

CHAPTER 257 *

VILLAGE COUNCILS

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW
RELATING TO VILLAGE COUNCILS.

Ordinances

- Nos. 9 of 1924,
- 10 of 1927,
- 12 of 1929,
- 4 of 1930,
- 23 of 1930,
- 9 of 1932,
- 10 of 1933,
- 22 of 1933,
- 37 of 1933,
- 17 of 1934,
- 9 of 1935,
- 24 of 1935,
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- 44 of 1944,
- 12 of 1945,
- 3 of 1946,
- 32 of 1946,
- 53 of 1946,
- 57 of 1946,
- 17 of 1947,
- 44 of 1947.

Acts

- Nos. 39 of 1951,
- 8 of 1952,
- 38 of 1953,
- 22 of 1955,
- 12 of 1956,
- 2 of 1957,
- 28 of 1957,
- 35 of 1957,
- 14 of 1958,
- 7 of 1959,
- 9 of 1961,
- 39 of 1961,
- 60 of 1961,
- 3 of 1962,
- 5 of 1964,
- 6 of 1964.

[1st November, 1924.]

1. This Ordinance may be cited as the Village Councils Ordinance.

Short title.

* Note.—This Chapter has been issued as a consolidated reprint under the Statutory Reprints Ordinance (Chapter 4) on November 2, 1966, and is reproduced in this Supplement as it supersedes Chapter 257 of the Revised Edition of the Legislative Enactments, 1956, and sets out the law in force on January 1, 1967.

PART I

VILLAGE AREAS

Application of Ordinance to divisional revenue officers' divisions.
[§ 4, 60 of 1938.]

2. (1) It shall be lawful for the Minister by Order¹ published in the Gazette, to declare that any divisional revenue officer's division or any part thereof shall, from a date to be named therein, be brought within the operation of this Ordinance.

(2) On such Order¹ being published as aforesaid, such division or part thereof shall, from the said date, be within the operation of this Ordinance.

Subdivision of divisions into village areas.
[§ 4, 60 of 1938.]

3. Every divisional revenue officer's division or part thereof brought within the operation of this Ordinance shall be subdivided into village areas consisting of one or more villages or groups of villages in such manner as the Minister may, by Order¹ published in the Gazette, appoint:

Provided that, where, in the opinion of the Minister¹, it is unnecessary that any such division or part thereof should be subdivided in manner aforesaid, the Minister¹ may, if he thinks fit, by Order¹ published in the Gazette, declare that such division or part thereof shall not be subdivided, and in such case such division or part thereof shall be deemed to be a village area within the meaning of this Ordinance.

Application of Ordinance to Urban and Town Council areas.
[§ 4, 60 of 1938.]
[§ 57, 12 of 1945.]

4. For the purpose of giving to a Rural Court jurisdiction over an urban area within the administrative limits of an Urban Council or Town Council, any such urban area may, subject to the requirements of section 2 of the Rural Courts Ordinance, by Order¹ under the provisions of this Part of this Ordinance, be brought within the operation of this Ordinance and be included in any village area:

Provided that—

[§ 90, 53 of 1946.]

(a) no inhabitant of any such urban area shall be qualified to vote at any election of a member of the Village Council of that village area, or to be elected or to sit or to vote as a member of such Council;

(b) no inhabitant of such urban area shall be liable to pay—

(i) any rate or tax imposed and levied by the Village Council under section 37, section 39, or section 40 ; or [§ 2, 54 of 1942.]
[§ 2, 17 of 1947.]

(ii) any licence duty imposed and levied by the Village Council under section 38 ;

(c) no by-law made or deemed by virtue of any written law to have been made under this Ordinance shall have any operation in any such urban area ; and

(d) section 31 shall not apply to any property belonging to the Urban Council or Town Council.

5. (1) For the purposes of this Ordinance the Minister¹ may, from time to time, by Order¹ published in the Gazette—

Alteration of boundaries and extent of village areas.
[§ 4, 60 of 1938.]

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

(2) Anything in this Ordinance to the contrary notwithstanding, the Minister¹ may, by Order¹ published in the Gazette, provide from time to time for all matters which he may deem to be necessary to give effect to any alteration, definition, division, amalgamation or constitution made under subsection (1), including—

- (a) the dissolution of any Village Council existing in any village area concerned and the election of such fresh Council or Councils as may be necessary ;
- (b) the continuance or the application of the by-laws in force in any village area concerned or any part thereof at the time of the Order¹ under subsection (1) ;

- (c) the transfer, apportionment and adjustment or the property, rights, debts, liabilities and obligations of the Village Council of any of the village areas concerned ;
- (d) the extension, curtailment or redefinition of the territorial jurisdiction of any Rural Court established in the divisional revenue officer's division or part thereof in which any of the village areas concerned is situated ;
- (e) the collection and levy of rates, taxes, tolls, penalties, fines and other sums of money which may be or become due to the Village Council of any of the village areas concerned ;
- (f) pending contracts and legal proceedings to which the Village Council of any of the areas concerned may be a party.

[§ 3, 54 of 1942.]

Orders to be laid before Senate and the House of Representatives.
[§ 4, 60 of 1938.]

6. Every Order¹ made under the provisions of this Part of this Ordinance shall be laid before the Senate and the House of Representatives¹ as soon as conveniently may be, and may, at any time within forty days of its being so laid before the Senate or House of Representatives¹, or at any of the three meetings of the Senate or House of Representatives¹ next succeeding such date, by resolution of the Senate or House of Representatives¹, be disallowed, but without prejudice to anything that may have been done thereunder.

PART II

ELECTION OF VILLAGE COUNCILS

Village Council to be constituted for each village area.
[§ 90, 53 of 1946.]

7. A Village Council in accordance with the provisions of this Ordinance shall be constituted for each village area.

8. (1) For the purposes of the election of the Village Council every Grama Sevaka's division in a village area or if only a part of any Grama Sevaka's division is in that area, that part shall be deemed to be a ward of that area :

Wards and
representa-
tion.
[§ 4, 60 of 1938.]
[§ 3, 60 of 1961.]

Provided, however, that no Grama Sevaka's division or part thereof which is with'n the limits of any area to which section 4 applies shall be deemed to be a ward or part of a ward for the purposes of this section ; and

Provided, however, that the Minister may, by Notification published in the Gazette,—

[§ 3, 60 of 1961.]

(a) sub-divide—

- (i) an existing ward, or
- (ii) the combined area of two or more existing wards, or
- (iii) the combined area of parts of two or more existing wards, or
- (iv) the combined area of an existing ward and a part of another existing ward,

into two or more new wards with such limits as shall be specified in the Notification ; or

(b) amalgamate—

- (i) two or more existing wards, or
- (ii) parts of two or more existing wards, or
- (iii) an existing ward and a part of another existing ward,

into a new ward with such limits as shall be specified in the Notification.

(1A) The limits of any such part of a Grama Sevaka's division as is deemed under subsection (1) to be a ward of a village area shall be specified by the Minister by Notification published in the Gazette.

[§ 3, 60 of 1961.]

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

Effect of alteration or abolition of wards or creation of new wards.
[§ 4, 60 of 1961.]

8A. (1) Where in consequence of an Order under section 5 or a Notification under section 8 the limits of any ward of a village area are altered, the member elected for that ward shall, upon the coming into force of the Order or Notification, vacate his office, and a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in that ward for the purpose of filling up such vacancy :

Provided, however, that the preceding provisions of this subsection shall not apply in any case where the Minister declares by such Order or Notification or any subsequent Order or Notification that the alteration made in the limits of the ward is such that a by-election is unnecessary.

(2) Where in consequence of an Order under section 5 or a Notification under section 8 a new ward of a village area is created, an election in accordance with the provisions of written law for the time being applicable to a by-election shall be held in the ward so created.

(3) Where in consequence of an Order under section 5 or a Notification under section 8 any ward of a village area is abolished, the member elected for that ward shall, upon the coming into force of the Order or Notification, vacate his office.

(4) Every member elected at a by-election referred to in subsection (1) or an election referred to in subsection (2) shall, unless he earlier vacates his office, hold office until the expiry of the current term of office of the members elected for the other wards of the village area at the last general election.

First general election of members.
[§ 90, 53 of 1946.]

9. Where a Village Council is to be constituted for any village area under this Ordinance, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first members of the Council.

10. The term of office of a Village Council to be constituted for any village area under this Ordinance shall commence on such date as the Minister¹ may appoint by Order published in the Gazette. Such date shall be deemed to be the date of the constitution of the Council for all the purposes of this Ordinance, and the Council shall be deemed to be duly constituted on that date notwithstanding that a member has not been elected for any ward of that area.

Commencement of term of office of Village Council and date of constitution of such Council.
[§ 90, 53 of 1946.]

11. (1) The term of office of each member of a Village Council elected at a general election shall commence—

Term of office of the members elected at the first and each subsequent general election.
[§ 90, 53 of 1946.]

(a) in the case of the first general election, on the date specified by the Minister¹ by Order under section 10; and

(b) in the case of any general election subsequent to the first general election, on the first day of July next succeeding the date of the election or on such other date as the Minister¹ may appoint by Order published in the Gazette.

(2) The term of office of each member of a Village Council elected at the first or any subsequent general election shall expire on the last day of June of the third year after the year in which such election was held or on such other date as may be appointed by the Minister under subsection (3).

[§ 2, 38 of 1953.]

[§ 2, 39 of 1961.]

(3) The Minister may by Order published in the Gazette—

[§ 2, 38 of 1953.]

(a) curtail the term of office referred to in subsection (2) by appointing, in substitution for the last day of June of the year specified in that subsection, the last day of any month in that year or in the year immediately preceding that year; and

(b) extend such term by appointing, in substitution for the last day of June of the year specified in subsection (2) or the day appointed under paragraph (a) of this subsection, the last day of any month 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, the last day of any month in any year subsequent to the year specified in that Order :

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 twenty-four months.

Subsequent
general
elections.
[§ 90, 53 of 1946.]

12. Where the term of office of the members elected at the first or any subsequent general election is due to expire under section 11, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing new members in place of such members.

Vacation of
office.
[§ 5, 60 of 1961.]

13. (1) If the Assistant Commissioner is satisfied that any member of a Village Council has after his election been absent, without notice to the Council, from more than three consecutive meetings of the Council, the Assistant Commissioner shall, subject to the provisions of subsection (2), by notice published in the Gazette declare that such member has vacated office, and thereupon such member shall vacate office as from the date on which such declaration is published in the Gazette.

(2) The Assistant Commissioner shall not declare under subsection (1) that any member of a Village Council has vacated office except after notice to the Chairman of that Council and to such member and after such inquiry as the Assistant Commissioner may deem necessary. Every such notice shall be sent by registered post.

(3) Where a member of a Village Council has, without notice to the Council, absented himself from three consecutive meetings of the Council, the Chairman of the Council shall, within seven days after the date of the third of such meetings, inform the Assistant Commissioner in writing of such absence.

(4) Where the absence of any member of a Village Council without notice to the Council from three consecutive meetings of the Council is alleged to the Assistant Commissioner by any person other than the Chairman of that Council, the Assistant Commissioner may, before inquiring into the correctness or otherwise of the allegation, require such person to deposit in the Kachcheri such sum not exceeding twenty-five rupees as the Assistant Commissioner may require.

(5) The sum deposited under subsection (4) shall, in the discretion of the Assistant Commissioner, be forfeited and credited to the communal fund of the Village Council regarding whose member the allegation referred to in subsection (4) was made, if—

- (a) the Assistant Commissioner finds that such allegation is false and the person who made such allegation has done so with a frivolous, vexatious or malicious intent, or
- (b) such person subsequently withdraws such allegation, or
- (c) such person fails to attend any inquiry held by the Assistant Commissioner into such allegation or refuses to give evidence at such inquiry.

(6) Any sum deposited under subsection (4) shall, unless it is forfeited under subsection (5), be returned to the person by whom it was deposited after the conclusion of the inquiry held by the Assistant Commissioner.

(7) Any person who alleges to the Assistant Commissioner that a member of a Village Council has without notice to the Council absented himself from three consecutive meetings of the Council, knowing or having reason to believe that such allegation is false, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

(8) The Chairman of a Village Council who refuses or wilfully neglects to comply with the provisions of

subsection (3) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

Refusal or
resignation
of office.
[§ 90, 53 of 1946.]

14. Where any person who is elected as a member of a Village Council decides for any reason not to serve as a member thereof, he may relinquish the office—

- (a) by a written communication of his refusal of office to the elections officer of the district in which the village area for which the Council is constituted is situated, at any time before the date fixed for the first meeting of the Council to be held after his election, or
- (b) by a written communication of his resignation of office to such elections officer, either direct or through the Chairman, at any time after such first meeting.

Filling of
casual
vacancies.
[§ 4, 60 of 1938.]
[§ 90, 53 of 1946.]

15. In the event of any member of a Village Council dying, or vacating his office by virtue of the provisions of section 13, or refusing of resigning office under section 14, a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Minister¹ by Order published in the Gazette otherwise directs, be held for the purpose of filling up such vacancy ; and the person so elected shall hold office until the next succeeding general election of members of that Council.

Election for
more than
one ward.
[§ 90, 53 of 1946.]

16. No person shall be entitled to be elected as a member for more than one ward of a village area, and in the event of any person being so elected, the elections officer of the district in which the area is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a member, and in default of such declaration being made, the elections officer may himself determine for which ward he is to be a member ; and upon such declaration or determination, as the

case may be, being made, such person shall *ipso facto* vacate his seat as a member for any other ward, and the provisions of section 15 shall thereupon apply.

17. (1) The Assistant Commissioner shall, as soon as possible after the election of a Village Council, convene the first meeting thereof by notice. Such notice shall, at least five days before the date fixed for the meeting,—

First meeting of a Council and meetings for the election of the Chairman.
[§ 4, 60 of 1938.]
[§ 6, 60 of 1961.]

(a) be published in the Gazette and in one or more Sinhala newspapers circulating in Ceylon, if the language in which proceedings are conducted in that Council is Sinhala, or in one or more newspapers in Sinhala and Tamil circulating in Ceylon if the language in which proceedings are conducted in that Council is Tamil, and

(b) be despatched by registered post to each elected member of that Council.

(2) Every notice under subsection (1) shall specify the date, time and place of the meeting, and the date specified shall be within the period of one month next succeeding the date appointed for the commencement of the term of office of the Council, or in the case of a Council elected as successor to a Council going out of office otherwise than by effluxion of time, within the period of one month next succeeding the date on which the election or nomination of the members of the new Council is completed.

[§ 2, 31 of 1940.]

[§ 2, 31 of 1940.]

(3) Where for any reason the meeting is not held on the date specified in the notice under subsection (1), the Assistant Commissioner may, by such further notice or notices as may be necessary, convene the meeting for any other date, but so however that such other date is within the period of one month prescribed in subsection (2).

[§ 2, 31 of 1940.]

(4) At the meeting convened under subsection (1) or subsection (3), as the case may be, the members of the Council shall elect one of their number to be the Chairman of the Council.

[§ 2, 31 of 1940.]

[§ 2, 31 of 1940.]

(5) Whenever the office of Chairman of a Village Council falls vacant during the term of office of the Council the Assistant Commissioner shall, within two weeks of his receiving information of the vacancy, by notice or notices served in accordance with the provisions of subsection (1) or subsection (3), convene a meeting for the election of a new Chairman, and the date specified for the meeting in such notice or notices shall be such as to ensure that a new Chairman is elected within the period of six weeks next succeeding the occurrence of the vacancy.

[§ 2, 31 of 1940.]

(6) Every meeting under this section shall be held at the place and time and on the date specified in the notice convening that meeting, and shall, until the election of a Chairman, be presided over by the Assistant Commissioner or by an officer of Government, other than a divisional revenue officer, deputed by the Assistant Commissioner to act as presiding officer.

Quorum for
election of
Chairman.
[§ 4, 60 of 1938.]

18. No election of a Chairman shall be held at any meeting summoned under section 17, unless there is present a quorum consisting of not less than half the number of members elected to the Council.

Mode of
election of
Chairman.
[§ 8, 39 of 1951.]

19. (1) Any member of a Village Council may with his consent be proposed and seconded for election as Chairman by any other member present, and the members present shall thereupon elect, in accordance with the provisions of subsection (2), a Chairman from among the members proposed and seconded for election as Chairman.

(2) (a) Where only one candidate is proposed and seconded for election as Chairman, the person (hereinafter in this section referred to as the "presiding officer") who presides at the meeting at which the election takes place shall, without question put, declare that candidate to be elected.

(b) Where two or more candidates are proposed and seconded for election as Chairman, the mode of election shall be by either open or secret voting, according as the members present may by resolution determine; and, if the number of votes cast on such resolution is equally divided, the determination of the mode

of election shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(c) Where it is determined under paragraph (b) that the election of a Chairman shall be by open voting, the presiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may state that he declines to vote, and in such case the presiding officer shall record that such member declined to vote.

The presiding officer shall declare the result of the voting.

(d) Where it is determined under paragraph (b) that the election of a Chairman shall be by secret voting, the election shall be by ballot.

(e) Where more than two candidates are proposed and seconded for election as Chairman and no candidate receives at the first voting more votes than the aggregate of the votes received by the remaining candidates, one candidate shall be excluded from the election as hereinafter provided and the voting shall proceed, one candidate being excluded from the election after each subsequent voting, until a candidate receives at a voting more votes than the aggregate of the votes received by the remaining candidates at that voting, or, as the case may be, until voting in respect of two candidates only is held and completed.

(f) Where there are three or more candidates at a voting, the determination as to which candidate is to be excluded from the election under paragraph (e) after that voting shall be made as follows :—

- (i) if the number of votes received by one candidate is lower than the number received by each remaining candidate, the candidate receiving the lowest number shall be excluded ;
- (ii) if each of all the candidates receives an equal number of votes, or if each of two or more candidates receives an equal number of votes

which is less than the number received by the remaining candidate or each remaining candidate, one of the candidates receiving the equal number shall be excluded, the determination as to which candidate is to be excluded being made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(g) Where there are two candidates at any voting and the number of votes cast is equally divided and the addition of one vote would entitle one of the candidates to be elected as Chairman, the determination of the candidate to whom the additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

Procedure for election of Vice-Chairman.
[§ 4, 60 of 1938.]

20. (1) The first Vice-Chairman of a Village Council shall be elected at the meeting held under section 17.

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

[§ 8, 39 of 1951.]

(3) The provisions of section 19 shall apply to the election of a Vice-Chairman in like manner as though every reference in that section to "Chairman" were a reference to "Vice-Chairman".

Power to nominate Chairman or Vice-Chairman when not elected by Village Council.
[§ 4, 31 of 1940.]

21. Where for any reason the members of a Village Council fail to elect a Chairman in accordance with the provisions of section 17 or a Vice-Chairman in accordance with the provisions of section 20, it shall be lawful for the Minister¹ to nominate one of the members of that Village Council to be the Chairman or the Vice-Chairman, as the case may be, and the member so nominated shall be entitled to exercise the like powers, shall perform the like duties, and shall hold office for the like term, as a Chairman or a Vice-Chairman duly elected by that Village Council.

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

Term of office and powers and duties of Chairman.
[§ 4, 60 of 1938.]

(2) The Chairman shall preside over every meeting of the Council held for the election of a Vice-Chairman and over every other meeting at which he is present, and shall be the chief executive officer of the Council; and all executive acts and functions, which are by this Ordinance directed or empowered to be done or discharged by the Council, may, unless the contrary intention appears from the context, be done or discharged by the Chairman:

Provided always that the Chairman, in the exercise of his powers under this section, shall, except in matters expressly committed to him, act in conformity with such resolutions as may from time to time be passed by the Council.

(3) The Chairman may at any time, without vacating his office as a member, resign the office of Chairman by a written communication addressed to the Assistant Commissioner. The resignation by the Chairman of his office of Chairman or his office as a member shall have no effect until such resignation has been accepted by the Assistant Commissioner; and the Assistant Commissioner may refuse to accept such resignation if he has reason to believe that an Order removing the Chairman from office is to be made by the Minister¹ under section 54.

[§ 15, 54 of 1942.]

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

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

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

(5) Any Chairman of a Village Council who contravenes the provisions of subsection (4) shall be guilty of an offence punishable with a fine not exceeding fifty rupees by the Rural Court having jurisdiction over the village area for which the Council is constituted.

[§ 7, 60 of 1961.]

The Chairman to be a Justice of the Peace.
[§ 2, 28 of 1957.]

22A. The Chairman of the Village Council of each village area shall, during the tenure of his office, be *ex officio* a Justice of the Peace for that village area.

Power of Assistant Commissioner under certain circumstances to exercise the powers, and perform the duties, of Chairman.
[§ 8, 60 of 1961.]

22B. During the period commencing on the date of occurrence of a vacancy in the office of Chairman of a Village Council and ending on the date of election of a new Chairman, or during the period of absence of both the Chairman and the Vice-Chairman of a Village Council on account of illness or other unavoidable cause, the Assistant Commissioner shall be entitled to exercise the same powers, and perform the same duties, as a Chairman duly elected by that Council.

Removal of Chairman from office by resolution of the Village Council.
[§ 8, 60 of 1961.]

22C. (1) The Assistant Commissioner shall, whenever requested in writing by not less than one-half of the total number of members of a Village Council to convene a special meeting of the Council for the purpose of considering a resolution for the removal from office of the Chairman of the Council, forthwith convene a special meeting of the Council for such purpose.

(2) Where, at any special meeting of a Village Council convened under subsection (1), a resolution for the removal of the Chairman of that Council from the office of Chairman is passed by not less than two-thirds of the total number of members of that Council, he shall be deemed to vacate such office on the date

on which such resolution is so passed; and the members of the Council present at such meeting shall forthwith proceed to the election of, and shall elect, one of their own number to be the Chairman of the Council, but no such election shall be held unless there is present the quorum mentioned in section 18.

(3) Where the Chairman is not elected at the meeting referred to in subsection (2) or the election of the Chairman is not held at that meeting by reason of the want of a quorum, the Assistant Commissioner shall, by notice in accordance with the requirements of subsection (8), forthwith convene a special meeting of the Village Council for the purpose of electing the Chairman. The election of the Chairman shall not be held at that special meeting unless there is present the quorum mentioned in section 18. Where the Chairman is not elected at that special meeting or the election of the Chairman is not held at that special meeting by reason of the want of a quorum, section 21 shall apply as if that section included a reference to the failure to elect the Chairman in accordance with the provisions of this subsection.

(4) Where, at any special meeting of a Village Council convened under subsection (1), a resolution for the removal of the Chairman of that Council from the office of Chairman is negatived or is passed by less than two-thirds of the total number of members of that Council, no other meeting of that Council for the purpose of considering a resolution for the removal from office of the same Chairman shall be convened by the Assistant Commissioner within six months after the date on which the first-mentioned resolution was negatived or passed, anything in subsection (1) to the contrary notwithstanding.

(5) The Assistant Commissioner shall preside at every special meeting convened by him under this section, but shall not be entitled to vote on any question coming up for decision thereat.

(6) The Assistant Commissioner shall, on the termination of every special meeting convened by him under this section, cause the minutes of such meeting to be entered in the book kept for that purpose under

section 30 and shall sign such minutes. A copy of such minutes shall be forthwith sent by the Village Council to the Commissioner of Local Government.

(7) Where for any reason other than the want of a quorum a special meeting convened by the Assistant Commissioner under this section is not held on the date appointed by him, he may by further notices in accordance with the requirements of subsection (8) appoint, as often as may be necessary, any other date for such meeting.

(8) Every special meeting of a Village Council under this section shall be convened by the Assistant Commissioner by notice in writing addressed to and served upon each member of the Council not less than two days before the date of the meeting. Where service of any such notice cannot for any reason be effected personally on any member, the notice shall be deemed to be duly served if it is sent by post to, or left at the last known place of abode of, that member, and every such notice which is sent by post shall be deemed to be served at the time at which it would be received in the ordinary course of post. Every notice shall specify the date, time and place of the meeting.

(9) Where the number constituting such proportion of the total number of members of a Village Council as is mentioned in subsection (1) or subsection (2) is an integer and a fraction, then, for the purposes of this section, the next higher integer shall be deemed to be the number constituting that proportion.

Term of
office, powers
and duties of
Vice-
Chairman.
[§ 4, 60 of 1938.]

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

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

any power or perform any duty of the Chairman which the Chairman may authorize him in writing to exercise or perform in his behalf, or which the Assistant Commissioner may in writing direct the Vice-Chairman to exercise or perform, whenever the office of Chairman is vacant, or whenever the Chairman is absent from duty owing to illness or other unavoidable cause and has not given such written authorization to the Vice-Chairman.

[§ 8, 11 of 1940.]
[§ 5, 31 of 1940.]

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

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

A member to preside at meetings in the absence of the Chairman and Vice-Chairman.
[§ 4, 60 of 1938.]

25. (1) Ordinary meetings of a Village Council shall be held for the despatch of business on such dates or at such intervals as may be fixed by by-laws made or deemed by virtue of any written law to have been made under this Ordinance.

Meetings of Council.
[§ 4, 60 of 1938.]

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

(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 Council 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 an officer of Government to preside over that meeting.

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

Quorum.
[§ 4, 60 of 1938.]
[§ 2, 8 of 1952.]

26. Save as provided in section 18, the quorum for any meeting of a Village Council shall be one-third of the number of members of the Council in office on the day of that meeting.

Language
in which
business is to
be conducted.
[§ 4, 60 of 1938.]

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

PART III

STATUS, POWERS, AND DUTIES OF VILLAGE COUNCILS

Village
Councils
to be corpo-
rations.
[§ 4, 60 of 1938.]

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

Decisions and
acts of
Village
Councils.
[§ 4, 60 of 1938.]

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

Provided that when the votes of the members present at any meeting are equally divided on any

question brought up for decision, the Chairman, Vice-Chairman or other member presiding over that meeting shall, in addition to his vote as a member, have also a casting vote.

30. All proceedings, decisions, orders and acts of a Village Council 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 Council, 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 Rural Court in Ceylon.

Minutes.
[§ 4, 60 of 1938.]

31. All property movable or immovable enjoyed or controlled on December 31, 1938, by the inhabitants of any village area or of any area deemed by virtue of any written law to be a village area under this Ordinance, shall be vested in the Village Council constituted or so deemed to have been constituted for that area under the provisions of this Ordinance:

Property deemed to be vested in Village Councils.
[§ 4, 60 of 1938.]
[§ 9, 60 of 1961.]

Provided, however,—

- (i) that any building used, whether in whole or in part as the court-house of a Rural Court together with the land on which that building stands and any other land or building appurtenant thereto, may, if such building and any such land have heretofore been vested in the inhabitants or are vested in the Village Council of the area in which they are situate, be resumed by or transferred to the Crown by Order of the Minister¹ published in the Gazette; and
- (ii) that the publication of such Order shall, without the execution of any deed or instrument, be sufficient to convey to the Crown the right, title and interest of the inhabitants or of the Council in the land or building affected by such Order, and the description in any such Order of any land or building as appurtenant to any court-house to which the Order relates shall, as between the Crown and the inhabitants or the Council, be conclusive proof of the fact that it is so appurtenant.

Further property vested in Village Councils.
[§ 4, 60 of 1938.]

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

- (a) all such immovable property of the Crown, situated within the village area, as may with the sanction of the Minister^a be handed over to the Village Council for the purposes of this Ordinance by a vesting order signed by the officer or person authorized in that behalf by the Minister :^a

Provided, however, that each such property shall be held by the Council subject to such conditions as may be set out in the vesting order relating to that property, and that nothing in this section shall be deemed to affect or prejudice the right of the Crown at any time to resume possession of any such property or to dispose of it for any other public purpose ;

- (b) all moneys which for the time being form part of the communal fund ;
- (c) all village works and all fixtures, fittings, or equipment in village works, for the construction, maintenance or provision of which any part of the communal fund, or any tax payable in labour, is applied by the Council.

Transfer to Village Councils of the rights and liabilities of Local Boards or Sanitary Boards.
[§ 16, 54 of 1942.]

33. (1) Where any town excluded from the operation of the Local Boards Ordinance, 1898,* by Proclamation under section 2 of that Ordinance, or any town or village excluded from the operation of the Small Towns Sanitary Ordinance, 1892,* by Proclamation under section 4 of that Ordinance, is, or has, at any time after the 1st day of July, 1939, been brought and continues to be within the operation of this Ordinance, the Minister¹ may by Order published in the Gazette—

- (a) transfer to the Village Council of the area in which that town or village is situated, the whole or any specified part of any property or rights over property or any funds, acquired or received by or vested in the Board for the

* Repealed by Act No. 54 of 1949.

use and benefit of that town or village, and declare that the whole or any specified part of such funds and of the revenue derived from the town or village shall be employed by the Village Council for the use and benefit of that town or village ;

- (b) direct the aforesaid Village Council to keep separate books of accounts in respect of that town or village ;
- (c) apportion and assign to the aforesaid Village Council the whole or any specified part of the rights, liabilities, debts or obligations of the Board under any contract entered into by the Board for the benefit of that town or village ; and give directions as to the security to be given by the Village Council for any debt, and as to the mode and conditions of discharge of any liabilities or obligations, so apportioned or assigned ;
- (d) prescribe the terms and conditions on which any officer or servant employed by the Board for any purpose relating to that town or village, may be transferred to the service of the aforesaid Village Council ;
- (e) give directions as to the collection and recovery of moneys due to the Board from the inhabitants of that town or village (whether as rates, taxes, licence duties or otherwise) and as to the payment of such moneys, when so collected and recovered, to the aforesaid Village Council ; and [§ 4, 58 of 1943.]
- (f) make such other provision as may appear to the Minister¹ to be necessary or expedient. [§ 4, 58 of 1943.]

(2) Upon the publication of an Order under subsection (1)—

- (a) all the property or the rights over property or the funds, specified therein, shall vest in the Village Council, and such funds and such

part of the revenue as may be specified therein shall be employed by the Village Council for the use and benefit of the town or village mentioned in the Order ;

- (b) separate books of accounts in respect of that town or village shall, if the Order so directs, be kept by the Village Council ;
- (c) such rights, liabilities, debts or obligations as may be apportioned or assigned thereby, shall be enforceable or shall be secured or discharged by the Village Council in such manner and subject to such conditions as may be specified therein ; and
- (d) any officer or servant of the Board who is offered and accepts employment under the Village Council shall be appointed and shall hold office on the terms and conditions specified in the Order, without prejudice, however, to any qualifications acquired by him for any pension, gratuity or other compensation payable out of the funds of the Board in respect of his service under the Board.

[§ 4, 58 of 1943.] (3) Where any town excluded from the operation of the Local Boards Ordinance, 1898,* by Proclamation under section 2 of that Ordinance, or any town or village excluded from the operation of the Small Towns Sanitary Ordinance, 1892,* by Proclamation under section 4 of that Ordinance, is brought within the operation of this Ordinance and constituted into a separate village area, every by-law in force in that town or village on the day immediately preceding the date of such constitution shall, so far as it is not in conflict with the provisions of this Ordinance, be deemed to be a by-law made under this Ordinance and shall continue in force within that village area until it is rescinded by the Village Council.

* Repealed by Act No. 54 of 1949.

(4) In every case referred to in subsection (3), the provisions of subsections (1) and (2) shall have effect subject to the following modifications, that is to say:— [§ 2, 44 of 1944.]

(a) as if in subsection (1)—

(i) for paragraph (a), there had been substituted the following new paragraph:—

“ (a) transfer to the Village Council constituted or to be constituted for the area comprising that town or village the whole or any specified part of any property or rights over property or any funds, acquired or received by or vested in the Board for the use and benefit of that town or village ;” and

(ii) paragraph (b) had been omitted ; and

(b) as if in subsection (2)—

(i) in paragraph (a), all the words from “and such funds” to the end of that paragraph had been omitted ; and

(ii) paragraph (b) had been omitted.

(5) In this section “Board” used in relation to any town excluded from the operation of the Local Boards Ordinance, 1898,* means the Local Board of Health and Improvement of that town, and in relation to any town or village excluded from the operation of the Small Towns Sanitary Ordinance, 1892,* means the Sanitary Board of the province or district within which that town or village is situated.

34. (1) If at any time after the publication of an Order¹ under section 2 of this Ordinance, declaring that any town or village of the description referred to in section 33 (1) shall be brought within the operation of this Ordinance and be a village area or a part of a

Special provisions as to elections. [§ 5, 58 of 1943.]

* Repealed by Act No. 54 of 1949.

[§ 90, 53 of 1946.]

village area with effect from a specified date, it becomes necessary to elect the first members of the Village Council to be constituted for that area, a general election in accordance with the provisions of written law for the time being applicable in that behalf may be held before the specified date for the purpose of electing such members, and for the purposes of such election—

- (a) every Grama Sevaka's division in that town or village shall, subject to any subdivision or amalgamation made by Notification under section 8, be deemed to be a ward of the village area ;
- (b) electoral lists in accordance with the provisions of written law aforesaid may be prepared for the wards of such village area ;
- (c) every person who is qualified under the provisions of written law aforesaid shall be entitled to vote at such election ; and
- (d) every person who is qualified under the provisions of written law aforesaid shall be entitled to stand for election and to be elected as a member of the Village Council.

(2) This section shall be deemed for all purposes to have come into operation on the 1st day of July, 1939.

Use of
property and
revenue.
[§ 4, 60 of 1938.]

35. All property vested in a Village Council under the provisions of sections 31, 32 and 33 shall be used or administered, and any revenue derived therefrom shall be employed, by the Village Council for the purposes of this Ordinance.

General
powers.
[§ 10, 60 of 1961.]

36. For the purpose of the discharge of its duties under this Ordinance, a Village Council (without

prejudice to any other powers specially conferred upon it) shall, subject to the other provisions of this Ordinance and to any rules made thereunder, have the following powers :—

- (a) to create all such posts or offices as it may deem necessary ;
- (b) (i) to assign to any post or office in the service of the Council, other than a scheduled post within the meaning of the Local Government Service Ordinance, such salary, allowances or remuneration as the Council may think fit ;
(ii) to make, with the prior approval of the Assistant Commissioner, advances of salary to officers and servants of the Council for such purposes and subject to such terms and conditions as may be prescribed by rules which the Minister is hereby authorized to make under section 52 ;
- (c) to remove any officer or servant of the Council, other than a member of the Local Government Service ;
- (d) to abolish any post or office in the service of the Council which is not a scheduled post within the meaning of the Local Government Service Ordinance ;
- (e) (i) to grant pensions to officers and servants of the Council who are not members of the Local Government Service on their retirement from service ;
(ii) to establish and regulate a provident fund for the benefit of the officers and servants of the Council who are not members of the Local Government Service and who will not receive a pension from the Council under subparagraph (i), and to make contributions to such fund from the communal fund ;
- (f) to grant leave of absence to officers and servants of the Council who are not members of the Local Government Service ;

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- (g) to spend any part of the communal fund in the payment of subsistence and travelling allowances to officers and servants of the Council by way of reimbursement of expenses incurred in the performance of any duty ;
 - (h) to enter into any arrangement with any other Village Council or other local authority for the joint execution of any work or for the employment and remuneration of any officer or servant, not being a member of the Local Government Service, for the several purposes of each Council or local authority ;
 - (i) to spend any part of the communal fund on maternity and child-welfare services, the training of midwives for the purposes of any maternity service established by the Council, housing schemes, such charities or such measures for the relief of distress caused by rain, floods, fire, earthquake, famine or epidemics, or such other purpose as may be approved by the Minister ;
 - (j) to purchase or take on lease any land or building ;
 - (k) to sell, exchange or let or give out on lease, any land or building which is deemed to be vested in the Council by virtue of section 31 ; or which has been purchased or otherwise acquired by the Council ; or in the case of any land or building vested in the Council by a vesting order under section 32, to let or give out on lease such land or building to any person subject to the conditions of the vesting order, or to surrender such land or building to the Crown ;
 - (l) to receive and hold property in trust for the inhabitants of the village area, or any section of such inhabitants, or for the purposes of any public service administered by the Council, and to otherwise act as trustee for any public purpose ;

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- (m) to enter into any contract with any person for any work to be done, service to be rendered, goods or materials to be supplied ;
 - (n) to spend any part of the communal 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 Council, or of carrying out the provisions of this Ordinance or any by-law made or deemed by virtue of any written law to have been made thereunder ;
 - (o) to establish ferries, to impose and to levy or to lease the right to collect tolls at any ferry established or maintained by the Council, and for the protection of such ferry, to prohibit or restrict private ferries by by-laws made in that behalf ;
 - (p) in the case of a ferry established or maintained between any place within the village area and any place within any other village area 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 the Council of the other village area or with such local authority, as the case may be, and to spend any part of the communal fund for any work of construction or maintenance to be carried out beyond the limits of the village area in connexion with any such ferry ;
 - (q) to spend any part of the communal fund in the conduct of experiments in agriculture and the breeding of domestic animals, and in the maintenance of experimental farms and studs for that purpose ;
 - (r) 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 nuisances, the detection, prevention and abatement of all

contraventions of this Ordinance or of by-laws or rules made thereunder, or for the performance of acts required to be done under this Ordinance in respect of which the owner or occupier is, or may be deemed to be, in default :

- (s) 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 Ordinance, and for the purpose of all such inquiries, to administer oaths and summon witnesses ;
- (t) to set apart such contributions from the communal fund as the Minister may approve towards the cost of any association of local authorities for the consideration of matters relating to local administration ;
- (u) to spend any part of the communal fund in the payment of travelling allowances to members of the Council for attendance at meetings of the Council, or to members or officers of the Council attending, with the approval of the Council, any meeting or conference of members or officers of Village Councils for the consideration of matters relating to local administration ;
- (v) * to apply any part of the communal fund to the payment of such expenses not exceeding in the aggregate one thousand rupees in any year as may be incurred by the Council, and such other expenses as may be incurred by the Council with the prior sanction in writing of the Minister, in connexion 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 ;
- (w) * to make from the communal fund such contributions not exceeding in the aggregate five hundred rupees in any year as may be voted by the Council and such other contributions as may be voted by the Council with the prior sanction in writing of the Minister, towards

* For provision validating certain expenditure. &c., prior to May 9, 1958, see section 5 of Act No. 14 of 1958.

the cost of public entertainments or recreations, or towards the support of any libraries, or any educational, scientific, charitable or benevolent institutions, or any religious, charitable, cultural, health or educational purposes ;

- (x) to institute or defend any legal proceedings which the Council may deem necessary to institute or defend for the purpose of enforcing or protecting the rights of the Council or of the public or of protecting its members or officers in the execution or intended execution of their duties ;
- (y) to enforce by-laws made or deemed by virtue of any written law to have been made by it under this Ordinance and to enter prosecutions in the Rural Court for breaches of such by-laws ;
- (z) generally to do all things necessary for the effective exercise of the powers and duties of the Council.

36A. (1) Whenever it appears to the Chairman of any Village Council that an examination or a survey of any private land, building, or premises is necessary for any public purpose in the village area for which the Council is constituted, it shall be lawful for the Chairman to direct any officer or servant of the Council 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 :—

Power to
authorize
surveys.
[§ 11, 60 of 1961.]

- (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 mark 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 Village Council 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 Village Council.

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

Seizure of
certain
animals on
roads or
paths.
[§ 11, 60 of 1961.]

36B. (1) It shall be lawful for any person thereto authorized by the Chairman of a Village Council to seize any ox, buffalo, horse, sheep, goat or pig which he may find tied, tethered or straying on or about any road or path within the administrative limits of the Council, unless such animal is tied or tethered to a cart which is being loaded or unloaded, and to place every animal so seized in the pound established by the Council for the purpose.

(2) No animal seized under subsection (1) shall be delivered to the owner thereof except upon payment to the Chairman of the Village Council of the sum of one rupee, or such other sum as the Minister may by Notification published in the Gazette fix from time to time, which the Chairman shall cause to be remitted

to the person by whom the animal may have been seized, and of a further sum of thirty cents 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 Village Council to sell it by public auction, and after payment of two rupees, or such other sum as the Minister may by Notification published in the Gazette fix from time to time, to the person by whom the animal was seized and a sum calculated at the rate of seventy-five cents a day for the custody and maintenance of the animal in the pound, to pay any balance of the proceeds of such sale, if such balance is not claimed and the payment thereof is not obtained by any person entitled thereto, within a period of one year from the date of such sale, to the communal fund.

(4) The provisions of this section shall have effect in every village area notwithstanding anything contained in the Cattle Trespass Ordinance.

36c. Any person who removes any animal from the lawful custody of any person authorized to seize it under section 36B, 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 punishable by the Rural Court having jurisdiction over the area in which the offence was committed.

Interference with persons authorized to seize certain animals on roads and paths.

[§ 11, 60 of 1961.]

37. * (1) A land tax may be imposed and levied under this section by any Village Council which is authorized in that behalf by the Minister¹ by Notification published in the Gazette.

Authority to levy land tax.

[§ 4, 60 of 1938.]

[§ 4, 17 of 1947.]

* Application modified in such areas as may be specified in an Order under section 2 of the Rating and Valuation Ordinance.—See Section 76 thereof.

(2) The land tax under this section shall consist of either or both of the following :—

[§ 3, 44 of 1944.]
[§ 12, 60 of 1961.]

(a) an assessment tax not exceeding nine *per centum* of the annual value of all buildings and all lands situated in localities within the village area which are declared by the Village Council with the approval of the Assistant Commissioner to be built-up localities ; and

[§ 12, 30 of 1961.]

(b) an acreage tax not exceeding two rupees a year on each acre of land which is situated within that village area and which is under permanent cultivation or regular cultivation of any kind other than paddy and chena cultivation :

Provided that 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 assessment tax shall be imposed or levied by a Village Council on that building notwithstanding that it is situated within a built-up locality ;

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

[§ 18, 54 of 1942.]

(a) any land or building wholly or mainly used for religious, educational, or charitable purposes ;

(b) any land or building which belongs to any religious body and the income from which is wholly or mainly used for religious purposes ;

(c) any building in charge of military sentries ;

(d) any burial or cremation ground ; or

(e) any divided portion of land, duly defined and forming one property, which is situated in any part of a village area other than a built-up locality and is less than five acres in extent ;

[§ 12, 60 of 1961.]

And provided further that the Village Council shall not impose an acreage tax exceeding fifty cents a year on each acre of any divided portion of land, duly defined and forming one property, which is less than

five acres in extent and is situated in any area declared by the Minister by Order published in the Gazette to be a special area for the purposes of the imposition and levy of that tax :

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

(3) Where any land or building, which is situated within any village area and is the property of the Crown, is occupied or held by any person under any lease or permit granted by the Crown, such land or building shall be liable to be assessed in respect of any land tax imposed under this section, and such person shall be liable to pay and shall pay the tax leviable in respect of that land or building.

(4) No property of the Crown, whether movable or immovable, shall be liable to be seized or sold for the recovery of any tax which may be due from any person occupying or holding or enjoying any land or building, which is the property of the Crown, under any agreement, contract, or permit, whether express or implied, with or from the Crown.

(5) The land tax under this section shall be assessed and levied, and, in cases of default, shall be recovered summarily, in such manner as may be prescribed by rules under section 52 :

Provided, however, that for the purposes of the recovery of the tax in any case of default, the following shall not be liable to such seizure or sale as may be prescribed by any such rule :—

- (a) the necessary wearing apparel, beds, and bedding of the defaulter, or of his wife and children ;
- (b) tools, utensils, and implements of trade or business, and, where the defaulter is an agriculturist, his implements of husbandry and such cattle and seed grain as may be necessary to enable him to earn his livelihood as such ;
- (c) professional instruments and library necessary for the carrying on of the defaulter's profession or business ;

- (d) books of account ;
- (e) mere rights to sue for damages ;
- (f) any right of personal service ;
- (g) the wages of labourers and domestic servants, whether before or after they are actually payable.

[§ 4, 17 of 1947.]

(6) The authority to levy a land tax given to a Village Council by the Minister¹ by Notification under subsection (1) may at any time be withdrawn by a like Notification upon the passing of a resolution in that behalf by the Village Council and upon the recommendation of the Assistant Commissioner that effect should be given to such resolution ; and where the authority is so withdrawn the Village Council shall forthwith abolish the tax, but without prejudice to its right to recover any arrears of tax that may be due at the time of such abolition.

[§ 18, 54 of 1942.]

(7) Where any town or village is excluded from the operation of the Local Boards Ordinance, 1898,* or the Small Towns Sanitary Ordinance, 1892,* and brought within the operation of this Ordinance, the Minister¹ may by Order published in the Gazette declare that town or village or any portion thereof to be a built-up locality and direct the Village Council to impose and levy within that locality an assessment tax in accordance with the provisions of this Ordinance. An Order declaring a built-up locality under this section may be published at any time after the publication of the Order¹ whereby the town or village is brought within the operation of this Ordinance and before the date on which the Order¹ is to take effect ; and the first assessment tax under this Ordinance to be levied within that locality with effect from that date may be imposed before that date.

[§ 3, 44 of 1944.]

For the purposes of the imposition of the first assessment tax as aforesaid—

- (i) any rule under section 52 relating to the manner in which the tax is to be imposed or in which property is to be assessed for the purposes of the tax shall not be deemed to apply ; and

* Repealed by Act No. 54 of 1949.

- (ii) the annual value of each land or building within that locality shall be deemed to be the annual value thereof last assessed for the purposes of any assessment rate imposed by the Local Board or the Sanitary Board, as the case may be.

37A. (1) Where any building, other than a building containing furniture, is or remains unoccupied for any period, a Village Council may allow for that period a proportionate remission of the amount due on that building in respect of the assessment tax.

Remission of part of assessment tax in respect of period of non-occupancy of a building.

[§ 13, 60 of 1961.]

(2) Where any building containing furniture is registered with a Village Council as a building intended to be let furnished, or as a building not intended to be permanently occupied, and the building remains unoccupied, for any period the Council may allow for that period a proportionate remission of one-half of the amount due on that building in respect of the assessment tax.

(3) The period for which remission may be allowed under subsection (1) or subsection (2) in respect of any building shall—

- (i) commence on the date on which written notice is received by the Council to the effect that the building is unoccupied; and
- (ii) end on the date on which the building is re-occupied:

Provided, however, that where written notice of the date of the re-occupation of any building is not given to the Council within three days of the re-occupation, then—

- (a) if the period for which such remission is claimed exceeds one month, no such remission in respect of one month in that period shall be allowed, and
- (b) if that period does not exceed one month, no such remission in respect of the entirety of that period shall be allowed.

(4) Every person who gives notice under subsection (3) that any building is unoccupied, shall specify in the notice the address to which any communication may be sent to him by the Council for the purposes of this section.

(5) Where any question arises as to the period during which any building is or remains unoccupied, the decision of the Council thereon shall be final; notice of such decision shall be sent by post to the address specified in the notice relating to that building.

Licence duties.
[§ 4, 60 of 1938.]
[§ 2, 8 of 1952.]

38. A Village Council may impose and levy on every licence issued by it under this Ordinance or the by-laws made or deemed by virtue of any written law to have been made thereunder, a licence duty at rates determined by the Council by resolution and not exceeding such amount as may be specified by the Minister by Order published in the Gazette.

Tax on vehicles and animals.
[§ 4, 60 of 1938.]
[§ 19, 54 of 1942.]

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

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

- (a) any vehicle or animal which is the property of the Crown or of the Village Council ; or
- (b) the authorized number of horses belonging to military officers doing staff, regimental or other public duty within the village area ; or
- (c) any vehicle kept for sale by a bona fide dealer in such vehicles and not used for any other purpose ; or
- (d) any vehicle subject to a licence duty under the Motor Traffic Act.

[§ 14, 60 of 1961.]

(2) The tax on vehicles and animals shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found

thirty days after it has been used for the first time within the village area or brought into the village area for use therein.

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

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

(4) Where any vehicle or animal liable to any tax under this Ordinance is used or to be used within the limits of more than one village area, such vehicle or animal shall only be liable to one such tax, and such tax shall be paid to the Village Council of the village area within which that vehicle or animal is principally used or to be used, and if any question arises as to the village area within which any vehicle or animal liable to any such tax is principally used or to be used, the question shall be determined by the Assistant Commissioner, or where such village areas are not all situated within the administrative region of the same Assistant Commissioner, by the Commissioner of Local Government. [§ 19, 54 of 1942.]

(5) Where any vehicle or animal is ordinarily liable to the tax imposed under this Ordinance and the tax imposed under section 162 of the Urban Councils Ordinance or section 161 of the Town Councils Ordinance or section 245 of the Municipal Councils Ordinance, such vehicle or animal shall be liable to only one such tax which shall be payable— [§ 5, 57 of 1946.]

- (a) where the vehicle or animal is kept within the limits of a village area or within the administrative limits of an Urban Council, a Town Council or a Municipal Council, to the Village Council of such village area or to such Urban Council, Town Council or Municipal Council, as the case may be ; or [§ 19, 54 of 1942.]
- [§ 14, 60 of 1961.]
- [§ 14, 60 of 1961.]

[§ 14, 60 of 1961.]

[§ 14, 60 of 1961.]

(b) where the vehicle or animal is not kept within the limits of a village area or within the administrative limits of an Urban Council, a Town Council, or a Municipal Council, to the Village Council, Urban Council, or Town Council or Municipal Council within whose administrative limits it is principally used ;

and if any question arises as to the limits within which any such vehicle or animal is kept or used, the question shall be determined by the Commissioner of Local Government.

[§ 19, 54 of 1942.]

(6) If any person liable to pay the tax leviable under this section fails to pay such tax within seven days after demand, the Chairman shall report the failure to the Rural Court and the Rural Court shall proceed to recover the amount due as if it were a fine imposed by the Rural Court and shall pay the amount so recovered into the communal fund of the Village Council.

Public Utility Services

Power of Village Council to establish and maintain public utility services.
[§ 15, 60 of 1961.]

40. A Village Council may, for the purpose of the village area or any part thereof, either independently or in conjunction with any other local authority, and either directly (with or without the assistance of Government) or through any promoter or body of promoters, establish and maintain for the benefit of the persons inhabiting or resorting to such area or part any of the following public utility services :—

- (a) water supply ;
- (b) the lighting of streets, public places, and public buildings ;
- (c) the supply of electric light or power ;
- (d) markets ;
- (e) public baths and bathing-places ;
- (f) the manufacture and supply at cost price of squatting plates for latrines ;
- (g) the provision of housing accommodation for the poorer classes ;

- (h) any other form of public service which the Council may be specially authorized by the Minister to establish and maintain ;
- (i) any other form of public service which the Council is authorized by any other written law to establish and maintain.

40A. For the purpose of the establishment and maintenance of any public utility service which a Village Council is authorized by or under section 40 to establish and maintain the Council may—

Manner of defraying expenses of public utility services.
[§ 16, 60 of 1961.]

- (a) provide for any expenses involved out of the revenue of the Council ; or
- (b) levy a special rate upon the area benefited 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 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 established and maintained through any promoter or body of promoters, in pursuance of any agreement made with the Council or under any licence issued by the Council, authorize such promoter or promoters to charge such fees as may be approved by the Council from persons deriving benefit from such service.

40B. A special rate levied by a Village Council upon the area benefited by a water service or conservancy service established and maintained by the Council shall not exceed six *per centum* of the annual value of all buildings and lands situated within such area.

Maximum of special rate for water or conservancy service.
[§ 16, 60 of 1961.]

Liability for special rates in respect of Crown property.
[§ 16, 60 of 1961.]

40c. (1) Where any land or building, which is situated within any village area and is the property of the Crown, is occupied or held by any person under any lease or permit granted by the Crown, such land or building shall be liable to be assessed in respect of any lease or permit granted by the Crown, such land 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 Crown, 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 Crown.

Assessment and recovery of special rates.
[§ 16, 60 of 1961.]

40d. Every special rate under section 40A shall be assessed and levied and, in case of default shall be recovered summarily, in such manner as may be prescribed by rules made under section 52 :

Provided, however, that for the purposes of the recovery of any such rate in case of default, nothing specified in the proviso in section 37 (5) shall be liable to such seizure or sale as may be prescribed by any such rule.

Exemption from special rate by resolution.
[§ 16, 60 of 1961.]

40e. A Village Council may by resolution specially exempt any property from any special rate imposed under section 40A on the ground of the poverty of the owner.

Supply to premises in adjacent areas.
[§ 16, 60 of 1961.]

40f. A Village Council may, with the approval of the Minister and subject to the consent of the local authority of any area adjacent to the village area, 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 powers of Councils.
[§ 16, 60 of 1961.]

40g. 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 Ordinance, any Village Council may enter into any

contract and may, subject to the provisions of this Ordinance, purchase, take upon lease, hire, construct, 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.

40H. Where the Village Council establishes and maintains a public water supply for the benefit of the inhabitants of the village area 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 Council 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.

Ratepayer entitled to free water supply from public stand-pipes for domestic purposes.
[§ 16, 60 of 1961.]

40J. 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.

Meaning of "domestic purposes".
[§ 16, 60 of 1961.]

40K. A Village Council 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 Council and the persons desirous of being so supplied, or as may be prescribed by by-laws in that behalf.

Contract for private service.
[§ 16, 60 of 1961.]

40L. It shall be lawful for a Village Council to establish and maintain within the village area all such village fairs as are required for the service of the inhabitants, and to provide for the proper regulation, supervision and control of such fairs.

Power of Village Council as to village fairs.
[§ 16, 60 of 1961.]

Provisions applicable where a licence is required for a private fair.
[§ 16, 60 of 1961.]

40M. The following provisions shall apply in the case of every village area where the establishment or maintenance of a private fair except under the authority of a licence is prohibited under any by-laws made in that behalf by the Village Council of that area :—

- (1) 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 Council 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.
- (2) The authority empowered in that behalf may, on or after the date appointed under paragraph (1) 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.
[§ 16, 60 of 1961.]

40N. (1) Where a Village Council is satisfied that it is in the public interest that any private fair should be either—

- (a) discontinued, or
- (b) taken over by the Council and maintained as a village fair,

the Council may either direct the discontinuance of such fair, or may take it over and maintain it as a village 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 a Village Council 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 Ordinance and the value of the same premises if used, not as a fair, but for any other

purposes 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 Village Council to be maintained as a village fair, the compensation payable shall be the value of the premises when used as a fair under this Ordinance.

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

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

Communal
fund.
{ § 4, 60 of 1938. }

(a) all fines and penalties enumerated in the Second Schedule ;

(b) all rates and taxes levied under sections 37, 39 and 40 ;

{ § 21, 54 of 1942. }
{ § 5, 17 of 1947. }

(c) all licence duties levied under section 38 and the amount of all stamp duties enumerated in the Third Schedule ;

(d) all sums realized by sales, leases, or other transactions of the Council ;

(e) all revenue derived from any property vested in the Council or from any public service maintained by the Council ;

(f) all sums appropriated by Parliament or allocated by the Minister¹ to the Village Council :

{ § 21, 54 of 1942. }

Provided that no such sum shall be paid into the communal fund unless such payment is authorized by the Commissioner of Local Government ;

(g) all sums otherwise accruing to the Council in the course of the exercise of its powers and duties under this Ordinance.

Power to
make
by-laws.
[§ 4, 60 of 1938.]
[§ 17, 60 of 1961.]

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

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

(i) Meetings and procedure, including—

- (a) the intervals at which ordinary meetings are to be convened ;
- (b) special meetings ;
- (c) mode of convening a meeting ;
- (d) conduct of meeting.

(ii) Officers and servants, including—

[§ 17, 60 of 1961.]

(a) the creation of posts or offices ;

[§ 17, 60 of 1961.]

(b) appointments to posts or offices in the service of the Council, not being scheduled posts within the meaning of the Local Government Service Ordinance ;

[§ 17, 60 of 1961.]

(bb) the qualifications necessary for appointments to posts or offices referred to in sub-paragraph (b) ;

[§ 17, 60 of 1961.]

(c) the payment of salaries, allowances and remuneration to officers and servants of the Council who are not members of the Local Government Service ;

[§ 17, 60 of 1961.]

(cc) the provision of pensions or gratuities to the widows, children, next of kin or dependants of deceased officers or servants ;

[§ 17, 60 of 1961.]

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

- (e) the grant of leave of absence to officers and servants referred to in sub-paragraph (c). [§ 17, 60 of 1961.]

(iii)* Taxation of land, including—

- (a) the fixing, for the purposes of the assessment tax on property, of the percentage or rate to be deducted from the annual value for the probable annual average cost of insurance, repairs, maintenance and upkeep ;
- (b) the form of the returns, statements or information that may be called for the purposes of any tax, and the manner in which they are to be called for by the Chairman and furnished by the inhabitants.

(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 advanced.

(v) Land and property, including—

- (a) the provision, regulation, and management of *ambalams* and *madams*, open spaces, and places for public recreation ;
- (b) the care of waste or public land ;
- (c) the maintenance and management of immovable property vested in, or under the control of, the Council ;
- (d) the care, regulation, and provision of common pasture grounds, and the levy of fees for the use of the same ;

* Application modified in such areas as may be specified in an Order under Section 2 of the Rating and Valuation Ordinance.—See Section 76 thereof.

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- (e) the putting up and preservation of boundaries and of fences of lands, whether private or public ;
 - (f) the authorization of entry upon private lands for the purpose of the prevention of damage to, or the repairing or remedying defects in, any wires or apparatus or the supports thereof maintained for the purpose of any public service.
- (vi) Roads and paths, including—
- (a) the improvement, alignment, level, width, and construction of new roads and paths in the area ;
 - (b) the cleaning, watering, and lighting of roads and paths ;
 - (c) the use of, and regulation of traffic in roads and paths, including the limitation of the weight and speed of vehicles, and the prevention or restriction of the use of vehicles upon any bridge, road, or path, or in any place where such use may be attended with danger to the public, or may be likely to damage such bridge, road, or path ;
 - (d) the regulation of processions and assemblages and of the performance of music on roads or paths ;
 - (e) the prevention, abatement, supervision, and regulation of obstructions, encroachments, projections and other interferences with roads and paths ;
 - (f) the erection of hoardings and other temporary structures, and charging of fees for the use of hoardings erected by the Council ;

- (g) the protection of the public against dangers resulting from building and other operations in or about roads and paths.
- (vii) Buildings, building operations, and works, including—
- (a) the definition of areas to which the by-laws under this heading are to apply ; [§ 22, 54 of 1942.]
 - (b) the regulation of the material of new buildings with a view to securing stability, the prevention of fire, and purposes of health ;
 - (c) the space to be left about any building or block of buildings to facilitate and secure free circulation of air and to facilitate scavenging ;
 - (d) the dimensions of doors and windows, the level of the floor, the height of the roof, general ventilation, and drainage ;
 - (e) the number and nature of latrines ;
 - (f) foundation and stability of structure ;
 - (g) the line of building frontage.
- (viii) Public health and amenities, including—
- (a) drainage ;
 - (b) conservancy and scavenging, and the charging of fees therefor ;
 - (c) the inspection, regulation, maintenance, and cleansing of drains, privies, cesspits, ash-pits, and sanitary conveniences and appliances ;
 - (d) the regulation and management of public sanitary conveniences ;
 - (e) the regulation, supervision, inspection, and control of lodging-houses and tenement buildings ;
 - (f) the abatement of nuisances ;

- (g) the seizure, forfeiture, removal, and destruction of unwholesome articles of food or drink, and the prevention of the sale or exposure for sale thereof ;
- (h) the regulation, supervision, inspection and control of bakeries, eating houses, and restaurants, and tea and coffee boutiques ;
- (i) the regulation, supervision, inspection, and control of dairies, and the sale of milk ;
- (j) the sale of provisions, including the inspection, regulation, and control of shops and places (other than markets) used for the sale of meat, poultry, fish, fruit, vegetables, or other perishable articles of food for human consumption, and the licensing of shops and places used for the sale of fresh meat, fresh fish, or live animals ;
- (k) the regulation, supervision, inspection, and control of trades deemed to be offensive or dangerous by the Council ;
- (l) the regulation of the dimensions and use of kraals in public lakes, rivers, lagoons, and estuaries for soaking coir husks, and the charging of fees for the use of such kraals ;
- (m) the regulation, supervision, inspection, control and licensing of breweries and aerated water manufactories ;
- (n) the compelling of owners and occupiers in the village area to keep their lands free of undergrowth and rubbish, and their dwelling compounds in clean and sanitray condition ;
- (o) the prevention of malaria and the destruction of mosquitoes and disease-bearing insects ;

- (p) the draining, cleansing, covering, or filling up of ponds, pools, open ditches, sewers, drains and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature or likely to be prejudicial to health ;
 - (q) the cleansing, purifying, ventilating, and disinfecting of houses, dwellings, and places of assembly or worship by the owners or occupiers and persons having the care and ordering thereof ;
 - (r) the prevention or mitigation of epidemic, endemic, or contagious diseases, and the speedy interment of the dead during the prevalence of such diseases ;
 - (s) washing and bathing, including the establishment, maintenance, and regulation of public bathing-places and places for washing animals and clothes ;
 - (t) all such other purposes as are not specially provided for by this Ordinance, and may be necessary for the preservation of the public health and the suppression of nuisances.
- (ix) Itinerant vendors, including—
- (a) the supervision or control of itinerant vendors ;
 - (b) the issue of licences for the purpose of such supervision or control, and the conditions to be attached to such licences ;
 - (c) the refusal of licences whether in the absolute discretion of the issuing authority or 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.

[§ 2, 60 of 1941.]

(x) 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 ;

[§ 23, 54 of 1942.]

- (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 village area to any place outside such area ;

[§ 29, 24 of 1940.]

- (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 Council is likely to cause unnecessary pain or suffering) ;
- (h) the regulation and supervision of cattle sheds, *galas*, and halting places and the control of the location thereof ;
- (i) the disposal of the bodies of dead animals.

[§ 17, 60 of 1961.]

(xi) Village or private markets and fairs, including—

[§ 17, 60 of 1961.]

- (a) their establishment, maintenance and improvement ;

[§ 17, 60 of 1961.]

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

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- (c) their conservancy and scavenging, and the prevention of nuisances in connexion therewith ; [§ 17, 60 of 1961.]
- (d) the control of traffic, and the preservation of order within them and in their immediate vicinity ; [§ 17, 60 of 1961.]
- (e) the provision, inspection, and control of latrines, slaughterhouses, water supply, and lighting on the premises of markets ; [§ 17, 60 of 1961.]
- (f) the allotment of stalls, stands, seats or spaces ; [§ 17, 60 of 1961.]
- (g) the inspection of food and seizure of unwholesome articles of food ;
- (h) the prohibition of the introduction or sale of any article or articles of food in cases where, in the opinion of the Council, there exists good reason for such prohibition ;
- (i) the absolute prohibition, or the restriction by means of special licences, of the sale of any article, and the charging of fees for such special licences ;
- (j) the provision of security against fires ;
- (k) the temporary closing of any market or fair ; [§ 17, 60 of 1961.]
- (l) the due performance of their duties by market keepers and other employees ; [§ 17, 60 of 1961.]
- (m) the fixing and recovery of fees or rents for the use of the premises of a village market or any part thereof, or of the buildings thereon, and for the leasing of the right to collect any such fees or rents ;
- (n) the declaration of a market area for each village market, and the licensing, restriction, or prohibition of private markets or of the sale of market commodities within such area in any place other than the village market ;

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- (o) the licensing of private markets or fairs, the conditions of the licence, and the fees payable in respect thereof ;
 - (p) the standards to be observed in respect of accommodation, drainage, roads, air spaces, equipment, and sanitary requirements in private markets or fairs ;
 - (q) the renovation, alteration, enlargement, and improvement of existing buildings, and the erection of new buildings after notice to the Council and in accordance with plans to be approved by the Council, in or about the premises of private markets or fairs.
- (xii) Water supply, including—
- (a) the regulation, protection and maintenance of communal wells, spouts, springs or other watering places for the supply of water for domestic purposes ;
 - (b) the regulation and maintenance of watering places of any kind set apart by the Council 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 Council.
- [7, 58 of 1943.]
- (xiii) Public services, including all matters necessary for their establishment, maintenance, working, and supply, for the imposition and recovery of charges in connexion therewith, and for their protection against damage and against competition.
- [7, 58 of 1943.]

- (xiv) The measure or dimension of bread, and the regulation of its manufacture and quality.
- (xv) The regulation of weights and measures.
- (xvi) The prevention of accidents connected with toddy drawing and for the periodical inspection of the ropes and other appliances used for that purpose.
- (xvii) The prevention of accidents caused by the setting of spring guns and traps.
- (xviii) The fencing of wells and pits.
- (xix) The prevention of gambling and cock-fighting and of cart-racing on public paths or roads.
- (xx) The prevention of disorderly conduct, of loitering in public paths or roads or public places, and of the use of abusive language.
- (xxi) The prevention of the sale to boys under sixteen years of age or to females, of any description of spirits or other intoxicating liquor or toddy drawn from any species of palm or the fermented juice of the sugar cane.
- (xxi) (a) The regulation, supervision, inspection and control of hairdressing saloons and barbers' shops. [§ 17, 60 of 1961.]
- (b) The regulation, supervision, inspection and control of billiard saloons. [§ 17, 60 of 1961.]
- (c) The regulation, supervision, inspection and control of forges. [§ 17, 60 of 1961.]
- (d) The licensing of persons and brokers. [§ 17, 60 of 1961.]
- (e) The licensing of persons carrying on the business of money lending. [§ 17, 60 of 1961.]
- (xxii) All other purposes, whether of the same nature as those above enumerated or otherwise, which, in the opinion of the Council, may be necessary for the protection or promotion of the local public interests, conveniences, and amenities.

(3) No by-law made under this section shall have effect until it is approved by the Minister¹ and notification of such approval is published in the Gazette.

Power to
raise loans.
[§ 4, 60 of 1938.]
[§ 18, 60 of 1961.]

43. (1) Subject to the provisions of section 50, it shall be lawful for a Village Council to borrow from the Ceylon Government, or any person or body of persons whether incorporated or not, such sum or sums of money as may be necessary for any of the purposes of the Council. Every loan raised by a Village Council shall be subject to such rate of interest and to such conditions for the repayment thereof as the Minister with the concurrence of the Minister of Finance may approve.

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

(3) Notwithstanding anything in section 15 of the Local Loans and Development Ordinance contained, it shall be lawful for the commissioners appointed under that Ordinance to advance money to a Village Council for the purposes aforesaid on such security as such commissioners may deem sufficient, and the provisions of that Ordinance shall apply to any such loan whether made before or after the commencement of this Ordinance.

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

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

44. For the purposes of section 3 of the Cemeteries and Burials Ordinance every Village Council shall be the proper authority under that Ordinance within the limits of the village area for which that Council is constituted.

Village Council to be proper authority under Cemeteries and Burials Ordinance.
[§ 4, 60 of 1938.]

44A.* Any land or building required for the purposes of a Village Council may be acquired under the Land Acquisition Act by the Government for such Council.

Compulsory acquisition of lands and buildings.
[§ 2, 35 of 1957.]

44B. (1) Where in any village area any tree or any branch, 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 Village Council 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, fruit, or other part of such tree within such time as may be specified in the notice.

Powers of Chairman of a Village Council in regard to trees or branches or fruits of trees endangering the safety of person or property.
[§ 19, 60 of 1961.]

(2) Every person on whom a notice from the Chairman of a Village Council 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 person to comply with such requirements within such time, such Chairman, or any officer or workman authorized in writing by such 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 such Village Council.

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

Definition of village works.
[§ 4, 60 of 1938.]

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

* For provision validating past compulsory acquisitions of immovable properties, see section 3 of Act No. 35 of 1957.

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

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

PART IV

SUPERVISION AND CONTROL OF VILLAGE COUNCILS

Limitation of powers of Village Councils.

[§ 4, 60 of 1938.]
[§ 23, 54 of 1942.]
[§ 20, 60 of 1961.]

46. The powers conferred on a Village Council by sections 36 to 40A and section 40E shall be subject to the limitation and condition that it shall not be lawful for the Village Council to give effect to any resolution or decision arrived at in the exercise of those powers, until such resolution or decision is approved—

[§ 23, 54 of 1942.]
[§ 2, 8 of 1952.]

(1) by the Minister with the concurrence of the Minister of Finance¹ in every case where the resolution or decision relates to the imposition of any rate, tax other than a tax on vehicles and animals under section 39, or toll; or

(2) by the Assistant Commissioner, subject to an appeal to the Minister in every case where the resolution or decision relates to—

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

(b) the lease of any immovable property handed over to the Council by a vesting order under section 32; or

[§ 20, 60 of 1961.]

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

[§ 20, 60 of 1961.]

(cc) the remuneration to be assigned to any post or office in the service of the Council, not being a scheduled post within the meaning of the Local Government Service Ordinance;

(d) the expenditure of any sum of money exceeding three hundred rupees out of the communal fund on any work, scheme or project ; or [§ 20, 60 of 1961.]

(e) the formation of any contract or other agreement involving any expenditure exceeding three hundred rupees out of the communal fund ; or [§ 20, 60 of 1961.]

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

(g) the allocation of any part of the communal fund for any purpose specified in paragraph (n) of section 36 : [§ 23, 54 of 1942.]

Provided that the prior approval of the Minister¹ shall not be necessary in the case of a resolution whereby a Village Council decides to impose in any year a rate or tax at the same rate as was in force during the preceding year. [§ 6, 31 of 1940.]

[§ 23, 54 of 1942.]

47. (1) Notwithstanding anything in section 46 but subject to subsection (2) of this section, the approval of the Assistant Commissioner shall not be required before effect is given to any resolution or decision of a Village Council in respect of any matter referred to in sub-paragraphs (d) to (g) of paragraph (2) of that section. Application of section 46. [§ 2, 8 of 1952.]

(2) The Minister may in his discretion by Order published in the Gazette declare that the provisions of subsection (1) of this section shall not apply in the case of any Village Council specified in the Order ; and so long as such Order remains in force the provisions of section 46 shall apply in relation to resolutions or decisions of that Village Council in all respects as though subsection (1) of this section had not been enacted.

Rules as to
administra-
tion of fund
and property.
[§ 4, 60 of 1938.]

48. (1) The administration by a Village Council of the communal fund and of the property vested in, or used or occupied by, the Council, shall be further subject to such rules of procedure as may be made under section 52 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 Minister¹ or of the Assistant Commissioner shall be obtained in any matter connected with a budget, which requires such approval under the provisions of this Ordinance ;
- (c) the steps to be taken in any matter connected with a budget, in the event of its being disapproved by the Minister¹ or the Assistant Commissioner ;
- (d) the form in which books of accounts shall be kept by a Village Council ;
- (e) the form of the periodical statement of accounts which shall be prepared by a Village Council ;
- (f) the manner in which, the intervals at which, and the persons by whom, the books, accounts, documents and other records of a Village Council, the works of construction, maintenance or repair undertaken or executed by a Village Council, and the lands and buildings vested in or used or occupied by a Village Council shall be inspected ; and
- (g) the mode of giving notice, within the village area, of the financial proposals of a Village Council, and of publishing the periodical statements of accounts.

Audit of
accounts.
[§ 21, 60 of 1961.]

(2) (a) The accounts of every Village Council shall be inspected and examined once at least in every year, and shall be audited annually by the Auditor-General or an officer authorized by him (hereinafter referred to as the auditor) ; and the Village Council shall pay to the Government, as a contribution towards the cost of

such inspection, examination and audit, a fee according to such rates as may from time to time be determined by the Minister of Finance. ¹ [§ 21, 60 of 1961.]

(b) For the purposes of any inspection, examination and audit of accounts under this subsection, the Auditor-General or authorized officer may, by notice in writing, require the production before him of any book, deed, contract, account, voucher, and any other document and papers which he may deem necessary, and may require any person holding or accountable for any such book, deed, contract, account, voucher, document, or papers to appear before him at any such inspection, examination and audit or adjournment thereof, and to make and sign a declaration in respect of any matter relating thereto. Every such declaration shall be free of stamp duty. [§ 21, 60 of 1961.]

(c) If any person neglects or refuses to produce any book, deed, contract, account, voucher, document, or papers within thirty days of his being required so to do, or to make or sign any declaration when required so to do under this subsection, he shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees and to a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence. [§ 21, 60 of 1961.]

(d) In auditing the accounts of a Village Council under this subsection, the auditor 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 [§ 21, 60 of 1961.]

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 Village Council shall be disallowed by the auditor if such expenses have been sanctioned by the Minister.¹

[§ 21, 60 of 1961.]

(dd) Where any item of the accounts of a Village Council relating to any expenditure authorized by a resolution of the Council is disallowed by the auditor as being contrary to law under paragraph (d) of this subsection, the Chairman of the Council and every other member of the Council 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 purposes of that paragraph.

(e) Before making any surcharge or disallowance against any person, the auditor 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.

[§ 21, 60 of 1961.]

(f) Any person aggrieved by any surcharge or disallowance made under this subsection may, within thirty days after the date of the decision of the auditor being communicated to him, appeal therefrom to the Minister :¹

Provided that no such appeal shall be entertained in any case in which the appellant has failed or neglected to make any representation with regard to the matter of such surcharge or disallowance after an opportunity to do so has been afforded to him by the auditor in accordance with the provisions of this subsection.

(g) The Minister⁴ shall decide every appeal under this subsection according to the merits of the case, and may by order direct the recovery from the appellant

of the whole or any portion of the amount surcharged or disallowed, if he thinks fit¹ to do so ; and if he finds¹ that any surcharge or disallowance has been lawfully made, but that the subject-matter thereof was incurred in such circumstances as to make it fair and equitable that the surcharge or disallowance should be remitted, the Minister¹ may by order direct that the same shall be remitted, but that the amount of the costs and expenses which may have been incurred by the auditor in the enforcing of such surcharge or disallowance, or any portion thereof, shall be recovered from such person.

(h) Every sum certified to be due from any person by the auditor as aforesaid shall be paid by such person to the Commissioner of Local Government within fourteen days after the decision of the auditor 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 paragraph (ha) or paragraph (hb). [§ 21, 60 of 1961.]

(ha) If any sum referred to in paragraph (h) is not paid within the time allowed therefor by that paragraph to the Commissioner of Local Government by the person from whom it is due, such Commissioner may make an application— [§ 21, 60 of 1961.]

- (i) where such sum exceeds seven hundred and fifty rupees, to the District Court, and
- (ii) where such sum does not exceed seven hundred and fifty rupees, to the Court of Requests,

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 sum 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.

[§ 21, 60 of 1961.]

(hb) Where the Commissioner of Local Government is of the opinion in any case that recovery from any person of any sum referred to in paragraph (h) 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 of 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.

[§ 21, 60 of 1961.]

(i) Any amount directed to be recovered from any such person by any order made by the Minister¹ under this subsection may forthwith be recovered by the Commissioner of Local Government in the same manner as any sum certified by the auditor is recoverable under the provisions of this subsection.

(3) 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 disallowance or surcharge, shall be credited to the communal fund of the Village Council.

[§ 21, 60 of 1961.]

49. (1) All moneys received by a Village Council or by the Chairman of the Council on behalf of the Council, and payable to the communal fund shall, within fourteen days of the receipt thereof, be deposited by the Chairman either—

Deposit and use of communal fund.
[§ 22, 60 of 1961.]

(a) in the nearest Kachcheri ; or

(b) in such of the banks in Ceylon as may be selected by the Council with the sanction of the Minister,

and shall be credited to an account bearing the name of that fund.

(2) Subject to the provisions of subsection (3) of section 56B, no payment shall—

(a) where the communal fund of a Village Council is maintained in a Kachcheri, be made out of that fund, except by the Government Agent on an order of payment signed and issued by the Chairman of the Council, or by the Vice-Chairman of the Council acting under the authority of the Chairman and by an officer of the Council specially authorized by the Council for that purpose ; or

(b) where that fund is maintained in a bank, except on a cheque or an order of payment signed and issued in such manner as may be prescribed by rules which are hereby authorized to be made for the purpose under section 52.

(3) Subject to the provisions of subsection (2) of section 56B, no cheque or order for payment of moneys out of the communal fund of a Village Council shall be issued unless the expenditure to which it relates has been authorized by the Council either generally or by a resolution in that behalf.

(4) For the purpose of resolving any doubts as to the legality of any item of expenditure authorized by a resolution of a Village Council, the Chairman of the Council 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 reference through the Assistant Commissioner to the Chairman.

(5) Where the Commissioner of Local Government has, on any reference made to him under subsection (4), confirmed the legality of any item of expenditure authorized by a resolution of a Village Council, the Chairman of the Council and every other member thereof shall not, notwithstanding anything to the contrary in section 48, be liable to a surcharge by the auditor under that section in respect of any payment relating to that item of expenditure.

Ex gratia
payment of
pension,
annuity,
gratuity or
retiring
allowance.
(§ 4, 7 of 1959.)

49A. (1) A Village Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant out of the communal fund of the village area for which that Council has been constituted, to any person—

- (a) who retires or has retired from service as an officer or servant of that Council, or
- (b) who is or was transferred from such service to, and retires or has retired from, the service of the Government,

a pension, gratuity, or retiring allowance 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 that Council or under any pension scheme established under the Local Government Service Ordinance.

(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 Village Council under any by-laws or rules of that Council or under any

scheme or fund established under the Local Government Service Ordinance, that Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant to such widow, children, next of kin or dependants a pension, an annuity or a gratuity out of the communal fund of the village area for which that Council has been constituted.

(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.

49B. (1) A Village Council may, with the approval of the Minister given with the concurrence of the Minister 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 Council upon their discontinuance from the service of that Council.

Power to establish gratuity scheme.
[§ 4, 7 of 1959.]

(2) The by-laws made under subsection (1) may be so made by a Village Council as to be applicable to temporary officers and servants of that Council who have been discontinued from the service of that Council before the coming into operation of the by-laws.

50. (1) Every resolution passed by a Village Council relating to the raising of a loan shall specify the rate of interest which is to be paid on the loan and the purposes to which the money is to be applied, and a copy of the resolution shall be submitted forthwith to the Minister¹ for approval.

Interest on loans raised by Village Council.
[§ 4, 60 of 1938.]

(2) No loan shall be raised by a Village Council unless the resolution relating thereto has been approved by the Minister with the concurrence of the Minister of Finance.¹

(3) The Minister's approval of a resolution passed by a Village Council relating to the raising of a loan shall not be necessary if the amount outstanding in respect of all loans already raised by such Council does not exceed the total income received by such

[§ 2, 8 of 1952.]

Council during the three years immediately preceding the year in which the loan referred to in such resolution is to be raised.

Waiver of sums due to a Village Council.
[§ 23, 60 of 1961.]

50A. A Village Council may by resolution waive the whole or any part of any sum of money due to the Council 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 V

SUPPLEMENTAL PROVISIONS RELATING TO VILLAGE COUNCILS

Payment of costs awarded against Village Councils.
[§ 4, 60 of 1938.]

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

Rules as to meetings, land tax and finance.
[§ 4, 60 of 1938.]
[§ 12, 11 of 1940.]

52. (1) The Minister¹ may make rules not inconsistent with the provisions of this Ordinance, on any matter connected with the execution or enforcement of those 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 Village Council, 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 the land tax is to be imposed and levied, or, in cases of default, recovered summarily by a Village Council and the manner in which property is to be assessed for the purposes of that tax;

[§ 8, 17 of 1947.]

* Application modified in such areas as may be specified in an Order under Section 2 of the Rating and Valuation Ordinance.—See Section 76 thereof.

- (c) the manner in which any rate is to be imposed and levied, or, in cases of default, recovered summarily by a Village Council, and the manner in which property is to be assessed for the purposes of any such rate; [§ 24, 54 of 1942.]
- (d) the manner in which any rent or fee which is not payable in advance under the by-laws made by a Village Council, may be recovered summarily by the Village Council in the event of default being made in the payment thereof;
- (e) the several matters appertaining to finance and the administration of funds and other property for which rules are required under section 48, and all other matters connected therewith or incidental thereto;
- (ea) the rates of subsistence and travelling allowances payable to members or officers or servants of Village Councils by way of reimbursement of expenses incurred in the performance of any duty; [§ 24, 60 of 1961.]
- (eb) the rates of travelling allowances payable to members of a Village Council for attendance at meetings of the Council; [§ 24, 60 of 1961.]
- (f) the returns to be rendered periodically by the several Village Councils to the Minister;¹
- (ff) the receipt and disposal of stores and equipment, the keeping of inventories and the manner in which such inventories shall be kept; [§ 24, 60 of 1961.]
- (g) the appointment, discipline, suspension and dismissal of officers and servants of Village Councils who are not members of the Local Government Service, and— [§ 24, 60 of 1961.]
- (i) the qualifications necessary for appointment to posts or offices not being scheduled posts within the meaning of the Local Government Service Ordinance;
- (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 funds for the benefit of such officers and servants of Village Councils as are not members of the Local Government Service ;

{§ 24, 60 of 1961.}

(h) Omitted.

(i) the 'powers and duties of the Chairman in his capacity of chief executive officer of a Village Council ;

{§ 24, 54 of 1942.}

(j) the procedure to be followed by a Village Council before any area, to which by-laws under section 42 (2) (vii) are to apply, is defined.

(2) Every rule made by the Minister¹ under this section shall be published in the Gazette and shall be brought before the Senate and the House of Representatives,¹ as soon as may be after such publication, by a motion that such rule shall be approved.

{§ 12, 11 of 1940.}

{§ 24, 60 of 1961.}

(3) Every rule made by the Minister¹ shall, when approved by the Senate and the House of Representatives,¹ be as valid and effectual as if it were herein enacted, and shall prevail over any by-law made or deemed to be made by, or any power vested in, a Village Council in respect of the same matter or for the same purpose. Notification of such approval shall be published in the Gazette.

Publication of by-laws and translation in village area.
{§ 4, 60 of 1938.}

53. (1) As soon as may be after the publication, in the Gazette, of any by-law made by a Village Council under section 42, the Assistant Commissioner shall cause such by-law to be translated and printed at the expense of the Council in the language or languages prevailing in the village area in which the by-law is to be enforced.

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

54.* (1) If at any time the Minister¹ is satisfied that there is sufficient proof of—

- (a) incompetence and mismanagement, or
- (b) persistent refusal or wilful neglect to perform the duties imposed by this Ordinance, or
- (c) misconduct in the performance of those duties, or
- (d) persistent disobedience to or disregard of the directions, instructions or recommendations of the Minister,¹ or
- (e) abuse of the powers conferred by this Ordinance, on the part of the Chairman of a Village Council or on the part of the Village Council, the Minister¹ may by Order published in the Gazette—

- (i) remove the Chairman from office, or
- (ii) dissolve the Village Council and either direct that a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing a fresh Village Council for the village area for which the dissolved Village Council was constituted or direct any public officer to administer the affairs of that village area for such period as may be specified in the Order.

(2) For the purpose of satisfying himself in regard to any of the matters referred to in subsection (1), the Minister may appoint any person to inquire into and report upon such matter, and the person so appointed shall, in relation to witnesses at such inquiry and their examination and production of documents, have the powers of a Commission of Inquiry appointed under the Commissions of Inquiry Act.

54A. Where the Minister is of opinion that a local authority should be constituted for an area which is or includes a village area or a part of a village area, he may, by Order published in the Gazette, dissolve the Village Council of that village area and direct any public officer to administer the affairs of that village area for such period as may be specified in the Order.

Removal of Chairman and dissolution of Council.
[§ 4, 60 of 1938.]
[§ 25, 60 of 1961.]

[§ 25, 64 of 1942.]

[§ 2, 12 of 1954.]

[§ 25, 60 of 1961.]

Dissolution of Village Council for the purpose of constituting a local authority.
[§ 2, 3 of 1962.]

* For provision validating certain acts done without legal authority.—See section 5 of Act No. 2 of 1957.

Consequences of order for removal of Chairman or dissolution of Council.

[§ 4, 60 of 1938.]
[§ 90, 53 of 1946.]
[§ 4, 2 of 1957.]
[§ 3, 3 of 1962.]

55. Upon the publication of an Order under section 54 or section 54A the following consequences shall ensue:—

- (a) if the Order removes the Chairman from office, he shall be deemed to vacate forthwith the office of member of the Council as well as the office of Chairman ;
- (b) if the Order directs any public officer to administer the affairs of the area, all the property and the rights under contracts, and all the powers vested in the Council or its Chairman by this Ordinance or any other written law shall be deemed to be vested in that public officer, and all the liabilities and duties of the Council or its Chairman under this Ordinance or any other written law shall be deemed to be transferred to and shall be discharged by that public officer, until the end of the period specified in the Order.

Breach of by-laws to be an offence.

[§ 4, 60 of 1938.]
[§ 57, 12 of 1945.]

56. Every breach of a by-law made or deemed by virtue of any written law to have been made under this Ordinance, shall be an offence punishable in the manner provided by section 26 of the Rural Courts Ordinance, by the Rural Court having jurisdiction over the area in which the breach takes place.

Power of Minister to make inquiry as to default in duty by Village Councils.

[§ 26, 60 of 1961.]

56A. (1) If at any time it appears to the Minister that any Village Council is omitting to perform any duty or to carry out any work imposed upon the Council by this Ordinance or any other written law, or that the Council has otherwise made default in the performance of any of its duties or the discharge of any of its responsibilities under this Ordinance or any other written law, the Minister may in writing give notice to the Council that, unless within such time as shall be specified in the notice the Council shows cause to the contrary, the Minister will appoint a person or persons to inquire into and report upon such omission or default to the Minister and to make recommendations as to the measures 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 Village Council 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.

56B. (1) On the receipt of the report of the person or persons appointed to hold an inquiry under section 56A, the Minister shall determine what measures shall be taken for the purpose of performing any duty or carrying out any work which the Village Council has omitted to perform or carry out or in respect of which the Village Council has made any default, and make in writing an order requiring the Council 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 Ordinance or by means of a loan.

Power of
Minister to
give and
enforce order
requiring a
Village
Council to do
necessary
work.
[§ 28, 60 of 1961.]

(2) If a Village Council 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 the 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 communal fund of the Council, and that, if necessary, any one or more of the rates or taxes leviable under this Ordinance 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 Village Council 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 communal fund of the Council ;

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 communal fund of the Council the surplus, if any, of the moneys received by him in the exercise of his powers under this subsection.

Power of Minister to direct a person appointed under section 56B (2) to raise loan.
[§ 26, 60 of 1961.]

56c. The Minister may direct a person appointed under subsection (2) of section 56B in respect of any village area, in addition to imposing, or increasing, and levying any rate or tax in that village area or in lieu thereof, to raise a loan from the Local Loans and Development Commissioners on the security of any rate or tax in that village area for the purpose of performing any duty, or carrying out any work, or making good any default under that section.

Power of Minister to certify expenses.
[§ 26, 60 of 1961.]

56d. 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 56B, and the amount of any loan required to be raised for the purpose 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 Loan Commissioners to give a loan which is certified under section 56B.
[§ 26, 60 of 1961.]

56E. (1) Whenever the Minister under section 56d certifies a loan to be necessary in respect of any village area, the Local Loans and Development Commissioners may lend to the Commissioner of Local Government or the person appointed under subsection (2) of section 56B the amount of such loan on the security of any rate or tax in that village area without requiring any other security.

(2) The Commissioner of Local Government or the person appointed under subsection (2) of section 56B may, as security for any such loan referred to in subsection (1) as is obtained for any village area, mortgage any rate or tax in that village area, and such mortgage shall have the same effect as if it had been made by the Village Council of that village area.

56F. (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 in respect of any village area shall be deemed to be a debt due from the Village Council of that village area, and, in addition to any other remedies, may be recovered in the manner provided by the Local Loans and Development Ordinance.

Recovery of principal and interest from the Village Council.
[§ 26, 60 of 1961.]

(2) The surplus of any loan, after payment of such expenses in respect of any village area as are referred to in subsection (1), shall, after that surplus certified by the Minister, be paid to the communal fund of the Village Council of that village area.

56G. Any power, duty or function vested in or imposed on or assigned to the Commissioner of Local Government by or under this Ordinance, may be exercised, performed or discharged by any Assistant Commissioner generally or specially authorized thereto in writing by the Commissioner, subject to the directions and control of the Commissioner, for such period and to such extent, if any, as may be specified in such written authority.

Delegation of powers or duties of Commissioner of Local Government to Assistant Commissioners.
[§ 20, 60 of 1961.]

56H. The Minister may in writing direct the Chairman of a Village Council to transmit to the Minister for inspection any such book or document as relates to any affair of the Council.

Minister's power to call for and inspect any book or document of a Village Council.
[§ 26, 60 of 1961.]

57. (1) The Commissioner of Local Government shall prepare and transmit to the Chairman of each Village Council a report containing a general survey of the affairs of the Council in each year, and the Chairman shall cause such report to be tabled for the information of the members of the Council at the next meeting of the Council held after the receipt of such report.

Annual report of Commissioner of Local Government on affairs of each Village Council.
[§ 2, 8 of 1962.]

(2) For the purpose of preparing the report referred to in subsection (1), the Commissioner of Local Government or any officer generally or specially authorized in that behalf by him may—

- (a) inspect any public building, immovable property or institution used, occupied or carried on by or on behalf of any Village Council or any work in progress under the direction of any Village Council ;
- (b) call for and inspect any book or document in the possession or under the control of any Village Council ; and
- (c) require any Village Council to furnish accounts of income and expenditure, reports or copies of documents relating to the proceedings or duties of the Council and such other information as may be considered necessary by the Commissioner of Local Government.

PART VI

GENERAL

Interpretation.
[§ 17, 60 of 1938.]

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

[§ 5, 57 of 1946.]

“administrative region” means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance ;

“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

* Shall not have effect in such areas as may be specified in an Order under Section 2 of the Rating and Valuation Ordinance—See Section 76 thereof.

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, repairs, 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 village area, means the Assistant Commissioner of Local Government for the administrative region within which the village area is situated ; [§ 5, 57 of 1946.]

“ Commissioner of Local Government ” includes any Deputy Commissioner of Local Government ; [§ 5, 57 of 1946.]

“ 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 ; [§ 90, 53 of 1946.]

“ elections officer ” means the elections officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any assistant elections officer so appointed ; [§ 7, 22 of 1955.]
[§ 90, 53 of 1946.]

“ divisional revenue officer ” includes a ratemahatmaya, mudaliyar, adigar, maniagar, or vanniya ;

“ divisional revenue officer’s division ” means the area under the supervision of a divisional revenue officer ;

“ excepted persons ” means persons resident in Ceylon and being—

- (a) persons commonly known as Europeans,

(b) persons commonly known as Burghers,
and

(c) labourers as defined in the Estate Labour
(Indian) Ordinance, including any
woman or child related to any such
labourer or any aged or incapacitated
relative of any such labourer ;

[§ 90, 53 of 1946.] “ first general election ” means a general election
held for the purposes of electing the first
members of a Village Council to be
constituted for a village area under this
Ordinance ;

“ Fiscal ” includes a Deputy Fiscal within the
province of the Fiscal ;

[§ 27, 54 of 1942.] “ Government Agent ” includes an Assistant
Government Agent ;

[§ 27, 54 of 1942.] “ local authority ” means a Municipal Council, Urban
Council, or Town Council ;

[§ 27, 60 of 1961.] “ Local Government Service ” means the Local
Government Service constituted by the Local
Government Service Ordinance ;

“ minor headman ” means any headman other than
a divisional revenue officer and includes a
muhandiram, korala, udayar, vidane arachchi,
or Grama Sevaka ;

“ plantation ” includes any land on which tea, coffee,
cacao, cardamoms, cinchona, or rubber is
growing, and any coconut estate of over five
acres in extent ;

“ produce ” includes the fruit, leaf, bark, latex, and
roots of any plant or tree cultivated on a
plantation ;

“ village area ” means a portion of a divisional
revenue officer’s division declared to be a
village area by Order under section 3 or
deemed by virtue of any written law to be a
village area under this Ordinance ;

“Grama Sevaka” includes a police vidane or ganarachchi ;

“voter” in relation to any ward means a person entitled under section 9 to vote at an election of a member for that ward ;

“ward” means a ward of a village area within the meaning of section 8.

FIRST SCHEDULE

	Rs.	c.	
For every carriage of whatever description other than a cart, hackery, or jinricksha ..	5	0	[Section 39.] [§ 19, 60 of 1938.]
For every double bullock cart or hackery of whatever description ..	4	0	
For every single bullock cart or hackery or handcart ..	2	50	[§ 28, 64 of 1942.]
For every jinricksha ..	2	50	
For every bicycle ..	1	0	
For every—			
Elephant ..	10	0	
Horse ..	5	0	
Mule ..	2	50	
Donkey ..	2	50	

SECOND SCHEDULE

All fines, penalties and other sums, recovered by the Village Council of a village area or by a Rural Court having jurisdiction over that 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 Ordinance.
- (2) The Nuisances Ordinance.
- (3) Any other written law the administration of which is entrusted to the Village Council and which is added to this list of written laws by the Minister¹ by Order published in the Gazette.

All fines and penalties recovered within the administrative limits of the village area under—

- (a) the Excise Ordinance ;
- (b) the Street Collections (Regulation) Ordinance ;
- (c) the Poisons, Opium and Dangerous Drugs Ordinance ;
- (d) the Food and Drugs Act ;
- (e) the Pawnbrokers Ordinance ;
- (f) the Public Performances Ordinance ;
- (g) the Prevention of Cruelty to Animals Ordinance ;
- (h) the Local Authorities Elections Ordinance ;

[Section 41.]
[§ 19, 60 of 1938.]

THIRD SCHEDULE

1. All stamp duties and fees paid by or recovered from the inhabitants of the village 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 village area.

2. All stamp duties and fees paid in respect of licences by the inhabitants of the village area under—

- (a) The Masters Attendant Ordinance.
- (b) The Petroleum Ordinance.
- (c) The Explosives Ordinance, 1902.
- (d) The Firearms Ordinance.
- (e) The Poisons, Opium, and Dangerous Drugs Ordinance.
- (f) The Public Performances Ordinance.

[§ 29, 60 of 1961.]

3. (1) All stamp duties paid by inhabitants of the village area—

[§ 2, 9 of 1961.]

[§ 2, 9 of 1961.]

- (a) as advocates or proctors on certificates of admission under section 2 of the Legal Practitioners Ordinance or as proctors, 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.

[§ 29, 60 of 1961.]

(d) as pawnbrokers, on licences issued under section 3 of the Pawnbrokers Ordinance;

[§ 29, 60 of 1961.]

(e) under the Stamp Ordinance in respect of transfers, mortgage bonds, gifts and leases.

[§ 2, 9 of 1961.]

(2) Such portion of the stamp duty paid on the annual certificate issued under section 3 of the Legal Practitioners Ordinance to an inhabitant of the village area, being a proctor as is equivalent to the stamp duty which was payable on such certificate on September 15, 1960.