

*Village Tribunals.***No. 34.—1884.****An Ordinance to amend the Laws relating to Village Communities and Village Tribunals.**

ARTHUR GORDON.

WHEREAS it is expedient to amend the Laws relating to Village Communities and Village Tribunals: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. This Ordinance, so far as is consistent with the tenor thereof, shall be read and construed as one with Ordinance No. 26 of 1871, in this Ordinance referred to as "The Principal Ordinance," and with Ordinance No. 12 of 1880, and Ordinance No. 8 of 1882, and this Ordinance may be cited as "The Village Communities Ordinances Amendment Ordinance, 1884."

Construction and short title of Ordinance.

2. It shall be lawful for the Governor, with the advice of the Executive Council, to limit the powers of any Village Tribunal, established under section 20 of the principal Ordinance, to the exercise of civil and criminal jurisdiction referred to in section 21 of such Ordinance, and section 8 of Ordinance No. 12 of 1880, or to the exercise of either the civil or the criminal jurisdiction referred to in the said Ordinances, or to limit the jurisdiction of such Tribunals to breaches of any rules made by the inhabitants of the subdivision under the authority of this Ordinance, or of the principal Ordinance, or of Ordinance No. 12 of 1880, or of Ordinance No. 8 of 1882, or to the breaches of such rules together with the exercise of civil jurisdiction abovementioned, or to the breaches of such rules together with the exercise of criminal jurisdiction abovementioned, anything in such Ordinances to the contrary notwithstanding.

Governor and Executive Council may limit jurisdiction of Village Tribunal to certain matters.

3. Whenever any rules shall have been duly prepared by the inhabitants of any sub-division in virtue of the powers conferred upon them, and it shall not seem advisable to establish a Village Tribunal in the sub-division in which such rules may have been made, it shall be lawful for the Village Committee for the time being to try breaches of any rules so made and duly approved by the Governor, with the advice of the Executive Council, and to impose such penalties as may be lawfully inflicted for the breach of such rules.

Village Committee may try breaches of rules when no Village Tribunal is established in the sub-division.

4. The chief headman shall be ex-officio chairman of every Village Committee in his division: Provided that if he shall be absent at any meeting of such committee, the members of the committee who shall be present, not being less than four, may select and appoint a chairman for such meeting.

Chief headman to be chairman of Village Committee.

5. The question as to whether a person charged with the breach of any such rule has or has not committed a breach thereof, shall be determined by the majority of the Village Committee, and in case the members of the committee be equally divided, the Chairman shall decide.

Majority of Village Committee to determine whether there has been breach of rule.

Village Tribunals.

Village Committees to have exclusive jurisdiction in matters connected with breach of rules, and may punish for breach thereof.

Provisions of Ordinances No. 4 of 1867 and No. 16 of 1877 to apply to warrants of commitments issued by Village Committees.

Governor and Executive Council may make rules to be observed by Village Committees for trial of breaches of rules.

President of Village Tribunal or Chairman of Village Committee to report all cases tried before them, and to forward proceedings to Government Agent, and Government Agent may take action in any case, or Governor and Executive Council may interfere on due application being made.

6. The Village Committee shall have the same exclusive jurisdiction with regard to all matters connected with the breach of any such rules as have the President and Councillors of a Village Tribunal under section 21 of the principal Ordinance, and if a fine imposed for the breach of any such rule by the Village Committee be not paid forthwith, the Village Committee may sentence the offender to imprisonment with or without hard labour for any period not exceeding fourteen days.

7. The provisions of the 19th section of Ordinance No. 4 of 1867, and of the 5th, 8th and 81st sections of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by Village Committees under the authority of this Ordinance.

8. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules and to repeal, alter or amend the same to be observed by Village Committees for the trial of breaches of rules under this Ordinance in the same manner and to the same extent as the Governor is empowered to make rules under section 30 of the principal Ordinance; and such rules when made, altered, or amended, shall be published as provided in such section, and, subject to any such rules, the proceedings of a Village Committee shall be in accordance with the provisions of such section.

9. It shall be the duty of the President of any Village Tribunal or of the Chairman of any Village Committee to report weekly all cases tried before the Village Tribunal or the Village Committee, as the case may be, to the Kachchéri of the subdivision to which such Village Tribunal or Village Committee belongs, and to forward the journals of proceedings taken by such President or Chairman to the Government Agent to be filed of record in his Kachchéri. The Government Agent shall be empowered to sit with the President and Councillors, or with the Chairman and Village Committee, and observe their proceedings, and generally from time to time to report on such proceedings to the Governor. And it shall be lawful for the Government Agent to take action in any case in which either party thereto may apply to him for relief, and to direct further enquiry thereof, or to order a new trial, or that further evidence be taken, or to order a non-suit, or to alter, amend, modify or reverse the decision therein, and it shall be lawful for the Government Agent, at any time, of his own motion to call for and examine the record of any case, whether already tried by or pending trial before any Village Tribunal or Village Committee, for the purpose of satisfying himself as to the propriety of any decision, order, or sentence passed therein, or as to the propriety of the proceedings of such tribunal or committee, and upon consideration of any case so brought before him, to pass any decision, order, or sentence, which he might have passed had the case come before him in due course of appeal. Nothing in this section shall be deemed to authorize the Government Agent to increase any sentence passed or to interfere with any acquittal by any such tribunal or committee. Provided that nothing herein contained shall be deemed to affect the

Village Tribunals.

right of any person feeling aggrieved by the decision of a Village Tribunal or Village Committee, or the decision come to by the Government Agent, to apply to the Governor by petition after application for relief shall have been in the first instance made by either party to the Government Agent, and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further enquiry, or to order a new trial, or that further evidence be taken, or to order a non-suit, or to alter or amend, modify or reverse the decision of the Village Tribunal or Village Committee, or that of the Government Agent.

10. The provisions of section 35 of the principal Ordinance shall apply to any fine paid to or recovered by a Village Committee under the provisions of this Ordinance in the same manner as if inflicted by the President and Councillors of a Village Tribunal.

11. Should the term of office of any Village Committee elected in pursuance of sections 15 and 16 of the principal Ordinance have been allowed to expire before the election of a subsequent committee, it shall nevertheless be lawful for the Government Agent to fix a day for the election of committeemen for the three years next succeeding, which three years shall be reckoned from the 1st day of April next following the day of such election, anything in sections 15 and 16 of such Ordinance to the contrary notwithstanding.

12. In addition to the powers of making rules conferred by the principal Ordinance, the inhabitants of any sub-division shall have power from time to time to make rules for the encouragement of the cultivation of industrial products and for regulating the sale and removal of cattle; and any rules made in pursuance of such authority, when duly approved, shall have the same effect as if they had been made under the powers conferred by the said Ordinance.

13. The inhabitants of any sub-division duly proclaimed under section 5 of the principal Ordinance may at any public meeting held under section 11 thereof impose an annual tax upon the inhabitants of such sub-division for the payment of such number of police headmen as may be considered necessary for the protection of such sub-division, and prescribe in what manner such tax shall be recovered. Provided that such tax shall be submitted for the approval of the Governor, with the advice of the Executive Council, who may, either as regards the tax or the means proposed for the recovery thereof, allow or disallow the same, or make any change or amendment with regard thereto, except any increase of the tax, as may be deemed expedient.

14. Section 32 of the principal Ordinance is hereby repealed, provided that such repeal shall not affect—

- (a) the past operation of such section, nor anything done or suffered under it, nor
- (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under it, nor

Provisions of Ordinance No. 26 of 1871 to apply to fines paid to or recovered by a Village Committee. If term of office of Village Committees expires before election of a subsequent Committee, Government Agent may nevertheless fix a day for such election.

The inhabitants of any sub-division may make rules to encourage the cultivation of industrial products, and for the sale and removal of cattle.

Inhabitants of any sub-division may, with approval of Governor and Executive Council, impose a tax for payment of police headmen.

Repeal of section 32 of Ordinance No. 26 of 1871.

- (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against such section, nor
- (d) any legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

Passed in Council the Tenth day of December, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of December, One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,
Acting Colonial Secretary.
