradeshiya Sabha any general question of administrative policy as to which it is desirable, in the opinion of the Minister or the Commissioner, that the Pradeshiya Sabha should co-ordinate its policy with the administrative policy generally in force in Sri Lanka or in any part of Sri Lanka.

Power of Minister and Commissioner.

196. (1) The Minister or the Commissioner or any person generally or specially authorized in that behalf by the Minister or the Commissioner may—

(*a*) inspect any public building, immovable property or institution, used or occupied by, or under the control of, a Pradeshiya Sabha or any work in progress under the direction of the Pradshiya Sabha ;

(*b*) call for, inspect, or take charge of, any books or documents in the possession, or under the control of, the Pradeshiya Sabha ;

(*c*) require any person entrusted with, or having dominion of, any money or property or any Pradeshiya Sabha, to produce such money or property for inspection or verification ;

(*d*) inqure into any matter pertaining to the administration of the Pradeshiya Sabha or the exercise of the powers and the performances of the duties and functions, by the Pradeshiya Sabha under this Act or any other law ;

(*e*) require any Pradeshiya Sabha to furnish statements, accounts, reports or copies of documents relating to the Pradeshiya Sabha or any committee therefor.

(2) Any person who neglects or refuses to produce any books, documents, moneys or properties or to furnish any statements, accounts, reports or copies of documents when required to do so under subsection (1) shall be guilty of an offience and shall be liable on conviction to a fine not exceeding one hundred rupees and a further fine not exceeding fifty rupees per day for each day during which such offence is continued after such conviction.

Additional powers of Commissioner.

197. The Commissioner or any officer authorized in that behalf shall, within the limits of a Pradeshiya Sabha area have the same powers and authority required for the due exercise and discharge of their respective powers and functions as officers of the Pradeshiya Sabha :

Provided that the Commissioner or authorized officer shall, in the exercise and discharge of their powers and functions under this section, act in consultation with the Chairman of that Pradeshiya Sabha.

Naming of road or path.

198. The Minister shall, either of his own motion or on application made in that behalf by a Pradeshiya Sabha, determine the name by which any road or path in the Pradeshiya Sabha area shall be known and in like manner alter at any time the name of any road or path.

PART VIII

General

Recovery of charges and expenses

Power of Pradeshiya Sabha on default made by owner or occupier to execute works and recover expenses.

199. Whenever under the provisions of this Act or any other enactment, or any by-law, rule, or regulation made thereunder, a Pradeshiya Sabha requires any work to be executed by the owner or occupier of any house, building, or land, and default is made in the execution of such work, the Pradeshiya Sabha, whether or not any penalty is provided for such default, may cause such work to be executed, and the expenses therein incurred by the Pradeshiya Sabha shall be paid by the person by whom such work ought to have been executed, and shall be recoverable as provided by this Part.

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

200. (1) If the person making any default referred to in section 199 is the owner of the house, building, or land the Pradeshiya Sabha may, by way of additional remedy, whether or not an action or proceeding has been brought or taken against such owner, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the house, building or land under such owner.

(2) The whole or any part of any expense referred to in subsection (1) shall, in default of payment by the occupier on demand, be levied by distress of the goods and chattels of such occupier.

(3) Where any sum in respect of expenses incurred by the Pradeshiya Sabha is paid by or recovered from the occupier under subsection (1) or subsection (2), the occupier shall be entitled to deduct such sum from the rent payable by him to the owner and to retain possession of the house, building, or land until such sum is fully reimbursed to him.

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

201. (1) No occupier of any house, building, or land shall be liable to pay more money in respect of any expenses charged by this Act or any other enactment, or any by-law, rule, or regulation made thereunder, on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice to pay the same to his landlord has accrued, and becomes payable by him, unless he neglects or refuses, upon application made to him for that purpose by the Pradeshiya Sabha, truly to disclose the amount of his rent and the address of the person to whom such rent is payable.

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

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

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

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

(2) The owner of any house, building, or land shall not be entitled to eject the occupier thereof until any expenses incurred by the occupier under subsection (1) shall have been fully paid or deducted as provided by that subsection.

Obstruction by occupiers.

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

Remedy if neither the owner nor occupier pays the expenses.

204. If neither the owner nor the occupier of any house, building, or land pays the expenses incurred by the Pradeshiya Sabha, the amount of the expenses shall be a charge upon the house, building, or land in respect of which the expenses were incurred, and payable as a debt due to the Pradeshiya Sabha.

Determination and recovery of damages, costs &c.

205. Except as herein otherwise provided, in all cases where damages, costs or expenses are payable under the provisions of this Act or any other enactment, or of any by-law or rule made thereunder, the amount, in case of dispute, and, if necessary, the apportionment of the same, shall be ascertained and determined by the Magistrate's Court having local jurisdiction upon application being made to such Court in that behalf by the Pradeshiya Sabha or any person to whom such damages, costs or expenses is due.

Recovery of damages.

206. If the amount of damages, costs or expenses determined by the Magistrate under section 205 is not paid by the person liable to pay the same within seven days after demand, the default may be reported to such Magistrate and the amount thereof shall be recovered in the same manner as if it was a fine imposed by such Magistrate.

Recovery of expenses on account of improvement to private property.

207. Where a Pradeshiya Sabha incurs any expenses executing any of the works or performing any of the acts which under this Act or any other enactment, or any by-law or rule, made thereunder, the owner of any house, building or land is required to execute or perform, the Sabha may either recover the amount of such expenses in the manner provided by section 205, or, if it thinks fit, may accept any undertaking given by the owner for the payment by instalments of such sums as will be sufficient to defray the whole amount of the expenses, with interest thereon at the rate of nine *per centum* per annum, within a period not exceeding five years and such sums when due may be recovered by the same process by which rates payable under this Act may be recovered.

PAYMENT OF COMPENSATION

Pradeshiya Sabha may make compensation out of Pradeshiya Sabha Fund.

208. A Pradeshiya Sabha may pay compensation out of the Pradeshiya Sabha Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Pradeshiya Sabha, its officers, or servants under and by virtue of this Act, or any by-law made thereunder.

Determination and payment of compensation

209. Except as herein otherwise provided, in all cases where compensation is by this Act, or by any by-law made thereunder, directed to be paid, the amount and, if necessary the apportionment of such compensation in case of dispute, shall be determined in the same manner as a claim for damages, costs or expenses under section 205, and the provisions of that section shall, with the necessary modifications, apply to the determination of all questions under this section.

PROCEDURE AND LEGAL PROCEEDINGS

Service of notices.

210. (1) Any notice, order or other document required or authorized to be served under this Act, or any by-law made hereunder, may be served by delivering the document to or at the residence of the person to whom it is addressed, or when addressed to the owner or occupier of any premises, by delivering the document or a true copy thereof to some person on the premises, or if there is no person on the premises who can be served, by affixing the document on some conspicuous part of the premises.

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

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

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

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

Offence to be tried by Magistrate.

212. Every offence under this Act shall be triable summarily by the Magistrate having local jurisdiction, and any penalty prescribed by this Act may be imposed by such Magistrate, notwithstanding that such penalty may exceed the limits placed on his jurisdiction by any other written law.

Limitation of prosecution.

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

No action to be instituted against a Pradeshiya Sabha until after one month's notice nor after six months after cause of action.

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

(2) Every action referred to in subsection (1) shall be commenced within six months after the accrual of the cause of action and not thereafter.

(3) If any person to whom notice of action is given under subsection (1) shall before action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought, and the defendant shall be entitled to be paid his costs by the plaintiff.

(4) If no tender of amends is made under subsection (3), it shall be lawful for the defendant by leave of the Court before which such action is pending, at any time before issue is joined, to pay into Court such sum of money as he may think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

(5) Upon the trial of any action referred to in subsection (1) the plaintiff shall not be permitted to prove any cause of action other than the cause of action stated in the notice given by him under that subsection; and unless such notice be proved, the Court shall find for the defendant.

Protection of Pradeshiya Sabha and its officers.

215. (1) No matter or thing done and contract entered into by any Pradeshiya Sabha, and no matter or thing done under the direction of any Pradeshiya Sabha by any member or officer of such Pradeshiya Sabha or by any other person whomsoever, shall, if the matter or thing so done or the contract so entered into was done or entered into bona fide for the purposes of this Act or any other enactment relating to the powers and duties of a Pradeshiya Sabha, or any by-law, or rule made thereunder, subject to any member of the Pradeshiya Sabha or any such officer or other person, in his private capacity, to any action, liability, claim, or demand whatsoever; and any expenses incurred by any such Pradeshiya Sabha or by any member, officer, or other person acting as aforesaid, shall be borne and repaid out of the Pradeshiya Sabha Fund.

(2) Subject and without prejudice to any other powers, a Pradeshiya Sabha in any case where the defendant in any action, prosecution, or other proceeding is a member of the Pradeshiya Sabha, or its officer, agent, or servant, may, if it thinks fit, except so far as the Court before which

the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the Pradeshiya Sabha Fund, all or any part of any sums payable by the defendant in, or in consequence of the action, prosecution, or proceedings, whether in respect of costs, charges, expenses, damages, fines, or otherwise:

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

Powers and Responsibilities of Officers

Powers of Pradeshiya Sabha to grant general authorities to its officers.

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

Punishment for obstructing officers of Pradeshiya Sabha.

217. Whoever shall wilfully obstruct any officer of a Pradeshiya Sabha in the performance of any duty or in the exercise of any authority vested in or conferred upon him or by virtue of any of the provisions of this Act, or any other enactment, or any by-law or rule, made thereunder, shall be guilty of an offence, and be liable, upon conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months.

Penalty for misuse of power by officers of Pradeshiya Sabhas.

218. Any officer of a Pradeshiya Sabha who, under pretence of performing any act under the authority of this Act, or any by-law or rule made thereunder, uses any unnecessary violence or causes any vexation or annoyance to any person, shall be guilty of an offence and liable on conviction thereof after summary trial before a Magistrate to a fine not exceeding five hundred rupees.

Officers and servants of Pradeshiya Sabha not to be interested in contracts.

219. (1) No member, or servant of any Pradeshiya Sabha shall, whether directly or indirectly, be concerned or have any financial interest in any contract or work made with or executed for the Pradeshiya Sabha.

(2) If any member, or servant of a Pradeshiya Sabha is concerned or has any financial interest in any such contract or work, he shall be guilty of an offence punishable with a fine not exceeding five thousand rupees, and shall, as the case may be, be disqualified from sitting as a member of the Pradeshiya Sabha or from holding any office or employment under the Pradeshiya Sabha :

Provided, however, that no person being a shareholder of any incorporated company shall be liable to such fine by reason only of any contract between such company and the Pradeshiya Sabha or any work executed by such company for the Pradeshiya Sabha.

Officers and servants of Pradeshiya Sabha to be public servants.

220. Every officer or servant of a Pradeshiya Sabha who is paid out of the Pradeshiya Sabha Fund and every contractor or agent to whom the collection of any tax or of any payment on account of any land or building of Pradeshiya Sabha is entrusted by, or under the authority of a Pradeshiya Sabha and every servant or other person employed by such contractor or agent for the collection of such tax or payment, shall be deemed to be a public servant within the meaning of that term as used in the Penal Code.

REPEAL, TRANSITIONAL ARRANGEMENTS AND MISCELLANEOUS PROVISIONS

Effect of a reference to a Town Council, Village Council or local authority in any written law.

221. A reference in any written law in operation on the date appointed under section 1 of this Act—

(*a*) to a Town Council or a Village Council, shall be deemed to be a reference to a Pradeshiya Sabha ; and

(*b*) to a local authority, shall unless the context otherwise requires, be deemed to include a Pradeshiya Sabha.

Repeal.

222. For the purposes of any Pradeshiya Sabha, the enactments enumerated in the Sixth Schedule hereto shall be repealed as from the date on which such Pradeshiya Sabha is constituted :

Provided that nothing in this section contained shall be deemed to affect or in any way derogate from such of the rights, powers, and duties of the Minister as are not

otherwise expressly provided for in this Act, in respect of principal thoroughfares or any portions thereof situated within the limits of any Pradeshiya Sabha.

Adjustment of questions not provided for.

223. In connexion with the preliminary arrangements necessary for bringing this Act into operation, either generally or with reference to any special matter or matters, either throughout Sri Lanka or in any specified place or area, the Minister, by Order published in the *Gazette*, may issue all such directions as he may deem necessary with a view to providing for any unforeseen or special circumstances, or for determining or adjusting any question or matter, for the determination or adjustment of which no provision or effective provision is made by this Act.

Transitional provision.

224. A member of the First Parliament deemed to be elected for an electoral district composed within the limits of a Pradeshiya Sabha, may attend and address meetings of such Sabha but shall not be entitled to vote on any matter coming up for decision thereat.

Repeal and transitional provisions.

225. (1) The Town Councils Ordinance and the Village Councils Ordinance are hereby repealed.

(2) All by-laws made by a Town Council constituted for a town or by a Village Council constituted for a village area, and deemed, under section 18 (2) (*e*) of the Development Councils Act, No. 35 of 1980 to be by-laws made by a Development Council shall, with effect from the date appointed under section 1 of this Act, be deemed to be by-laws made by the Pradeshiya Sabha constituted for the Pradeshiya Sabha area within which such town or village area was situated.

Interpretation.

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

"annual value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any house, building, land or tenement, if the tenant undertook to pay all public rates and taxes, and if the landlord undertook to bear the cost of insurance, repairs,

maintenance and upkeep, if any, necessary to maintain the house, building, land or tenement in a state to command that rent :

Provided that in the computation and assessment of annual value—

(*a*) the probable annual average cost of such insurance, repair, maintenance, and upkeep shall be deducted ;

(*b*) no allowance or reduction shall be made for any period of non-tenancy whatsoever ;

"Assistant Commissioner", in relation to any Pradeshiya Sabha area, means the Assistant Commissioner of Local Government appointed for that area ;

"Commissioner of Local Government" includes any Deputy Commissioner of Local Government ;

"Co-operative Society" means any society registered under any law for the time being in force relating to such societies ;

"District" means an administrative district ;

"First Parliament" means the First Parliament referred to in Article 161 of the Constitution ;

"fiscal" includes a Deputy Fiscal within the province of the Fiscal ;

"Government Agent" includes an Assistant Government Agent ;

"Grama Seva Niladhari" includes a police vidane ;

"local authority" means a Municipal Council, or Urban Council and includes any Authority created and established by or under any written law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council ;

"Local Loans and Development Commissioners" means the Local Loans and Development Commissioners appointed under section 2 of the Local Loans and Development Ordinance (Chapter 404);

"Local Government Service" means the Local Government Service constituted by the Local Government Service Law, No. 16 of 1974 ;

"river", "road", "thoroughfare" and "canal" shall have the same meaning respectively as in the Thoroughfares Ordinance (Chapter 193).

FIRST SCHEDULE (Section 129)

All fines, penalties and other sums, recovered by a Pradeshiya Sabha or by a Magistrate's Court having jurisdiction over the Pradeshiya Sabha area, in respect of breaches, committed within that area, of the following provisions of written law :—

(1) the by-laws made or deemed by virtue of any written law to have been made under this Act ;

(2) the Nuisance Ordinance ;

(3) all fines and penalties recovered within the administrative limits of the Pradeshiya Sabha area under—

(*a*) the Excise Ordinance ;

(*b*) the Street Collections (Regulation) Ordinance ;

(*c*) the Poisons, Opium and Dangerous Drugs Ordinance ;

(*d*) Food Act, No. 26 of 1980 ;

(*e*) the Pawnbrokers Ordinance ;

(*f*) the Public Performances Ordinance ;

(*g*) the Prevention of Cruelty to Animals Ordinance ;

(*h*) the Local Authorities Elections Ordinance.

SECOND SCHEDULE (Section 129)

1. All stamp duties and fees paid by or recovered from the inhabitants of the Pradeshiya Sabha area under—

(*a*) the Boats Ordinance,

(*b*) the Butchers Ordinance,

(*c*) the Vehicles Ordinance,

(*d*) any other enactment the operation of which is extended to the Pradeshiya Sabha.

2. All stamp duties and fees paid by the inhabitants of the Pradeshiya Sabha area in respect of licences under—

(*a*) the Masters Attendant Ordinance,

(*b*) the Petroleum Ordinance,

(*c*) the Explosives Ordinance,

(*d*) the Firearms Ordinance,

(*e*) the Poisons, Opium, and Dangerous Drug Ordinance,

(*f*) the Public Performances Ordinance.

3. (1) All stamp duties paid by inhabitants of the Pradeshiya Sabha area—

(*a*) as attorney-at-law on certificate of admission under section 2 of the Legal Practitioners Ordinance or on the declaration made under section 4 of that Ordinance :

(*b*) as notaries, on warrants, certificates and declarations issued under sections 3, 27 and 28 of the Notaries Ordinance ;

(*c*) in respect of articles of apprenticeship or upon any contracts whereby any person first becomes bound in order to qualify himself as a notary ;

(*d*) as pawnbrokers, on licences issued under section 3 of the Pawnbrokers Ordinance.

(2) Such portion of the stamp duty on the annual certificate issued under section 3 of the Legal Practitioners Ordinance to an inhabitant of the Pradeshiya Sabha area, being an attorney-at-law, as is equivalent to the stamp duty which was payable on such certificate on September 15, 1960.

4. All stamp duties paid under the Stamp Duty Act, No. 43 of 1982, in respect of transfers, mortgage bonds, gifts and leases affecting any land situated within the administrative limits of the Pradeshiya Sabha area.

THIRD SCHEDULE (Section 141)

Form of Notice of Assessment

Pradeshiya Sabha

Office,

..... 19 ....

No. .....

To .....

Take notice that by virtue of the Pradeshiya Sabha Act, the Pradeshiya Sabha has ordered you to be assessed in respect of the undermentioned property at the sums hereunder set forth :—

Property assessed/ extent verified	Annual Value as assessed/extent vertified

Date of service :—

..... day of ....., 19 ....

If you are aggrieved by the assessment for the verfied extent you may lodge your objection at the office of the Pradeshiya Sabha within thirty days from the date of service of this notice. Such objections must be set out on a written statement which must also contain the grounds of the objection.

Chairman,
Pradeshiya Sabha.

FOURTH SCHEDULE (Section 143)

	Rs.	*c.*
For every vehicle other than motor car, motor tricar, motor lorry, motor bicycle, cart, jinricksha, bicycle, tricycle	25	0
For every bicycle or tricycle or bicycle, car or cart—		
(*a*) if used for trade purposes	18	0
(*b*) if used for other thon trade purposes ..	4	0
For every cart	20	0
For every handcart	10	0
For every jinricksha	7	50
For every horse, pony or mule	15	0
For every elephant	50	0

Children's vehicle the wheels of which do not exceed 26 inches in diameter, wheel-barrows, handcrafts used for trade purposes solely within private premises and handcrafts not used for trade purposes are exempted from payment.

In this Schedule, "trade purposes" includes the carriage or transport, in connection with any business or trade and whether for sale or otherwise, of any articles or goods or of any written or printed matter.

FIFTH SCHEDULE (Section 166)

Notice Prior to Seizure and Sale of Immovable Property

Pradeshiya Sabha

Building bearing assessment number .....

To : Occupier of .....

Land known as .....

Whereas the .....rate/tax due on the above mentioned land/building for the period ending ..... 19 ....., has not been paid and movable property which may be seized and sold for the recovery of the said rate/tax has not been found ; you are hereby called upon to pay the aforesaid rate/taxes and costs within a period of 30 days from the date of service of this notice and you are hereby informed that in

default of such payment steps will be taken for the seizure and sale of the building or land in respect of which the rate/tax is due.

.....

Chairman

..... Pradeshiya Sabha

..... Pradeshiya Sabha area

SIXTH SCHEDULE (Section 222)

1. The Contagious Diseases Ordinance, and all enactments passed in amendment thereof.

2. The Northern Province Markets Ordinance, and all enactments passed in amendment thereof.

Annual subscription of Bills and Laws of the Parliament Rs. 150 (Local), Rs. 200 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 1, before 15th December each year in respect of the year following.

SUBJECT & MASTER

CONFIDENTIAL

SRWAYR
CCPC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

14 July 1987

PRIME MINISTER'S MEETING WITH THE PRIME MINISTER OF SRI LANKA

The Prime Minister saw the Prime Minister of Sri Lanka for tea this afternoon. The occasion resembled a game of Happy Families, since Mr. Premadasa arrived with Mrs. Premadasa the Prime Minister's wife, Master Premadasa the Prime Minister's son and Miss Premadasa the Prime Minister's daughter (the latter two definitely unexpected). This meant that the conversation was a bit disjointed.

The main subject, on which the whole Premadasa family feel strongly and talk vigorously, was the very unhelpful role being played by India: in failing to put pressure on the Tamils to negotiate, in violating Sri Lanka's sovereignty by sending unnecessary relief supplies without permission and by harbouring the Tamil terrorist command structure in India. The only long term solution was for India to expel the Sri Lanka Tamils. Meanwhile Sri Lanka's development plans were ruined by the need to spend 25% of GNP on defence.

The Prime Minister recalled that the Indians had, at an earlier stage, played a rather helpful role by stopping the shipment of arms. They had every reason to fear the development of separatism in their own country and ought to show understanding for the problems in Sri Lanka. She thought that India must be involved in negotiations to reach a solution and urged Mr. Premadasa to keep this in mind.

Mr. Premadasa had a few comments to make about Sri Lanka's development although none of them were of much moment (and not helped by the fact that he had lost his notes). He applauded our action against bogus asylum-seekers. He had only one concrete proposal to put to the Prime Minister and that was that there should be an attempt at the Commonwealth Heads of Government Meeting by the democratic countries to close ranks against terrorism. He seemed to envisage this as a way of putting pressure on India. The Prime Minister said that we very much supported international co-operation against terrorism. But she was sceptical whether anything more than a general resolution would be likely to emerge from any such discussion at CHOGM.

The Prime Minister complimented Mr. Premadasa on his speech at the reception given by the Sri Lanka High Commissioner on 12 July, and on his work for the International Year of Housing and Shelter for the Homeless. She also thanked him for the generous donation of eyes to the United Kingdom transplant service. Mr. Premadasa recounted how, on a recent visit to Japan, he had donated his father-in-law's eyes for transplant. Miss Premadasa said that it was so marvellous to see her grandfather's eyes in someone else's face. Some of us began to feel squeamish at this point.

The Prime Minister is always generous with her time and it was no doubt a nice family outing for the Premadasas with chocolate cake by courtesy of GHF.

(C. D. POWELL)

Robert Culshaw, Esq., M.V.O.,
Foreign and Commmonwealth Office.

MEETING WITH PRIME MINISTER OF SRI LANKA

1. President Jaywardene
2. International Year of Housing and Shelter for the Homeless
3. Eye donation
4. Security situation in Sri Lanka: need for negotiating, including with India.
5. UN Commission on Human Rights - our support, but need for Sri Lanka to put its case more effectively.
6. Asylum seekers: thanks for help to Mr Waddington
7. Aid programme: rehabilitation of Colombo City power distribution network and Colombo City roads. Support for demonstration Housing Project at Galle.

CALL ON THE PRIME MINISTER BY THE HON R PREMADASA MP, PRIME MINISTER OF SRI LANKA, AT 4.45 PM ON TUESDAY 14 JULY 1987

Our Objectives

(a) To impress on Mr Premadasa that a negotiated settlement to the ethnic conflict in Sri Lanka requires Indian involvement.

(b) To urge that Sri Lanka should respond much more convincingly to allegations of human rights violations.

(c) To show awareness of Mr Premadasa's initiating role in the International Year (1987) of Housing and Shelter for the Homeless (ISYH), and of his donation on 12 July of eyes to the UK Transplant Service.

(d) To confirm, if the subject is raised, that we will be glad to assist with a demonstration housing project at Galle, although it is unlikely that we shall be able to increase our aid while the ethnic conflict continues.

Arguments

(a) Recognise Sri Lankan feelings of outrage at India's violation of Sri Lankan airspace on 4 June. But the Tamil problem can only be resolved with the active support and involvement of the Indian Government. Sri Lankan Government should take full account of the Indian dimension.

(b) Sympathise with need to maintain law and order throughout the country in the face of terrorist attacks. But Sri Lanka needs to make a positive and credible response to charges of human rights abuse by for example Amnesty International. Otherwise, there is a serious risk that Sri Lanka will lose existing support in the International Community and the UK. Need to prevent discrimination against Tamils and win their confidence.

(c) What is needed is not simply denials, but practical steps to

/remedy

remedy faults and implement sensible recommendations.

Tactical arguments

(a) Public, Parliamentary and media concern in Britain about human rights in Sri Lanka is also heightened by effective Tamil propaganda. This shows need for Sri Lanka to present its case better.

(b) International Committee of Red Cross (ICRC) presence would help presentation in Britain and elsewhere.

(c) President's Commission for the Elimination of Discrimination needs to be much more active.

His objectives

(a) To promote the Sri Lankan view that India is to blame for the recent lack of progress in resolving the Tamil problem.

(b) To seek support for Sri Lanka's attempts to defeat Tamil military by military means.

(c) To deny human rights violations.

(d) Perhaps to ask whether the British aid programme to Sri Lanka can be increased, and to ask whether a demonstration housing project at Galle can be financed.

Our response

(a) The fact of India's violation of Sri Lankan sovereignty does not alter India's indispensable role in finding a solution to the ethnic conflict.

(b) Understand need to repress terrorism - but a military solution can never provide a lasting settlement where there is a wide polarisation of views between different communities. Essential to continue efforts to achieve a negotiated settlement.

/(c)

(c) Insufficient to deny abuses without producing hard evidence to support the Sri Lankan Government case - particularly in the face of mounting criticism. Need to demonstrate to the international community that Sri Lanka takes the rights of Tamil subjects as seriously as those of Sinhalese - by preventing undisciplined behaviour by security forces and by investigating charges of human rights violations. Otherwise, international sympathy will evaporate.

(d) Respect for human rights is a clear international obligation on the Sri Lanka Government. Must develop a more credible position than that adopted at last UN Special Session.

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Essential Facts

1. Mr Premadasa's last meeting with the Prime Minister was in May 1986; he has also called on her in April 1983 and in July 1981. The Prime Minister has met Mrs Premadasa before, in London.

2. Mr Premadasa paid a private visit to Britain in April this year (during which he did not request a meeting with the Prime Minister). He later asked for an appointment in early May, probably to seek support for the Sri Lankan Government's response to the atrocities committed by Tamil militants at Easter, but the news of the General Election meant that a meeting could not take place. Despite his low caste, Mr Premadasa is considered to be the most likely successor to President Jayewardene. A personality note is at Annex A.

Reason for visit

3. Mr Premadasa is on a private visit. On the morning of Tuesday 14 July he will inaugurate the 16th Congress of the International Union of Architects and deliver the keynote speech on "Shelter and Cities - Building Tomorrow's World".

4. 1987 is the International Year of Housing and Shelter for the Homeless (IYSH) - an idea originally proposed by Mr Premadasa at the United Nations. As Minister of Local Government, Housing and Construction, Mr Premadas has sought to extract maximum domestic political capital from IYSH. He is the prime mover behind draft legislation for the creation of new rural district councils, ostensibly to increase local autonomy but with extensive powers reserved for the Minister. His tactics appear to be to play to grass roots opinion, as well as cultivating the Buddhist clergy, and thereby to turn his low caste to political advantage. A background note on aid and on British Council activities in Sri Lanka for IYSH is at annex B.

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11. Mr Premadasa has been consistently outspoken in his criticism of India's "interference" in Sri Lankan affairs. He was a leading critic of the gift of US$3.2 million to the Sri Lankan Tamil militants from Tamil Nadu, and was highly critical of the Indian violation of Sri Lankan airspace on 4 June. He has vociferously criticised his own government's acceptance of Indian relief supplies, thus appealing to popular anti-Indian sentiment. The assessment of our High Commissioner in Colombo is that Mr Premadasa is obsessively mistrustful of the Indian Government, and unwilling to envisage any role for India in settling the Tamil problem.

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14. The Sri Lankan Government have admitted that there is a problem of indiscipline within the secuirty forces, and have made efforts to improve matters: there has been a large reduction in the number of incidents of retaliation or assault against civilians during 1986, compared with the previous year. Other developments show that the Sri Lankans are reacting to Amnesty International's accusations: a 10-member Commission for the Elimination of Discrimination has been appointed by the President (although there is no evidence that it has achieved anything of note so far); the Minister for National Security paid a visit to a number of detention camps accompanied by the media, to publicise conditions and rehabitation programmes; Mr Waddington visited Boosa detention camp during his visit to Sri Lanka in April, and was permitted to talk freely to the prisoners; Amnesty International's allegations were given extensive coverage in the Colombo press.

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Sri Lanka's human rights record, and calling for improvements. The Sri Lankans opposed the resolution and tried to have it dropped on procedural grounds, or amended to be less critical. In the end a consensus text was agreed and no vote was taken. Although Sri Lanka dismissed the motion as 'politically inspired' and 'Indian mischief-making' the episode showed that there is genuine concern about possible human rights abuses in Sri Lanka.

16. Britain's attitude has been to support Sri Lanka as far as possible: Sri Lanka is a friendly, democratic country which voted with us in a UN debate on the Falklands, and with which we have strong historical ties. But the evidence is that criticism of Sri Lanka's performance on human rights will continue to grow unless the allegations of abuses can be properly refuted. The latest Amnesty International report, which was published in June, and which catalogues more instances of disappearances and torture, has come at a time when world sympathy is on Sri Lanka's side, following India's infringement of Sri Lankan sovereignty on 5 June. That sympathy will evaporate if Sri Lanka cannot demonstrate more positively that it does not condone atrocities against its own people, and that it has a genuine commitment to the international agreements on human rights which it has supported.

South Asian Department

Foreign & Commonwealth Office

10 July 1987

PREMADASA, RANASINGHE, MP (UNP)

Prime Minister; Minister of Local Government, Housing and Construction, Minister of Highways; and Leader of the House.

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His wife is from an equally modest background but is a pleasant and capable woman who supports him well and shares his ambitions. Both are vegetarians (but his wife eats fish and eggs), teetotallers and non-smokers. They have one son and one daughter, both attending English public schools.

AID TO SRI LANKA

ESSENTIAL FACTS

Level of Aid

1 Aid to Sri Lanka has, since 1979, been on grant terms. Annual disbursements reached a peak of £32 million in 1983/84 during construction of the Victoria Dam, but with completion of that project fell to £4m last year. Disbursements are projected to rise to £8.9m this year under the regular programme with expenditure of a further £6m from the Aid and Trade Provision.

2 In the event of a political settlement of the ethnic conflict, or if the government demonstrates the will and capacity to embark on a programme of economic adjustment, then there would be a strong case for considering an increase in the current level of aid.

Capital Aid

3 A project identification mission in 1984 considered new proposals to follow the completion of the Victoria project. The following projects have now reached implementation stage:-

a. rehabilitation of Colombo City power distribution network. Three-year project; estimated cost £8.7m;

b. rehabilitation of Greater Colombo Roads. Four-year project; estimated cost £10.36m.

Aid and Trade Provision (ATP)

4 A grant of £5.3m was made in 1984 in connection with the redevelopment of Colombo airport. This is almost fully expended. An ATP element of £16.57m was agreed more recently for the Samanalawewa hydro-electric project of which about £6m will be spent this year.

Technical Co-operation (TC)

5 The largest component of the TC programme is related

to education and training. The main elements are:

i. Training. Some £1.1m is allocated annually to enable Sri Lankan students to come to the UK. There is also a substantial amount of in-country training.

ii. Links. At present there are eight "link" programmes operating between universities in the UK and Sri Lanka.

iii. Language teaching. There is a major Key English Language Teaching project which includes support for the recently-established Higher Institute of English Education. The long-term aim of the programme is to help implement the Government's objective of developing English as a national language.

6 Another substantial element in the programme is assistance, totalling £1m over two years, via the Save the Children Fund for relief and rehabilitation work for victims of the communal troubles.

7 In addition to the above, the Tropical Development Research Institute is providing assistance in coconut processing and a new project in the fisheries sector is likely to begin soon. Two further TC projects related to exploitation of the Victoria Dam reservoir are under consideration. We have also agreed in principle to provide assistance, probably in the form of a consultancy, with formulation of the Government's privatisation strategy.

8 Mr Premadasa takes a particular interest in problems of housing and shelter. We have agreed to finance visits by three Sri Lankan officials to attend the conference at which Mr Premadasa will be speaking. We can also agree to meet a request for assistance with a demonstration housing project at Galle.

Eastern Asia Department
Overseas Development Administration
July 1987

INTERNATIONAL YEAR OF SHELTER FOR THE HOMELESS
BRITISH COUNCIL ACTIVITIES IN SRI LANKA

Visitors to Britain

The Council is helping to enable people in Britain to find out more about the housing programme in Sri Lanka.

Visits are being organised for Mr S Sirivardana, General Manager, and Mr K A Jayaratne, Manager of Urban Housing, National Housing Development Authority; Mr A Karunasena, Municipal Assessor Colombo Municipal Council, and Mr T Kumarasinghe of the Sri Lankan Urban Development Authority. All four will attend the XVI Congress of the International Union of Architects at Brighton, convened to mark IYSH. A major speaker at the Conference will be, the Prime Minister of Sri Lanka, Hon R Premadasa.

The Council is also offering funding to Mr A L S Perera the Head of the Town and Country Planning Department of the University of Moratuwa - the only town and country planning department in Sri Lanka - to attend the International Conference on Urban Shelter in Developing Countries, which takes place in London in September 1987.

Visitors to Sri Lanka

During 1987 the British Council office in Colombo is co-ordinating two ODA funded visits, in July and September, by staff from the Development Planning Unit of University College London. The teams are working with the Sri Lankan National Housing Development Authority (NHDA) on the social and administrative aspects of housing development in urban areas. In a series of workshops, with participants from NHDA, local government and local communities, they will explore the problems of providing housing in chosen sites, and prepare action plans.

The Council will also be supervising ODA funded visits by staff of Water and Waste Engineering for Developing Countries, University of Loughborough, who are working with the National Housing Development Authority on the infrastructure of urban settlements, particularly water supply and drainage. They will be providing training for engineers and inspectors of works. For WEDC, International Year of Shelter for the Homeless is the culmination of a ten year programme in Sri Lanka, starting with rural housing programme, and then progressing to the urban settlements.

Both DPU and WEDC will direct their efforts towards housing development in Galle municipality. This reflects ODA's decision to provide £125,000 to Housing Development in Galle, in recognition of International Year of Shelter for the Homeless.

Premadasa Scholarships

The Prime Minister of Sri Lanka has established a scholarship programme for Sri Lankan students to take postgraduate diplomas at the Development Planning Unit, University College London. The British Council's Colombo Office is handling application procedures, as well as co-ordinating final interviews for the candidates. The 1987 scholarship has been awarded to Mr Anura Dasanayake, NHDA.

1 July 1987

cc PC
B/Lp.

Foreign and Commonwealth Office

London SW1A 2AH

13 July 1987

Dear Charles

Copy already down to the PM
CDP 13/7.

Sri Lanka: Call by The Hon R Premadasa MP

I enclose two copies of the briefing for the call on the Prime Minister by the Hon R Premadasa MP, Prime Minister of Sri Lanka, at 4.45 pm tomorrow.

Mr Premadasa, who has met the Prime Minister on a number of previous occasions, will be accompanied by the Sri Lankan High Commissioner, Mr Chandra Monerawela, and by the Prime Minister's Private Secretary, Mr K H J Wijeyadasa.

The brief covers the reasons for Mr Premadasa's visit - that is, to inaugurate the 16th Congress of the International Union of Architects in Brighton, and to make a donation of eyes to the UK Transplant Service.

The call on the Prime Minister is to elicit Britain's support for the Sri Lankan Government policy on the Tamil problem, and to discuss what Sri Lanka sees as the unhelpful attitude of India. The brief therefore concentrates on the question of a solution to the ethnic conflict, and to the overriding need for Sri Lanka to improve its human rights record. There is no sign that the Sri Lankans plan to raise their problems at CHOGM.

A recently published Amnesty International report claims that "disappearances" and torture are continuing to take place in Sri Lanka, and there are growing indications that the international community is not convinced by Sri Lanka's inadequate responses to the allegations.

A copy of Mr Premadasa's programme, and of the Amnesty International report, are enclosed.

Yours ever

(R N Culshaw)
Private Secretary

C D Powell Esq
10 Downing Street

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2 In the event of a political settlement of the ethnic conflict, or if the government demonstrates the will and capacity to embark on a programme of economic adjustment, then there would be a strong case for considering an increase in the current level of aid.

Capital Aid

3 A project identification mission in 1984 considered new proposals to follow the completion of the Victoria project. The following projects have now reached implementation stage:-

a. rehabilitation of Colombo City power distribution network. Three-year project; estimated cost £8.7m;

b. rehabilitation of Greater Colombo Roads. Four-year project; estimated cost £10.36m.

Aid and Trade Provision (ATP)

4 A grant of £5.3m was made in 1984 in connection with the redevelopment of Colombo airport. This is almost fully expended. An ATP element of £16.57m was agreed more recently for the Samanalawewa hydro-electric project of which about £6m will be spent this year.

Technical Co-operation (TC)

5 The largest component of the TC programme is related

to education and training. The main elements are:

i. Training. Some £1.1m is allocated annually to enable Sri Lankan students to come to the UK. There is also a substantial amount of in-country training.

ii. Links. At present there are eight "link" programmes operating between universities in the UK and Sri Lanka.

iii. Language teaching. There is a major Key English Language Teaching project which includes support for the recently-established Higher Institute of English Education. The long-term aim of the programme is to help implement the Government's objective of developing English as a national language.

6 Another substantial element in the programme is assistance, totalling £1m over two years, via the Save the Children Fund for relief and rehabilitation work for victims of the communal troubles.

7 In addition to the above, the Tropical Development Research Institute is providing assistance in coconut processing and a new project in the fisheries sector is likely to begin soon. Two further TC projects related to exploitation of the Victoria Dam reservoir are under consideration. We have also agreed in principle to provide assistance, probably in the form of a consultancy, with formulation of the Government's privatisation strategy.

8 Mr Premadasa takes a particular interest in problems of housing and shelter. We have agreed to finance visits by three Sri Lankan officials to attend the conference at which Mr Premadasa will be speaking. We can also agree to meet a request for assistance with a demonstration housing project at Galle.

Eastern Asia Department
Overseas Development Administration
July 1987

INTERNATIONAL YEAR OF SHELTER FOR THE HOMELESS
BRITISH COUNCIL ACTIVITIES IN SRI LANKA

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The Council is helping to enable people in Britain to find out more about the housing programme in Sri Lanka.

Visits are being organised for Mr S Sirivardana, General Manager, and Mr K A Jayaratne, Manager of Urban Housing, National Housing Development Authority; Mr A Karunasena, Municipal Assessor Colombo Municipal Council, and Mr T Kumarasinghe of the Sri Lankan Urban Development Authority. All four will attend the XVI Congress of the International Union of Architects at Brighton, convened to mark IYSH. A major speaker at the Conference will be, the Prime Minister of Sri Lanka, Hon R Premadasa.

The Council is also offering funding to Mr A L S Perera the Head of the Town and Country Planning Department of the University of Moratuwa - the only town and country planning department in Sri Lanka - to attend the International Conference on Urban Shelter in Developing Countries, which takes place in London in September 1987.

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During 1987 the British Council office in Colombo is co-ordinating two ODA funded visits, in July and September, by staff from the Development Planning Unit of University College London. The teams are working with the Sri Lankan National Housing Development Authority (NHDA) on the social and administrative aspects of housing development in urban areas. In a series of workshops, with participants from NHDA, local government and local communities, they will explore the problems of providing housing in chosen sites, and prepare action plans.

The Council will also be supervising ODA funded visits by staff of Water and Waste Engineering for Developing Countries, University of Loughborough, who are working with the National Housing Development Authority on the infrastructure of urban settlements, particularly water supply and drainage. They will be providing training for engineers and inspectors of works. For WEDC, International Year of Shelter for the Homeless is the culmination of a ten year programme in Sri Lanka, starting with rural housing programme, and then progressing to the urban settlements.

Both DPU and WEDC will direct their efforts towards housing development in Galle municipality. This reflects ODA's decision to provide £125,000 to Housing Development in Galle, in recognition of International Year of Shelter for the Homeless.

Premadasa Scholarships

The Prime Minister of Sri Lanka has established a scholarship programme for Sri Lankan students to take postgraduate diplomas at the Development Planning Unit, University College London. The British Council's Colombo Office is handling application procedures, as well as co-ordinating final interviews for the candidates. The 1987 scholarship has been awarded to Mr Anura Dasanayake, NHDA.

1 July 1987

CALL ON THE PRIME MINISTER BY THE HON R PREMADASA MP, PRIME MINISTER OF SRI LANKA, AT 4.45 pm ON TUESDAY 14 JULY 1987

Essential Facts

1. Mr Premadasa's last meeting with the Prime Minister was in May 1986; he has also called on her in April 1983 and in July 1981. The Prime Minister has met Mrs Premadasa before, in London.

2. Mr Premadasa paid a private visit to Britain in April this year (during which he did not request a meeting with the Prime Minister). He later asked for an appointment in early May, probably to seek support for the Sri Lankan Government's response to the atrocities committed by Tamil militants at Easter, but the news of the General Election meant that a meeting could not take place. Despite his low caste, Mr Premadasa is considered to be the most likely successor to President Jayewardene. A personality note is at Annex A.

Reason for visit

3. Mr Premadasa is on a private visit. On the morning of Tuesday 14 July he will inaugurate the 16th Congress of the International Union of Architects and deliver the keynote speech on "Shelter and Cities - Building Tomorrow's World".

4. 1987 is the International Year of Housing and Shelter for the Homeless (IYSH) - an idea originally proposed by Mr Premadasa at the United Nations. As Minister of Local Government, Housing and Construction, Mr Premadas has sought to extract maximum domestic political capital from IYSH. He is the prime mover behind draft legislation for the creation of new rural district councils, ostensibly to increase local autonomy but with extensive powers reserved for the Minister. His tactics appear to be to play to grass roots opinion, as well as cultivating the Buddhist clergy, and thereby to turn his low caste to political advantage. A background note on aid and on British Council activities in Sri Lanka for IYSH is at annex B.

/Eye

Eye donation

5. Over the last ten years Sri Lanka has built up a considerable reputation in the region as a donor of human tissue, particularly to Japan. The UK Transplant Service has arranged to receive a donation of eyes, to be used in grafting operations, from Mr Premadasa at a reception on Sunday 12 July.

Security situation

6. On 26 May, in response to pressures within Sri Lanka for decisive action against the Tamil separatists, the Sri Lankan Government began military operations in the Jaffna peninsula, the main militant stronghold. The offensive, known as "Operation Liberation", ended in June after the Sri Lankan security forces had retaken a limited area of territory in the peninsula known as Vadamarachchi.

7. There are still no reliable casualty figures for Operation Liberation: Sri Lanka claims that fewer than 50 civilians were killed; Indian statements speak of the hundreds. Indian sources have accused the Sri Lankan Air Force of the indiscriminate bombing of civilians, and the use of incendiary devices, all of which Sri Lanka has denied.

8. The incidence of fighting in the Peninsula is now much reduced, but militant activity has not been eliminated. In the east, there have been a number of clashes between the security forces and the militants. Elsewhere in Sri Lanka the situation is relatively quiet. KMS, the British firm which has been training the Sri Lankan Commando Unit, the Special Task Force, and has frequently been accused by India or participating in military operations, was not involved in Operation Liberation.

9. The Sri Lankans have denied that they had any intention to take the town of Jaffna, but it seems clear that the offensive achieved less than they had hoped for, and less than the Indians feared: the taking of Jaffna town, or the capture or Prebhakharan, the leader of the predominant Tamil group, would certainly have been a major feat,

/but

but might well have provoked stronger reaction from India.

10. It was the success of Operation Liberation and the reports of starvation among the Tamil people of Jaffna which prompted the Indian Government to send relief supplies, first abortively by sea, then successfully by air, to the peninsula. The Sri Lankan Government denied that the supplies were needed but agreed to accept them as a gesture of goodwill; the two governments have now reached agreement on how further relief supplies should be distributed, and the first deliveries have arrived.

11. Mr Premadasa has been consistently outspoken in his criticism of India's "interference" in Sri Lankan affairs. He was a leading critic of the gift of US$3.2 million to the Sri Lankan Tamil militants from Tamil Nadu, and was highly critical of the Indian violation of Sri Lankan airspace on 4 June. He has vociferously criticised his own government's acceptance of Indian relief supplies, thus appealing to popular anti-Indian sentiment. The assessment of our High Commissioner in Colombo is that Mr Premadasa is obsessively mistrustful of the India Government, and unwilling to envisage any role for India in settling the Tamil problem.

Human Rights

12. In September 1986 Amnesty International published a report called "Sri Lanka: Disappearances" which contained a large number of testimonies and allegations about extra-judicial killings, the torture of detainees at the hands of the security forces, ,and over 250 cases of "disappearances". The Sri Lankan Government criticised Amnesty International's findings as unproven and challenged Amnesty International to submit its accusations to scrutiny by the Sri Lankan courts. That report which made a number of practical recommendations, as yet not implemented, has been followed by others, most recently in June. British TV carries reports which are pretty damaging to Sri Lanka.

13. As well as Amnesty International, the British Refugee Council and International Alert have campaigned against abuses of human

/rights

rights in Sri Lanka, and have urged the Government to allow any Tamil asylum-seekers to take refuge in Britain; the Madras-based organisation PROTEG (Organisation for the Protection of the Tamils of Eelam from Genocide) sends frequent appeals, along with reports of atrocities. The United States Committee for Refugees has recently reconsidered the Tamil question, but without reaching any firm conclusion on whether the Government of Sri Lanka is actively persecuting the Tamils or merely failing to afford them adequate protection. While it is difficult to assess the truth of the allegations against the Sri Lankan Government, there is no doubt that a growing body of opinion in Britain and overseas believes that Tamils who seek refuge outside Sri Lanka are genuinely fleeing for their lives.

14. The Sri Lankan Government have admitted that there is a problem of indiscipline within the secuirty forces, and have made efforts to improve matters: there has been a large reduction in the number of incidents of retaliation or assault against civilians during 1986, compared with the previous year. Other developments show that the Sri Lankans are reacting to Amnesty International's accusations: a 10-member Commissioner for the Elimination of Discrimination has been appointed by the President (although there is no evidence that it has achieved anything of note so far); the Minister for National Security paid a visit to a number of detention camps accompanied by the media, to publicise conditions and rehabitation programmes; Mr Waddington visited Boosa detention camp during his visit to Sri Lanka in April, and was permitted to talk freely to the prisoners; Amnesty International's allegations were given extensive coverage in the Colombo press.

15. The Sri Lankan Government have already shown themselves to be extremely sensitive on the subject of their human rights record; they reacted defensively to fairly sympathetically worded paragraph in a memorandum accompanying the Secretary of State's speech to the UN last year. In March 1987, at the 43rd session of the UN Commission on Human Rights Argentina and Norway, with Indian backing, co-sponsored a resolution expressing mild criticism of

/Sri Lanka's

Sri Lanka's human rights record, and calling for improvements. The Sri Lankans opposed the resolution and tried to have it dropped on procedural grounds, or amended to be less critical. In the end a consensus text was agreed and no vote was taken. Although Sri Lanka dismissed the motion as 'politically inspired' and 'Indian mischief-making' the episode showed that there is genuine concern about possible human rights abuses in Sri Lanka.

16. Britain's attitude has been to support Sri Lanka as far as possible: Sri Lanka is a friendly, democratic country which voted with us in a UN debate on the Falklands, and with which we have strong historical ties. But the evidence is that criticism of Sri Lanka's performance on human rights will continue to grow unless the allegations of abuses can be properly refuted. The latest Amnesty International report, which was published in June, and which catalogues more instances of disappearances and torture, has come at a time when world sympathy is on Sri Lanka's side, following India's infringement of Sri Lankan sovereignty on 5 June. That sympathy will evaporate if Sri Lanka cannot demonstrate more positively that it does not condone atrocities against its own people, and that it has a genuine commitment to the international agreements on human rights which it has supported.

South Asian Department

Foreign & Commonwealth Office

10 July 1987

PREMADASA, RANASINGHE, MP (UNP)

Prime Minister; Minister of Local Government, Housing and Construction, Minister of Highways; and Leader of the House.

Sinhalese Buddhist, of the low Hinna caste. Born 1924. Educated Sri Lanka. Entered politics via local government. Joined UNP 1953. Colombo Municipal Councillor 1950-9 and 1961-5. Deputy Mayor 1955-6. Elected third MP for Colombo Central March 1960 but defeted July 1960. Won back his seat 1965. Parliamentary Secretary, Ministry of Local Government March 1965-8. Minister of Local Government 1968-70. First MP for Colombo Central 1970. Elected Deputy Leader of the UNP just before the 1977 elections. Has paid several visits to London.

A tough, professional politician who has fought his way to the top in UNP politics, in spite of his low caste and poor family background. He has a reputation as a 'doer', but is also a formidable parliamentary debater and an extremely effective public speaker, particularly in Sinhala. As Prime Minister under the 1978 Constitution he is not Head of Government, does not preside over Cabinet nor appoint Cabinet Ministers. Premadasa concentrates his whole energies on his ministerial portfolio, particularly his ambitious housing programme, which he sees as an important means of building up his own political power in the country. He is singularly lacking in an understanding of financial and economic matters and, although he enjoys foreign tours and atendance at major conferences, especially the UN and the CHOGM, he has displayed much ineptitude and naivete in the sphere of foreign affairs. He is an extremely ambitious man, a considerable self-publicist and full of his own importance, though personally agreeable unless he thinks he has been slighted. There have been many indications of a rift between the President and Premadasa; nevertheless his efforts during the 1977 election campaign helped substantially towards the sweeping victory of the UNP and he gave strong and valuable support to J R Jayewardene in the 1982 presidential election and the subsequent referendum.

His wife is from an equally modest background but is a pleasant and capable woman who supports him well and shares his ambitions. Both are vegetarians (but his wife eats fish and eggs), teetotallers and non-smokers. They have one son and one daughter, both attending English public schools.

AID TO SRI LANKA

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1 July 1987

Prime Minister
You may like to have this to hand when you see Mr. Premadasa. & thank him for what he says about our friendship CDD.

ADDRESS OF THE HON. R PREMADASA
PRIME MINISTER AT THE RECEPTION
HOSTED BY THE SRI LANKA HIGH COMMISSIONER
IN LONDON ON SUNDAY 12 JULY 1987
AT THE INTER-CONTINENTAL HOTEL

Mr. High Commissioner
Mrs. Monerawela
Your Excellencies
Ladies and Gentlemen.

Mrs. Premadasa and I are extremely happy to be with you today. All of you - Sinhalese, Tamils, Muslims, Burghers - represent the Sri Lankan community. Many of you have made the United Kingdom your new home. Some of you are living here temporarily working or studying. Whatever it is you are all children of Mother Lanka. I have no doubt that your heart is in Sri Lanka even though you are so far away from home.

Here in Great Britain, you are having a home away from home. I say so because the ties we have with this great country have been long, strong and abiding. Our relationships quite naturally started with confrontation. That was during the days of British colonialism. But, with the passage of time, we grew to understand each other. We realized each other's social, political and cultural aspirations. The end-result was an abiding friendship. So much so that even after Independence, Sri Lanka chose to continue connections with Great Britain by joining the Commonwealth. Sri Lanka has also retained the Parliamentary system of Government. However, we have now adapted this democratic system of Government to suit the needs of our times. The English language yet remains the sole medium of International contact in Sri Lanka.

The United Kingdom, on her part, has always helped to strengthen these mutual ties. Since Independence we have had the privilege of welcoming to Sri Lanka Her Majesty the Queen and the Hon. the Prime Minister of Great Britain. The Victoria Reservoir of the Accelerated Mahaweli has been funded by the United Kindgom.

Dear Friends.

We are therefore, proud of this friendship. It is our duty to further strengthen these good relations. There are a few misguided

Sri Lankan expatriates. They are out to destroy these good relationships. It is your duty to prevent it. You can, with just a little effort, counter their vicious campaigns. We are thankful to the U.K.Government for upholding the unity, sovereignty and the territorial integrity of Sri Lanka. As sons and daughters of Sri Lanka, you may be longing to know from me what is really happening in our country. Actually, almost everyday Sri Lanka receives front page attention in the international press.

As you all know, ours was a peaceful country where people of various races and religions lived in perfect harmony. They loved each other. They respected each other's political, religious and cultural identity. Then, terrorism raised its ugly head. Terrorists, as seen all over the world, have no regard for culture or religion or human rights - or for anything that is valued in human society. They are plain criminals or gangsters. They murder for the love of it. They care not whether their victims are infants, women, innocent workers or pious clergy. But, what is strange is that there are some who call them boys, militants, guerillas, freedom fighters and what-not? Who is calling them by these names? Naturally, they are the people who support them. Why are they supported? For support in return. Why do those supporters need the return support of the terrorists? That is the big question.

You will agree that terrorism has become a global menace. It is a threat to the democratic world and the democratic way of life. Those of us who cherish democratic ideals should refrain from supporting, sheltering and encouraging terrorism. All the democratic nations and countries in the world should unite, close ranks and join hands to demolish and destroy terrorism whether it be national or international. All peace loving nations who cherish democratic ideals and those who value fundamental human rights and freedoms must pool their resources to fight the common enemy - terrorism. As a first step, developed countries must curb arms sales to the terrorists. They must exercise vigilance on the movements of terrorists, their sources of funds and supplies. As small countries like Sri Lanka find it difficult to combat terrorism without international assistance, a fund should be established for the purpose.

Sri Lanka, since 1977, has been on the path of rapid social and economic development. We liberalized our economy. Foreign investors flocked in. A wide range of industries were established. This led to an increase in our per capita income far beyond that of many developing countries. It provided employment to more and more. We tapped the potential of the Mahaweli river and many other river basins.

Our country began to approach self-sufficiency in our staple food items. We were fast producing enough hydro-electric energy for our needs. We were opening up new lands for agriculture and settlement.

We began a most ambitious housing programme. After housing a hundred thousand families, we are now fast moving towards a target of a million houses. Our people were beginning to feel secure and satisfied. We have always followed a non-aligned foreign policy.

Now, there are those who are envious of all this. They found our foreign policy an irritant. Some of them felt that we should have towed their line. They found our economic progress something to be jealous about. They found our political stability a thorn on their back. The reaction is too obvious - They thought Sri Lanka must be destabilized.

On the subject of terrorism in Sri Lanka, let me tell you, that it is fed and nurtured in India and more particularly in the State of Tamil Nadu. All these years, the Indian authorities denied it. They denied it despite the revelations made by their own Press. Later, they admitted the pressure brought about by these terrorist leaders on Indian soil. They invited them to talks at official level. They also took some of them into temporary custody along with their guns and mortars. Apart from all this, the terrorists themselves have declared that India is their foster-mother. Living up to that relationship the Chief Minister of Tamil Nadu made a cash donation amounting to Thirty Million Indian Rupees to the LTTE. This is the main Sri Lankan terrorist group.

Dear Friends,

There has never been any starvation in Sri Lanka - not in living memory. Have you ever heard of food shortages in the Jaffna area? Despite the obstacles placed by the terrorists, our Government has kept

the people of the North and East well-supplied with food, medicine and other essentials. The recent embargo on fuel supplies to the Jaffna peninsula was meant to cripple terrorist activities. The ordinary citizens of the peninsula were given enough kerosene for their home use. Fuel for public transport was available freely. Under no stretch of imagination can one say that petrol, diesel or kerosene is food. But a prejudiced mind can make it so. So, my friends, we experienced the latest episode of a food-drop from the air. That was a naked violation of Sri Lankan air space. By whom? By the Government of India. The whole world is now asking the question - How can this great culture of the Rig Veda produce a power-hungry policy, seeking to destroy neighbours? Where is the non-violence of Mahatma Gandhi? Where is the vision of peace of Tagore? Where is the magnanimity of Jawaharlal Nehru? What a path have the successors to the heritage of these great men chosen?

You might have read in the world press the most unambiguous criticism of that high-handed act by India. I will tell you exactly what happened. The Indian Government suddenly decided that the people of Jaffna were starving. They forgot for a moment that the starving millions were in their own country. The Indian Government decided to force-feed the already well-fed people of Jaffna. So, the Indian Government informed the Government of Sri Lanka on 1st June 1987, that they will be shipping food supplies to Jaffna on 3rd June. They wanted the Sri Lankan Government to help in the distribution. Well, we replied that we have enough food. We said we don't need Indian food. If India insists in being so generous the matter could be discussed with our officials so that the modalities could be arranged.

When a big bully wants to force a bun down a small boy's throat, he doesn't discuss modalities with the little fellow. Similarly, India sent a convoy of food barges on the 3rd of June. Our Navy stopped them from entering our waters. Of course, the barges had to go back. This bully felt insulted. The very next day, after informing our High Commissioner in India a mere hour earlier, the Indian Air Force escorted by Mirage 2000 fighters para-dropped some 22 to 23 tonnes of supplies on Sri Lankan territory. This was nothing short of a brazen invasion. The whole world was shocked. Hasn't the Government of India painted a picture that appeared to support terrorism more openly?

I cannot do better than tell you what Indian papers themselves said about this high-handed act of the Indian Government.

The ONLOOKER of June 16-30, 1987 in its Cover Story said,

"The facade is off at last. India has moved from its publicly self-proclaimed role of a mediator in the Sri Lankan conflict to the position of a protagonist".

A.S Yeong writing to the News Focus of June 14, 1987 had this to say,

"Though Tamil civilians have suffered as a result of the separatist war, the carpet bombing and widespread starvation which India claims are endemic in the Jaffna peninsula appear to be highly exaggerated.

This leads one to suspect that India might well have acted for reasons of its own. One can guess what these are.

Domestic political pressure, chiefly from the powerful Tamil lobby within India, must have been an important factor.....

At the same time, however, it must be obvious that if Sri Lanka had some measure of a credible defence, the Indians would not have been able to get away so easily".

A centre page article in the "Indian Express" written by one of its former Editors - Mulgaokar - described "India's foreign policy as that run by juvenile delinquents who are in a hurry for India to be accepted as the Super Power of South Asia.....

He adds:

"Indian Prime Minister Rajiv Gandhi has to make a play for glory by scaring the wits out of India's small neighbour Sri Lanka, unmindful of the repercussions it has caused in the neighbourhood....".

In a very revealing article published in the "Current" of June 20 1987, the following appears. Incidentally, the "Current" is a weekly journal founded by the famous D.F.Karaka.

> "...the Indians now hang their heads in shame after the recent handling of Sri Lanka by violating its sovereignty and air space.....Instead of India having an Indian policy towards Sri Lanka, it has opened itself to pursuing a Tamil policy towards Sri Lanka.....
>
> "The strategic situation in Sri Lanka would not have become so acute but for the patronage of separatist terrorism by the State of Tamil Nadu.....
>
> "The (Indian) Foreign Office is now run by clowns and jokers.....
>
> There is anguish, disappointment and disgust all around. Have we been reduced to a power which can only show its strength by raping the sovereignty of a small defenceless neighbour?"

I can quote more, but what I have already quoted is quite sufficient to guess what Indian public opinion is about this entire shameful episode.

I can imagine what you, my friends from Sri Lanka, would have felt when you first heard of it. It is your duty to help us to put the record straight.

As you yourselves know, there is no starvation anywhere in Sri Lanka. The people of all races are living in exemplary amity. It is only in the North and the East that the Tamil terrorists are not tolerating any other community. They are not even tolerating the sober-minded among their own people. Please remember, and tell your friends here, that the majority of the Tamil people live not in the Jaffna peninsula, but in the rest of the country and among the majority Sinhalese. They are a prospering people, helped and cared for by the Sinhala and Muslim masses.

Mr. Thomas A Marks of the University of Hawaii and former US Military Intelligence Analyst has made certain observations on the Indian Government involvement. I quote -

> "Throughout 1986 and 1987, however, each time the military attempted concerted action against the insurgents, the Indians would step in and pressure Colombo to curtail its offensive"

> "Yet it is clear that Indian involvement has made the situation far worse than it would have been had the principals involved been forced to deal with each other on their own terms in relative isolation"

In an attempt to justify the air-drop various excuses have been given by the Indian Government. It has been said that the air-drop was due to Sri Lanka's flippant attitude. But the whole world knows that we have always stood for a peaceful settlement. In fact we have offered much more than any other Government would have been able to offer.

It has been said that Sri Lanka has been buying time for a military solution. But the truth is that whenever the terrorists were losing ground against the armed forces India bought time for them by bringing pressure on Sri Lanka under various pretexes.

The Government of Sri Lanka is not a totalitarian government. The people are allowed every democratic freedom. We have already accepted nominations for the new local elections that are to be held on August 15th. There is freedom for the people to travel abroad freely - a freedom that was limited in previous years. We cherish the fundamental freedoms we enjoy. We want peace, harmony and brotherhood to return to our country soon. We are for a political solution if the problem is political. But it is not possible to find a political solution in an atmosphere of tension, violence and endless destruction.

This is the policy that has been adopted by our Government Parliamentary Group. In an A.F.P. news report from New Delhi quoted in the World Press on the 10th of July Prime Minister Rajiv Gandhi had said that "there cannot be any kind of talks till the Sikh militants stop fighting and killing people. The bloody violence would have to end first." He had said this in the wake of the killing of 72 Hindus by the Sikh militants in Punjab and Haryana States in India. So, you will see that there is no difference in the policy of India and Sri Lanka. But the trouble is that the Indian Government is adopting double standards - one in respect of their terrorist problem and another in respect of ours. Anyway I hope that the Government of India would realise the truth of this.

We have opened our economy for foreign investment. Repatriation of capital and profits are permitted. The security of your investment and prosperity is ensured. You can come back to Sri Lanka any time and serve the country serving yourself. There is no ceiling on house ownership. We have even raised the ceiling on land ownership to 100 acres.

Dear Friends,

You have a proud and enviable heritage. It is a heritage that goes back to 2500 years and over. Your ancestors were men and women of great courage and patriotism. Let your children too learn about it.

Sri Lanka needs your guidance, your knowledge and your help. Please see to it that the good name of your motherland is not allowed to be tarnished by self-seeking individuals. I am sure you will rise to the occasion. If you are inclined to help the victims of terrorism you are welcome to do so. I have set up the Terrorist Victims Fund to assist those who have made sacrifices to safeguard our independence, sovereignty and territorial integrity.

We shall not betray the trust and confidence placed in our Government by the people of Sri Lanka. We will make every endeavour to preserve the unity, sovereignity and the territorial integrity of Sri Lanka.

Before I close, may I thank you for your presence here, and for the patient hearing you have given me. I should also thank our High Commissioner in the United Kingdom for affording us this opportunity to meet you.

I thank you.



PRIME MINISTER

MEETING WITH THE PRIME MINISTER OF SRI LANKA, 14 JULY

You are to see the Prime Minister of Sri Lanka on Tuesday. Mr Premadasa will be accompanied by his wife.

You know Mr Premadasa quite well. Although nominally Prime Minister, he is not head of government and in practice concentrates on his responsibilities for local government and housing. He is not very experienced in foreign affairs and is violently anti-Indian (to the point of criticising his own government for having accepted Indian relief supplies for the Tamils in the Jaffna peninsula).

Mr Premadasa is on a private visit. Just before meeting you, he will have inaugurated the 16th Congress of the International Union of Architects and delivered the keynote speech: "Shelter and Cities - Building Tomorrow's World". You will recall that 1987 is the International Year of Housing and Shelter for the Homeless - an idea which Mr Premadasa himself originally proposed at the UN. He will be flattered if you mention this. The British Council are contributing by providing experts.

Also while in London he is handing over a donation of eyes to the UK Transplant Service, to be used in grafting operations.

The main subject is bound to be the security situation in Sri Lanka and the action against the Tamils. 'Operation Liberation' in the Jaffna peninsular was probably not as successful as the Sri Lanka government hoped (and claimed) and militant activity goes on. You will want to express sympathy with the difficulties facing the Sri Lanka government and understanding of their need to deal firmly with those who practice violence. But you will also want to repeat our view - shared by President Jaywardene - that a long-term solution will only be found by negotiation. While sharing in the Sri Lanka government's criticism of India's violation of their

airspace, you will need to bring home to him that negotiations can only succeed with India's involvement. You hope that President Jaywardene will contiue to search for a satisfactory basis for this.

You will want to recall that we were helpful and supportive of Sri Lanka in the face of an attempt to pass a resolution at the UN Commission on Human Rights in March, criticising Sri Lanka's human rights' record. But you might try to bring home to Mr Premadasa that Sri Lanka is losing the propaganda battle on this issue. It must be more effective in rebutting the charges made by Amnesty International and others.

You might refer in passing to the problem of Tamil asylum seekers. We have done our best to deter the flow. We were grateful for the facilities given to Mr Waddington (and Mr Flesher) during his visit.

You should mention our aid programme. Following completion of the Victoria Dam, we are now working on

- rehabilitation of the Colombo City power distribution network;

- rehabilitatiopn of Colombo City roads.

We have also agreed ATP for the Samanalawewa hydro-electric project. You can tell Mr Premadasa that we shall be glad to help with a demonstration housing project at Galle, although we cannot increase our aid while the troubles persist.

C.D.P.

Charles Powell
11 July 1987

file to

bc. P.C.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

25 June, 1987.

PRIME MINISTER OF SRI LANKA

Thank you for your letter of 23 June about the visit of the Prime Minister of Sri Lanka.

The Prime Minister can see Mr. Premadasa on 14 July at 1645. I should be grateful for briefing nearer the time.

(C.D. Powell)

R.N. Culshaw, Esq., MVO,
Foreign and Commonwealth Office.

(1)

PRIME MINISTER

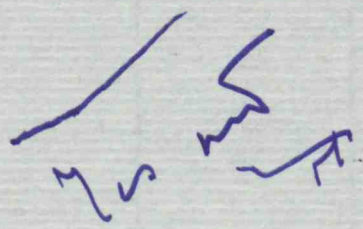
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PRIME MINISTER OF SRI LANKA

Mr. Premadasa has asked whether he could call on you in mid-July. I think you ought to see him, given the current problems in Sri Lanka. You turned him down two years ago. We have identified a slot in the diary.

Agree to see him?

CDP



C. D. POWELL

24 June 1987

CDP

Foreign and Commonwealth Office

London SW1A 2AH

24 June 1987

CDP
24/6

Dear Charles

attlap

I wrote to you on 5 May about a request from the Hon R Premadasa, the Prime Minister of Sri Lanka, for a call on the Prime Minister. Mr Premadasa's visit to the United Kingdom to attend an International Architects Union Conference hs been planned for some time, and he wrote to the Prime Minister in April to ask for an appointment. When the Sri Lankan Government felt the need to lobby for support in Western capitals for their response to the terrorist attacks which took place in Sri Lanka over Easter, Mr Premadasa asked for a call in early May. You will recall that the announcement of the general election effectively preempted this.

We continue to recommend a call. The recent military offensive by the Government against Tamil militants in the Jaffna Peninsula, and the resultant confrontation between India and Sri Lanka, have refocussed public attention on the enthnic conflict. A call by Mr Premadasa would give us the opportunity to express our concern at the continued conflict, our support for the Sri Lankan Government in its fight against terrorism, and our belief in a negotiated settlement. Given the continued press interest and the publication of an Amnesty International report on 22 June alleging further abuses of human rights in Sri Lanka, we are likely to encounter sustained questioning from Members of Parliament and the public. A meeting with Mr Premadasa would also provide an opportunity to register privately the need for the Presidential and Parliamentary Elections to be held on schedule in 1988 and 1989 to refurbish Sri Lanka's democratic credentials. Mr Premadasa is often seen (and certainly sees himself) as the most likely successor to President Jayewardene. We would do well to show him some attention now, and make clear to him our position on Sri Lanka.

We would take steps to ensure that the Indians do not misinterpret Mr Premadasa's call.

You wrote to me on 22 June about a request from Mr Dissanayake, the Sri Lankan Minister for Lands, for a call on the Prime Minister during the week beginning 23 June.

/We

We do not support this request; a call by Mr Dissanayake is less appropriate or important in view of the one by Mr Premadasa. We shall, however, be interested in hearing Mr Dissanayake's views on the Sri Lankan ethnic conflict (and on the motion on South Africa now before the International Cricket Conference). Lord Glenarthur has agreed in principle to see him if a mutually convenient time can be arranged.

/ I attach a draft letter to Mr Dissanayake. If you can agree to a call by Mr Premadasa we shall inform Colombo.

Yours ever

(R N Culshaw)
Private Secretary

C D Powell Esq
No 10 Downing Street

STRICTLY PERSONAL

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

5 May 1987

Robert Culshaw has written to me about the request by the Prime Minister of Sri Lanka to call on the Prime Minister as soon as possible. I do not think that we can decently answer this until we know whether or not there is going to be an election soon. If there is, we shall be cancelling all the Prime Minister's foreign affairs engagements and shall have to propose a call on the Foreign Secretary (or the Lord President). If there is not, we will propose a date. For the time being, the High Commissioner will simply have to say, if pressed, that we are giving urgent consideration to the matter.

C.D. POWELL

A.C. Galsworthy, Esq., CMG,
Foreign and Commonwealth Office.

STRICTLY PERSONAL

CONFIDENTIAL

CCAC

Foreign and Commonwealth Office

London SW1A 2AH

5 May 1987

Dear Charles,

Your letter of 21 April enclosed a copy of one from Mr Premadasa, Prime Minister of Sri Lanka, in which he requested a call on the Prime Minister in July. This has now been overtaken by Mr Premadasa's wish (reported in Colombo telegram number 209, copy enclosed) for an appointment with the Prime Minister in May, preferably as early as possible. The telegram says that Mr Premadasa may also visit France, the Federal Republic of Germany and perhaps the US.

The Foreign Secretary recommends that the Prime Minister should agree to see Mr Premadasa as soon as her diary permits. She has seen him at least three times in recent years. An early call, when public concern about Sri Lanka is strong, would be a timely expression of support for the Government of Sri Lanka in its efforts to combat terrorism and avert all-out intercommunal violence. It would also be a good opportunity to impress again on the Sri Lankan Government the need for a peaceful negotiated settlement. It would be badly received in Colombo if Mr Premadasa were to be received at a high level in Paris and Bonn, but not in London.

/The

CONFIDENTIAL

The purpose of the visit is plainly to explain the Sri Lankan reaction to the recent terrorist outrages and probably to seek our practical help in some way. The Sri Lankans are highly critical of the way the Government of Tamil Nadu has offered humanitarian aid to the Tamils in Jaffna and some like Mr Premadasa (though probably not the President) are becoming hostile to Indian attempts to promote a political settlement. Fortunately the Government have succeeded in containing popular Sinhala reaction to the recent outrages but, as the EC indicated earlier this week, a military solution is not the route to an acceptable peaceful settlement.

If the Prime Minister approves the Foreign Secretary's recommendation, we would propose to alert the Indian High Commission. They have already asked us about press reports of such a call and we shall want to minimise the risk of Indian misinterpretation of its purpose.

Yours ever

(R N Culshaw)
Private Secretary

C D Powell Esq
No 10 Downing St

Confidential

GRS 140

CONFIDENTIAL
FM COLOMBO
TO IMMEDIATE FCO
TELNO 209
OF 300845Z APRIL 87

PRIME MINISTER OF SRI LANKA

1. I HAVE JUST BEEN APPROACHED BY THE SRI LANKAN MINISTRY OF FOREIGN AFFAIRS WITH A REQUEST FOR AN APPOINTMENT FOR THE SRI LANKAN PRIME MINISTER WITH THE PRIME MINISTER, MRS THATCHER, IN LONDON, ON SOME DATE IN MAY PREFERABLY AS EARLY AS POSSIBLE.

2. I UNDERSTAND THAT MR PREMADASA WILL BE VISITING BRITAIN, THE FRG AND FRANCE AND PERHAPS THE U.S. IN ORDER TO LOBBY HEADS OF GOVERNMENT OVER THE SITUATION IN SRI LANKA VIS-A-VIS THE GOVERNMENTS OF INDIA AND TAMIL NADU. THE GOSL MAINTAIN THAT RECENT SPEECHES BY MR GANDHI AND THE OFFER OF ASSISTANCE TO JAFFNA TAMILS BY THE GOVERNMENT OF TAMIL NADU REPRESENT A NEW DIMENSION IN THEIR ETHNIC PROBLEM AND IN THEIR RELATIONS WITH INDIA AND WISH TO INFORM FRIENDLY EUROPEAN GOVERNMENTS (AND I ASSUME ASK FOR ASSISTANCE).

STEWART

YYYY
CQLNAN 3061

SRI LANKA: INTERNAL SECURITY SITUATION

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PS/MR EGGAR
PS/PUS
MR GILLMORE
MR MCLAREN
MR BARRINGTON

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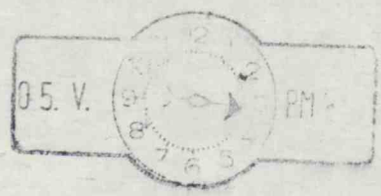
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SRI LANKA: visits of PM pt 2

8



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

21 April 1987

I enclose a copy of a letter to the Prime Minister from the Prime Minister of Sri Lanka. As you will see, he asks to see the Prime Minister between 12-17 July. Are there any points which you would wish me to make in putting this request to the Prime Minister?

Charles Powell

Robert Culshaw, Esq., MVO.,
Foreign and Commonwealth Office

Communications on this subject should be addressed to:
HIGH COMMISSIONER FOR THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

Our Reference HCL/PROT

Your Reference

HIGH COMMISSION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

13 HYDE PARK GARDENS
LONDON W2 2LU

Telephone: 01-262 1841 (7 lines) Ext
Telegrams: Lankacom, London
Telex: 25844

Date 16 April 1987

Dear Mr Powell,

I have the honour to forward herewith a letter from the Hon R. Premadasa, Prime Minister of Sri Lanka addressed to the Rt Hon Margaret Thatcher, Prime Minister. I shall appreciate very much if this is transmitted.

Thanking you,

Yours sincerely,

C. Monerawela
High Commissioner.

Mr. Charles Powell
Private Secretary to the
Rt Hon Prime Minister
10 Downing Street
London SWI.

R. PREMADASA, M.P.
Prime Minister

DEMOCRATIC SOCIALIST REPUBLIC
OF
SRI LANKA

My No: S/PM/94

April 07, 1987

My dear Prime Minister,

The Central Bank of Sri Lanka at my request issued a special coin to the value of Sri Lanka Rupees Ten to commemorate the International Year of Shelter for the Homeless 1987.

I am sending herewith one of these special coins as a token of friendship between our two countries.

I will be in London from the 12th to the 17th of July, 1987 to address the Congress of the International Union of Architects scheduled to be held in Brighton on Tuesday the 14th of July. I am looking forward to meeting you at a mutually convenient time during this period.

With warm personal regards,

Yours sincerely,

The Right Hon'ble, Mrs. Margaret Thatcher, M.P.,
Prime Minister of Great Britain,
No. 10 Downing Street,
LONDON.

PART 1 ends:-

PM TO HON R. PREMADASA 23/5/86

PART 2 begins:-

HON R. PREMADASA TO PM 7/4/88



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