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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

CENTRAL PROVINCE PROVINCIAL COUNCIL

By - Laws of Dambulla Pradeshiya Sabha

IT is hereby notified that I, Sarath Ekanayake, the Minister in charge of the subject of Local Government in the Central Province, by virtue of powers vested in me under subsection (I) of section 123 of the Pradeshiya Sabha Act, No.15 of 1987 to the read with subsection (1) of section 2 of the Provincial Council Act, No.12 of 1989 (Consequential Provisions) has approved the By-Law framed by the Dambulla Pradeshiya Sabha according to power vested in the said Pradeshiya Sabha under sub section (XIV) of section 126 of the said Act to be read with sub-section 1 of section 122 of the same Act and the said By-Laws shall come into force within the Dambulla Pradeshiya Sabha Authority area from the date of publication of this notice in the *Government Gazette*.

SARATH EKANAYAKE,
Chief Minister of Central Province and
the Minister in charge of the Subject of Local Government.

Office of the Chief Minister,
Central Province Provincial Council,
Kandy.

06th January 2011.

BY-LAWS RELATING TO THE CREMATORIUM OF DAMBULLA PRADESHIYA SABHA

I. These By-Laws shall be called and known as By-laws relating to the control and regularization of the activities of the Crematoriums of the Dambulla Pradeshiya Sabha.

2. These By-Laws are framed for the purpose of usage and for controlling the crematoriums belong to the Pradeshiya Sabha and for determination of fees and for levying such fees for using the said Crematoriums.

3. No dead body or a part of a dead body or a human fetus shall be cremated in a crematorium belonging to the Pradeshiya Sabha unless there is a valid permit issued by the Chairman or by an officer authorized by him to do so.

4. Any person herein after referred to as Applicant, accepting to obtain a permit under By-Law No. 03 of these By-Laws, shall forward on application, prepared according to the schedule "I" to the Chairman or by an Officer Authorized by him along with the under mentioned documents.

- (i) A document to prove the relationship between the deceased person and the Applicant. (For this purpose a certificate issued by the Grama Niladhari of the Wasama where the deceased person was residing or a certificate issued by an Hon.Member of the Pradeshiya Sabha shall be sufficient. For the certificate such as applicant's birth certificate or marriage certificate, capable of proving the relationship of deceased person shall also be considered);
- (ii) A photo copy of Applicant's national identity card or a photo copy of his passport or any other document in proof of his identity ;
- (iii) It is required to be mentioned in the death Registration Certification issued by a Registrar of Births and deaths, under the provisions of section (amended) II of chapter 110 of Births and Deaths Registration Act of Marriage, Birth and Death Registration Act, No.41 of 1975, that the place of Cremation shall be the Crematorium of Dambulla Pradeshiya Sabha;
- (iv) If a post-mortem examination has been held under the Criminal Procedure Code in respect of the death of deceased person, the certificate issued by the Coroner or by the Magistrate, under section 41 (E) of the Births and Deaths Registration Act, for cremation of the dead body shall also be produced;
- (v) If the dead body is of a still-birth, the certificate issued under section 41 (1) of the Births and Deaths Registration Act shall be produced.

5. When the perfected application is received by the Chairman or by an Officer authorized by him, it shall be registered according to the order of receipt and the permit shall be issued fixing the time of cremation on such order of receipt of the said application.

6. For the purpose of cremation of a dead body a cremation fee of Rs. 7000 shall be paid to the office of the Pradeshiya Sabha such fees may be amended from time to time by a resolution passed in the Pradeshiya Sabha and Shall be published in the *Government Gazette* Further, such fees shall be exhibited in the Pradeshiya Sabha office and in the Crematoriums.

7. If the application for cremation accepted the Applicant shall be immediately intimated with the reason for doing so.

8. Dead bodies shall be handled over for cremation only between the times of 6.00 a.m to 6.00 p.m. If the same has been taken over for cremation at a time before 6.00 p.m.

9. Applicants shall handover the dead body to the Crematorium Keeper on or before the time mentioned in the permit. The Pradeshiya Sabha shall not be responsible for any inconvenience and damage or loss that may occur due to the delay of handling over of a dead body.

10. The Crematorium Keeper shall maintain a register in respect of all dead bodies cremated including such details as the name of the applicant and his address, the name of the deceased person and the address where he was residing before the time of his death, the relationship between the applicant and the deceased person, and date and time of cremation.

11. If it fails to perform a cremation of a dead body due to any mechanical defect that may occur at time of cremation, the applicant shall agree to abide by any other alternative arrangement regarding such dead body on the advice of the Pradeshiya Sabha.

12. The Applicant or an Authorized Representative shall take over the ashes before expiry of seven days from the date of cremation and it is legally in order to dispose the ashes in any manner if such ashes are not taken over during the specified time period.

13. If it is an offence to enter into the premises of a Crematorium without the permission of the crematorium Keeper or the Chairman, even though it is, any person or persons accompanying the receipt of a permit it shall be considered as having been granted permission for that purpose.

14. No person shall behave in a manner that will disturb the peace within the premises of a crematorium and shall not damage any property of the Pradeshiya Sabha fund in such crematorium or shall not obstruct the duties of a crematorium Keeper or his assistant. If there be any such damage or loss the permit holder shall be liable to pay the value of such a damage when he is duly informed after assessing such a damage, if he defaults payment it is lawful to summon him before a court of laws having jurisdiction and recover the sum of money as a fees.

15. No decoration shall be done within the premises of a crematorium without written permission of the Pradeshiya Sabha.

16. If a crematorium is to be kept closed for certain period of time for attending to maintenance work and repairs, a notice in that respects shall be prominently exhibited in a visible place of the crematorium.

17. The violation of any of the provisions of these By-Laws shall be an offence and when Convicted in a court of law having jurisdiction the maximum fine that can be imposed for such violation, or when the contravention or violation is continued and on conviction, or after delivering written notice by the Chairman or by all authorized Officer drawing the attention for such continuous violation, the maximum additional punishment that can be Imposed for each day of such violation shall be the maximum of the fine and maximum of the attention for such continuous violation, the maximum additional punishment that can be imposed for each day of the additional punishment respectively as specified in sub-section (2) of section 122 of the Pradeshiya Sabha Act, No. 15 of 1987.

18. In these By- Laws unless the content otherwise required :---

“Chairman” means, the Chairman appointed for the Dambulla Pradeshiya Sabha according to the provisions of the written law prevailing at the time.

“Dead body” means’ a dead body of a human being or a part of a dead body or a body born of a still-birth.

“Crematorium Keeper” means, a person appointed to be in charge of a crematorium belonging to the Dambulla Pradeshiya Sabha.

In the event of any inconsistency in the Sinhala, Tamil and English texts of these by-laws, the Sinhala text shall prevail.

Schedule

APPLICATION FOR CREMATION OF A CORPSE AT THE CREMATORIUM OF THE DAMBULLA PRADESHIYA SABHA

1. Full name of the Applicant :_____,
Address :----,
National Identity Card No. :_____,
Grama Niladhari Division. :_____,
2. Name of the deceased :_____,
Address at where he lived :_____,
National Identity Card No. :_____,
Grama Niladhari Division :_____,
Local Authority Area :_____,
3. Applicant’s relationship to the Deceased :_____.

4A

4. Number & Date of the Death Certification : _____,
5. Name & Address of the registrar who registered the Death : _____,
6. Cause of Death : _____,
7. If an inquiry into the death was held, date & time of such inquiry : _____,
8. Name & Designation of the Inquiring Officer : _____,
9. Decision of the Inquiring Officer : _____,
10. Whether Permission granted for the Cremation of the Corpse : _____,
11. Date & Time at which the Cremation is required : _____,
12. Contact Telephone Number in case of emergency : _____,

I do hereby certify that the foregoing information furnished by me is true and correct. Necessary Certificates are attached.

_____,
Signature of Applicant.

Date: _____,

(FOR OFFICE USE ONLY)

1. Issue of permit is granted/ issue of permit is refuse for the following reasons :---,

Recommended :
.....
Secretary,
Dambulla Pradeshiya Sabha
Date:

Approved :
.....
Chairman/
Authorized Officer
Dambulla Pradeshiya Sabha.
Date: ---.

02. Entered in the register
Rs recovered on receipt No. Dated
03. Permit submitted for Signature
04. Letter Stating reason for refused of the application submitted for signature.

Signature of the Subject Clerk .

Date : _____,

CENTRAL PROVINCE PROVINCIAL COUNCIL

By-Laws of Hanguranketha Pradeshiya Sabha

IT is hereby notified that I, Sarath Ekanayake, the Minister in charge of the subject of Local Government in the Central Province, by virtue of powers vested in me under sub-section (I) of section 123 of the Pradeshiya Sabha Act No.15 of 1987 to the read with sub-section (1) of section 2 of the Provincial Council Act, No.12 of 1989 (Consequential Provisions) has approved the By-Law framed by the Hanguranketha Pradeshiya Sabha according to power vested in the said Pradeshiya Sabha under sub-section (XIV) of section 126 of the said Act to be read with sub-section 1 of section 122 of the same Act and the said By-Laws shall come into force within the Hanguranketha Pradeshiya Sabha Authority area from the date of publication of this notice in the *Government Gazette*.

SARATH EKANAYAKE,
Chief Minister of Central Province and
the Minister in charge of the Subject of Local Government.

Office of the Chief Minister,
Central Province Provincial Council,
Kandy.
06th January 2011.

BY-LAWS RELATING TO THE CREMATORIUM OF HANGURANKETHA PRADESHIYA SABHA

I. These By-laws shall be called and known as By-Laws relating to the control and regularization of the activities of the Crematoriums of the Hanguranketha Pradeshiya Sabha.

2. These By-Laws are framed for the purpose of usage and for controlling the crematoriums belong to the Pradeshiya Sabha and for determination of fees and for levying such fees for using the said Crematoriums.

3. No dead body or a part of a dead body or a human fetus shall be cremated in a crematorium belonging to the Pradeshiya Sabha unless there is a valid permit issued by the Chairman or by an Officer Authorized by him to do so.

4. Any person herein after referred to as applicant, accepting to obtain a permit under By-Law No. 03 of these By-Laws, shall forward on Application, prepared according to the Schedule "I" to the Chairman an officer Authorized by him along with the under mentioned documents :-

- (i) A document to prove the relationship between the deceased person and the applicant. (For this purpose a certificate issued by the Grama Niladhari of the Wasama where the deceased person was residing or a Certificate issued by Hon.Member of the Pradeshiya Sabha shall be sufficient. For the Certificate such as Applicants Birth Certificate or Marriage Certificate, capable of proving the relationship of deceased person shall also be considered);
- (ii) A photo copy of Applicant's national identity card or a photo copy of his Passport or any other document in proof of his Identity ;
- (iii) It is required to be mentioned in the death registration Certification issued by a Registrar of Births and Deaths, under the provisions of section (amended) II of Chapter 110 of Births and Deaths Registration Act of Marriage, Birth and Death Registration Act, No.41 of 1975, that the place of Cremation shall be the Crematorium of Hanguranketha Pradeshiya Sabha;
- (iv) If a post-mortem Examination has been held under the Criminal Procedure Code in respect of the death of deceased person, the Certificate issued by the Coroner or by the Magistrate, under section 41 (e) of the Birth and Death Registration Act for Cremation of the dead body shall also be produced;
- (v) If the dead body is of a still-birth, the Certificate issued under section 41 (1) of the Births and Deaths Registration Act shall be produced.

5. When the perfected application is received by the Chairman or by an Officer authorized by him, it shall be registered according to the order of receipt and the permit shall be issued fixing the time of cremation on such order of receipt of the said Application.

6. For the purpose of cremation of a dead body a cremation fee of Rs. 7000 shall be paid to the office of the Pradeshiya Sabha such fees may be amended from time to time by a resolution passed in the Pradeshiya Sabha and Shall be published in the *Government Gazette* Further, such fees shall be exhibited in the Pradeshiya Sabha office and in the Crematoriums.

7. If the Application for cremation accepted the Applicant shall be immediately intimated with the reason for doing so.

8. Dead bodies shall be handled over for cremation only between the times of 6.00 a.m to 6.00 p.m. If the same has been taken over for cremation at a time before 6.00 p.m.

9. Applicants shall hand over the dead body to the Crematorium Keeper on or before the time mentioned in the permit. The Pradeshiya Sabha shall not be responsible for any inconvenience and damage or loss that may occur due to the delay of handling over of a dead body.

10. The Crematorium Keeper shall maintain a register in respect of all dead bodies cremated including such details as the name of the Applicant and his Address, the name of the deceased person and the address where he was residing before the time of his death, the relationship between the applicant and the deceased person, and date and time of cremation.

11. If it fails to perform a cremation of a dead body due to any mechanical defect that may occur at time of cremation, the Applicant shall agree to abide by any other alternative arrangement regarding such dead body on the advice of the Pradeshiya Sabha.

12. The applicant or an authorized representative shall take over the ashes before expiry of 72 hours from the date of cremation and it is legally in order to dispose the ashes in any manner if such ashes are not taken over during the specified time period.

13. If it is an offence to enter into the premises of a cremation without the permission of the Crematorium Keeper or the Chairman, even though it is, any person or persons accompanying the recipient of a permit it shall be considered as having been granted permission for that purpose.

14. No person shall behave in a manner that will disturb the peace within the premises of a cremation and shall not damage any property of the Pradeshiya Sabha fund in such crematorium or shall not obstruct the duties of a Crematorium Keeper or his assistant. If there be any such damage or loss the permit holder shall be liable to pay the value of such a damage when he is duly informed after assessing such a damage, if he defaults payment it is lawful to summon him before a Court of Laws having jurisdiction and recover the sum of money as a fees.

15. No decoration shall be done within the premises of a crematorium without written permission of the Pradeshiya Sabha.

16. If a crematorium is to be kept closed for certain period of time for attending to maintenance work and repairs, a notice in that respects shall be prominently exhibited in a visible place of the Crematorium.

17. The violation of any of the provisions of these By-Laws shall be an offence and when convicted in a Court of Law having jurisdiction the maximum fine that can be imposed for such violation, or when the contravention or violation is continued and on conviction, or after delivering written notice by the Chairman or by all authorized officer drawing the attention for such continuous violation, the maximum additional punishment that can be imposed for each day of such violation shall be the maximum of the fine and maximum of the attention for such continuous violation, the maximum

additional punishment that can be imposed for each day of the additional punishment respectively as specified in sub-section (2) of section 122 of the Pradeshiya Sabha Act, No. 15 of 1987.

18. In these By- Laws unless the content otherwise required :—————,

“Chairman” means, the Chairman appointed for the Hanguranketha Pradeshiya Sabha according to the provisions of the written law prevailing at the time ;

“Dead body” means a dead body of a human being or a part of a dead body or a body born of a still-birth.

“Crematorium Keeper” means a person appointed to be in charge of a crematorium belonging to the Hanguranketha Pradeshiya Sabha.

In the event of any inconsistency in the Sinhala, Tamil and English texts of these By-Laws, the Sinhala text shall prevail.

Schedule - I

APPLICATION FOR CREMATION OF A CORPSE AT THE CREMATORIUM OF THE HANGURANKETHA PRADESHIYA SABHA

1. Full name of the Applicant :—————,
Address :—————,
National Identity Card No. :—————,
Grama Niladhari Division. :—————,
2. Name of the Deceased :—————,
Address at where he lived :—————,
National Identity Card No. :—————,
Grama Niladhari Division :—————,
Local Authority Area :—————,
3. Applicant's relationship to the Deceased :—————,
4. Number and Date of the Death
Certification :—————,
5. Name and Address of the Registrar who registered
the death :—————,
6. Cause of death :—————,
7. If an inquiry into the death was :—————,
held, date and time of such inquiry :—————,
8. Name & designation of the
Inquiring Officer :—————,
9. Decision of the Inquiring Officer :—————,
10. Whether permission granted for the Cremation :—————,
of the Corpse

11. Date and time at which the Cremation is required : _____,
12. Contact telephone number in case of emergency : _____,

I do hereby certify that the foregoing information furnished by me is true and correct. Necessary certificates are attached.

_____,
Signature of Applicant.

Date : _____,

(FOR OFFICE USE ONLY)

1. Issue of permit is granted' Issue of permit is refuse for the following reasons.

Recommended :

.....
Secretary,
Hanguranketha Pradeshiya Sabha,
Date : _____,

Approved :

.....
Chairman,
Authorized Officer ,
Hanguranketha Pradeshiya Sabha,
Date: _____,

2. Entered in the register :
Rs. recovered on receipt No. Dated
3. Permit submitted for Signature
4. Letter Stating reason for refused of the application submitted for signature.

_____,
Signature of the Subject Clerk

Date: _____,

02-216/2

BY-LAWS OF UDUNUWARA PRADESHIYA SABHA

IT is hereby notified that I, Sarath Ekanayake, the Minister in charge of the subject of Local Government in the Central Province, by virtue of powers vested in me under sub-section (I) of section 123 of the Pradeshiya Sabha Act, No.15 of 1987 to the read with sub-section (1) of section 2 of the Provincial Council Act, No.12 of 1989 (Consequential provisions) has approved the By-Law framed by the Udunuwara Pradeshiya Sabha according to power vested in the said Pradeshiya Sabha under sub-section (XIV) of section 126 of the said Act to be read with sub-section (1) of section 122 of the same Act and the said By-Laws shall come into force within the Udunuwara Pradeshiya Sabha Authority area from the date of publication of this notice in the *Government Gazette*.

SARATH EKANAYAKE,
Chief Minister of Central Province and
Minister in charge of the subject of Local Government.

Office of the Chief Minister,
Central Province Provincial Council,
Kandy.

06th January 2011.

By-Laws relating to the Crematorium of Udunuwara Pradeshiya Sabha

I. These By-Laws shall be called and known as By-Laws relating to the control and regularization of the activities of the Crematoriums of the Udunuwara Pradeshiya Sabha.

2. These By-Laws are framed for the purpose of usage and for controlling the crematoriums belong to the Pradeshiya Sabha and for determination of fees and for levying such fees for using the said Crematoriums.

3. No dead body or a part of a dead body or a human fetus shall be cremated in a crematorium belonging to the Pradeshiya Sabha unless there is a valid permit issued by the Chairman or by an officer authorized by him to do so.

4. Any person herein After referred to as Applicant, accepting to obtain a permit under By-Law No. 03 of these By-Laws, shall forward on Application, prepared according to the Schedule "I" to the Chairman an Officer authorized by him along with the under mentioned documents:-

- (i) A document to prove the relationship between the deceased person and the Applicant. (For this purpose a certificate issued by the Grama Niladhari of the Wasama where the deceased person was residing or a certificate issued by Hon.Member of the Pradeshiya Sabha shall be sufficient. For the Certificate such as applicants Birth Certificate or marriage certificate, capable of proving the relationship of deceased person shall also be considered);
- (ii) A photo copy of Applicant's National Identity Card or a photo copy of his Passport or any other document in proof of his Identity ;
- (iii) It is required to be mentioned in the death registration Certification issued by a Registrar of Births and Deaths, under the provisions of section (amended) II of Chapter 110 of Births and Deaths Registration Act, of Marriage, Birth and Death Registration Act No.41 of 1975, that the place of Cremation shall be the Crematorium of Udunuwara Pradeshiya Sabha;
- (iv) If a post-mortem Examination has been held under the Criminal Procedure Code in respect of the death of deceased person, the certificate issued by the Coroner or by the magistrate, under section 41 (e) of the Births and Deaths Registration Act, for Cremation of the dead body shall also be produced;
- (v) If the dead body is of a still-Birth, the Certificate issued under section 41 (i) of the Births and Deaths Registration Act shall be produced.

5. When the perfected application is received by the Chairman or by an officer authorized by him, it shall be registered according to the order of receipt and the permit shall be issued fixing the time of Cremation on such order of receipt of the said Application.

6. The charges levied for the cremation of corpse may be fixed and imposed from time to time on a resolution passed at the Pradeshiya Sabha Canal. The charges so fixed and imposed may be revised by the Pradeshiya Sabha, when it considers necessary.

7. If the Application for cremation accepted the Applicant shall be immediately intimated with the reason for doing so.

8. Dead bodies shall be handled over for cremation only between the times of 6.00 a.m to 6.00 p.m. If the same has been taken over for cremation at a time before 6.00 p.m.

9. Applicants shall hand over the dead body to the Crematorium Keeper on or before the time mentioned in the permit. The Pradeshiya Sabha shall not be responsible for any inconvenience and damage or loss that may occur due to the delay of handling over of a dead body.

10. The Crematorium Keeper shall maintain a register in respect of all dead bodies cremated including such details as the name of the applicant and his address, the name of the deceased person and the address where he was residing before the time of his death, the relationship between the applicant and the deceased person, and date and time of cremation.

11. If it fails to perform a cremation of a dead body due to any mechanical defect that may occur at time of cremation, the applicant shall agree to abide by any other alternative arrangement regarding such dead body on the advice of the Pradeshiya Sabha.

12. The Applicant or an Authorized representative shall take over the ashes before expiry of seven days from the date of cremation and it is legally in order to dispose the ashes in any manner if such ashes are not taken over during the specified time period.

13. If it is an offence to enter into the premises of a cremation without the permission of the Crematorium Keeper or the Chairman, even though it is, any person or persons accompanying the recipient of a permit shall be considered as having been granted permission for that purpose.

14. No person shall behave in a manner that will disturb the peace within the premises of a cremation and shall not damage any property of the Pradeshiya Sabha fund in such crematorium or shall not obstruct the duties of a Crematorium keeper or his Assistant. If there be any such damage or loss the permit holder shall be liable to pay the value of such a damage when he is duly informed after assessing such a damage, If he defaults payment it is lawful to summon him before a court of laws having jurisdiction and recover the sum of money as a fees.

15. No decoration shall be done within the premises of a crematorium without written permission of the Pradeshiya Sabha.

16. If a crematorium is to be kept closed for certain period of time for attending to maintenance work and repairs, a notice in that respects shall be prominently exhibited in a visible place of the crematorium.

17. The violation of any of the Provisions of these By-Laws shall be an offence and when convicted in a court of law having jurisdiction the maximum fine that can be imposed for such violation, or when the contravention or violation is continued and on conviction, or after delivering written notice by the Chairman or by all Authorized Officer drawing the attention for such continuous violation, the maximum additional punishment that can be imposed for each day of such violation shall be the maximum of the fine and maximum of the attention for such continuous violation, the maximum additional punishment that can be imposed for each day of the additional punishment respectively as specified in sub-section (2) of section 122 of the Pradeshiya Sabha Act No. 15 of 1987.

18. In these By- Laws unless the content otherwise required :

“Chairman” means the Chairman appointed for the Udunuwara Pradeshiya Sabha according to the provisions of the written law prevailing at the time ;

“Dead body” means a dead body of a human being or a part of a dead body or a body born of a still-birth.

“Crematorium Keeper” means a person appointed to be in charge of a crematorium belonging to the Udunuwara Pradeshiya Sabha.

In the event of any inconsistency in the Sinhala, Tamil and English texts of these By-Laws, the Sinhala text shall prevail.

SCHEDULE I

**APPLICATION FOR CREMATION OF A CORPSE AT THE CREMATORIUM OF THE
UDUNUWARA PRADESHIYA SABHA**

1. Full name of the Applicant :_____,
Address :----,
National Identity Card No. :_____,
Grama Niladhari Division :_____,
2. Name of the Deceased :_____,
Address at where he lived :_____,
National Identity Card No. :_____,
Grama Niladhari Division :_____,
Local Authority Area :_____,
3. Applicant's relationship to the Deceased :_____,
4. Number & date of the death certification :_____,
5. Name & Address of the registrar who Registered the death :_____,
6. Cause of death :_____,
7. If an inquiry into the death was :_____,
held, date & time of such inquiry :_____,
8. Name & designation of the
Inquiring Officer :_____,
9. Decision of the Inquiring Officer :_____,
10. Whether permission granted for the Cremation
of the Corpse :_____,
11. Date & time at which the Cremation
is required :_____,
12. Contact telephone Number in case of
emergency :_____,

I do hereby certify that the foregoing information furnished by me is true and correct. Necessary certificates are attached.

_____,
Signature of Applicant

Date:_____,

(FOR OFFICE USE ONLY)

1. Issue of permit is granted/ Issue of permit is refuse for the following reasons :

Recommended :

Approved :

.....
Secretary

Udunwara Pradeshiya Sabha

Date: ---.

.....
Chairman!/
Authorized Officer

Udunwara Pradeshiya Sabha

Date:

2. Entered in the register

Rs recovered on receipt No Dated

3. Permit submitted for Signature.

4. Letter Stating reason for refused of the application submitted for signature.

_____,

Signature of the Subject Clerk

Date : _____,

02-216/3

CENTRAL PROVINCE PROVINCIAL COUNCIL

By-Laws of Harispaththuwa Pradeshiya Sabha

IT is hereby notified that I, Sarath Ekanayake, the Minister in charge of the subject of Local Government in the Central Province, by virtue of powers vested in me under sub-section (I) of section 123 of the Pradeshiya Sabha Act No.15 of 1987 to the read with sub-section (1) of section 2 of the Provincial Council Act No.12 of 1989 (Consequential provisions) has approved the By-Laws framed by the Harispaththuwa Pradeshiya Sabha according to power vested in the said Pradeshiya Sabha under sub-section (xiv) of section 126 of the said Act to be read with sub-section 1 of section 122 of the same Act and the said By-Laws shall come into force within the Harispaththuwa Pradeshiya Sabha Authority area from the date of publication of this notice in the *Government Gazette*.

SARATH EKANAYAKE,

Chief Minister of Central Province and

the Minister in charge of the Subject of Local Government.

Office of the Chief Minister,
Central Province Provincial Council,
Kandy.

06th January 2011.

BY-LAWS RELATING TO THE CREMATORIUM OF HARISPATHTHUWA PRADESHIYA SABHA

1. These By-Laws shall be called and known as By-Laws relating to the control and regularization of the activities of the Crematoriums of the Harispaththuwa Pradeshiya Sabha.

2. These By-Laws are framed for the purpose of usage and for controlling the crematoriums belong to the Pradeshiya Sabha and for determination of fees and for levying such fees for using the said Crematoriums.

3. No dead body or a part of a dead body or a human fetus shall be cremated in a crematorium belonging to the Pradeshiya Sabha unless there is a valid permit issued by the Chairman or by an Officer Authorized by him to do so.

4. Any person here in after referred to as applicant, accepting to obtain a permit under by-law No. 03 of these by-laws, shall forward on application, prepared according to the schedule "02" to the Chairman an officer authorized by him along with the under mentioned documents.

- (i) A document to prove the relationship between the deceased person and the applicant. (For this purpose a certificate issued by the Grama Niladhari of the Wasama where the deceased person was residing or a certificate issued by Hon.Member of the Pradeshiya Sabha shall be sufficient. For the certificate such as applicants birth certificate or marriage certificate, capable of proving the relationship of deceased person shall also be considered);
- (ii) A Photo Copy of applicant's National identity card or a photo copy of his passport or any other document in proof of his identity ;
- (iii) It is required to be mentioned in the death registration certification issued by a registrar of births and deaths, under the provisions of section (amended) II of chapter 110 of Births and Deaths Registration Act of Marriage, Birth and Death Registration Act No.41 of 1975, that the place of Cremation shall be the Crematorium of Harispaththuwa Pradeshiya Sabha;
- (iv) If a post-mortem examination has been held under the Criminal Procedure code in respect of the death of deceased person, the certificate issued by the coroner or by the magistrate, under section 41 (e) of the Birth and Death Registration Act, for Cremation of the dead body shall also be produced;
- (v) If the dead body is of a still-birth, the certificate issued under section 41 (1) of the Birth and Death Registration Act shall be produced.

5. When the perfected application is received by the Chairman or by an officer authorized by him, it shall be registered according to the order of receipt and the permit shall be issued fixing the time of Cremation on such order of receipt of the said application.

6. The charges for the Cremation of corpse shown in schedule 'I' should be paid to the pradeshiya Sabha Office. This charge may be fixed and imposed from time to time on a resolution passed at the Pradeshiya Sabha Canal. The charges so fixed and imposed may be revised by the Pradeshiya Sabha, when it considers necessary and these changes should be Published in the *gazette*.

7. If the application for Cremation accepted the applicant shall be immediately intimated with the reason for doing so.

8. Dead Bodies shall be handled over for cremation only between the times of 6.00 a.m to 6.00 p.m. If the same has been taken over for cremation at a time before 6.00 p.m.

9. Applicants shall hand over the dead body to the crematorium keeper on or before the time mentioned in the permit. The Pradeshiya Sabha shall not be responsible for any inconvenience and damage or loss that may occur due to the delay of handling over of a dead body.

10. The crematorium keeper shall maintain a register in respect of all dead bodies cremated including such details as the name of the applicant and his address, the name of the deceased person and the address where he was residing before the time of his death, the relationship between the applicant and the deceased person, and date and time of cremation.

11. If it fails to perform a cremation of a dead body due to any mechanical defect that may occur at time of cremation, the applicant shall agree to abide by any other alternative arrangement regarding such dead body on the advice of the Pradeshiya Sabha.

12. The applicant or an authorized representative shall take over the ashes before expiry of seven days from the date of cremation and it is legally in order to dispose the ashes in any manner if such ashes are not taken over during the specified time period.

13. If it is an offence to enter into the premises of a cremation without the permission of the crematorium keeper or the Chairman, even though it is, any person or persons accompanying the recipient of a permit shall be considered as having been granted permission for that purpose.

14. No person shall behave in a manner that will disturb the peace within the premises of a cremation and shall not damage any property of the Pradeshiya Sabha fund in such crematorium or shall not obstruct the duties of a crematorium keeper or his assistant. If there be any such damage or loss the permit holder shall be liable to pay the value of such a damage when he is duly informed after assessing such a damage, if he defaults payment it is lawful to summon him before a court of laws having jurisdiction and recover the sum of money as a fees.

15. No decoration shall be done within the premises of a crematorium without written permission of the Pradeshiya Sabha.

16. If a crematorium is to be kept closed for certain period of time for attending to maintenance work and repairs, a notice in that respects shall be prominently exhibited in a visible place of the crematorium.

17. The violation of any of the provisions of these by-laws shall be an offence and when convicted in a court of law having jurisdiction the maximum fine that can be imposed for such violation, or when the contravention or violation is continued and on conviction, or after delivering written notice by the Chairman or by all authorized officer drawing the attention for such continuous violation, the maximum additional punishment that can be imposed for each day of such violation shall be the maximum of the fine and maximum of the attention for such continuous violation, the maximum additional punishment that can be imposed for each day of the additional punishment respectively as specified in sub-section (2) of section 122 of the Pradeshiya Sabha Act, No. 15 of 1987.

18. In these by-laws unless the content otherwise required :

“Chairman” means the Chairman appointed for the Harispaththuwa Pradeshiya Sabha according to the provisions of the written law prevailing at the time ;

“Dead body” means a dead body of a human being or a part of a dead body or a body born of a still-birth.

“Crematorium Keeper” means a person appointed to be in charge of a crematorium belonging to the Harispaththuwa Pradeshiya Sabha.

In the event of any inconsistency in the Sinhala, Tamil and English texts of these by-laws, the Sinhala text shall prevail.

Schedule 1

(1) For cremation of corps within the Local Authority area of the Pradeshiya Sabha Rs. 5000.00

(2) For cremation of corps out of the authority area of the Pradeshiya Sabha Rs. 500.00

SCHEDULE 2

APPLICATION FOR CREMATION OF A CORPSE AT THE CREMATORIUM OF THE HARISPATHTHUWA PRADESHIYA SABHA

1. Full name of the applicant : _____,
Address : _____,
National Identity Card No. _____,
Grama Niladhari Division. : _____,
2. Name of the deceased: _____,
Address at where he lived: _____,
National Identity Card No.: _____,
Grama Niladhari Division : _____,
Local Authority Area : _____,

3. Applicant's relationship to the deceased : _____,
4. Number & date of the death
Certification : _____,
5. Name & address of the registrar who registered
the death : _____,
6. Cause of Death : _____,
7. If an inquiry into the death was: _____,
held, date & time of such inquiry : _____,
8. Name & designation of the
Inquiring Officer : _____,
9. Decision of the Inquiring Officer : _____,
10. Whether permission granted for the Cremation
of the Corpse : _____,
11. Date & time at which the Cremation
is required : _____,
12. Contact Telephone number in case of
emergency : _____,

I do hereby certify that the foregoing information furnished by me is true and correct. Necessary certificates are attached.

Signature of Applicant

Date: _____,

FOR OFFICE USE ONLY

(I) Issue of permit is granted/ Issue of permit is refuse for the following reasons.

Recommended :

Harispaththuwa Pradeshiya Sabha

Date: _____,

Approved :

Secretary Chairman,

Authorized Officer ,

Harispaththuwa Pradeshiya Sabha

(2) Entered in the register

Rs recovered on receipt No. Dated

(3) Permit submitted for Signature:---.

(4) Letter Stating reason for refused of the application submitted for signature.

Signature of the Subject Clerk .

Date: _____,

02-216/4