

L.D.O. 42/2009

AN ACT TO AMEND THE PRADESHIYA SABHAS ACT, NO. 15 OF 1987

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

Short title.

1. This Act may be cited as the Pradeshiya Sabhas (Amendment) Act, No. ... of 2014.

Amendment of
section 3 of Act,
No. 15 of 1987.

2. Section 3 of the Pradeshiya Sabhas Act, No.15 of 1987 (hereinafter referred to as the "principal enactment") is hereby amended as follows :-

- (1) by the renumbering of that section as subsection (1) of that section;
- (2) by the substitution in the re-numbered subsection (1) of that section, for the words "shall be the local authority within such area and be charged with the" of the words "shall be the local authority within such area and shall engage in socio-economic development activities and in the protection and promotion of the environment within such area and be charged with the"; and
- (3) by the addition immediately after the re-numbered subsection (1), of the following new subsections :-

"(2) In addition to the functions specified in subsection (1) of this section, a Pradeshiya Sabha may have the authority to enter into Public-Private Partnerships for the purposes of carrying out the functions specified in subsection (1).

(3) For the purpose of discharging its functions under this section, the Pradeshiya Sabha may utilize

such sums of money from the Pradeshiya Sabha Fund.

(4) The funds appropriated for the purpose of subsection (3), shall be audited by the Auditor-General in terms of Article 154 of the Constitution.”.

Amendment of section 7 of the principal enactment.

3. Section 7 of the principal enactment is hereby amended by the substitution for the words “fails to attend meetings of the Pradeshiya Sabha for a period of three months” of the words “fails to attend three consecutive ordinary meetings of the Pradeshiya Sabha”.

Insertion of new sections 9AA, 9AB and 9AC in the principal enactment.

4. The following new sections are hereby inserted immediately after section 9A of the principal enactment, and shall have effect as sections 9AA, 9AB and section 9AC of that enactment :-

“Transitional provision for the transfer of assets and liabilities of Pradeshiya Sabha to a new Pradeshiya Sabha established by the division of any existing Pradeshiya Sabha or Sabhas.

9AA. (1) From and after the date of commencement of this Act, where a Pradeshiya Sabha is constituted in accordance with the provisions of this Act comprising a part of the administrative area falling within the area of an existing Pradeshiya Sabha established under the Pradeshiya Sabhas Act, No. 15 of 1987, the newly constituted Pradeshiya Sabha shall –

- (a) be the successor of such part of the administrative area under the control of the existing Pradeshiya Sabha for all purposes relating to such administrative area from the date of constitution of the new Pradeshiya Sabha and such area shall from the date of coming into operation of this Act cease to be a part of such existing Pradeshiya Sabha;
- (b) be the successor to all such movable and immovable property which has been vested in or legally acquired by or leased

to or placed at the disposal of, or in any other manner transferred to the existing Pradeshiya Sabha, or which is held in trust for such Pradeshiya Sabha or is in its possession or control on the day immediately preceding the date of commencement of this Act shall be held by or in trust for the new Pradeshiya Sabha subject to the trusts, charges, liabilities, reservations, servitudes or other encumbrances and on terms and conditions pertaining, attaching or applicable thereto on that date;

- (c) be the successor to contract, agreement, deed, mortgage or any other instrument entered into, made or issued by or with the existing Pradeshiya Sabha and in force immediately preceding the date of commencement of this Act, shall continue to be in force from the date of the coming into operation of this Act as if such contract, agreement, deed, mortgage or any other instrument has been entered into, made or issued by such newly constituted Pradeshiya Sabha;
- (d) be deemed to be the owner of such amount of money belonging to the existing Pradeshiya Sabha as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance, by an Order published in the *Gazette*;

(e) be the successor to all such rights, powers, duties, debts, liabilities and obligations of the existing Pradeshiya Sabha in proportion to the administrative area assigned to such newly constituted Pradeshiya Sabha.

(2) All orders, notifications, rules regulations and by-laws made by the existing Pradeshiya Sabha shall, in so far as they are applicable to the newly constituted Pradeshiya Sabha, continue to be in force from the date of the coming into operation of this Act.

(3) All licences and permits duly issued or granted by such existing Pradeshiya Sabha and in force on the date of the coming into operation of this Act, shall in so far as they are not inconsistent with the provisions of this Act shall be deemed to have been licences or permits duly issued or granted by such newly constituted Pradeshiya Sabha.

(4) All rates, taxes, rents, duties, fees, fines, penalties and sums of money due to such existing Pradeshiya Sabha shall be deemed to be due to the newly constituted Pradeshiya Sabha from the date of the coming into operation of this Act.

(5) All suits, prosecutions, appeals or other legal proceedings, civil or criminal instituted which might have been instituted by or against such existing Pradeshiya Sabha prior to the date of coming into operation of this Act, shall be deemed to be suits, prosecutions, appeals or legal proceedings of the such newly constituted Pradeshiya Sabha.

(6) All assessments and verifications made or adopted by the existing Pradeshiya Sabha in respect of the immovable property to which the newly constituted Pradeshiya Sabha has succeeded shall continue to be in force until the revision of such assessments and verifications.

Dispute
Resolution.

9AB. Where it is brought to notice of the Minister that a dispute has arisen between the newly constituted Pradeshiya Sabha and an existing Pradeshiya Sabha regarding ownership of immovable property or any other property rights, powers, duties, debts, liabilities or any obligations transferable to the new Pradeshiya Sabha, the Minister may endeavour to resolve such dispute taking into consideration the extent of the area allotted each such Pradeshiya Sabha.

Retrospective
effect.

9AC. The amendment made by paragraph (a) of subsection (1) and subsections (3) and (4) of section 9AA shall be deemed to have come into force on such date as may be specified by the Minister by Order published in the *Gazette* in respect of each Pradeshiya Sabha already established and specified in such Order.”.

Amendment of
section 11 of the
principal enactment.

5. Section 11 of the principal enactment is hereby amended as follows:-

- (1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :-

“(1) Ordinary meetings of a Pradeshiya Sabha shall be held for the conduct of business of such Pradeshiya Sabha, on any such day as may be fixed by the Pradeshiya Sabha in consultation with members of the Pradeshiya Sabha.”; and

- (2) in subsection (3) of that section by the substitution for the words "receipt of the requisition by the Chairman." of the words "receipt of such requisition and shall be held within a period not exceeding fourteen days of the receipt of such requisition, by the Chairman."

Replacement
of section 12 of the
principal
enactment.

6. Section 12 of the principal enactment is hereby repealed and the following substituted therefor –

"Appointment
of Standing
Committees.

12. (1) Every Pradeshiya Sabha shall in each year at its first general meeting or second general meeting, appoint a Standing Committee on Finance and not less than four other Standing Committees consisting of both members of the Pradeshiya Sabha and knowledgeable citizens permanently residing within the Pradeshiya Sabha area.

(2) The main function of a Standing Committee shall be to advise the Pradeshiya Sabha with regard to the exercise and performance of its powers and functions, or any other matter being considered by the Pradeshiya Sabha.

(3) (a) The Pradeshiya Sabha may, in any year at its first general meeting by resolution, adjourn the appointment of a Standing Committee referred to in subsection (1) the second general meeting of the Pradeshiya Sabha.

(b) The provisions relating to the appointment of Standing Committees specified in this section and in section 12A shall apply to such adjourned election, subject only to any modifications that may be effected by such resolution."

Insertion of new sections 12A, 12B, 12C, 12D, 12E and 12F of the principal enactment.

7. The following new sections are hereby inserted immediately after section 12 of the principal enactment and shall have effect as section 12A, 12B, 12C, 12D, 12E and 12F of that enactment —

"Members of the Standing Committees.

12A. (1) Every Standing Committee other than the Standing Committee on Finance shall consist of four elected members of the Pradeshiya Sabha and a maximum of four knowledgeable citizens.

(2) The Standing Committee on Finance shall consist of Chairman of the Pradeshiya Sabha who shall be an *ex-officio* member, three members of the Pradeshiya Sabha and a maximum of four knowledgeable citizens.

(3) The appointment of knowledgeable citizens to any Standing Committees shall be by a resolution passed by the Pradeshiya Sabha at a general meeting and in making such appointments, preferences shall be given to persons who are representatives of Rate payers' Associations, Environmental Protection Societies, Private Sector Organizations and such other similar organizations, which are operating within respective Pradeshiya Sabha area.

(4) The knowledgeable citizens appointed as members of any Standing Committee, shall have no voting rights.

(5) For the purpose of this section, "knowledgeable citizens" who are appointed to a Standing Committee shall be persons not subject to the disqualifications for membership specified in section 9 of the Local Authorities Elections Ordinance (Chapter 262) and who are proficient and experienced in the respective subject assigned to each Committee.

Not less than two knowledgeable citizens appointed to a Standing Committee shall be women and not less than two shall be young citizens below the age of thirty five years.

(6) A knowledgeable citizen shall not be appointed to more than one Standing Committee at a given period.

(7) In the event any vacancy occurs in any Standing Committee during any year, the Pradeshiya Sabha shall at a general meeting, elect a member to fill such vacancy, having regard to the requirements specified in the section.

Joint
Standing
Committee.

12a. (1) For the purpose of any matter in which any Pradeshiya Sabha is jointly interested with any other local authority, it may make arrangements by mutual consent with such local authority, for the constitution of a Joint Standing Committee.

(2) A Joint Standing Committee referred to in subsection (1) shall consist of elected members and of knowledgeable citizens of the Pradeshiya Sabha and of the other local authority concerned residing within those local authority areas.

(3) A Joint Standing Committee referred to in subsection (1) shall have no authority to deal with any matters relating to the raising of any loan, the levying of any rate or the imposition of any tax.

Election of
Pradeshiya
Sabha
members to
Standing
Committee.

12c. (1) A Pradeshiya Sabha member shall not be eligible to be elected to-

(a) two Standing Committees, until every member has been elected to serve on at least one Standing Committee;

(b) three Standing Committees, until every other member has been elected to serve on at least two Standing Committees:

Provided that, in any event, a member shall not be eligible to be elected to more than three Standing Committees.

(2) The Chairman of the Pradeshia Sabha shall in his *ex-officio* capacity be the Chairman of the Standing Committee on Finance, and he shall not be eligible to be elected to any other Standing Committee. The Chairmen of the Standing Committees other than the Standing Committee on Finance shall be elected by ballot of the members, from among its members at their first meeting.

(3) The Chairman of the Pradeshia Sabha may be present and speak but not vote at the meetings of the Standing Committees, other than the Standing Committee on Finance; and if present he shall be eligible to preside at such meeting and may speak and vote at every joint meeting of the Standing Committee on Finance and any other Standing Committee or Committees.

(4) Where the Chairman of the Pradeshia Sabha is absent from any meeting of the Standing Committee on Finance or from any joint meeting of Standing Committee on Finance or from any other meeting of Standing Committee or committees or in the absence of Chairman at any such Standing

Committee or Committees, the relevant Committee shall elect a Chairman for the particular meeting from amongst the members present at such meeting.

(5) No business shall be transacted at any meeting of a Standing Committee or at any joint meeting of two or more Standing Committees, unless the prescribed quorum is present. Until a by-law is made by the Pradeshia Sabha prescribing the quorum for any meeting of a Standing Committee or for any joint meeting of two or more Standing Committees, one third of the total number of the members of such Committee or Committees, as the case may be, shall constitute a quorum for the meeting:

Provided further that for a joint meeting of two or more Standing Committees at least one member of each Committee shall be present.

(6) Where one-third of such number as specified in subsection (5) is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one-third for the purposes of this section.

(7) All matters or concerns authorized to be decided by a Standing Committee by or under this Act shall be decided by the majority of the members present and voting at such meeting. Where the votes of the members present are equally divided to any matters or concerns raised, the person who presides at such meeting shall in addition to his own votes as a member of the Committee, have a casting vote.

(8) No financial matter shall be finally dealt by a Pradeshia Sabha unless such matter has been first

referred to and reported upon by the Standing Committee on Finance.

(9) All matters to be considered by the Pradeshiya Sabha shall be channelled through the respective Standing Committee:

Provided that any urgent matter may be referred directly to the Pradeshiya Sabha:

Provided further that, such matter shall forthwith be presented to the meeting of the relevant Standing Committee to be held immediately after Pradeshiya Sabha meeting.

(10) Every meeting of a Standing Committee of a Pradeshiya Sabha shall be held at the office of the Pradeshiya Sabha, or any other place as the Standing Committee may decide.

Powers, duties
and functions
of Standing
Committee.

12n. (1) A Pradeshiya Sabha may, subject to such conditions as it may determine, delegate to a Standing Committee in writing such of its powers other than the power to raise any loan, to levy any rate or to impose any tax, and the Standing Committee may exercise and discharge such powers and functions as are delegated.

(2) The Pradeshiya Sabha may whenever such Pradeshiya Sabha deems appropriate exercise and discharge all or any of the powers or functions or revoke such powers or functions delegated to a Standing Committee.

(3) The subject matter to be assigned to each Standing Committee appointed under subsection (1) of

section 12 of this Act other than the Standing Committee on Finance shall be suitably defined by the Pradeshiya Sabha.

(4) The subject matters of all the Standing Committees shall, wherever appropriate, be grouped together in order so that closely related subjects and be dealt with by one single Standing Committee.

(5) Any Standing Committee shall have the power to call upon any officer of the Pradeshiya Sabha to make available to the Standing Committee any information it may require in the course of discharging its functions, and shall have access to the books, deeds, contracts, accounts, vouchers and other documents and papers of the Pradeshiya Sabha that it may require.

Appointment
of special
committees.

12E. (1) Any Pradeshiya Sabha may from time to time appoint a special committee from among the members of the Pradeshiya Sabha and equal number of citizens who are knowledgeable in the subject matter assigned to each committee, consisting of such number of members of the Pradeshiya Sabha and knowledgeable citizens as it thinks fit, for the purpose of inquiring into and reporting upon any matter pertaining to the Pradeshiya Sabha.

(2) Every special committee established under subsection (1) shall elect its Chairman at the first committee meeting and continue to function as a committee until such time the report required under subsection (1) has been finally considered by the Pradeshiya Sabha.

(3) The Pradeshiya Sabha may determine the quorum for any meeting of a special committee at the time of appointing the special committee and where such quorum is not determined by the Pradeshiya Sabha, two thirds of the members of the special committee shall form the quorum.

Citizens Charter.

12F. (1) Every Pradeshiya Sabha shall with the participation and consultation of persons or organizations who are its civil society partners, formulate and publish a document referred to as the "Citizens Charter" wherein the services to be provided by the Pradeshiya Sabha for the welfare of the persons resident within the limits of a Pradeshiya Sabha shall be specified.

(2) The Citizens Charter shall contain information relating to-

- (a) the different types of services extended by the Pradeshiya Sabha;
- (b) the criteria to be satisfied and the procedure to be followed to obtain such services; and
- (c) the approximate time periods during which such services are provided.

(3) Copies of the Citizens Charter shall be kept in the office of the Pradeshiya Sabha and other appropriate places within the Pradeshiya Sabha area for reference by the public.

(4) The Pradeshiya Sabha with the participation and consultation of persons or

organizations who are its civil society partners shall review the Citizens Charter at least once in every year and update the same whenever it becomes necessary to do so.

(5) The Minister may make rules pertaining to the manner of formulation and implementation of Citizens Charter. The rules so made shall be published in the *Gazette* and shall come into operation from the date of such publication.”.

Amendment of section 13 of the principal enactment.

8. Section 13 of the principal enactment is hereby amended by the substitution for the words “for the purposes of this section.” of the words –

“for the purposes of this section:

Provided however no business of any such meeting of the Pradeshiya Sabha shall be carried out unless at least three members of the Pradeshiya Sabha are present at such meeting.”.

Replacement of section 15 of the principal enactment.

9. Section 15 of the principal enactment is hereby repealed and the following new section is substituted therefor :-

“Minutes of meetings to be entered in a record book.

15. (1) Minutes of proceedings of all meetings of a Pradeshiya Sabha shall be drawn up in a prescribed manner and entered in a record book kept for that purpose.

(2) The proceedings of each meeting referred to in subsection (1) shall be signed by the Chairman or the Vice Chairman or member of the Pradeshiya Sabha who presided such meeting. All such proceedings shall thereafter be taken to be the minutes of the original proceedings and a copy or extract thereof shall be admissible in any court, as

prima facie evidence of the matters stated therein.

(3) The record book shall be kept open at the office of the Pradeshiya Sabha during office hours, for the inspection by any member of the Pradeshiya Sabha free of charge, or by any member of the general public during working hours of the Pradeshiya Sabha on payment of a fee of rupees twenty five."

Amendment of
section 19 of the
principal
enactment.

10. Section 19 of the principal enactment is hereby amended as follows :-

- (1) in paragraph (xvii) of that section by the substitution for the words "maintenance of experimental forms" of the words "maintenance of experimental farms";
- (2) in paragraph (xxi) of that section by the substitution for the words "delegated to it by the Development Council established for the administrative district" of the words "delegated to it by the Provincial Council established for that Province";
- (3) by the insertion immediately after paragraph (xxi) that section of the following paragraphs -

"(xxia) to engage in activities relating to the promotion of local agriculture, minor irrigation projects and animal husbandry including cultivation in home gardens and other cultivatable lands, within the limits of the Pradeshiya Sabha;

(xxib) to engage in projects for the advancement of the welfare of women, children and differently able persons;" and

(4) by the insertion immediately after item (b) of paragraph (xxiv) of the following paragraphs :-

“(c) to engage in income generating activities in view to promote local tourism and projects in relation to eco-tourism and tourism taking into consideration the scenic beauty, and sites of cultural and historical importance within any Pradeshiya Sabha area, and credit any revenue from such activities to the Pradeshiya Sabha Fund established under section 129;

(d) to utilize any part of the Pradeshiya Sabha Fund for the promotion of the Ayurveda system of indigenous medicine including facilitating the establishment and maintenance of Ayurveda dispensaries, clinics, medical gardens and herbaria, manufacture of any Ayurveda drugs and promote the indigenous system of health care,

For the purposes of this sub-paragraph “Ayurveda” includes the Unani, Homeopathy and Siddhi systems of indigenous medicine;

(e) to grant any person for any purpose approved by the Pradeshiya Sabha a licence or a concession subject to such terms and conditions as the Pradeshiya Sabha may deem fit.”.

Insertion of new section 20A, 20B and 20C in the principal enactment.

11. The following new sections are hereby inserted immediately after section 20 of the principal enactment and shall have effect as sections 20A, 20B and 20C of the that enactment :-

"Promoting
and securing
socio-economic
development.

20A. (1) Subject to the powers and functions that maybe entrusted to any other authority or institution, a Pradeshiya Sabha shall be the general administrative authority for promoting and securing socio-economic development, planning and the utilization of resources within its administrative limits.

(2) The Pradeshiya Sabha shall for the purposes of subsection (1) be entitled to discharge the functions specified in the Seventh Schedule to this Act and to exercise any other powers as are vested in or assigned to or imposed on it by this Act and any other written law.

(3) The Pradeshiya Sabha shall, in the exercise, performance and discharge of the powers, duties and functions vested in, assigned to or imposed on the Pradeshiya Sabha by or under this Act, on matters relating to planning, consult and act in collaboration with the relevant Divisional Secretariat, Urban Development Authority and other governmental and non-governmental agencies within its administrative limits.

(4) It shall be the duty of the Pradeshiya Sabha in all such matters to supervise and direct, the carrying out of measures relating to integrated local planning.

Development
planning
activities.

20B. (1) In fulfilling and discharging its responsibilities and functions relating to development planning within its administrative limits, the Pradeshiya Sabha shall :-

- (a) formulate a long term perspective plan covering a period of ten years with special focus on infrastructure development based on the resources available and the need for further development;
- (b) formulate a medium term development plan in line with the long term perspective plan, covering a period of five years;
- (c) prepare every year an annual development plan for the forthcoming year in respect of the powers and functions vested in it for the development of the area, in collaboration with the Divisional Secretariat and other relevant governmental and non-governmental agencies within the area every year;
- (d) submit a final copy of each development plans prepared by the Pradeshiya Sabha to the Provincial Commissioner for Local Government and the Regional Assistant Commissioner for Local Government, for the district within which such Pradeshiya Sabha is situated;
- (e) to promote active participation of the citizen in such area in the planning process and make use of the citizen's committees at village

level and community organizations at neighbourhood group level to function as the grassroots level planning units; and

- (f) be responsible for coordinating with all relevant agencies in regard to socio-economic development activities undertaken by them and to ensure that all local level development activities, within its area, are properly integrated.

Physical
planning
activities.

20C. In fulfilling responsibilities and functions relating to physical planning within its administrative area, a Pradeshiya Sabha shall –

- (a) subject to the guidelines and standards provided by national and provincial authorities on physical planning, be the general administrative authority for physical planning within its administrative area;
- (b) formulate zoning schemes, and urban development schemes within its area, in consultation with National Physical Planning Department and the Urban Development Authority established by the Urban Development Authority Law, No. 41 of 1980;

- (c) be responsible for ensuring the implementation of physical plans, by facilitating the enforcement of regulatory measures in relation to land utilization;
- (d) ensure that blocking out plans are prepared and have received approval prior to the letting out of any such lands;
- (e) be responsible for ensuring that the blocking out of lands is carried out in conformity with the national guidelines on land utilization and also is in compliance with the physical planning procedures in the area; and
- (f) take measures to regulate the activities of blocking out of lands in the accordance with the procedure specified in by-laws particularly relating to following matters –
 - (i) ensuring that such blocking out of land does not contravene any provisions contained in any written law;
 - (ii) removing of trees and levelling of land before sale;
 - (iii) allocation of ten *per centum* of the extent of the land being blocked out to the Pradeshiya Sabha for the purpose of providing common amenities;

(iv) registration of land developers;

(v) approval of blocking out plans;
and

(vi) advertising and sale of blocked
out plots of land.”.

Amendment of
section 41 of the
principal
enactment.

12. Section 41 of the principal enactment is hereby amended as follows :-

(1) by the substitution for the words “remove from the place of any such work:” of the word, “remove from the place of any such work having regard to the public health and safety and damage that may be caused to the environment:”

(2) by the repeal of the proviso to that section and the substitution therefor of the following proviso :-

“Provided however the proper officer shall be required to take necessary steps to remove all earth, rubbish or other material within a period of seven days, without causing any adverse environmental impact by permitting material thrown or littered on such land to remain on such land.”.

Amendment of
section 47 of the
principal
enactment.

13. Section 47 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words “shall be guilty of an offence punishable with a fine not exceeding fifty rupees and with a further fine not exceeding twenty rupees for each day he suffers” of the words “shall be guilty of an offence punishable with a fine not exceeding one thousand rupees, and with a further fine not exceeding four hundred rupees in respect of each day he suffers”.

Amendment of
section 48 of the
principal
enactment.

14. Section 48 of the principal enactment is hereby amended in subsection (2) thereof by the substitution for the words "punishable with a fine not exceeding ten rupees." of the words "punishable with a fine not exceeding two hundred rupees."

Amendment of
section 55 of the
principal
enactment.

15. Section 55 of the principal enactment is hereby amended in subsection (2) thereof by the substitution for the words "shall be liable on conviction to a fine not exceeding five hundred rupees." of the words "shall be liable on conviction to a fine not exceeding ten thousand rupees."

Amendment of
section 56 of the
principal
enactment.

16. Section 56 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words "shall be liable on conviction to a fine not exceeding five hundred rupees." of the words "shall be liable on conviction to a fine not exceeding ten thousand rupees."

Amendment of
section 60 of the
principal
enactment.

17. Section 60 of the principal enactment is hereby amended by the substitution for the words "shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees." of the words "shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees and an additional fine not exceeding one thousand rupees for each day during which such offence is continued after the notice being served requiring him to refrain from continuance of such offence."

Amendment of
section 61 of the
principal
enactment.

18. Section 61 of the principal enactment is hereby amended by the substitution for the words "shall be liable on conviction to a fine not exceeding five hundred rupees." of the words "shall be liable on conviction to a fine not exceeding ten thousand rupees."

Amendment of
section 63 of the
principal
enactment.

19. Section 63 of the principle enactment is hereby amended by the substitution for the words "shall be liable on conviction to a fine not exceeding five hundred rupees." of the words "shall be liable on conviction to a fine not exceeding ten thousand rupees."

Amendment of
section 65 of the
principal
enactment.

20. Section 65 of the principal enactment is hereby amended as follows :-

- (1) in subsection (1) of that section by the substitution for the words "on conviction to a fine not exceeding five hundred rupees;" of the words "on conviction to a fine not exceeding ten thousand rupees.";
- (2) in subsection (2) of that section by the substitution for the words "fine not exceeding fifty rupees;" of the words "fine not exceeding one thousand rupees.";
- (3) in subsection (3) of that section by the substitution for the words "shall be guilty of an offence and shall be liable on conviction a fine not exceeding five hundred rupees." of the words "shall be guilty of an offence and on conviction be liable to a fine not exceeding ten thousand rupees.";
- (4) in subsection (4) of that section by the substitution for the words "shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees" of the words "shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees".

Amendment of
section 67 of the
principal
enactment.

21. Section 67 of the principal enactment is hereby amended by the substitution for the words "shall on conviction be liable to a fine not exceeding five hundred rupees." of the words "shall on conviction be liable to a fine not exceeding ten thousand rupees.".

Amendment of
section 75 of the
principal
enactment.

22. Section 75 of the principal enactment is hereby amended by the substitution for the words "shall be guilty of an offence punishable with a fine not exceeding five hundred rupees." of the words "shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees.".

Insertion of new section 80A in the principal enactment.

23. The following new section is hereby inserted immediately after section 80 of the principal enactment and shall have effect as section 80A of that enactment –

“Releasing refuse into drains to be an offence.

80A. (1) Every person who within the Pradeshiya Sabha area –

(a) releases or permits any factory refuse, hospital refuse or any hazardous substances into a public drain or culvert, gutter or watercourse; or

(b) makes or constructs any drain leading into any public sewer or drain without the written approval of the Pradeshiya Sabha,

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ten thousand rupees and in case of a continuing offence, to an additional fine not exceeding two thousand five hundred rupees for each day during which the offence is continued to be committed after such conviction.”.

Amendment of section 81 of the principal enactment.

24. Section 81 of the principal enactment is hereby amended by the substitution for the words “shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees:” of the words “shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees and on additional fine not exceeding one thousand rupees in respect of each day during which such offence is continued:”.

Amendment of section 88 of the principal enactment.

25. Section 88 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words “shall be guilty of

an offence and shall be liable on conviction to a fine of fifty rupees” of the words “shall be guilty of an offence and shall on conviction be liable to a fine of one thousand rupees”.

Amendment of section 90 of the principal enactment.

26. Section 90 of the principal enactment is hereby amended by the substitution for the words “shall be guilty of an offence punishable with a fine not exceeding five hundred rupees.” of the words “shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees.”.

Amendment of section 92 of the principal enactment.

27. Section 92 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words “he shall be guilty of an offence punishable with a fine not exceeding five hundred rupees.” of the words “he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees.”.

Replacement of heading appearing before section 93 of the principal enactment.

28. The following new heading is substituted for the heading “CONSERVANCY AND SCAVENGING” appearing in before section 93 of the principal enactment:-

“ENVIRONMENTAL PROTECTION”

Replacement of sections 93, 94 and 95 of the principal enactment.

29. Sections 93, 94 and 95 of the principal enactment are hereby repealed and the following sections are substituted therefor :-

“Pradeshiya Sabha to be responsible for protecting environment.

93. (1) The Pradeshiya Sabha shall, subject to any responsibilities and powers that may be conferred on it by any law, be the general administrative authority for the purpose of promoting and protecting the environment, within its administrative limits.

(2) In fulfilling the responsibilities entrusted to a Pradeshiya Sabha under subsection (1), a Pradeshiya Sabha shall, in compliance with any guidelines or criteria formulated by the Central Environmental Authority, established by the National

Environmental Act, No.47 of 1980, take measures to prevent any damage being caused to the environment from the :-

- (a) disposal of solid and liquid refuse;
- (b) polythene and other similar materials used for decorations, banners and advertisements;
- (c) unauthorized display of billboards, hoardings, banners and posters;
- (d) unauthorized removal of earth, clay, sand and rocks from areas around and outside waterways;
- (e) unauthorized filling of lands, low land and marshy lands; and
- (f) unauthorized location of industries.

Duty of
Pradeshya
Sabha, in
relation to
conservancy
and
scavenging.

94. (1) It shall be the duty of the Pradeshya Sabha so far as is reasonably practicable, to take all necessary measures in the Pradeshya Sabha area –

- (a) for properly sweeping and cleaning the streets including the foot-ways, and for collecting and removing all street refuse;
- (b) for securing the due removal at specified periods of all house-hold refuse, and the due cleansing and emptying when it is so required, at the specified periods of all latrines and cesspits; and

(c) for the proper disposal of all street refuse, house refuse, and night-soil.

(2) All street refuse, house refuse, night-soil, or other similar matter collected by any Pradeshiya Sabha under the provisions of this Part shall be the property of the Pradeshiya Sabha, and the Pradeshiya Sabha shall have full power to sell or dispose of all such matter.

(3) Every Pradeshiya Sabha shall from time to time provide places convenient for the proper disposal of all street refuse, house refuse, night-soil, and similar matter removed in accordance with the provisions of this Part, and for keeping all vehicles, animals, implements, and other things required for that purpose or for any of the other purposes of this Act, and shall take all such measures and precautions as may be necessary to ensure that no such refuse, night-soil, or similar matter removed in accordance with the provisions of this Part is disposed of in such a way as to cause a nuisance.

By-laws to be made for promoting waste management &c.,

95. The Pradeshiya Sabha shall, in keeping with the national policy on solid waste and its strategies and with a view to promoting waste minimization, waste segregation and resource recovery against waste, make by-laws to provide for :-

(a) promoting the composting of bio-degradable waste and releasing it back to the environment in a healthy and environmentally friendly manner;

(b) provide for taking all necessary measures to encourage resource

recovery from recyclable waste materials, such as paper, plastics, metal and glass;

(c) provide for taking all necessary measures to minimize the adverse effects and damage being caused to the environment, such as pollution of water, soil and air;

(d) using the most safety methods such as sanitary land filling, for the purpose of final disposal of waste in order to reduce adverse impact on the environment; and

(e) declaring areas and places prohibited for dumping of litter, garbage, sundry debris and for hoisting of flags and displaying of banners, posters and similar things.

Duty of
Pradeshiya
Sabha as to
litter, garbage
etc.

95A. (1) The Pradeshiya Sabha shall declare areas and places prohibited for dumping of litter, garbage, sundry debris and for hoisting of flags and displaying of banners, posters and similar things.

(2) Any person who dumps litter, garbage sundry debris or similar matter, or hoists flags, or displays banners, posters or similar things in areas or places prohibited under subsection (1) commits an offence and shall on conviction after summary trial by the Magistrate Court be liable to fine not exceeding rupees ten thousand."

Amendment of
section 98 of the
principal
enactment.

30. Section 98 of the principal enactment is hereby amended by the substitution for the words "shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees for each day after the date of such order during which such overcrowding shall continue," of the following words –

"shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand rupees for each day during which such overcrowding continues after the date of such order:

Provided however, when giving effect to the provisions of this section Pradeshiya Sabha shall take into consideration the prevalent housing problem in the area and the grave nature of the health hazards to which the occupants and the neighbours are exposed."

Insertion of new heading in Part IV immediately before section 99A of the principal enactment.

31. The following new sub heading is inserted to be appearing immediately before section 99A in Part IV of the principal enactment :-

"PROMOTION OF INDIGENOUS SYSTEMS OF MEDICINE"

Insertion of new section 99A of the principal enactment.

32. The following new section is hereby inserted immediately after section 99 of the principal enactment and shall have effect as section 99A of that enactment –

"Promotion of indigenous system of medicine.

99A. (1) The Pradeshiya Sabha may within the Pradeshiya Sabha area promote and develop the Ayurveda system of indigenous medicine and other systems of indigenous medicine, with a view to preserving and improving the health of the people.

(2) In promoting and developing the Ayurveda system of indigenous medicine, the Pradeshiya Sabha may :-

(a) establish and maintain :-

(i) Ayurveda dispensaries and clinics;

(ii) Ayurveda herbariums and herbal parks;

(iii) Ayurveda plant nurseries and the cultivation of Ayurveda medicinal plants in home gardens; and

(b) organize lectures, seminars and other awareness programmes relating to the Ayurveda system of indigenous medicine in coordination with professional Ayurveda Councils and traditional Ayurveda physicians;

(c) organise programmes to popularize the indigenous system of health care and nutrition and the growing of medical plants.

(3) For the purpose of this section "Ayurveda" includes Unani Homeopathy and Siddhi systems of indigenous treatment."

Amendment of
section 102 of the
principal enactment.

33. Section 102 of the principal enactment is hereby amended as follows :-

(1) in subsection (2) of that section by the substitution for the words "shall be guilty of an offence punishable with a fine not exceeding six hundred rupees and a further fine not exceeding five hundred rupees for every day during which such offence is continued after notice has been served upon him by the Chairman requiring him to discontinue the use of such slaughter house." of the words "shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twelve