

POLICE

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF A POLICE FORCE IN SRI LANKA.

Ordinance Nos,

16 of 1865
7 of 1866
18 of 1871
6 of 1873
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3 of 1875
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12 of 1914
39 of 1916
40 of 1921
14 of 1924
20 of 1927
12 of 1933
21 of 1939
36 of 1945
32 of 1947

Law Nos,

3 of 1974

Act Nos,

15 of 1949
50 of 1954
32 of 1956
15 of 1962
2 of 1968
3 of 1972
41 of 1984

[1st January , 1866]

PRELIMINARY

Short title.

1 This Ordinance may be cited as the Police Ordinance.

Laws and customs repugnant to this Ordinance repealed.

2. So soon as any of the provisions of this Ordinance shall be brought into operation within any town, village, or limits, or part of any town or village, all laws, customs, and usages which may then be in force therein, so far as they are in anywise repugnant to or inconsistent with the provisions of this Ordinance, shall be revoked, abrogated, and repealed.

GENERAL POLICE FORCE

Establishment of police force.

3. It shall be lawful for the Minister, from time to time, as occasion may require, to establish, by Order published in the Gazette, a police force for the effectual protection of person and property within such towns as to him shall appear to require the same. Whenever such force

shall be so established within any town this Ordinance shall come into operation therein :
Provided that no Order shall be necessary to establish the force in places where the same shall have been already established under the Ordinance No. 17 of 1844, to which this Ordinance shall apply.

Police force may be established in certain places, though not maintained in the manner prescribed in this Ordinance.

4. It shall be lawful for the Minister, by Order published in the Gazette, to establish a police force in any place other than large towns, though such force be not maintained in the manner prescribed by this Ordinance, and to declare that certain of the provisions of this Ordinance shall come into operation at such place, specifying the limits thereof, and such Order from time to time to revoke, alter, or amend.

Police in rural districts.

5. It shall be lawful for the Minister to establish a police force in any rural district, and to cause the same to be maintained in the manner hereinafter prescribed.

Quartering of police in disturbed or dangerous districts, or districts the inhabitants of which misconduct themselves.

6. It shall be lawful for the Minister, by Order published in the Gazette, to quarter police, or, should a police force have been already established there, to increase the same, in any part of Sri Lanka which shall be found to be in a disturbed or dangerous state, or in any part in which, from the misconduct of the inhabitants (whether in harboring offenders or suspected persons, refusing to aid in their apprehension, or otherwise) , he may deem it expedient so to do ; and the inhabitants of the parts of Sri Lanka in which the police or the additional number of men as aforesaid shall be so quartered, shall be charged with the cost of the men ; and the (See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992. (Section 4 is appended in page 343A))Government Agent to whose district such part belongs, but not any (See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992. (Section 4 is appended in page 343A)) Assistant Government Agent, shall assess the proportion in which such cost is to be paid by the inhabitants according to his judgment of their respective means.

Power to employ additional police force.

7. Whenever any large work shall be carried on or be in operation in any part of the country, and it shall appear to the Inspector-General of Police that the employment of an additional police force in the neighborhood of such large work is rendered necessary by the behaviour or reasonable apprehension of the behaviour of persons employed upon such large work, it shall be lawful for the Inspector-General of Police, with the approval of the Minister to direct the employment of such additional police force, and to maintain the same so long as the necessity shall continue, and to make orders from time to time upon the person having the control or custody of the funds of any company or person carrying on such large work for the payment of the extra force so rendered necessary as aforesaid.

Meaning of " large work ".

8. The term " large work" shall, unless the context otherwise requires, include any railway, tramway, manufactory, any plumb ago mining or other commercial business or concern in which a considerable number of artisans, operatives, workmen, coolies, or persons are employed.

Some of the provisions only of this Ordinance may be brought into operation in any place.

9. It shall be lawful for the Minister, by Order published in the Gazette, from time to time to declare that such of the provisions of this Ordinance as to him may seem advisable shall come into operation throughout Sri Lanka, or in any province, district, town, or place as shall appear to him to require the same, though there be no police force established therein.

Definition of limits of town.

10. The Order establishing a police force in any town shall also specify and define the limits of such town, and it shall be lawful for the Minister, from time to time as occasion may require, by Order, to alter or vary such limits.

Officers in whom the administration of police is vested.

20.(Sections 11 to 19 (both inclusive) are replaced by Act No. 2 of 1968.). The administration of the police in Sri Lanka shall be vested in the Inspector-General of Police, Superintendents and Assistant Superintendents of Police, inspectors, sergeants, and constables.

Appointment of officers for the purposes of this Ordinance.

21.

(1) There shall be appointed an Inspector-General of Police and such Deputy Inspectors-General of Police, Superintendents, Assistant Superintendents, inspectors, and other officers as may be necessary for the purposes of this Ordinance.

(2) A Deputy Inspector-General of Police shall discharge such functions of the Inspector-General of Police as the Inspector-General of Police may from time to time assign to him.

(3) In this Ordinance or any other written law "Inspector-General of Police " shall be deemed to include a Deputy Inspector-General of Police.

Additional police officers to be employed at the cost of individuals. **22.** It shall be lawful for the Inspector-General of Police or any Superintendent, if he shall think fit, on the application of any person showing the necessity thereof, to appoint any additional number of police officers to keep the peace, at the charge of the person making the application, but to be under the orders of tile Inspector-General of Police or Superintendent and for such time as they shall think fit:

Provided that it shall be lawful for the person on whose application such appointment shall have been made, on giving one month's notice in writing to such Inspector-General of Police or Superintendent to require that the officer so appointed shall be discontinued, and such person shall be relieved from the charge of such additional force from the expiration of such notice.

Recovery of expense under sections 6.7, and 22 **23.** If upon demand any person refuses or fails to pay the sum due by him for maintaining the force under sections 6, 7, and 22, the Inspector-General of Police or Superintended shall report such refusal or failure to the nearest Magistrate's Court, which shall proceed to recover such sum as if it were a fine imposed by that court.

Establishment of police reserve. **24.** There shall be established a police reserve to assist the police force in the exercise of its powers and the performance of its duties.

[2, Law 3 of 1974]

Appointment of Commandant and Deputy Commandant. **25.**
(1) For the purposes of this Ordinance, there shall be appointed a Commandant who shall be in command of the police reserve and be responsible for its general administration in accordance with the provisions of this Ordinance and the regulations made hereunder.
(2) There shall be appointed an officer of the police force not below the rank of Superintendent of Police to be Deputy Commandant who shall, in the absence of the Commandant, exercise and perform all his powers and duties.

[2, Law 3 of 1974]

Enrolling of reservists. **26.**
(1) The Commandant shall, in accordance with the regulations made in that behalf, appoint to the police reserve such number of Reserve Superintendents, Reserve Assistant Superintendents, Reserve Chief Inspectors, Reserve Inspectors, Reserve Sub-Inspectors, Reserve Sergeants-Major, Reserve Sergeants and Reserve Constables as may be determined by the Inspector-General of Police.

[2, Law 3 of 1974]

(2) Every appointment to the rank of Reserve Superintending and Reserve Assistant Superintendent shall be made with the prior written approval of the Inspector-General of Police.

Identity cards. **26A.** An identity card issued to any person duly authenticated by the Commandant shall be conclusive proof of the appointment under this Ordinance of the holder thereof to the rank in the police reserve specified therein.

[3, Law 3 of 1974]

Mobilization. **26B.**
(1) The Commandant shall, on the directions of the Inspector-General of Police, mobilize such officers of the police reserve as are required to assists the police force in the exercise of its powers and performance of its duties. No such officer shall be de-mobilized by the Commandant except on the directions of the Inspector-General of Police.

[3, Law 3 of 1974]

(2) The notification of mobilization may be conveyed to any member of the police reserve orally or in writing or by an announcement made over the radio or by publication in a newspaper.

Officers to serve in any part of the Republic. **26C.** An officer of the police reserve shall be required to serve in any part of the Republic and within its territorial waters.

[3, Law 3 of 1974]

Powers, responsibilities c, of officers. **26D.** On mobilization an officer of any rank in the police reserve shall have the same powers, duties, obligations and responsibilities and enjoy the same immunities as an officer of that rank in the police force.

[3, Law 3 of 1974]

Penalty for refusal to serve when mobilized. **26E.**
(1) Any officer of the police reserve who, having been mobilized for service, fails without reasonable cause to report for service, or neglects or refuses to serve as such, shall be guilty of an offence and shall be liable on conviction

[3, Law 3 of 1974]

after trial before a Magistrate to a fine not exceeding one thousand rupees or to rigorous imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) Any officer of the police reserve who, having been mobilized for service, fails without reasonable cause to carry out any lawful order, instruction or direction given for the performance of his duties by the Commandant or an officer of the police reserve duly authorized by the Commandant or any officer of the police force duly authorized by the Inspector-General of Police, shall be guilty of an offence and be liable on conviction after trial before a Magistrate to a fine not exceeding five hundred rupees or to simple imprisonment for a term not exceeding three months, or to both such fine and imprisonment

Obligations of
employers.
[3, Law 3 of 1974]

26F.

(1) It shall be the duty of every employer to give all proper facilities for enabling any person in his employ to become or to be a member of the police reserve and any such person who is a member of that reserve to undergo and render such training and serve as he may be required to undergo and render by or under this Ordinance.

(2) Any employer who

(a) fails to give the facilities referred to in subsection (1) of this section ; or

(b) by dismissing an employee or by reducing his wages or in any other manner penalizes him for undergoing or rendering any training or service referred to in that subsection, shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to simple or rigorous imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(3) Where an employer guilty of an offence under this section

(a) is a body corporate, every person who, at the time of the commission of the offence, was a director, manager or secretary of such body; and

(b) is a firm, every partner of such firm, shall be deemed to be guilty of such offence unless such director, manager, secretary or partner, as the case may be, proves that such offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of such offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

Unauthorized use
of uniforms.
[3, Law 3 of 1974]

26G. Any officer of the police reserve who

(a) when not mobilized and without lawful authority uses or wears the uniform or any part of the uniform of an officer of the police reserve or any imitation thereof which is calculated to deceive, or

(b) without lawful authority supplies to a person who is not an officer of the police reserve, any such uniform or part of such uniform, shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine not exceeding two hundred rupees or to rigorous imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Framing of rules.
[3, Law 3 of 1974]

26H. It shall be lawful for the Inspector-General of Police, with the approval of the Minister, to make rules in respect of all or any of the following matters relating to the police reserve :

(a) the personnel and cadre of the police reserve ;

(b) the recruitment of officers and their conditions of serve ;

(c) the duties and responsibilities of officers under mobilization ;

(d) the training of officers ;

(e) the arming of the police reserve ;

(f) the discipline of officers ;

(g) the mobilization and de-mobilization of officers ;

(h) the award of rewards or decorations in recognition of meritorious service ;

(i) the establishment and administration of a Police Reserve Amenity Fund ;
and

(j) any other matter connected with the exercise of the powers and the

performance of the duties by officers.

Police officers not to resign without leave or two month's notice.

27. No police officer shall be at liberty to resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Inspector-General of Police or Superintendent, or unless he shall have given to his superior of face two months' notice in writing of his intention to do so ; nor shall any such police officer engage in any employment or office whatever other than his duties under this Ordinance, unless expressly permitted to do so in writing by the Inspector-General of Police.

Police force may be placed under the control of a public officer.

28. It shall be lawful for the Minister to place a police force established in any district, rural district, town, or place, or in the neighborhood of any railway and other works, under the control of any public officer having authority in such district, rural district, town, place, or neighborhood, or in the province wherein such district, rural district, town, place, or neighbourhood is situated ; and such public officer shall in such case exercise the powers herein vested in police officers not under the grade of Assistant Superintendents of Police: Provided that nothing herein contained shall be held to interfere with the general supervision of the Inspector-General of Police over the entire force and all officers thereof, subject to rules and regulations to be made by the Minister.

Power to make regulations for the establishment and operation of a scheme for the grant of compensation in respect of the permanent total or partial disablement or death of police officers in the discharge of their duties.

28A.

(1) The Minister may, with the concurrence of the Minister in charge of the subject of Finance, make regulations providing for the establishment and operation of a scheme for the grant of compensation to any police officer who is permanently, totally or partially disabled, or to the legal heir or heirs of any police officer who is dead, in any case where such disablement or death, as the case may be, is due to any injury

(a) received by such officer while on duty, or

(b) received by such officer while on a direct journey

(i) from his place of residence to his place of work to report for duty, or

(ii) from his place of work to his place of residence after duty, or

(c) received by such officer while not on duty in the performance of some act which is within the scope of his ordinary duties, or

(d) received by such officer in consequence of any act performed in the execution of his duties, or

(e) received by such officer as a result of any act of reprisal occasioned by or arising out of any action taken by him in the execution of his duties.

Such regulations may provide for the principles, exceptions, restrictions and conditions according, and subject, to which such compensation will be granted and for all other matters necessary or expedient for the establishment and operation of such scheme. Such regulation may make different provisions in respect of police officers who are members of the police reserve and police officers who are not such members.

[2, 15 of 1962] (2).No regulation made under the preceding provisions of this section shall have effect until it is approved by Parliament, and notification of such approval is published in the Gazette.

[2, 15 of 1962] (3) Any regulation made under the preceding provisions of this section may be given retrospective effect as from a date not earlier than the fourth day of February, 1948.

[2, 15 of 1962] (4) Any compensation granted in accordance with regulations made under the preceding provisions of this section shall be a charge on the Consolidated Fund.

[2, 15 of 1962] (5) Where in any case a dispute arises as to whether or not compensation is payable or as to the amount of compensation payable under any regulations made under the preceding provisions of this section, such dispute shall be referred to the Minister for decision by the Inspector-General of Police and the decision of the Minister, made with the concurrence of the Minister in charge of the subject of Finance, on such reference shall be final and conclusive and shall not be subject to question or review in a court of law.

[2, 15 of 1962] (6) Any compensation granted in accordance with regulations made under the preceding provisions of this section in respect of the disablement or death of a police officer shall be in addition to any pension, gratuity, compensation, allowance, or other benefit, granted in respect of such disablement or death under the Minutes on Pensions,

[4, Law 3 of 1974]

[2, 15 of 1962] (7) For the purposes of this section "police officer" shall include a police driver.

MAINTENANCE OF GENERAL POLICE

Expenses of police.
[3,2 of 1968]

29. The salaries of the Inspector-General of Police and of the Superintendents, the cost of barracks, hospitals, medical attendance, and arms will be defrayed by the Government. All other expenses, including where there is a public water supply, the cost of supplying water to the police station, premises, quarters, and barracks, must be defrayed by the inhabitants of the towns for the protection of whose persons and property the police is established, except where a force is created under section 4:

Provided, however, that when any town is created a Municipality, the expenses of the police shall be provided for and recovered as directed by the Municipal Councils Ordinance, or any other enactment to be for that purpose hereinafter enacted.

Fixed rates at which recovery of cost of police shall be made.
[4, 2 of 1968]

30. The cost of the police payable under sections 6,7,22 and 29 of this Ordinance shall be the salary drawn by even Inspector, Sub-Inspector, Sergeant, or Constable, plus twenty per centum for headquarter reserve, leave, drill, sickness, c, and eight per centum for pension, and the certificate of the Inspector-General of Police shall be conclusive evidence of the correctness of all charges made in pursuance of this section.

Tax to be levied for maintenance of police.

31. For the purposes of creating a fund from which the expenses of the police payable by each town not created a Municipality are to be defrayed, a tax shall be payable on the thirty-first day of March, on the thirtieth day of June, on the thirtieth day of September, and on the thirty-first day of December, in every year, for the quarter ending on the said days respectively, on all houses and buildings of every description, and on all lands and tenements whatsoever, within every such town, to an amount equal to such percentage on the bona fide annual value of such houses, buildings, lands, and tenements, as the Minister shall by Order from time to time appoint, except in cases where such amount shall fall below the sum of twenty-four cents per quarter, in all which excepted cases twenty-four cents per quarter shall be assessed and payable :

Provision for apportionment of expenses of police force between town and adjoining district.

Provided that such tax shall not in the aggregate exceed the sum necessary for the maintenance of the force in such town, except as aforesaid, and which sum it shall be lawful for the Minister from time to time to determine and appoint;

Provided further that where the police force in any town is maintained for the joint purposes of such town and any adjoining district not included in the limits of such town such sum shall not exceed such fair proportion of the total amount necessary for the maintenance of the said force, as the Minister shall from time to time determine and appoint;

Provided also that it shall be lawful and shall be deemed to have been at all times lawful to refrain in respect of any town from appointing any such percentage on the annual value ;

Provided further, that buildings appropriated to religious worship, and such as are placed in charge of military sentries, shall be exempted from the payment of such tax.

Meaning of "bona fide annual value".

32. For the purposes of section 31 the "bona fide annual value " of all houses, buildings, lands, and tenements, as a basis of rating, shall be the gross annual value without any deduction for expenses, repairs, or other expenses for maintenance or upkeep.

Minimum rates may be reduced in certain places from one rupee to fifty cents.

33. It shall be lawful for the Minister to reduce, in any place where a police force is now or may hereafter be stationed, the minimum rate payable to meet the expenses defrayable by the inhabitants of such place for maintenance of such police force, from the sum of one rupee yearly to fifty cents, if, owing to the poverty of the inhabitants or any other cause, such reduction shall appear to him reasonable. The rate, where such reduction is made, shall be assessed and made payable half-yearly, and not quarterly.

Power to appoint three or more assessors to assess the town, acting separately or collectively.

34. The assessment to be made in any town for the purposes of creating a fund for the maintenance of a police force therein shall be made by three or more persons appointed by the Government Agent with power to them to act separately or collectively as the Government Agent shall direct; and each person so appointed shall be entitled to receive such remuneration as the Minister may in his discretion award and shall have all the powers and authorities conferred by sections 36 and 37.

Time for of assessors

35. The assessors for the first year in which a police force is to be introduced in any town may be appointed before the introduction of such force, and every such assessor, when so appointed shall have and exercise all the powers and authorities conferred by sections 36 and 37 notwithstanding that this Ordinance shall not have been brought into operation in such town. For every year after the first, the assessors shall be appointed within such time before the commencement of each year as the Minister shall deem reasonable.

Mode of assessment

36.Such assessors shall without unnecessary delay after their appointment proceed to

assessment.

inquire into, and according to the best of their information and judgment ascertain and assess as aforesaid the bona fide annual value of all houses, buildings, lands, and tenements within such town, and the tax hereby imposed on or payable for the same, and for that purpose it shall be lawful for the said assessors or any one of them, or for any person in company with or authorized in writing in that behalf by any such assessor, to enter any houses, buildings, lands, and tenements, and to cause to enter therein such persons and things as may be necessary and to proceed to do or cause to be done therein all such things as may be necessary to enable such assessors to ascertain the annual value of such houses, buildings, lands, or tenements ; and such assessors shall without delay report the assessment so made by them to the Government Agent of the district, who shall thereupon cause the same to be entered in a book which shall have an index or other convenient form of reference and shall be kept at his office for public inspection. It shall be lawful for the Government Agent to revise such assessment and to make such alterations therein as he shall consider expedient.

Power to assessors to call for returns.

37. In order to enable the assessors to arrive at a fair valuation of any houses, buildings, or lands liable to the rate it shall be lawful for them to require the owner or occupier of such houses, buildings, or lands to furnish them with returns of the rent or annual value thereof. Whoever refuses or fails to furnish such returns within one week from the day on which he shall have been required to do so, and whoever makes a false or incorrect return, shall be liable to a fine not exceeding fifty rupees.

Tax to be payable quarterly by owner.

38. The tax hereby imposed shall be payable quarterly, and shall be recovered in manner hereinafter provided from the owner or owners, or from any or either of the owners of the houses, buildings, lands, or tenements liable to such tax, and if any person in the occupation of any such house, building, land, or tenement so liable, and not being the owner or a joint owner thereof, shall refuse, upon application being made in that behalf, to inform the said assessors or any one of them, or the Government Agent or any person authorized by him to make such application, as to the correct name and residence of the owner or owners of the said house, building, land, or tenement, every such person shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

Notice of assessment and demand of payment of tax to be served.

39.

(1) The Government Agent shall, as soon as may be after the commencement of each year, cause to be served upon the owner or some joint owner of every house, building, land, or tenement liable to the payment of the tax imposed by this Ordinance, a notice of assessment, having subjoined thereto a demand of payment of the tax, as near as is material in the form A in the Schedule. Such notice shall be in the Sinhala and Tamil languages and shall be served either personally upon the party to whom it is addressed, or by leaving it with some member of his household, or by affixing it to some conspicuous part of the house, building, land, or tenement liable to the payment of such tax.

(2) Such notice shall further intimate that written objections to the assessment will be received at a place stated in the notice within one month from the date of the service of the notice.

(3) The Government Agent shall cause all objections so received to be registered in a book to be kept for this purpose, and shall give notice in writing to each objector of the day, time, and place when and whereat his objections will be investigated.

(4) At the time and place so fixed the Government Agent shall investigate or cause to be investigated the objections, in presence of the objector (or an agent authorized by him in writing) if he shall appear, and if not, in his absence. The Government Agent may adjourn his investigation from time to time for reasonable cause.

(5) When any objection is disposed of by the Government Agent, he shall cause his decision to be notified to the objector, and the same shall be noted in the book of objections, and any necessary amendment shall be made in the assessment book.

(6) Every assessment, against which no objection is made, shall be final for the year.

Person dissatisfied with assessment may institute action in appropriate court.

40.

(1) If any person is aggrieved by the decision of the Government Agent with regard to the assessment of any house, building, land, or tenement, he may within one month of receiving the notification of the Government Agent's decision under the last preceding section institute an action objecting to such decision in the Primary Court having jurisdiction in the place where such house, building, land, or tenement is situate, if the amount of the rate or rates

on the annual value of such house, building, land, or tenement does not exceed three hundred rupees, and in the District Court having such jurisdiction where such amount exceeds the sum of three hundred rupees.

(2) Upon the trial of any action under this section, the plaintiff shall not be allowed to adduce evidence of any ground of objection which is not stated in his written objection to the Government Agent, except with the leave of the court and on such terms as to costs as the court may determine.

(3) Every such court shall hear and determine such action according to the procedure prescribed for such court by the law for the time being in force regulating the hearing and determination of actions brought in such court, and the decision of such court shall in all cases be subject to appeal to the Court of Appeal.

(4) Every such appeal shall be governed by the provisions of Chapter LVIII of the Civil Procedure Code, or by any enactment hereafter enacted, regulating the making of appeals to the Court of Appeal from any judgment, decree, or order of Primary Courts or District Courts.

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

Proceedings if tax not duly paid.

41. If any person shall not pay the tax due by him under this Ordinance as soon as the same is due, either into the office of the Government Agent or to some collector authorized by the Government Agent, by writing under his hand, to collect and receive the same upon demand made by such collector, it shall be lawful for the Government Agent, and he is hereby thereunto authorized and required, for non-payment of such tax to seize any property whatsoever belonging to the person by whom such tax is due, where so ever the same may be found within the district of such Government Agent, and also to seize any movable property, to whomsoever the same may belong, which shall be found in or upon any house, building, land, or tenement for which such tax shall be due ; and if the amount due on account of such tax, together with the costs and charges payable by virtue of section 50, shall not be sooner paid or tendered to such Government Agent, to sell the property so seized by public auction at any time not less than ten nor more than thirty days from the time of such seizure. It shall be lawful for the Government Agent or any Assistant Government Agent to authorize any person specially in writing to seize and sell property as herein provided for.

Property may not be seized for arrears of tax beyond two quarters except in certain cases.

42. It shall not be lawful for the Government Agent to seize any movable property which may be found in or upon any house, building, land, or tenement in respect of which such tax shall be due, for any arrears of tax due beyond two quarters next preceding such seizure, unless such movable property shall belong to any person who was the owner or a joint owner of the said house, building, land, or tenement at the time the arrears beyond such two quarters accrued and became due ; or unless such movable property shall belong to any person who shall have occupied the said house, building, land, or tenement at the time when the said last-mentioned arrears accrued and became due.

Order to be observed in seizing and selling property for recovery of tax.

43. Whenever it shall be necessary to seize and sell the property of any person making default in the payment of the said tax it shall be the duty of the officer authorized by this Ordinance to seize and sell the property to observe the order prescribed in sections 44, 45, 46 and 47 in carrying out such seizure and sale.

Movables of defaulter wherever found, and of any person in the premises for which tax is due may be seized and sold.

44. The movable property of the defaulter, where so ever the same may be found, sufficient in the opinion of the officer seizing and selling the property to cover the amount of the tax due and the charges incurred in the recovery of the same may be seized and sold :

Property of others may not be seized for arrears of tax beyond two quarters. Exceptions. Provided that any movable property, to whomsoever the same may belong, which shall be found in or upon any house, building, land, or tenement for which such tax shall be due, may be seized and sold. But it shall not be lawful to seize any movable property which may be found in or upon any house, building, land, or tenement in respect of which such tax shall be due, for any arrears of tax due beyond two quarters next preceding such seizure, unless such movable property shall belong to any person who was the owner or a joint owner of the said house, building, land, or tenement at the time the arrears beyond such two quarters

accrued and became due; or unless such movable property shall belong to any person who shall have occupied the said house, building, land, or tenement at the time when the said last-mentioned arrears accrued and became due.

Sale of rents and profits.

45. Failing such movable property, may be seized and sold the rents and profits of the house, building, land, or tenement for which such tax shall be due, for a term sufficient, in the opinion of the officer seizing and selling the property, to cover the amount of the tax due and the charges incurred in the recovery of the same.

Sale of building materials and timber.

46. Failing such rents and profits, may be seized and sold the materials of any house or building standing on the land for which such tax shall be due, and the timber growing thereon, sufficient, in the opinion of the officer seizing and selling the property, to cover such tax and the charges as aforesaid. And the purchaser of such materials or timber shall be entitled to pull down or cut and remove the same within the time allowed him for that purpose by the officer carrying out such seizure and sale.

Sale of premises on which tax is due or a portion thereof.

47. Failing such building materials and timber, may be seized and sold the house, building, land, or tenement for which such tax shall be due ; or, if a portion thereof, sufficient to cover such tax and the charges as aforesaid, can, in the opinion of the officer seizing and selling the property, be conveniently separated from the rest, such portion only.

Officers not liable for failure to observe order of seizure and sale.

48. No officer shall be liable in damages by reason of his not duly observing such order, unless the person claiming such damages shall establish to the satisfaction of the court that the defaulter, or some person on his behalf, pointed out to such officer, at the time he was making the seizure of such defaulter's property, free and unclaimed property sufficient to cover the amount of the tax or commutation, and charges as aforesaid, which was liable to seizure, in the first instance, according to the order hereby established, but which such officer nevertheless failed to seize.

Property seized may be removed or a person placed in possession.

49. Any movable property seized as aforesaid may be removed by the Government Agent for safe custody, pending the sale thereof, to such place as he may think fit; and in case of the seizure of immovable property, or of any property which cannot be conveniently removed, such Government Agent may place and keep a person in possession thereof pending such sale,

Costs of seizure, &c.

50. It shall be lawful for the Government Agent to demand, take, and receive from the person by whom the tax is due, or from the owner or any joint owner of any property which may be lawfully seized for non-payment of such tax, the several sums of money mentioned in the following table; that is to say :

Table of Charges incurred in the Recovery of Tax

- (a) for cost of proceeding to the house or land of the party in default, in order to seize property, a charge not exceeding four cents for every fifty cents of tax due;
- (b) for removal of the goods seized, in case such removal takes place, a charge not exceeding four cents for every fifty cents of tax due ;
- (c) for keeping the same in safe custody in case of such detention, a charge not exceeding four cents per day;
- (d) for keeping a person in possession in case of a seizure of immovable property, or if the goods seized are not removed, a charge not exceeding fifty cents per day ;
- (e) for the expenses of sale, where any takes place, a charge not exceeding twenty- four cents on every ten rupees of the net produce of the sale.

Houses may be broken open, &c.

51. It shall be lawful for the Government Agent to break open or cause to be broken open, in the daytime, any house or building, for the purpose of seizing property in pursuance of this Ordinance.

Tenant paying tax to avoid seizure of his property may deduct it from his rent.

52. It shall be lawful for the occupant of any house, building, land, or tenement, not being the owner or joint owner thereof, whose property shall have been seized as aforesaid, or who, to avoid such seizure, or after seizure to avoid a sale of such property, shall have paid the amount of tax due in respect of such house, building, land, or tenement, and the costs demandable by virtue of this Ordinance, to deduct the amount paid by him from the first payment of rent due by him on account of the said house, building, land, or tenement to the owner or owners thereof, and the receipt of the Government Agent for the amount so paid shall be deemed an acquittance in full for the like amount of rent:

Provided always that nothing herein contained shall authorize any such deduction from his rent by any occupant who, by the terms of his lease or other agreement, was himself bound and liable to pay such tax.

After to payment of the tax and

53. In the event of a sale of property seized, the Government Agent shall, after deducting

of the tax and charges, over plus accruing from sale be restored to the owner of the property.

the amount due on account of such tax, and also the costs and charges payable by virtue of section 50 (which said costs and charges the Government Agent is hereby authorized to retain), restore the over plus arising from such sale, if any there be, to the owner or to some joint owner of the property sold; and the Government Agent shall, upon application in that behalf, grant a receipt for the amount of the tax recovered, and of such costs and charges, to the owner or joint owner of such property.

Certificate of sale. **54.** If land or other immovable property be sold for non-payment of tax, a certificate substantially in form B in the Schedule, signed by the Government Agent, shall be sufficient to vest the property in the purchaser, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

POLICE RULES

The Inspector-General of Police may make rules for police.

55. The Inspector-General of Police may from time to time, subject always to the approbation of the said Minister, frame orders and regulations for the observance of the police officers who shall be placed under his control as aforesaid, and also for the general government of such persons, as to their places of residence, classification, rank, and particular services, as well as their distribution and inspection, and all such orders and regulations relative to the said police force as he may deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of its duties ; and every police officer who shall neglect or violate any such orders or regulations, or any duty imposed upon him by this or any other enactment, shall be guilty of an offence, and be liable to any fine not exceeding fifty rupees (which fine or any part thereof may be deducted from any salary then or at any time thereafter due to such offender), or to imprisonment with or without hard labour for any period not exceeding one month.

DUTIES AND LIABILITIES OF POLICE OFFICERS

Duties of police officers.

56. Every police officer shall for all purposes in this Ordinance contained be considered to be always on duty, and shall have the powers of a police officer in every part of Sri Lanka, It shall be his duty

- (a) to use his best endeavours and ability to prevent all crimes, offences, and public nuisances ;
- (b) to preserve the peace ;
- (c) to apprehend disorderly and suspicious characters ;
- (d) to detect and bring offenders to justice ;
- (e) to collect and communicate intelligence affecting the public peace ; and
- (f) promptly to obey and execute all orders and warrants lawfully issued and directed to him by any competent authority.

Police officers to have authority to execute warrants in all parts of Sri Lanka.

57. Every police officer to whom any description of warrant shall have been addressed for execution is hereby authorized and empowered to execute any such warrant in any and every part of Sri Lanka as well as in any town, rural district, or place other than large towns or rural districts, in which a police force shall under the provisions of this Ordinance have been established, anything in this Ordinance to the contrary notwithstanding: Provided, however, that nothing in this section shall justify any police officer executing any warrant or process illegally issued or entrusted to him for service, or shall relieve him from any penalty or liability incurred in respect of the execution of any warrant improperly or illegally issued, or in respect of any neglect of duty or abuse of the powers hereby conferred.

Police officers to act in ports of Sri Lanka.

58. Every police officer empowered to act as such within any town or place adjacent to any port shall within such port have all such powers, protections, and privileges, and be liable to all such duties and responsibilities as by law he has and is liable to within such town or place.

Minister may make rules.

59. It shall be lawful for the Minister, from time to time to make, and when made to revoke, alter, or amend rules

- (a) for regulating the number, distribution, and particular service of the several officers who shall be on duty in any port, and the number and description of boats to be provided for their service ;
- (b) for determining at what times and in what rotation the police boats shall be employed in rowing guard in the said port;
- (c) for promoting the general efficiency of the police within the said port, and for preventing neglect or abuse in the discharge of their duties.

Police officers to obey lawful orders of Ports Authority and customs officer. **60.** Every police officer, when acting as such within any port, shall obey and execute any lawful order which may be issued to him by the (See Section 86(2) of the Sri Lanka Ports Authority Act, No. 51 of 1979.) Ports Authority or the principal officer of customs of such port in all matters relating thereto, and to offences and offenders therein.

Penalties. **61.** Any police officer committing a breach of any rule made under section 59, or refusing to obey or execute any lawful order issued to him under section 60, shall be guilty of an offence, and shall be liable to a fine not exceeding fifty rupees, or to simple imprisonment for a term not exceeding three months.

Meaning of "port". **62.** In sections 58, 59 and 60, unless the context otherwise requires "port" includes all harbours, roadsteads, and places of anchorage in Sri Lanka; and where the limits of any port have been or may hereafter be defined by the Minister under section 2 of the Master Attendant Ordinance (See Section 86(2) of the Sri Lanka Ports Authority Act, No. 51 of 1979.), those limits shall be taken to apply to such port for the purpose of the said sections.

Certain duties of police officers. Obstructions and nuisances on roads. **63.** Any person who in any street or road, thoroughfare, or passage, within the limits of any town, commits any of the following offences, shall be liable to a fine not exceeding fifty rupees, or to imprisonment not exceeding three months, and it shall be lawful for any police officer to take into custody without a warrant any person who within his view commits any such offence:

Slaughtering cattle, furious riding, c. (a) any person who shall slaughter any cattle, or clean any carcase in the streets ;

(b) any person riding any cattle carelessly, recklessly, and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers by ;

Cruelty to animals. (c) any person who wantonly or cruelly beats, abuses, or tortures any animal;

Obstructing passengers. (d) any person who shall keep any cattle or conveyance of any kind in any road or street longer than is required for loading or unloading goods, or for taking up or setting down passengers;

(e) any person who shall leave any cattle or conveyance in such a manner as to cause inconvenience or danger to the public ;

Exposing goods on roads. (f) any person exposing any article or thing on the roads or streets, and which may obstruct passengers or frighten horses ;

Throwing dirt into street. (g) any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials;

(h) any person who constructs any cow sheds, stable, or the like, within the bounds of any thoroughfare ;

(i) any person who causes any offensive matter to run from any house, factory, dung heap, or the like, into the street;

Indecent exposure of person. (j) any person who wilfully and indecently exposes his person or any offensive deformity or disease;

(k) any person who commits nuisance
(i) by easing himself in or by the side of or near any public street or thoroughfare ; or
(ii) by bathing or washing in any place not set apart for that purpose ;

Neglect to protect dangerous places. (l) any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

Driving cart, c, without lanterns. (m) any person who drives or leads any conveyance or cart after dark and before daylight without lighted lanterns.

Power of police to seize straying cattle, &c. **64.** (1) It shall be lawful for any police officer to seize any ox, horse, sheep, goat, or other animal which he may find tied, tethered, straying, improperly driven, or tended upon any thoroughfare, or upon any line of railway, or upon any land appertaining thereto, or to cause the same to be seized, unless such animal shall belong to any cart to which it is tied or tethered whilst the same is being

loaded or unloaded.

(2) Every such animal seized as aforesaid shall be delivered into the custody of an officer of police in charge of the nearest police station, and every such officer receiving such animal shall forthwith report such seizure to the proper Magistrate's Court, and such court shall, if at the time of such report no claim be made to such animal, direct the officer to take the necessary steps for the safe custody and maintenance of such animal, and to publish such seizure by affixing a notice thereof in some conspicuous place at the police station and at the Magistrate's Court to which such seizure was reported.

[2, 50 of 1954] (3) No such animal seized as aforesaid shall be delivered to the owner thereof
[[2, 36 of 1945] except upon payment into such court of the sum of one rupee, any part of which the Magistrate may direct to be paid to the Police Reward Fund, and of a further sum not exceeding thirty cents for each day or part thereof during which the animal shall have been in the custody of and maintained by the officer to whom it was entrusted, for the use of such officer ; and if no person shall claim such animal or pay such dues as aforesaid within seven days after the order of the Magistrate's Court for safe custody and maintenance of such animal as aforesaid, the police officer to whom the animal was entrusted shall sell it by public auction, and after payment to himself of a sum calculated at the rate aforesaid for the custody and maintenance of the animal, shall pay the balance, if any, to the Magistrate's Court, and the Magistrate may make such order with regard to such sum as he may think fit.

Persons arrested without warrant to be taken to police station until brought before Magistrate or bailed.

65. Every person taken into custody by any police officer without warrant (except persons detained for the mere purpose of ascertaining their name and residence) shall forthwith be delivered into the custody of the officer in charge of a station in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the officer in charge shall deem it prudent to take bail as hereinafter mentioned:

Provided always that where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

Officer in charge of police station may take recognizance for appearance of prosecutor or witness.

66. It shall be lawful for any officer in charge of a station to bind by recognizance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave-charge is being or is about to be investigated ; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such officer to forward the person in custody to the proper court.

Condition of recognizance.

67. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before any Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand rupees, shall be specified in the said recognizance, or in the condition thereof; and the officer taking the recognizance shall return the same forthwith to the Magistrate before whom the party is bound to appear.

Police officer may enter drinking shops, &c, without a warrant.

68. It shall be lawful for any police officer without a warrant to enter and inspect all drinking shops, gaming houses, and other resorts of loose and disorderly characters, all premises of persons suspected of receiving stolen property, any locality, vessel, boat, or conveyance in any part whereof he shall have just cause to believe that crime has been or is about to be committed, or which he reasonably suspects to contain stolen property, and then and there to take all necessary measures for the effectual prevention and detection of crime, and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed, and to take charge of all unclaimed property.

Penalty on persons found drunk and incapable.

69.

(1) Every person found drunk and incapable of taking care of himself in any thoroughfare or public place, whether a building or not, or on any licensed premises or tavern, and any person who shall be guilty of violent, quarrelsome, noisy, disorderly, or riotous conduct in or about such premises or tavern, shall be liable to a fine not exceeding five rupees, and on second conviction within a period of twelve months shall be liable to a fine not exceeding ten rupees, and on a third or subsequent conviction within such period of twelve months be liable to a fine not exceeding twenty rupees.

(2) Every person who in any thoroughfare or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who

is drunk while in charge on any thoroughfare or other public place of any vehicle, horse, or cattle, or who is drunk when in possession of any loaded firearms, may be apprehended without a warrant, and kept in custody until he gets sober, and shall be liable, in addition, to a fine not exceeding twenty rupees, or to simple or rigorous imprisonment for any term not exceeding one month.

(3) Every police officer on the demand of the keeper of a tavern or other licensed premises, or of his agent or servant, shall expel or assist in expelling from such premises any person who is a habitual drunkard, or drunken, violent, quarrelsome, or disorderly, and any person whose presence on the premises would subject the keeper thereof to a penalty, and may use such force as may be required for that purpose.

(4) Where a fine is imposed under, this section on the prosecution of a police officer, the court may direct that a portion not exceeding one-half of the fine actually recovered shall be paid into the Police Reward Fund.

Police officer not to receive complaints of petty offences.

70. No police officer shall receive any complaint of any petty offence, or take into his custody any person brought to him accused of such petty offences as trespass, assault, quarrelling, or the like ; and it shall be lawful for any police officer to refuse to receive and act upon any charge of an offence of a grave character, if he shall, on inquiry made of the complainant alone, see good grounds for doubting its truth :

Provided always that if the charge be not of such a nature as under ordinary circumstances would justify the police officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such officer at the time.

Police officers may lay information, &c.

71. It shall be lawful for any police officer to lay any information before any Magistrate, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping a disorderly house, harboring thieves, disturbing the peace, obstructing the due course of justice, and the like ; and to prosecute such offenders up to final judgment.

Court to direct payment of share of fine to Police Reward Fund.
[4, 50 of 1954]

72. A court, before which an offender is convicted of an offence under any of the enactments specified in the Schedule to the Informers Reward Ordinance or under any of the enactments to which the provisions of section 2 of the Informers Reward Ordinance have been extended, may, in respect of any fine imposed for such offence, direct that a sum not exceeding one-half of such fine or one-half of such amount as may be actually recovered from such offender, be paid to the Police Reward Fund established under this Ordinance :

Provided, however, that where the court has directed or intends to direct that any other payments be paid out of such fine, the total amount of the payments that the court shall direct to be paid out of such fine shall not exceed the aforesaid sum.

Police Fund.
[4, 50 of 1954]

73.

(1) A Fund to be called the Police Reward Fund (hereinafter referred to in this section as " the Fund "), is hereby established.

(2) There shall be paid into the Fund

- (a) all sums directed to be paid thereto by a court or a judge thereof under this Ordinance or under any other written law or by a judge in his discretion ;
- (b) donations by private individuals to the Fund ; and
- (c) prescribed payments.

(3) There shall be paid out of the Fund

- (a) all payments given as rewards to such police officers and in accordance with such regulations, as may be prescribed ;
- (b) the expenses incurred in the administration of the Fund; and
- (c) prescribed payments.

(4) The Inspector-General of Police shall be responsible for the administration of the Fund and the accounts of the Fund shall be audited annually by the Auditor-General.

(5) The Minister may make regulations

- (a) regulating the manner in which the Fund is to be administered;
- (b) in respect of matters required by this Ordinance to be prescribed ; and
- (c) in respect of all matters incidental to or connected with the

establishment and administration of the Fund.

(6) No regulation made under the preceding provisions of this section shall have effect until that regulation has been approved by Parliament. Every regulation so approved shall be as valid and effectual as if it were herein enacted.

[5, 50 of 1954] (7) The general fund for the reward of police officers which is in existence on the 13th day of October, 1954, shall be the Fund established for the purposes of this section.

Execution of process beyond five miles.

74. If, in the execution of process, it shall be found necessary for the officer of the police employed to serve such process to go any distance beyond five miles, the person at whose instance the process is issued shall be bound to lodge with the Magistrate at the time he applies for the process a sum sufficient to cover the officer's traveling allowances, at such rates as the Minister shall from time to time appoint.

In case of fire, &c, police officers to repair to the spot.

75. In all cases of fire or other calamity occurring within such town and limits, police officers shall repair to the place where the same has occurred for the protection of such persons and property as may be endangered thereby, and shall be authorized to call upon all persons to aid and assist them in that behalf ; and every person so called upon who shall refuse or neglect to give such aid and assistance without good and sufficient excuse shall be guilty of an offence, and liable to any fine not exceeding ten rupees.

Householder to give lists of inmates when required.

76. Every householder within such town and limits shall furnish the officer of police of his division, when required so to do by such officer under the order received to that effect from any Magistrate having jurisdiction within such town and limits, or from the Inspector-General of Police, with a list of all the inmates of his house, distinguishing the members of his family from the servants or others resident therein ; and he shall also, if it shall be so directed in the order of the Inspector-General of Police or Magistrate report any increase or diminution, or change in the same ; and he shall not, having received such notice under such order, harbour a stranger without giving such notice thereof to the principal officer of police of his division ; and every person failing in any duty imposed upon him by this clause shall be guilty of an offence, and be liable to any fine not exceeding fifty rupees.

Power to give directions prohibiting or regulating processions.
[2, 41 of 1984]

77.

(1) No procession shall be taken out or held in any public place in any area, unless notice in writing of such procession has, at least six ours before the time of the commencement of such procession, been given to the officer in charge of the police station nearest to the place at which the procession is to commence:

Provided that nothing in the preceding provisions of this subsection shall apply in the case of any procession of any such description as may be exempted from these provisions by Order made by the Minister and published in the Gazette.

(2) Where any procession is taken out or held in contravention of the provisions of subsection (1), every person organizing that procession or doing any act in furtherance of the organization or assembling of that procession and every person taking part in any such procession, shall be guilty of an offence.

(3) Notwithstanding anything in any other law, an officer of police of a rank not below the grade of Assistant Superintendent, if he considers it expedient so to do in the interests of the preservation of public order, may give directions (whether orally or in writing) prohibiting the taking out of any procession or imposing upon the person or persons organizing or taking part in the procession such conditions as appear to him to be necessary, including conditions prohibiting or restricting the display of flags, banners or emblems.

(4) Any person who organizes or takes part in any procession which is prohibited by directions given under subsection (3), or otherwise acts in contravention of any such directions, shall be guilty of an offence.

(5) Every person who is guilty of an offence under this section shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding three years, notwithstanding that such term exceeds the term of imprisonment which a Magistrate may impose in the exercise of his ordinary jurisdiction, or to both such fine and imprisonment.

Regulation of public

78.

(1) Officers of police not below the grade of Sub-Inspector may, on occasion

processions, &c,
and of carriages
and persons at
places of public
resort.

[3, 22 of 1947]

(1) Officers of police not below the grade of Sub-Inspector may, as occasion requires, direct the conduct of all assemblies and processions in any public place, prescribe the routes by which and the times at which such processions may pass, and direct all crowds of twelve or more persons to disperse when they have reason to apprehend any breach of the peace. All officers of police shall keep order in all public places, and prevent obstructions on the occasions of such assemblies and processions, and in the neighborhood of places of worship during the time of public worship, and in any case when the roads, streets, or thorough- fares, or landing places, may be thronged, or may be liable to be obstructed. They may also regulate the use of music in the streets, when the same shall be allowed.

Licences for
use of music
in streets.

(2) Every person opposing or not obeying the orders so given as aforesaid, or violating the conditions of any licence granted by such Superintendent or other officers for the use of such music, or for the assembling of any such body of persons, shall be liable to a fine not exceeding two hundred rupees :
Provided always that nothing in this section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

Possession of
dangerous
weapons at public
meetings and
processions, and
use of words or
behaviour tending
to cause breach
of the peace.

79.

[4, 22 of 1947]

(1) Notwithstanding anything in any other law, any person who, while present at any public meeting or on the occasion of any procession, has with him any offensive or dangerous weapon referred to in section 315 of the Penal Code, otherwise than in pursuance of lawful authority, shall be guilty of an offence under this section.

For the purposes of this subsection, a person shall not be deemed to be acting in pursuance of lawful authority, unless he is acting in his capacity as a police officer or as a member of the armed forces or otherwise as a public officer.

(2) Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour which is intended to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence under this section.

(3) Any person who is guilty of an offence under this section shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

(4) Every offence under this section shall be a cognizable offence within the meaning and for the purposes of the Code of Criminal Procedure Act, No. 15 1979.

Regulation of use
in or near public
places of
instruments
producing or
reproducing
sound.

80.

[4, 22 of 1947]

(1) No person shall, unless he has been authorized so to do by a permit issued by any officer of police of a rank not below the grade of Assistant Superintendent, or otherwise than in accordance with such conditions as may be attached to such permit, use or operate or cause or permit any other person to use or operate any gramophone, loudspeaker, megaphone, amplifier or other instrument automatically, mechanically or electrically producing, reproducing or amplifying sound

(a) in any public place, or

(b) in any other place in such manner or circumstances that the sound so produced, reproduced or amplified is audible in any public place :

Provided, however, that no permit under the preceding provisions of this subsection shall be required for the use or operation within any building, not being a public place, of any gramophone or wireless receiving set reproducing any music, speech or other sound which has either been recorded or is broadcast from a wireless transmitting station, notwithstanding that the sound reproduced thereby may be audible in a public place.

(2) Any person who acts in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding two hundred rupees ; and in the case of a continuing offence to a fine not exceeding fifty rupees in respect of each day on which the offence continues.

[2, 32 of 1956]

(3) Where any instrument referred to in subsection (1) is being used or operated in a public place or so as to be audible in a public place, and a police officer of a rank not below the grade of Sub-Inspector is of opinion that such sound is excessive or is otherwise likely to cause a nuisance to the public,

such police officer may, by order (whether oral or written) addressed to the person for the time being in charge or control of the instrument, require the abatement of such sound ; and any such order may be made notwithstanding that a permit may have been granted under subsection (1) authorizing the use or operation of the instrument or that the instrument is used or operated in the circumstances mentioned in the proviso to that subsection.

[2,32 of 1956] (4) In any case where any order made under sub section (3) is not forthwith complied with, or where any instrument, the use or operation of which has been authorized by a permit issued under subsection (1), is used or operated in such manner or such circumstances as to contravene any of the conditions specified in the permit, any police officer of a rank not below the grade of Sub-Inspector may, by order (whether oral or written) addressed to the person for the time being in charge or control of the instrument, require him to discontinue the use or operation thereof ; and if such order is not complied with forthwith, it shall be lawful for that police officer and for any other police officer acting under his authority to seize and detain the instrument.

(5) Nothing in the preceding provisions of this section shall apply to, or in relation to, the use or operation of any instrument by any police officer, or by any member of the armed forces acting in the course of his duty as such.

(6) The preceding provisions of this section shall be in addition to, and not in substitution for, the provisions of any other written law relating to the use or operation of the instruments referred to therein.

Meaning of " public meeting" and " public place" in sections 77 to 80.

[4, 22 of 1947]

81. For the purposes of sections 77 to 80 " public meeting" means any meeting in a public place and any meeting (irrespective of the place at which it is held) which the public or any section thereof are permitted to attend, whether on payment or otherwise ;

" public place " means any highway, public park or garden, any sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which, for the time being, the public or any section thereof have or are permitted to have access, whether on payment or otherwise.

Penalties for neglect of duty, &c.

82. Every police officer

(a) who shall be guilty of any violation of duty or willful breach or neglect of any regulations and lawful orders of other competent authority, and not punishable under section 55; or

(b) who shall

(i) cease to perform the duties of his office without leave, or without having given two months' notice, as provided by this enactment, or

(ii) engage without authority in any employment other than his police duty ; or

(c) who shall be guilty of prevarication in any judicial trial; or

(d) who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or

(e) who shall knowingly and wilfully and with evil intent, exceed his powers ; or

(f) who shall be guilty of any willful culpable neglect of duty in not bringing any person who shall be in his custody without a warrant before a magisterial officer as herein before provided ; or

(g) who shall allow any person in his custody to escape; or

(h) who shall offer any unwarrantable personal violence to any person in his custody, shall be liable to a penalty not exceeding three months' pay, or to imprisonment, with or without hard labour, for a period not exceeding three months, or both.

Penalty for cowardice.

83. Any police officer who shall be guilty of cowardice shall be liable to a fine not exceeding twelve months' pay, or to imprisonment, with or without hard labour, not exceeding twelve months, or both.

Unlawful assumption of police function, personation of police, &c.

84.

(1) Every person not being, or having ceased to be, a duly enrolled police officer, who shall unlawfully assume any function or power belonging to the police, and who shall not forthwith deliver up all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him in the execution of his duty ; or if any person shall wilfully injure any such

clothing or other article so as to render the same of less value ; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the police force, without being able to account satisfactorily for his possession thereof ; or who shall put on the dress of any police officer, or any dress designed to represent it or to be taken for it; or who shall otherwise personate the character or act the part of any police officer for any purpose whatever, shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months, or both.

(2) For the purposes of this section an article shall be deemed to be in the possession of a person if he knowingly has it in the actual possession of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit or for the use or benefit of another.

Penalty on traffic
in Government
property. **85.**

(1) Every person who

(a) buys, exchanges, takes in pawn, detains, or receives from a police officer or any person acting on his behalf; on any pretence whatever ; or

(b) solicits or entices any police officer to sell, exchange, pawn, or give away ; or

(c) assists or acts for a police officer in selling, exchanging, pawning, or making away with,
any Government property, shall, unless he proves either

(i) that he acted in ignorance of the same being Government property or of the person with whom he dealt being or acting for a police officer, or

(ii) that the same was sold by order of the Government or some competent authority,

be liable to a fine not exceeding one hundred rupees, or to imprisonment not exceeding three months.

(2) A person found committing an offence against this section may be apprehended without a warrant, and it shall be lawful for any police officer, authorized in writing in that behalf by a Superintendent or Assistant Superintendent of Police, to search without a warrant any place where he has reasonable cause to suspect there is any property with respect to which such an offence has been committed.

Nuisances
removed and
abated.

86. It shall be lawful for any officer of police not below the grade of Sub-Inspector to give order either verbally or by notice in writing to any person causing any public nuisance mentioned in this Ordinance to abate and remove the same ; and if any person to whom such order or notice shall have been given shall refuse or neglect to comply with the same in a reasonable time, or if there be any doubt as to who is the proper person to whom such order or notice should be given, it shall be lawful for such officer to cause any such public nuisance to be forthwith abated or removed ; and for that purpose it shall be lawful for him, where necessary, to enter into or upon any house, garden, enclosure, land, or other premises, and to cause to enter therein or thereupon such persons, instruments, and things as may be necessary, and to proceed to do or cause to be done therein or thereupon all such things as may be necessary for such abatement or removal; and upon the officer certifying to the proper Magistrate the costs which have been bona fide incurred in effecting such abatement or removal, such Magistrate shall summon the party or parties on account of whose non-compliance with any such order or notice such costs were incurred to appear before him on a certain day, then and there to make payment of such costs, where it shall appear after due investigation that such costs were properly incurred ; and if such party or parties shall refuse or fail to make such payment, the Magistrate shall proceed to recover such payment in such and the same manner as he would proceed to recover any fine or penalty incurred under any sentence of the court in which he presides :
Provided always that nothing in this Ordinance contained shall be construed to limit or interfere with in any way the common law right of any individual to abate any nuisance.

Plea act that was
done under a
warrant

87. When any action, prosecution, or proceeding shall be brought against any police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was

warrant.

done by him under the authority of warrant issued by a magisterial officer ; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such magisterial officer ; and the defendant shall thereupon be entitled to decree in his favour, notwithstanding any defect of jurisdiction in such magisterial officer, and no proof of the signature of such official shall be necessary, unless the court shall see reason to doubt its being genuine : Provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

Limitation of action.

88. All actions and prosecutions against any person which may be lawfully brought for anything done or intended to be done under the provisions of this Ordinance, or under the general police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the principal officer of the district in which the act was committed, one month at least before the commencement of the action ; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant.

GENERAL PROVISIONS

Wells to be surrounded with wall two feet high.

89. All persons who shall make or cause to be made or have in rent or possess any well within any town and limits, and shall not surround the same with a wall two feet at least in height, and keep such wall of that height and in good and sufficient repair, shall be guilty of an offence, and be liable to any fine not exceeding twenty rupees.

No cart to remain in the street, &c, except for loading and unloading.

90. No cart of any description whatsoever shall be left or permitted to remain in any street, way, or avenue within any town and limits upon any pretence whatever without the permission of the principal officer of police, except for such time as shall be necessary for the purposes only of loading or unloading, or except in such places as shall at any time be appointed and notified by such officer ; and any owner or person in charge of any cart so left or permitted to remain as aforesaid shall be guilty of an offence, and be liable to any fine not exceeding twenty rupees.

No carriage to obstruct any street

91. In no case shall any description of carriage be permitted to obstruct the passage of any street, way, or avenue, nor any two or more carriages of any description to stand abreast in any street, way, or avenue within such town and limits ; and the owner or person driving, loading or in charge of any such carriage not removing the same immediately when ordered or requested so to do by any officer of police, or by any private person, shall be guilty of an offence, and be liable to any fine not exceeding twenty rupees.

Penalty on furious or careless riding or driving.

92. All persons who shall drive or conduct any carriage or other vehicle in a careless, reckless, or violent manner, or who shall ride upon any carriage or other vehicle drawn by horses, bullocks, or other cattle at a pace other than a walk unless the animal driven be so harnessed and bitted as to be perfectly under the control of the driver, or some person on foot able to guide and control the same, or who shall furiously ride or drive, or carelessly lead or let loose, any horse, bullock, or other animal in any street, to the danger and terror of passengers, or shall employ any incompetent person to drive or conduct any carriage or other vehicle, or to lead any horse, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months.

Elephants not to pass along the streets except at certain times.

93. No elephant shall be permitted to pass along any street, road, or thoroughfare within any town and limits except between the hours of two and eight in the morning ; and every person riding, driving, or conducting any elephant, or causing any elephant to be ridden, driven, or conducted along any such street, road or thoroughfare, except between such hours as aforesaid, shall be guilty of an offence, and shall be liable to a fine not exceeding fifty rupees:

Provided always that nothing in this section contained shall apply to the employment of elephants in any town or limits under a written licence granted by the Government Agent of the district.

Persons offending against sections 90, 91, 92 and 93 may be seized.

94. It shall be lawful for any person within whose view any of the offences specified in sections 90, 91, 92 and 93 shall have been committed, to seize and take the party having so offended to the nearest officer of police to be dealt with according to law, if such party shall refuse to give to such person on demand full information respecting his name, occupation, and residence ; and where such offender cannot be so seized or traced, but the carriage, cart, or animal in respect of which the offence in question was committed can be identified, it shall be lawful for any competent court to issue a warrant for the seizure of such carriage, cart, or animal, together with a summons to the owner thereof to appear before such court on a certain day to be mentioned in such summons ; and if such owner shall fail to attend in

pursuance thereof without good and sufficient excuse, or if attending and not being himself the offender he shall refuse to give all information in his power respecting the party by whom such offence was committed, such owner shall be guilty of an offence, and be liable to the same punishment to which the party so having offended as aforesaid would have been liable on conviction thereof.

Penalty on persons forming part of procession or assemblies carrying sword or other offensive weapons.

95. If any person forming part of any procession or of any assembly of more than twelve persons, except under military regulation or some regulation of police, which shall take place or be collected for some particular purpose anywhere within any town and limits, shall have about him or have placed anywhere near him so as to be capable of being used by him while forming part of such procession or of such assembly any gun, pistol, sword, creese, club, or other offensive weapon, every such person shall be guilty of an offence, and be liable to any fine not exceeding two hundred rupees, or to imprisonment at hard labour for any period not exceeding twelve months ; and every person who shall have formed part of any such procession or assembly, and who it shall be proved to the satisfaction of the court before whom he shall be brought was aware that any such offensive weapon was carried or placed near any person forming part of such procession or assembly as aforesaid, and did not give information thereof to some officer of police, shall be guilty of an offence, and be liable to any fine not exceeding one hundred rupees, or to imprisonment, with or without hard labour, for any period not exceeding six months.

Beating of tom-tom, &c. forbidden.

96. All persons who shall at any time within any town and limits, either within or without any house or building, beat drums, or tom-toms, or have or use any other music calculated to frighten horses, or who shall make any noise in the night so as to disturb the repose of the inhabitants, or who shall at any time discharge [§2,21 of 1939] firearms, crackers, or fireworks; or release any fire balloon or other combustible or explosive contrivance or article which is likely to cause injury to person or property, except under military regulation, or unless they shall have obtained a licence from the Magistrate of the district, or from the Inspector-General of Police or Superintendent, who are hereby authorized to grant the same when it shall to them appear expedient, or who shall play at any games in or near any street, road, or thoroughfare, or fly any kite, or throw any stone or other missile, or wilfully or negligently make any noise, or do any act or thing in a manner calculated to terrify or injure any passenger, horse, or cattle, or to injure any property, shall be guilty of an offence, and be liable to any fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months.

Appeal against refusal of, conditions in, or withdrawal of, licence.

97.

(1) Any person (hereinafter referred to as the " applicant ") to whom a licence under the provisions of section 78 or section 96 of this Ordinance

- (a) has been refused ; or
- (b) has been granted subject to conditions to all or any of which he objects ; or
- (c) has been granted, which has subsequently been withdrawn by the authority granting the same,

may appeal to the Magistrate of the division within five days of such refusal, grant, or withdrawal.

(2) Such Magistrate, after hearing the applicant and such other persons as to him may seem fit, may make an order

- (a) confirming the refusal or withdrawal of the licence to, or from, the applicant; or
- (b) directing the issue of a licence, and confirming, modifying, striking out, or adding to, the conditions contained in any licence which has been issued to the applicant, or inserting conditions in any licence which is ordered to be issued in the place of any licence withdrawn as herein before mentioned.

(3) If the application for a licence is made in the first instance to the Magistrate of the district under section 96, and such application is refused or is granted subject to conditions, to all or any of which the applicant objects, or is granted and then the licence is with drawn as herein before mentioned, such refusal, grant, or withdrawal shall be deemed to be an order of the Magistrate, and the applicant may appeal against the same in the manner hereinafter in this section provided.

(4)

- (a) Any applicant who is dissatisfied with the order of a Magistrate under this section may appeal to the Court of Appeal, who may make such order as to him seems fit and whose decision shall be final.

(b) Every such appeal shall be by petition which shall be liable to a stamp duty of five rupees, and shall be preferred within ten days of the order being made by a Magistrate, and shall be heard as soon as conveniently may be after it is so preferred and be determined by such Court.

(c) Notice in writing of an appeal under this sub section shall be given to the Attorney-General, who may attend or be represented at the hearing of the appeal.

False reports to alarm people and create a panic.

98. Any person who shall spread false reports with the view to alarm the inhabitants of any place within Sri Lanka and create a panic shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for any period not exceeding twelve months ; and if he shall be convicted a second time, or shall persist in the offence after warning to desist, he shall be liable to corporal punishment not exceeding twenty lashes.

Persons to keep the space opposite their houses clean.

99. No filth, or dirt, or dead or disabled animal shall be cast or allowed to remain in any street, road, canal, or other thoroughfare within any such town and limits, and every inhabitant within any such town and limits shall keep the space and street or road, and all surface drains, ditches, and gutters before his house clean, and the owners or occupiers of all private avenues, passages, yards, and ways, and all slaughter-houses shall keep the same clean, and shall remove the offal to such place as the principal police officer of the division may point out under the directions of the Superintendent of Police ; and any person wilfully offending against this section shall be guilty of an offence, and liable to any fine not exceeding twenty rupees.

Common nuisance.

100. It shall be lawful for the Inspector-General of Police or where there is a Municipality for the Municipal Council or its officers, to notify from time to time in as public a manner as he conveniently can, the place or places in any such town and limits within which persons shall not be allowed to ease themselves under the penalty hereinafter mentioned; and every person who shall, after such notification shall have been given, ease himself in any place comprehended in such notification, except in some house, outhouse, or enclosed place, with the leave of the occupant thereof, shall be guilty of an offence, and be liable to any penalty not exceeding ten rupees:

Provided always that nothing in this section contained shall be construed into a declaration that persons cannot commit a nuisance by easing themselves in such places as are not comprehended in such notification as aforesaid.

Houses to be surrounded with walls or fences, and gardens kept clean.

101. All houses and gardens within such parts of any of the said towns and limits as the Minister shall from time to time direct by Order to be for that purpose published in the Gazette shall, within six months after such Order shall have been so published be surrounded with walls or good fences, and be cleared and kept clean of brush and Underwood ; and every person neglecting within such time so to surround his house and garden, or to clear and to keep the same clear of brush and Underwood, shall be guilty of an offence, and be liable to any fine not exceeding twenty rupees:

Provided always that the proprietors of adjoining lands which shall require to be fenced or walled under the provisions of this section shall be liable to make and keep in repair each one-half of such fence or wall, except where by any law or custom such liability shall be otherwise determined.

Cases may be tried before Magistrates' Courts, though otherwise out of their jurisdiction

102. Whereas the punishments assigned to certain offenders under this Ordinance are beyond the jurisdiction of Magistrates' Courts, but it would be frequently more advantageous that such offences should be brought to trial before such courts in order that the punishment of offenders may be more prompt, even though it should be less severe: It is therefore enacted, that in case of any person committing an offence under this Ordinance, and which offence could not otherwise be cognizable by a Magistrate's Court by reason of the punishment to which the same is subject, a certificate shall be presented to any Magistrate's Court, signed by the Attorney-General or by some competent State Counsel, to the effect that such officer is content that such offence or act shall be prosecuted before such court, it shall be competent to such court to take cognizance of such offence or act, and to award in respect thereof so much of the punishment assigned thereto as Magistrates' Courts are empowered by law to award.

[5, 22 of 1947]

The preceding provisions of this section shall not apply in the case of any offence under any of the sections 77 to 80 (inclusive) ; and the Magistrate summarily trying any such offence may impose the full punishment prescribed therefore, notwithstanding that such punishment exceeds the limits placed upon the jurisdiction of a Magistrate by any other law.

Power to prosecute not

103. Nothing contained in this Ordinance shall be construed to prevent any person from

prosecute not
affected.

being prosecuted for any offence made punishable on conviction by this Ordinance, or to prevent any person from being liable under any other law to any other or higher penalty or punishment than is provided for such offence by this Ordinance:

Provided always that no person shall be punished twice for the same offence.

Interpretation.

104. The following words and expressions in this Ordinance shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction :- "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine ;

(Vide footnote to section 6.) "Government Agent" shall include an Assistant Government Agent of the district ;

" person " shall includes company or corporation ;

" police officer" means a member of the regular police force and includes all persons enlisted under this Ordinance ;

"town" shall include any village or limits set out for the purposes of this Ordinance.

Schedules