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CHAPTER 53

POLICE

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF A POLICE FORCE IN CEYLON

Ordinances

Nos.	16	of	1865
	7	of	1866,
	18	of	1871,
	6	of	1873,
	7	of	1873,
	8	of	1875,
	1	of	1878,
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	20	of	1927,
	12	of	1933,
	21	of	1939,
	36	of	1945,
	22	of	1947

Acts

Nos.	15	of	1949
	50	of	1954
	32	of	1956

[1st January, 1866.]

PRELIMINARY

1. This Ordinance may be cited as the Police Ordinance. Short title.

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are in anywise repugnant to or inconsistent with the provisions of this Ordinance, shall be revoked, abrogated, and repealed. Laws and customs repugnant to this Ordinance repealed.

GENERAL POLICE FORCE

Establishment of police force.

3. It shall be lawful for the Minister,¹ from time to time, as occasion may require, to establish, by Order¹ 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 Order¹ 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,¹ by Order¹ 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 Order¹ from time to time to revoke, alter, or amend.

Police in rural districts.

5. It shall be lawful for the Minister,¹ to establish a police force in any rural district, and to cause the same to be maintained in the manner hereinafter prescribed.

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

6. It shall be lawful for the Minister,¹ by Order¹ 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 Ceylon 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 harbouring 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 Ceylon 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 Government Agent to whose district such part belongs, but not any 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.

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 neighbourhood 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 Minister¹ 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.

Power to employ additional police force.

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

Meaning of "large work".

9. It shall be lawful for the Minister,¹ by Order¹ 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 Ceylon, 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.

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

10. The Order¹ establishing a police force in any town shall also specify and define the limits of such town, and it shall be lawful for the Minister¹ from time to time as occasion may require by Order¹ to alter or vary such limits.

Definition of limits of town.

POLICE IN RURAL DISTRICT

11. For the purposes of this part of this Ordinance, the word "proprietor" shall mean the sole or any joint owner of an estate, and the word "estate" shall mean

Interpretation.

a tract of land exceeding twenty-five acres, belonging to one person or to several persons, cultivated or uncultivated, and forming a separate or distinct property.

Application to bring districts under the operation of this Ordinance.

12. The proprietor of any estate situated in any district or locality may make application, in writing, to the Government Agent of the district in which such estate is situated that a police force should be established in the said district, and shall set forth in such application the name of the district, the names of all estates therein, the names of the proprietors, or (if the same be unknown) of the resident managers thereof, the probable extent of the land belonging to such estates, and the number of men to form the force which, in the opinion of the applicant, will be required to be stationed therein for the purposes of the district.

Proceedings thereon.

13. On receipt of such application, the Government Agent shall give such public notice as he thinks necessary of his intention to define the limits of the district, the estates in which will, if the proposal to establish a police force in the said district be adopted by the proprietors of at least two-thirds of the acreage of the estates in any such district as hereinafter provided, become and be severally bound and liable for the amount of contribution towards the maintenance of the police force which the said estates may be afterwards assessed at, in manner provided by this Ordinance; and in such notice the Government Agent shall appoint the time and place when and where he will attend to receive, inquire into, and consider the objections of any proprietor against his estate being included within the limits of such district; and the said Government Agent, after making such inquiry as he may deem requisite, and considering any such objections, shall proceed to define the limits of such district, and shall enter a description of such limits in the minutes of his proceedings, and shall thereupon transmit a requisition to the proprietor of every estate within the limits of such district so defined as aforesaid (or, in case of his absence from Ceylon, to the resident manager, or, if there be no resident manager, to the agent in Ceylon of the proprietor, if any, or if

there be known agent, shall cause the requisition to be affixed in some conspicuous part of the estate), calling upon him to declare in writing, within such time as shall be therein specified, whether he desires that a police force should be established in the said district, and to specify the provisions of the Ordinance which ought, in his opinion, to be introduced therein. If no answer be sent to the Government Agent within the time limited by such requisition, the person to whom the same was forwarded shall be deemed and taken to have concurred in the proposal referred to therein.

14. If it shall appear to the Government Agent, from the replies to such requisitions, or otherwise, as aforesaid, that a majority, consisting of the proprietors of at least two-thirds of the acreage of estates in any district, are desirous that a police force should be established in the said district, the said Government Agent shall forthwith forward such application to Government, together with his report as to the necessity for locating a police force in the district, and as to the number of men to compose such force, and the amount in money required for its upkeep; and thereupon it shall be lawful for the Minister,¹ by Order¹ published in the Gazette, to establish a police force in such district, from such time as shall be therein named, and to introduce such of the provisions as the Minister¹ shall consider expedient in such district, and such provisions shall accordingly come into force at the time so named. The Minister¹ may revoke, alter, or amend such Order.¹

15. On such Order¹ being published, the Government Agent shall proceed to assess the proportion due by each estate, by dividing the sum of money equal to a moiety of the total cost of maintaining such force in the district by the total number of acres of the estates in the district, and thus apportioning the amount due by each estate; and the rate so assessed shall be binding and conclusive on all proprietors of estates in such district; and the Government Agent shall thereupon transmit a notice to the proprietor of each estate (or in case of his absence from Ceylon, to the resident manager, or if there be no resident mana-

If two-thirds concur, the application to be forwarded to Government with Government Agent's report.

Order thereon.

The Government Agent to assess the proportion due by each estate.

ger, to the agent in Ceylon of the proprietor, if any, or if there be no known agent, he shall cause such notice to be affixed in some conspicuous part of the estate), informing him of the yearly amount of contribution due by him to make up the proportion payable by the district, and the date when the first quarterly instalment is payable as hereinafter provided.

Date of payment of contribution.

16. The amount due by each estate for a year shall be payable in advance by quarterly instalments, the first instalment on such day as shall be fixed in the notice above mentioned, and the other instalments at the commencement of each successive quarter.

Mode of recovery in case of default.

17. If the amount so due as aforesaid shall not be paid when due, the same shall be recovered in the manner provided by sections 41, 42, 49, 50, 51.

Alteration of the limits of district after original assessment.

18. Should it be found necessary at any time after the original assessment to alter the limits of any district, or to reduce or increase the force therein, it shall be lawful for the Minister' to do so; and the Government Agent shall give the same notice of such alteration, and of the new rates payable in consequence, as he is herein required to give of the original proceedings; and such notice shall be served and such new rates recovered in the same way as are herein prescribed in respect of the original notice and rates.

Discontinuance of force in any district.

19. For the purpose of discontinuing the police force when introduced into any district under this Ordinance the same course shall be taken as is prescribed in this Ordinance for its introduction, and if the demand for its withdrawal be adopted by the proprietors of two-thirds of the acreage, the said Government Agent shall forthwith notify to Government that the required majority is in favour of the withdrawal of the police force; and thereupon it shall be lawful for the Minister, ' by Order ' published in the Gazette, to direct that the employment of the said police force in the said district shall cease and determine from the date fixed in the Order.' But nothing herein contained shall prevent proceedings being afterwards taken for the

Its re-establishment.

re-establishment of a force in the manner recognized by this Ordinance for the original establishment of a force in any district.

POLICE OFFICERS

20. The administration of the police in Ceylon shall be vested in the Inspector-General of Police, Superintendents and Assistant Superintendents of Police, Inspectors, Sergeants, and Constables.

Officers in whom the administration of police is vested.

21. 3 (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.

Appointment of officers 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.

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 the Inspector-General of Police or Superintendent and for such time as they shall think fit :

Additional police officers to be employed at the cost of individuals.

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.

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 Superintendent shall report such refusal or

Recovery of expense under sections 6, 7, and 22.

failure to the nearest Magistrate's Court, which shall proceed to recover such sum as if it were a fine imposed by that court.

Special
police
reserve.
[§ 2, 15 of 1949.]

24. (1) The Inspector-General of Police may from time to time, with the approval of the Minister, by order authorize the establishment of a special police reserve for the area comprised within any province or district.

(2) Where the establishment of a special police reserve for any area is authorized under subsection (1), the Superintendent or Assistant Superintendent of Police in charge of that area, or any Justice of the Peace and Unofficial Magistrate who is requested so to do by such Superintendent or Assistant Superintendent, may in writing appoint, as officers of the special police reserve for that area such fit and proper persons resident in that area as may consent to be so appointed.

(3) The number of persons appointed to be officers of the special police reserve for any area shall not exceed such number as the Inspector-General of Police may consider necessary.

(4) The Superintendent or Assistant Superintendent of Police in charge of any area may, whenever he considers it necessary so to do, by notice given whether orally or in writing, call out for service in that area any one or more of the officers of the special police reserve for that area.

For the purposes of section 25, the period of service of any officer so called out shall commence on the date specified in such notice by the Superintendent or Assistant Superintendent and shall terminate on a date to be specified by him by a subsequent notice, but without prejudice to the power of the Superintendent or Assistant Superintendent, in manner herein before provided, to call out such officer for further service.

Duties, &c.,
of officers of
reserve.
[§ 2, 15 of 1949.]

25. (1) Every officer of the special police reserve for any area who is called out for service under section 24 shall during his period of service be liable to perform in that area the same duties as an ordinary

officer of police, and shall accordingly during that period have the same powers, privileges and protection, be liable to the same penalties, and be subordinate to the same authority, as an ordinary officer of police.

(2) It shall be lawful for the Inspector-General, with the approval of the Minister, to make such rules and issue such orders relating to the discipline, conditions of service and equipment of the special police reserve as may be necessary to secure the efficiency of the reserve.

(3) Any officer of a special police reserve who, having been called out for service under section 24, fails without sufficient cause to report for service, or neglects or refuses to serve as such, or disobeys any order or direction which may be given him for the performance of his duties, shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty rupees.

26. (1) Any officer of the special police reserve for any area who desires to resign from the reserve may give written notice of his intention to resign to the senior police officer of that area; and in any such case the resignation of such officer shall become effective on the expiry of a period of fourteen days from the date of the receipt of such notice or on such earlier date, if any, as may be determined by such senior police officer.

Registration,
&c., from
reserve.
[§ 2, 15 of 1949.]

(2) The Inspector-General of Police may in his discretion by order remove any officer of a special police reserve from that reserve.

(3) It shall be the duty of any officer who resigns from a special police reserve or is removed therefrom forthwith to surrender at the nearest police station his letter of appointment as an officer of the reserve and such uniform and other equipment as may have been issued to him.

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 officer two

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

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 Minister¹ to place a police force established in any district, rural district, town, or place, or in the neighbourhood of any railway and other works, under the control of any public officer having authority in such district, rural district, town, place, or neighbourhood, 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.¹

MAINTENANCE OF GENERAL POLICE

Expenses of police.

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. The expenses of police in rural districts shall be defrayed in equal shares by the Government and by proprietors of estates in each district as herein before provided :

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.

30. The cost of the police payable under sections 6, 7, 14, 22, and 29 of this Ordinance shall be the salary drawn by every 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.

Fixed rates at which recovery of cost of police shall be made.

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 day 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 Minister¹ shall by Order¹ 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:

Tax to be levied for maintenance of police.

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 Minister¹ 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 Minister¹ shall from time to time determine and appoint;

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

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 Minister¹ 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 Minister¹ may in his discretion award and shall have all the powers and authorities conferred by sections 36 and 37.

Time for appointment 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 Minister¹ shall deem reasonable.

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

Mode of assessment.

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.

Power to assessors to call for returns.

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

Tax to be payable quarterly by owner.

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 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 English, Sinhalese, or Tamil language, in the discretion of such Government Agent, 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.

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 Court of Requests 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.

Person dissatisfied with assessment may institute action in appropriation court.

(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 Supreme Court.

(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 Supreme Court from any judgment, decree, or order of Courts of Requests 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 Court of Requests or District Court if there be no appeal, or of the Supreme Court in case of appeal.

41. If any person shall not pay the tax due by him under this Ordinance as soon as the same is due, either

Proceedings if tax not duly paid.