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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

YATINUWARA PRADESHIYA SABHA

By - Law relating Crematoriums

BY LAWS OF BY YATINUWARA 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 Yatinuwara Pradeshiya Sabha, according to power vested in 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 Yatinuwara 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,
11th February, 2013.

BY LAW RELATING TO CREMATORIUMS

I. This By-Law is cited as the By-law for controlling and regulating the activities of the Crematoriums of the Pradeshiya Sabha of Yatinuwara.

2. This By-Law is enforced for the purpose of controlling the usage of Yatinuwara Pradeshiya Sabha crematorium and for determination and levying fees for usage of the said Crematorium.

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

4. Any person hereinafter referred to as the 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 the deceased person (For this purpose a certificate issued by the Grama Niladhari where the deceased person was residing or certificate of a from the member of the Pradeshiya Sabha or birth certificate or marriage certificate of the applicant or any other certificate of such nature may be produced) ;
- (ii) Photo copy of applicant's National Identity card or a copy of a valued 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. Act, No.41 of 1975 (amended), the place of Cremation shall be mentioned as the Crematorium of Yatinuwara Pradeshiya Sabha;
- (iv) If a post-mortem has been held under the Criminal Procedure Code in respect of the deceased person, the certificate issued by the Coroner or by the Magistrate who held the Post Mortem, under section 41 (d) of the Births and Deaths Registration Act, allowing the cremation of such 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 an Officer authorized by him shall be registered according to the order of receipt of applications and permit shall be issued giving the time of cremation in such order of receipt of applications.

6. For the cremation of a dead body a cremation fee of Rs. 7,000 shall be charged, if it is within the Pradeshiya sabha authority area and when it is outside the authority area fees to be shall be Rs. 7500.

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

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 time period shall not be permitted.

9. A dead body shall be handed over for Cremation at the time mentioned in the application or before that time. The Pradeshiya Sabha shall not be held responsible for any inconvenience or loss caused due to any delay in handing over a dead body.

10. The Crematorium Keeper shall maintain in every crematorium a register containing particulars such as applicants have and address, have of 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 of dead body is disrupted during the time of cremation due to any mechanical defect, the applicant shall agree to take any other alternative action in respect of such dead body on the advice of the Chairman.

12. The applicant or all Authorized Representative or agent of the applicant shall take over the ashes of a dead body 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 to Pradeshiya Sabha for such an action.

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

14. No person shall behave in any way to cause bread, of law and order or peace within the promises, of the crematorium or damage the property of the Pradeshiya Sabha found within such premises or shall not obstruct the crematorium-Keeper or his assistant in carrying out their duties. The permit holder shall be held responsible if such a damage is caused and whenever such a 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 such damages : and if he defaults payment of such damages, it is lawful to summon him before a court of law having jurisdiction and recover the damages as a fine.

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

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

17. The violation of any of the provisions of these By-laws 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 viloation or contravention is committed continuously and on conviction, or after delivering a written notice by the Chairman or by an Officer authorized by him drawing attention for such continuous violation, the maximum additional fine imposable for each day of continuing such violation respectively be as defined under Sub-section 122 (2) the Pradeshiya Sabha Act, No. 15 of 1987.

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

- (i) “Sabhawa” means, Pradeshiya Sabha of Yatinuwara ;
- (ii) “Chairman” means, the person appointed as Chairman for the Yatinuwara Pradeshiya Sabha, according to the provisions of written Law prevailing at the time ;
- (iii) “Dead body” means, a dead body of a human being, or part of dead body, or a human body 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 and English Texts of these By-laws, the Sinhala Text shall prevail.

**APPLICATION FOR CREMATION OF A CORPSE IN THE CREMATORIUM OF THE
YATINUWARA PRADESHIYA SABHA**

01. Full name of the Applicant :_____,
Address :----.
National Identity Card No. :_____,
Grama Niladhari Division. :_____,
02. Full Name of the deceased person :_____,
Address of the deseased person :_____,
National Identity Card No. :_____,
Grama Niladhari Division :_____,
Pradeshiya Sabha Authority Area :_____,
03. Relationship between the applicant and
the deseased 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 inquiry has been held, the date and time : _____,
08. Name and Designation of the officer who held the inquiry : _____,
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 herein are true and correct. And all required documents are annexed hereto.

.....
Applicants Signature.

Date :

(For office use only)

01. Issue of permit is approved/Not approved.

.....
Secretary,

.....
Chairman/, Authorized Officer

Date:

02. Received Rs.by receipt No. dated

03. Recommended / not recommend the grant of request

04. If not recommended the reasons :

.....
Subject Clerk .

Date :