



LOCAL AUTHORITIES
(IMPOSITION OF CIVIC DISABILITIES)
(No. 1) LAW, No. 38 OF 1978
OF
THE NATIONAL STATE ASSEMBLY

[Certified on 14th August, 1978]

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Local Authorities (Imposition of Civic Disabilities) (No. 1) Law, No. 38 of 1978

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L. D.—O. 55/78

A LAW TO IMPOSE CIVIC DISABILITIES ON PERSONS AGAINST WHOM FINDINGS HAVE BEEN MADE BY A COMMISSION OF INQUIRY AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS under section 2 of the Commissions of Inquiry Act (Chapter 393) a Commission of Inquiry consisting of GARDIYE PUNCHIHEWAGE AMARASEELA SILVA, ESQUIRE, was appointed by the President by Warrant dated August 19, 1977, and published in *Gazette Extraordinary* No. 278/12 of August 20, 1977, to inquire into and report upon the matters set out in the said Warrant arising out of the administration of the affairs of each Municipality specified in such Warrant :

Preamble.

AND WHEREAS the said Commission of Inquiry had in its Reports made certain findings against certain persons :

AND WHEREAS it has become necessary in the public interest to impose civic disabilities on the said persons and to make other provisions consequent upon the findings of the said Commission :

BE it therefore enacted by the National State Assembly of the Republic of Sri Lanka as follows :

1. This Law may be cited as the Local Authorities (Imposition of Civic Disabilities) (No. 1) Law, No. 38 of 1978.

Short title.

2. (1) Every relevant person shall, for a period of seven years from the date of commencement of this Law, be disqualified from being registered as a voter or from voting at any election of members of any local authority or from being nominated as a candidate at any election of a member or members of any local authority or from being elected or from sitting or voting as a member of any local authority.

Relevant persons disqualified from voting or being elected.

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(2) In the preparation and certification under the Local Authorities Elections Ordinance of an electoral list for any electoral area of any local authority the name of every relevant person shall be omitted notwithstanding that the name of such person appears in the operative parliamentary register or part thereof as correspond to the electoral area of such local authority.

(3) The nomination of any such person as a candidate at any such election or the inclusion of the name of any such person in any list or lists of candidates shall be deemed, for all purposes, to be null and void.

Disqualification from judicial or other public office.

3. Every person who is disqualified under the provisions of section 2 (1) shall be incapable for all time from being appointed to any judicial office or from being employed as a State officer or an employee of the Local Government Service, any local authority or any scheduled institution or from being elected or appointed or nominated as a member of any scheduled institution or the governing body thereof.

Disqualifications applicable to State and other officers who are dismissed from service consequent upon the Commission's Reports.

4. Every person against whom any finding has been made in any of the Reports of the aforesaid Commission of Inquiry and who at the date of any such Report was a State officer or an employee of the Local Government Service or of any local authority and who is dismissed or discontinued from service after compliance with such procedure as may be applicable to the disciplinary control of the category to which such person belonged, shall become subject to the same disqualifications as a relevant person as set out in sections 2 and 3 from the date of dismissal or discontinuance from service.

Recovery of losses.

5. (1) Where in any Report of the said Commission any finding has been made against any person whomsoever that loss has been caused to any local authority by such person, the Auditor-General shall assess the amount of such loss and issue a certificate under his hand certifying the amount of such loss, after having given an opportunity to such person to make representations to him in regard to the assessment of the amount of such loss by the Auditor-General.

(2) The correctness of any statement in any such certificate or the amount of the loss certified therein shall not be called in question in any proceeding in any court for the recovery of such loss, or otherwise, and shall be conclusive of all matters contained therein, and shall be admissible in evidence in the recovery proceedings hereinafter referred to.

(3) A copy of such certificate shall be served on the person named therein, and such person shall pay to the Auditor-General the amount set out in the certificate within a period of thirty days from the date of the posting of such certificate to him.

(4) A copy of such certificate shall be deemed to have been duly served upon it being sent to such person by post in a registered letter addressed to his last known place of residence.

(5) The Auditor-General shall credit all such payments received by him to the respective local authority to which the loss has been found to have been caused in such Reports.

(6) Where any person to whom a certificate has been delivered as aforesaid fails to pay the amount due from him as set out in such certificate within the time aforesaid, such amount shall be deemed to be in default and shall be recovered on application made by the Auditor-General or an officer authorized in writing by him in that behalf to the Magistrate's Court having jurisdiction over the place where the person resides or is last known to have resided as though such amount were a fine imposed by such Magistrate on such person, notwithstanding that such amount exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction.

6. Every person disqualified under this Law who—

Offences
under this
Law.

(a) applies to be registered as a voter in any electoral list in respect of any local authority ;

(b) votes at an election of any member of any local authority ;

(c) signifies his consent to be nominated as a candidate at the election of any member of any local authority ;

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- (d) sits and votes as a member of any local authority ;
- (e) accepts the office or acts in the capacity of a judicial officer, State officer or employee of the Local Government Service, any local authority or any scheduled institution ;
- (f) consents to be nominated for election, or accepts appointment, or accepts nomination, as a member of any scheduled institution or the governing body thereof,

shall be guilty of an offence, and shall, on conviction before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Interpretation.

7. In this Law, unless the context otherwise requires—

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise and perform powers and functions corresponding to or similar to the powers and functions exercised and performed by any such Council ;

“relevant person” means a person who has been found by any report of the Commission of Inquiry referred to in this Law—

(a) to have committed or to have aided or abetted in the commission of any act constituting—

(i) abuse of power,

(ii) corruption,

(iii) irregularities in the making of appointments ;

(b) to have contravened, or to have aided or abetted in the contravention of, any provisions of any written law,

and means each person specified in the Schedule to this Law;

“scheduled institution” means any such board, institution, corporation or other body as is for the time being specified in the Schedule to the Bribery Act, and any board, institution, corporation or other body which is deemed under the provisions of any enactment to be a scheduled institution within the meaning of the Bribery Act, and includes any organization the capital of which is wholly or partly subscribed by such board, institution, corporation or other body ;

“State officer” means a State officer as defined in the Constitution of the Republic of Sri Lanka and includes a public servant.

SCHEDULE

Abdul Hameed Mohamed Fowzie, Ex-Mayor, Colombo Municipal Council.

Felix Reginald Dias Bandaranaike, Ex-Minister of Public Administration, Local Government and Home Affairs.

Mohamed Sheriff Mohamed Zarook, Ex-Councillor, Colombo Municipal Council.

Mohamed Haniffa Joufferus Saddique, Retired Municipal Assessor, Colombo Municipal Council.

Nugegodage Don Nicholas Gunasekare, Retired Special Commissioner, Negombo Municipal Council.

Biyanwilage Joseph Perera, Retired Technical Staff Assistant, Dehiwala-Mt. Lavinia Municipal Council.

Upali Rajapakse, Ex-Mayor, Ratnapura Municipal Council.

Patison Samarawera, Ex-Councillor, Ratnapura Municipal Council.

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