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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 PROVINCIAL COUNCIL

By - Law relating Crematoriums

BY LAWS OF BY MAHANUWARA KADAWATH SATHARA SAHA
GAGAWATA KORALE PRADESHIYA SABHA

IT is hereby notified that I, Sarath Ekanayake, as the Minister in charge of the subject of Local Government in the Central Province, by virtue of powers vested in me under Sub-section (1) of the Section 123 of Pradeshiya Sabha Act, No. 15 of 1987 to be read with Sub-section (1) of sub-section 2 of the Provincial Council Act, No. 12 of 1989 (consequential Provisions) has approved the under mentioned By-laws framed by Mahanuwara Kadawath Sathara Saha Gagawata Korale Pradeshiya Sabha, according to power vested in the said Pradeshiya Sabha under paragraph (4) of Sub-section VII of Section 126 of the said Pradeshiya Sabha Act, No. 15 of 1987 to be read with Sub-section 1 of Section 122 of the said Act, and the by Mahanuwara Kadawath Sathara Saha Gagawata Korale Pradeshiya Sabha authority area from the date of publication of this notification in the Government *Gazette*.

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

Office of the Chief Minister,
Central Provincial Council,
Kandy,
08th January, 2013.

BY-LAW RELATING CREMATORIUMS

1. This By-Law is cited at the By-law for controlling and regulating the activities of the Crematoriums of the Kandy Gravets and Gangawata Korale Pradeshiya Sabha.

2. This By-Law is enforced for the purpose of controlling the use of Crematorium of Kandy Gravets and Gangawata Korale Pradeshiya Sabha and for determing and levying fees for using the said Crematorium.

3. No dead body or a part of a dead body or human embrayo be cremated in a crematorium own by the Council, without a permit issued by the Chairman or by an officer authorized by him.

4. Any person herein after referred to as Applicant, expecting to obtain a permit under By-Law No. 03 shall prepare an application, as shown in the 1st schedule herein and forward, to the Chairman or to an Officer Authorized by him along with following documents.

- (i) A document to prove the relationship between the Applicant and deceased person (For this purpose a certificate issued by the Grama Niladhari where the deceased person was residing or certificate of a member of the Council or the birth certificate of the applicant or marriage certificate or any other certificate of such nature is sufficient) ;
- (ii) Photo copy of applicant's National Identity card or copy of a valid passport or any other document to prove the identity of the applicant ;
- (iii) In the death Certificate issued by a Registrar of Births and deaths, under the provisions of Section II of chapter 110 of the Births and Deaths Registration ordinance, as amended by the Births and Deaths Registration Act, No.41 of 1975 (amendment). The place of Cremation shall be mentioned as the Crematorium of Ampitiya Meddepatana Pradeshiya Sabha;
- (iv) If a post-mortem has been held under the Criminal Procedure Code in respect of the death of deceased person, the certificate issued by the Coroner or the Magistrate who held the Post Mortem, under section 41 (D) of the Births and Deaths Registration Act, allowing the cremation of the dead body ;
- (v) If the dead body is in respect of a still-birth, the certificate issued under section 41 (1) of the Births and Deaths Registration Act .

5. The perfected application when handed over to the Chairman or to the Officer authorized by him shall be registered according to the order of receipt and permit shall be issued giving the time of cremation in such order of receipt of application.

6. For the cremation of a dead body if it is within the Pradeshiya Sabha Authority Area a fee of Rs. 5,000 shall be paid to the Council as cremation fees, and if it is outside the Council authority area such fee shall be Rs. 5,500. Fees shall be amended from time to time on a resolution passed in the Council . Such fees shall be notified by publishing in the *Government Gazette*, and shall be exhibited in the office and in the Crematorium.

7. If the dead body is not to be accepted for cremation, the applicant shall be informed immediately giving reasons for such refusal.

8. The dead bodies shall be handed over for cremation only during 6.00 a.m to 6.00 p.m. daily Cremation beyond this period of time shall not be permitted.

9. A dead body shall be handed over to the Crematorium at the time mentioned in the application or before that time. The Council shall not be held responsible for any inconvenience or damage caused due to delay in handing over the corpse.

10. The Crematorium Keeper shall maintain a register in every crematorium, containing particulars such as the applicants' name and address. Name of the deceased person and his address where he was residing before his death, the relationship between the applicant and the deceased person and the date and time of cremation.

11. If a cremation is disrupted, during the time of cremating a dead body due to any mechanical defect, the applicant shall agree to take any other action regarding such dead body on the advice of the Chairman.

12. The Applicant or an Authorized Representative of the applicant shall take over the ashes before expiry of 21 days from the date of cremation. The ashes not taken over within the specified period. Shall be buried in a common pit and nobody has any right to take legal action against the Council at such occasion.

13. Further portion of the protective wall around Meddepatana cemetery may be constructed and the ashes of dead bodies cremated in that Meddepatana Crematorium may be deposited in that part of the wall and a photograph of the deceased person may also be exhibited thereon. The Council may charge a fee, as determined by the Council from time to time, for such erection.

14. It is an offence to enter into the premises without the permission of the Crematorium Keeper or the Chairman. However, person or persons who accompany a permit holder for cremation of a corpse are presumed to have received the required permission to enter the Crematorium premises.

15. Acting in any way to cause breach of law and order or peace within the crematorium premises or damaging the property of the Council found within such premises or obstructing the Crematorium Keeper or his Assistant in carrying out his duties shall not be allowed. The permit holder shall be held responsible if such damage is caused. Whenever such loss or damage is caused the permit holder shall be liable to pay the value of such damage when he is duly informed after assessing the damage ; if he defaults such payment it is lawful to summon him before a court of Law having jurisdiction and recover the same as a fine.

16. No decoration shall be carried out within the crematorium premises without the written permission of the Pradesiya Sabha.

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

18. The violation of any of the provisions of these By-law is an offence and when convicted in a court of law having jurisdiction the maximum fine that may be imposed for such violation or when such violation or contravention is committed continuously and on conviction, or after delivering a written notice by the Chairman or by an Authorized Officer, drawing the attention for such continuous violation, the maximum additional fine imposable for each day of continuing such violation shall respectively be as defined under Sub-section 122 (2) the Pradeshiya Sabha Act, No. 15 of 1987.

19. In these By-laws unless the context otherwise requires :

- (i) "Council" means, the Kandy Gravets and Gangawata Korale Pradeshiya Sabha Gangawata Korale Pradeshiya Sabha ;
- (ii) "Chairman" means, the Chairman appointed for the Kandy Gravets and Gangawata Korale Pradeshiya Sabha, according to the provisions of written Law prevailing as the time ;
- (iii) "Dead body" means, a dead body of a human being, or part of dead body, or body born of a still birth ;
- (iv) "Crematorium Keeper" means, a person appointed to be in-charge of a crematorium.

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 IN THE AMPITIYA MEDDEPATHANA CREMATORIUM OF KANDY GRAVETS AND GANGAWATA KORALE PRADESHIYA SABHA

01. Full name of the Applicant : _____,
Address : _____,
National Identity Card No. : _____,
Grama Niladhari Wasama : _____,

02. Full Name of the deceased person : _____,
 Address of the deceased person : _____,
 National Identity Card No. : _____,
 Grama Niladhari Wasana : _____,
 Pradeshiya Sabha Authority Area : _____,
03. Relationship between the applicant and the deceased person : _____,
04. Number of the Death Certificate and the date : _____,
05. Registrars name signature and address : _____,
06. Cause of Death of deceased person : _____,
07. If a post-mortem has been held, the date & time : _____,
08. Name of coroner and his & Designation : _____,
09. The verdict of the coroner : _____,
10. Whether Permission was granted/not granted for cremation of the dead body : _____,
11. Intended date of cremation and time : _____,
12. Telephone Number of the applicant : _____,

I hereby certify that all information furnished above are true and correct. And all required documents are annexed hereto.

.....
 Applicants Signature.

(for office use only)

01 : Issue of a permit is approved/not approved.

.....
 Secretary,
 Gangawata Korale Pradeshiya Sabha

.....
 Chairman/
 Authorized Officer
 Gangawata Korale Pradeshiya Sabha.

Date:

Date:

02. Received Rs.by receipt No. dated

02. Recommended / not recommended the grant of request.....

04. If not recommended the reasons :

.....
 Subject Clerk .

Date :.....