

*Burial and Cremation Grounds.***No. 2 of 1894.****An Ordinance to ensure the supervision of Burial and Cremation Grounds situated within Municipal Towns.**

**W**HEREAS it is expedient to make provision touching private burial grounds and cremation grounds situated within the limits of municipal towns, with a view to the protection of the public health: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

**1** In this Ordinance the term "burial ground" shall mean any land or ground other than a general cemetery used for the burial of the dead at the time of coming into operation of this Ordinance, or subsequently approved of by the Governor in manner provided by section 2 of this Ordinance for the purpose of burying the dead.

Definition of burial ground.

**2** No new burial ground or cremation ground shall be provided and used in any municipal town without the previous approval of the Governor, on the recommendation of the municipal council of such town, signified by notice in the *Government Gazette*.

New burial grounds and cremation grounds in municipal towns to be approved by the Governor.

**3** In case it appears to the Governor and Executive Council, upon the representation of the municipal council of any town, that any burial ground or cremation ground situated in such town is in such a state or locality as to be dangerous to the health of the inhabitants of such town, it shall be lawful for the Governor, with the advice of the Executive Council, to order that after a time to be mentioned in the order burials or cremations in any such burial ground or cremation ground shall be discontinued; and every such order shall be published in the *Government Gazette*.

Burial grounds and cremation grounds may be prohibited.

**4** After the time mentioned in any such order it shall not be lawful to bury or cremate any corpse in any burial ground or cremation ground mentioned in such order; and every person who after such time as aforesaid shall bury or cremate, permit, or suffer to be buried or cremated any corpse contrary to this section, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

Burial or cremation not to take place after order of discontinuation.

**5** After the coming into operation of this Ordinance it shall be lawful to the municipal council from time to time to make by-laws for the following purposes:

By-laws.

- (1) For the registration of burial grounds and cremation grounds situated within municipal limits;
- (2) For the inspection of such burial and cremation grounds;
- (3) For the proper regulation of the burial and cremation of corpses in such burial and cremation grounds;

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(4) And generally for the proper management, regulation, and control of all such burial and cremation grounds, and for the maintenance of order, decency, and cleanliness within the limits thereof ;

and such by-laws at any time to repeal, alter, or amend : Provided that such by-laws shall not be of any force or effect unless and until they shall be submitted to and confirmed by the Governor in Executive Council, who is hereby empowered to alter, amend, or disallow the same, or any repeal, alteration, or amendment thereof, as he may think proper ; and all such by-laws and any repeal, alteration, or amendment thereof shall be published in the *Government Gazette*.

Courts to take cognizance of by-laws.

6 All courts of justice shall take judicial cognizance of such by-laws and of any repeal, alteration, or amendment thereof, when and so soon as the same shall have been so duly confirmed and published as aforesaid ; and all officers of police are hereby required to assist in carrying out the provisions thereof.

Burials and cremations in unregistered burial or cremation grounds prohibited.

7 From and after the expiration of three months from the date of the publication in the *Government Gazette* of by-laws providing for the registration of burial grounds and cremation grounds, it shall not be lawful to bury or cremate any corpse in any burial or cremation ground which has not been duly registered in manner prescribed by such by-laws, and every person who shall bury or cremate, permit, or suffer to be buried or cremated any corpse after the expiry of such time as aforesaid in any burial or cremation ground not duly registered as aforesaid, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

Breach of by-laws made an offence.

8 The breach of any by-law made and published under this Ordinance shall be an offence, and any person convicted of any such breach shall be liable to a fine not exceeding two hundred rupees, and in the case of a continuing offence to a further fine not exceeding one hundred rupees for each day on which the offence is continued.

Police courts empowered to deal with offences.

9 Police courts are hereby empowered to deal summarily with all cases instituted under this Ordinance or any by-law made in pursuance thereof, and to impose the full penalties herein prescribed, anything in "The Criminal Procedure Code, 1883," or any other Ordinance to the contrary notwithstanding.

Fines to be paid to municipal council.

10 All fines imposed by virtue of this Ordinance or any by-law made in pursuance thereof, shall be paid to the municipal council, to be by them applied to the purposes of "The Municipal Councils' Ordinance, 1887."

Short title.

11 This Ordinance may be cited as "The Municipal Burial and Cremation Grounds Ordinance, 1894," and it shall come into operation at such time as the Governor shall, by Proclamation in the *Government Gazette*, appoint.\*

23rd February, 1894.

\* Proclaimed as from and after the 1st July, 1894.