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1st Session 1970-71



People's Committees Act, No. 16 of 1971

Date of Assent : March 17, 1971

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People's Committees Act, No. 16 of 1971

L. D.—O. 61/70.

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF PEOPLE'S COMMITTEES THROUGHOUT CEYLON, TO DEFINE THEIR POWERS, FUNCTIONS AND DUTIES AND TO MAKE PROVISION FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: March 17, 1971]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the People's Committees Act, No. 16 of 1971. Short title.

2. (1) For the purposes of this Act each ward of a local authority shall constitute an area of authority of a People's Committee, hereinafter referred to as an "area of authority". Area of authority of People's Committees.

(2) Where in respect of any area there is no local authority functioning for the time being, the Minister may divide such area into one or more areas of authority for the purposes of this Act and constitute a People's Committee for each such area of authority.

3. (1) Where a People's Committee, hereinafter referred to as "the Committee", is to be established for any area of authority, the Minister shall by notice published in the *Gazette* or in such other manner as may be determined by him, notify to the public that it is intended to constitute a People's Committee for such area of authority and that recommendations under sub-section (3) may be made to him in writing within such time as shall be specified in the notice in regard to the persons who are fit for appointment to such Committee. Appointment of members to People's Committees.

(2) The Committee shall consist of eleven persons appointed by the Minister, three of whom shall be between the ages of eighteen and twenty-five years, and one of whom shall be the elected member representing the ward which constitutes the area of authority of the Committee.

(3) Where the area of administrative authority or activity, as the case may be, of any local authority, rural development society, praja mandalaya, co-operative society registered under the Co-operative Societies Ordinance, trade union registered under the Trade Unions Ordinance or of any Member of Parliament is situated in whole or part within the area of authority for which a People's Committee is to be constituted, then each such person or body of persons may within the time allowed therefor by the notice under sub-section (1) recommend in writing to the Minister such persons as are in the opinion of the recommending person or body of persons fit to be members of such Committee.

(4) The Minister shall take into consideration such recommendations as may be made under sub-section (3) in appointing the members of the Committee.

(5) The Minister may without assigning reason remove from office any member of the Committee.

(6) A member of the Committee shall be deemed to have vacated his office—

- (a) on death or on resignation from office by letter addressed to the Minister; or
- (b) on his removal from office by the Minister; or
- (c) on expiry of his term of office; or
- (d) in the case of the elected member for the ward, upon his ceasing to be the member for the ward; or
- (e) upon absence from meetings of the Committee without the permission of the Chairman, for a continuous period of two months.

(7) The Minister shall, when constituting the Committee, give a name to the Committee.

Chairman of
the Committee.

4. (1) The Minister shall appoint one of the members of the Committee as the Chairman thereof.

(2) The Chairman of the Committee shall, unless he vacates the office of Chairman or is removed therefrom, hold office as Chairman for the period for which he has been appointed a member of the Committee.

(3) The Minister may without assigning reason terminate the appointment of any member as Chairman of the Committee and appoint another member or any other person as Chairman of such Committee.

(4) The Chairman of the Committee shall be deemed to have vacated the office of Chairman, if he resigns from such office, or if his appointment as Chairman is terminated by the Minister or if he ceases to be a member of the Committee.

5. No person shall be appointed a member of the Committee if he—

Qualification
for membership
of a People's
Committee.

(a) is less than eighteen years of age on the date of appointment; or

(b) is not ordinarily resident in the area of authority of the Committee; or

(c) is a Senator or Member of Parliament; or

(d) has been adjudicated an insolvent and has not received a certificate; or

(e) is of unsound mind; or

(f) has during the period of five years immediately preceding the time of such appointment been convicted of an offence which, in the opinion of the Minister, is an offence involving moral turpitude.

6. (1) Every member of the Committee shall, unless he earlier vacates office by death, resignation or removal by the Minister, hold office for a period of two years from the date of appointment:

Term of office
of members of
the Committee.

Provided, however, that the first members appointed to the Committee upon its establishment shall, unless they earlier vacate office as aforesaid, hold office for a period of one year:

Provided, further, that any member appointed to replace a person who has ceased to be a member of the Committee before the expiry of his term of office shall, unless he earlier vacates office as aforesaid, hold office for the unexpired portion of the term of office of the member whom he succeeds.

(2) Any member of the Committee who vacates office by effluxion of time shall be eligible for reappointment.

7. The Committee shall at its first meeting appoint a Secretary to the Committee (hereinafter referred to as the "Secretary"), from among its members.

Appointment of
Secretary.

Meetings of the
Committee.

8. (1) The Secretary shall, under the direction of the Chairman of the Committee, fix meetings of the Committee.

(2) The quorum for a meeting of the Committee shall be five.

(3) The Chairman of the Committee shall preside at every meeting of the Committee. In the absence of the Chairman from any meeting, the members of the Committee present at such meeting shall choose from among themselves any member of the Committee as Chairman of that meeting.

(4) Meetings of the Committee shall be held at least once a month.

(5) The Secretary shall keep a record of the proceedings of every meeting.

Removal of a
member not to
be challenged
in a court.

9. The removal of any member of the Committee, including its Chairman, by the Minister shall not be called in question in any court of law.

Members
deemed to be
public servants
for certain
purposes.

10. Every member of the Committee shall be deemed to be a public servant within the meaning and for the purposes of the Penal Code.

Right of
Member of
Parliament to
participate in
meetings of the
Committee.

11. Where the electoral district represented by a Member of Parliament covers the whole or part of the area of authority of the Committee, such Member of Parliament shall have the right to participate in the proceedings of that Committee:

Provided, however, that where a vote is taken on any matter under discussion, such Member of Parliament shall not have the right to vote.

Aims and
objects of
a People's
Committee.

12. The general aims and objects of the Committee shall be—

(1) to keep vigilance over the activities of Government Departments, local authorities or other institutions, whether corporate or unincorporate, financed wholly or partly by the Government, with a view to prevent abuse of authority, wastefulness, neglect of duty, misuse of public funds and corruption, and over the activities of authorized dealers of essential commodities, with a view to prevent irregularities in the distribution, sale or purchase of such commodities and to

bring such irregularities to the notice of the competent authority in order that action may be taken to stop or prevent such irregularities;

- (2) by maintaining vigilance and making complaints to the proper authorities to prevent anti-social, illegal and immoral activities such as, smuggling, illicit immigration, profiteering and the running of brothels;
- (3) to encourage the establishment of, stimulate interest in, and to promote the objects of, popular institutions such as co-operative societies, cultivation committees, rural development societies, praja mandalayas and mahila samithies;
- (4) to promote liaison between Government Departments, Government Corporations, local authorities and the people of the area of authority;
- (5) to assist the people of the area of authority to make representations, individually or collectively, to the proper authorities for redress or relief on any matter;
- (6) to assist the people of the area of authority in obtaining certified copies of birth, marriage and death registrations, if called upon to do so;
- (7) to suggest schemes to the Government or local authorities for urban or village development and improvement, and for the betterment of the conditions of the people within the area of authority;
- (8) to ensure that proper facilities are provided for the physical, mental and spiritual development of the people of the area of authority;
- (9) to advise the Minister on any matter referred to the Committee for such advice;
- (10) to issue statements to the Press relating to the activities of the Committee or contradicting wrong reports relating to activities within the area of authority;
- (11) to help in maintaining peace and harmony between various racial, religious and other groups living in the area of authority; and
- (12) to be vigilant about any abuse or misappropriation of any trust funds of a public nature.

Powers of the
Committee.

13. The Committee shall generally have all such powers and rights as are reasonably necessary to carry out the aims and objects set out in section 12, and in particular the power to—

- (a) make inquiries and receive written replies from any Government Department, Government Corporation, local authority, co-operative society, cultivation committee, rural development society or any private non-religious organization which receives or has received funds from the Government, and from any wholesale or retail trading establishment dealing in commodities essential to the life of the community, regarding any matters which, in the opinion of the Committee, are matters relating to the aims and objects of the Committee;
- (b) examine any documents in the custody of any of the bodies mentioned in paragraph (a) (except documents the contents of which are prohibited by any written law from being divulged to the public), take copies thereof and have them certified by the officer or person in whose custody they are, without payment of any fee;
- (c) call upon any of the bodies specified in paragraph (a) to furnish to the Committee certified copies of contracts (including bills of quantities) on which work or payment has not been completed;
- (d) enter any wholesale or trading business establishment dealing in commodities essential to the life of the community during any reasonable hours of the day and examine or inspect any document, equipment or any other article whatsoever, with the permission of the person who for the time being is in charge of such establishment for any purposes relating to the aims and objects of the Committee;
- (e) report any public officer or employee of any Government Corporation or local authority to his immediate superior where the Committee suspects any misconduct or neglect of duty on the part of such officer and to be present at the preliminary inquiry instituted against such officer upon such report;

- (f) report any matter of public importance to an appropriate senior officer of the area and to be present at the preliminary inquiry made by such officer into such matter upon such report, and if not satisfied with the manner or result of such inquiry, to report such matter direct to the appropriate Minister;
- (g) make inquiries or investigations on its own motion or upon representations or complaints made to it by any person in the area of authority, regarding any matter relating to the aims and objects of the Committee;
- (h) make representations to the appropriate Minister on any matter of national importance;
- (i) where the Committee considers it necessary to do so, to institute, in the name of the Chairman or the Secretary of the Committee, criminal proceedings under section 148 (1) (b) of the Criminal Procedure Code; and
- (j) where so requested by any person who makes a statement at a police station, to be present when such statement is recorded at such police station.

14. (1) The Committee may authorize in writing the Chairman or the Secretary of the Committee to institute, in the name of the Committee, criminal proceedings under section 148 (1) (b) of the Criminal Procedure Code in respect of such offences as are set out in the Schedule hereto.

Chairman or Secretary of the Committee may institute proceedings under section 148 (1) (b) of Chapter 20.

(2) The Chairman and Secretary of the Committee shall be deemed to be "peace officers" within the meaning and for the purposes of section 148 (1) (b) of the Criminal Procedure Code.

(3) The Schedule to this Act may be amended or rescinded by the Minister by regulation made under section 21.

15. (1) Any or all of the powers specified in section 13 may be exercised by a sub-committee of three or more members of the Committee generally or specially authorized in that behalf by the Chairman. Where, for any reason, such power cannot be exercised by such sub-committee, the power may lawfully be exercised by any three members of the Committee:

Sub-committee of three members may act for the Committee.

Provided, however, that in every such case such three members shall make a report of such powers exercised by them to the Chairman.

(2) The exercise of the powers of the Committee by three members thereof as provided for in sub-section (1) shall be deemed to be an act of the Committee.

Written reports
of acts done
in exercise of
powers of the
Committee.

16. In every case where the Committee or a sub-committee thereof exercises any of the powers specified in section 13, the members exercising such power shall enter in a record book kept for the purpose full details of the exercise of such powers.

Duties of
public and
private bodies
vis a vis the
Committee.

17. It shall be the duty of all Government Departments, Government Corporations, co-operative societies, cultivation committees, rural development societies, praja mandalayas and other non-religious private organizations which receive or have received funds from the Government, and of any private wholesale or retail trading establishment dealing in essential commodities:—

- (a) to assist and co-operate with the Committee in the discharge of its powers and functions;
- (b) to maintain a special register and record therein all the complaints received from the Committee and the action taken on each such complaint;
- (c) to take action without delay on representations and complaints made by the Committee and communicate its decisions to the Committee;
- (d) to state reasons in such communication if such decision does not give effect to the demand or request of the Committee or does not accept the truth of any statement made by the Committee;
- (e) to permit the Committee to take copies of any documents (other than those the contents of which are by any written law prohibited from being divulged to the public) and to have them certified by an appropriate officer of the Department or institution concerned, without payment of a fee;
- (f) to provide all facilities to the Committee for the inspection of any buildings, machinery, equipment and stores, including any books, documents or records owned or possessed by them; and

- (g) to furnish all information required and answer all oral questions asked by the Committee in the exercise of its powers.

18. On or before the thirty-first of March every year, the Chairman of the Committee shall send to the Minister a report of the activities of the Committee during the previous year.

Annual reports.

19. Nothing in the provisions of this Act shall be deemed or construed to empower the Committee—

Restrictions of powers of the Committee.

- (a) to exercise its powers in relation to the Ceylon Army or the Royal Ceylon Navy or the Royal Ceylon Air Force or the courts of law (except as provided in section 14); or
- (b) to enter any premises which are used wholly or partly for the purposes of residence; or
- (c) to exercise its powers in relation to any activities of any religious institution, whether such institution is in receipt of funds from the Government or not.

20. No civil or criminal action shall be instituted or maintained—

Protection of the Committee and other persons from civil and criminal suits.

- (a) against the Committee or any member thereof for any act which in good faith is done or is purported to be done under this Act; or
- (b) against any person for any act which in good faith is done or is purported to be done by him under this Act or on the direction of the Committee.

21. (1) Regulations may be made by the Minister generally for the purpose of carrying out or giving effect to the principles and provisions of this Act, and specially in respect of any matter for which regulations may be made under this Act.

Regulations.

(2) No regulation made by the Minister shall have effect unless it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

22. (1) Any person who obstructs any member of the Committee in the lawful exercise of his powers under this Act shall be guilty of an offence under this Act.

Offences.

(2) Any person who wilfully fails or refuses to furnish any document or other information which the Committee in the exercise of its powers under this Act demands from him, shall be guilty of an offence under this Act.

(3) Any person who is guilty of an offence under this Act shall, upon conviction after summary trial by a Magistrate, be liable to be punished with a term of imprisonment of either description not exceeding six months or with a fine not exceeding one thousand rupees or with both such fine and imprisonment.

(4) No prosecution shall be instituted under this section except by or with the sanction of the Attorney-General.

Decisions and acts of the Committee to be valid in spite of vacancy among membership.

23. No decision or act of the Committee shall be deemed to be invalid by reason only of a vacancy among the members of the Committee.

Decision of majority to be decision of the Committee.

24. On any matter on which a decision is taken by the Committee the decision of the majority shall be the decision of the Committee.

Limitation of the activities of the Committee.

25. The activities of the Committee, the exercise of its powers, and the fulfilment of its aims and objects, shall be restricted to its area of authority.

Chairman of the Committee to be *ex officio* Justice of the Peace.

26. The Chairman of the Committee, shall during the period he holds office as Chairman, be *ex officio* Justice of the Peace for the Administrative District within which the area of authority is wholly or mainly situated.

Department and Commissioner of People's Committees.

27. (1) There shall be established a Department of People's Committees.

(2) There may be appointed a Commissioner of People's Committees (hereinafter referred to as the Commissioner) and such number of Deputy and Assistant Commissioners and such other officers and servants as are necessary for the purposes of this Act.

Powers of the Commissioner in relation to the Committee.

28. (1) The Commissioner may issue general or special directions to the Committee and it shall be the duty of the Committee to carry out such directions.

(2) The Commissioner may request the Committee to furnish the Commissioner with any book, record or

other document kept by the Committee and it shall be the duty of the Committee to comply with such request.

29. The Minister may issue general or special directions to the Commissioner for the purposes of this Act and it shall be the duty of the Commissioner to carry out such directions.

Minister may
issue directions
to the
Commissioner.

30. In this Act—

Interpretation.

“ local authority ” means any Municipal Council or Urban Council or Town Council or Village Council;

“ Minister ” means the Minister for the time being in charge of the subject of rural development.

SCHEDULE

All offences under the Animals Act, No. 29 of 1958.

All offences under the Weights and Measures Ordinance.

All offences under the Control of Prices Act.

All offences under the Forest Ordinance.

Offences under section 15 or section 18 of the Excise Ordinance.