

## CHAPTER 88

### RIOT DAMAGES

*Ordinances* AN ORDINANCE TO MAKE PROVISION FOR THE PAYMENT OF COMPENSATION IN THE CASE  
 Nos. 23 of 1915. OF DAMAGE CAUSED BY RIOTS.  
 6 of 1916.  
 14 of 1916.  
 61 of 1939,  
 3 of 1946.  
 29 of 1947.

[18th October, 1915.]

Short title. **1.** This Ordinance may be cited as the Riot Damages Ordinance.

#### CHAPTER I

#### PRELIMINARY

Interpretation. **2.** In this Ordinance the expression " administrative division " means—

- (a) in the case of a village, the grama seva niladhari's division;
- (b) in the case of any town or village within the jurisdiction of an Urban Council or a Town Council the area contained within the administrative limits thereof.

Provision of compensation for damage by riots.

**3.** Where any house, shop, or building has been injured or destroyed, or the property therein has been injured, stolen, or destroyed, by any persons riotously and tumultuously assembled together, compensation shall be payable to the owners thereof for the damage so caused in such manner as is provided by this Ordinance.

#### CHAPTER II

#### COMMISSIONERS

Minister may appoint Commissioners.

**4.** (1) For the purpose of assessing any damage so caused and for awarding compensation in respect thereof, the Minister may appoint Commissioners, with such powers and duties as are hereinafter defined.

(2) Where a Commissioner has been appointed, damages shall not be recoverable by any person in respect of any matter specified in section 3 which is within the Jurisdiction of the Commissioner, except in pursuance of the provisions of this Ordinance, and all actions already instituted for the recovery of such damages shall abate accordingly.

**5.** It shall be the duty of the Duties of Commissioners so appointed— Commissioners.

- (a) to ascertain by personal inquiry the amount of the damage;
- (b) to report the amount of such damage to the Minister;
- (c) to apportion to any area for which they may be appointed the shares respectively payable by the administrative divisions comprised in such area;
- (d) to allot the sums payable as compensation for such damage among the persons residing or owning property within each administrative division.

**6.** (1) The Commissioners so Powers of appointed shall have the following commis- sioners. powers:—

- (a) all the powers of a Magistrate for the purpose of summoning witnesses and enforcing the attendance of persons, the production of documents, the administration of oaths, and the issue of search

warrants, and any other powers belonging to a Magistrate which may be reasonably required for the discharge of their duties under this Ordinance;

(b) the power to call upon any person to declare on oath the amount of any damage which he may have sustained and in respect of which he claims compensation;

(c) the power to require any person to furnish to them in such form as they may demand a full return in writing of all movable and immovable property of which such person is possessed, as well as his total annual income from all sources.

(2) Any person who within any time fixed by the Commissioner for the purpose (without reasonable excuse, the proof whereof shall be on him) refuses or neglects to furnish to a Commissioner any return demanded by the Commissioner under the last preceding subsection shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees, and in default to rigorous imprisonment not exceeding three months.

(3) Any person who in any inquiry held by a Commissioner, or in any document furnished upon his demand, or in any declaration made before him or presented to him, makes any statement which he knows, or has reason to believe, to be false shall be deemed to be guilty of the offence of giving false evidence in a judicial proceeding, and shall be punishable in accordance with the Penal Code.

**CHAPTER III**

**ASSESSMENT OF COMPENSATION**

Notice of assessment.

7. Before assessing any damage the Commissioner shall give public notice in such manner as may be prescribed by Order under section 12, or in the absence of such Order in such manner as he may deem appropriate, either generally with reference to damage in any administrative division or part thereof, or particularly with reference to any special premises, stating—

(a) the time and place at which he proposes to make the assessment;

(b) the manner in which claims for assessment shall be presented to him;

" (c) a date (not being less than one month from the date of the notice) beyond which no claims for the assessment of damage will be entertained.

8. No claim for assessment of damages which is presented after the date fixed in any notice given under the last preceding section shall be entertained by the Commissioner, unless on good cause shown he in his discretion shall otherwise order..

Limit of time for claims for assessment.

9. In any case in which a Commissioner receives notice that two or more persons claim adversely to be entitled to compensation in respect of any damage which he is assessing or which he proposes to assess, he shall serve upon each of the persons so claiming adversely a notice requiring him to take such steps as may be necessary to obtain a judicial decision on the matter at issue between them, and shall, pending such decision, proceed to assess the damage in question subject thereto.

Notice of adverse claims.

10. Any assessment of damage made by a Commissioner or Commissioners in pursuance of this Ordinance shall be conclusive as to the amount of such damage:

Assessment to be conclusive.

Provided that the Minister may in his discretion in any case direct a re-assessment,

**CHAPTER IV**

**APPORTIONMENT OF COMPENSATION**

11. (1) For the purpose of the recovery of compensation in respect of damage for which provision is made by this Ordinance, the Minister may declare any area of Sri Lanka to be a riot area, and (subject to the provisions of Chapter IX) may direct the recovery from the persons resident or owning property within such area—

Riot areas.

(a) of the amount of all such damage in such area; and

(b) of the costs of suppressing within such area the riots or disturbances within such area, by which such damage was occasioned.

(2) A certificate under the hand of the Secretary to the Treasury shall be conclusive as to the amount of such costs:

Provided that the Minister may direct that such costs shall in any case be deemed to be such percentage of the amount of the assessed damage as he shall specify.

Power of Minister.

**12.** (1) The Minister may, either generally with regard to any damage caused in the manner referred to in section 3 of this Ordinance, or particularly with regard to any special damage so caused, by Order give directions in respect of all or any of the following matters:—

- (a) the assessment of damages;
- (b) the apportionment of the shares recoverable from the several administrative divisions of a riot area;
- (c) the allotment of such shares among the persons resident or owning property in such area;
- (d) the classification of such persons for the purpose of such allotment;
- (e) the dates on which the sums due in respect of compensation shall be paid, and the instalments, if any, in which they shall be so paid ;
- (f) generally, with respect to the exercise of the powers and the performance of the duties of Commissioners under this Ordinance.

(2) The Minister may exempt any class of persons from liability to pay compensation under this Ordinance, or may direct that special terms shall be granted to any class of persons, or to any administrative division, or may exempt any administrative division or any part thereof within a riot area from such liability.

**13.** (1) Subject to any directions that may be contained in any Order made under the last preceding section, the total amount of all damages and costs directed to be recovered in respect of any riot area shall, if such area comprise more than one administrative division, be apportioned among the administrative divisions of the area in such proportion as shall be directed under the last preceding section.

Apportionment among administrative divisions.

(2) The Minister may at any time cancel any apportionment and direct a fresh apportionment, or may revise any apportionment.

**14.** The Minister, by Order published in the Gazette, may direct that any sums so apportioned, or, in the case of a riot area comprising only a single administration area, any sums directed to be recovered under section 11, shall be a charge payable by the administrative division in respect of which the apportionment or direction is made.

Amount of apportionment to be a charge on the administrative division.

**CHAPTER V**

**ALLOTMENT OF LIABILITY**

**15.** Any sum declared to be a charge upon an administrative division by Order under the last preceding section (together with the costs of any proceedings under this Chapter) shall be allotted by the Commissioner or Commissioners in manner in this Chapter provided.

liable.

**16.** In each administrative division the Commissioner or Commissioners appointed for such division—

- (a) shall cause lists to be made of all males of eighteen years and upwards residing within such division, and of all persons owning immovable property therein;

shall divide the persons contained in such lists into classes, in accordance with such principles of classification as may be prescribed by the Minister under section 12, having regard to the means and ability to pay of the persons comprised in each class;

- (c) shall assign to each class a proportion of the amount charged, in accordance with such principles as may be prescribed by the Minister under section 12;
- (d) shall allot the amount of the proportion assigned to each class equally among the persons comprised in such class.

Exemptions and modifications.

**17.** (1) The Commissioner or Commissioners, for good cause shown, may exempt any person in whole or in part from any liability to which he may be subject under the last preceding section, or may extend the time for the discharge of any such liability.

(2) Where any person included in any list in any administrative division has been included or is liable to be included in any other list in some other administrative division, the Commissioner or Commissioners shall have regard to such inclusion or to such liability in any allotment made.

Publication of notice of allotment.

**18.** (1) The Commissioner or Commissioners shall cause to be published in the administrative division in respect of which any allotment under this Chapter is made a notice to the effect—

- (a) that such allotment has been made;
- (b) that the sums allotted shall be payable before such dates and in such instalments, if any, as may be specified in the notice;
- (c) that lists showing the amount payable by each person are open to inspection at such place or places within the limits of the administrative division as may be specified in the notice.

(2) Every such notice shall be published by beat of tom-tom in such administrative division, and copies of such notice, in the Sinhala and Tamil languages, shall be posted up in conspicuous places within such administrative division.

» Repealed by Ordinance No. 16 of 1932.

**19.** A list showing the amounts allotted by a Commissioner or Commissioners certified by the Commissioner or Commissioners as being made in accordance with this Chapter, and signed by the Commissioner or Commissioners, shall be conclusive as to the liability of the persons contained in the list to pay the sums therein stated:

Provided that the Minister may in any case in his discretion direct that a fresh allotment shall be made or may revise any allotment;

Provided further that nothing contained in this section shall preclude any person in any proceedings for or relating to the recovery of enforcement from such person of any such sum from showing that he was not liable to be included in the said list.

**20.** Where the full amount of the sum declared to be a charge upon the administrative division cannot be recovered owing to the default in payment on the part of persons to whom liabilities have been allotted under this Chapter, the Commissioner may make a supplementary allotment in the manner provided in this Chapter, and all the provisions of this Chapter shall apply to any allotment so made.

Supplementary allotment

**21.** Any person liable to pay any sum in accordance with any allotment list under this Chapter shall have the same right to commute the money payment due from him by the performance of labour as a person liable in accordance with "The Repression of Crime (Consolidation) Ordinance, 1903",\* under section 13 of that Ordinance and all the provisions of that section shall, with the necessary modifications, apply to the case as if they had been embodied in this section.

Commutation of liability by the performance of labour.

**CHAPTER VI**

**ENFORCEMENT OF LIABILITY**

**22.** If any sum allotted as payable by any person under this Ordinance, or any instalment thereof, is not duly paid, the amount shall be recovered by the

Recovery of amounts allotted.

Government Agent in whose district the administrative division is situated, in manner provided by section 41 and sections 49 to 54 of the Police Ordinance, and all the relevant provisions of the said sections shall, with the necessary modifications, apply, as if they had been embodied in this section.

Alternative method of enforcement.

**23.** In addition to, or in lieu of, proceeding in manner provided under the last preceding section the Government Agent may proceed in manner provided for in sections 14 and 15 of "The Repression of Crime (Consolidation) Ordinance, 1903";\* and all the relevant provisions of the said sections shall, with the necessary modifications, apply, as if they had been embodied in this section:-

Provided that in any such case the scale of punishment shall, in lieu of that prescribed by section 15 (2) of the said Ordinance, be as follows:—

- (i) for any sum not exceeding one hundred rupees, one month,
- (ii) for any sum of one hundred rupees or over, but not exceeding one thousand rupees, not less than one month and not more than six months,
- (iii) for any sum exceeding one thousand rupees, not less than one month and not more than twelve months;

Provided further, that subject to the furnishing of such bail and sureties as he may order, the Magistrate to whom application is made under this section may suspend the execution of any order of imprisonment subject to the payment of the sum due in such instalments extending over a period not exceeding six months as he may deem fit.

**CHAPTER VII**

**VOLUNTARY CONTRIBUTIONS**

Power of village to discharge liability by money payment or bond.

**24.** In lieu of taking proceedings for the allotment of liability under Chapter V, the Commissioner or Commissioners appointed in respect of any administrative division may agree to accept from the inhabitants and owners of property thereof, or such

inhabitants or owners of property as may present themselves on behalf of the division, either payment in money of such amount as he or they may be authorized by the Minister to receive in discharge of the liability of the division, or a mortgage bond or other obligation executed by such inhabitants or owners of property and secured in such manner as the Commissioner or Commissioners may approve, pending full payment of such amount by instalments or otherwise.

**25.** (1) In the following cases, that is to say— Substitution of allotment under Ordinance.

- (a) where the amount secured by any such bond or obligation, or any instalment thereof, is not paid or not completely paid;
- (b) where the Commissioner or Commissioners shall be satisfied that any person or persons among the inhabitants or owners of property in any administrative division have refused to contribute the share equitably due from him or them in respect of any payment made, or of any bond or obligation accepted;
- (c) where the Commissioner or Commissioners shall be satisfied that it is the general desire of the signatories of any bond or obligation to be relieved of their liability thereunder, and to have the liability of the division allotted in manner hereinbefore provided,

the Commissioner or Commissioners may, and in case (c) shall, proceed to allot the compensation payable by the inhabitants and owners of property in such division as though such payment had not been made or as though such bond or obligation had not been accepted.

\* Repealed by Ordinance No. 16 of 1932.

(2) In any such case credit shall be given in the allotment lists to all persons in respect of any sum or sums they may have paid, and the balance due, if any, shall be alone recoverable.

(3) Where such allotment takes place in pursuance of paragraph (b) of subsection (1) of this section, the costs of the allotment (or such proportion thereof as the Commissioner or Commissioners may deem reasonable) may in the discretion of the Commissioner or Commissioners be charged against any person who in the opinion of the Commissioner or Commissioners shall have been responsible for the necessity of such allotment, and shall be added to, and shall be recoverable in the same manner as, the amount allotted to such person in the allotment list.

(4) In any case under the said paragraph in which the Commissioner or Commissioners shall be satisfied that a general allotment is not necessary, the Commissioner or Commissioners may make a special allotment in respect of the liability of the person or persons refusing as aforesaid, and the amount of such allotment and (subject to the discretion of the Commissioner or Commissioners) the costs of making the same shall be recoverable in the same manner as a sum allotted in an allotment list, and shall be disposed of in such manner as the Minister shall direct.

**CHAPTER VIII**

**PAYMENT OF COMPENSATION**

Riot Damages Fund.

**26.** (1) Subject to the provisions of the next succeeding Chapter, in the case of any riot or disturbance in respect of which this Ordinance shall be applied there shall be established a fund, to be called "The Riot Damages Fund", and to be kept by the Deputy Secretary to the Treasury, and there shall be paid into such fund—

- (a) all sums collected in discharge of any liability under this Ordinance ;
- (b) all other contributions towards the defrayal of the damage occasioned ;
- (c) all fines or other sums collected in connection with the said riot or disturbance which the Minister may direct to be so credited.

(2) There shall be paid out of such fund all sums payable for or in respect of compensation, and any other sums on account of expenses incurred in connection with the said riot or disturbance which the Minister may direct to be so paid.

**27.** (1) Subject as aforesaid, in any case in which a Commissioner is satisfied that any person is entitled to any sum as compensation in respect of any damage which has been assessed under this Ordinance, he may (subject to the direction of the Minister) pay to such person such sum, in such manner, and in such instalments as he may determine.

Payment of compensation.

(2) In the case of adverse claims the Commissioner shall withhold payment pending a settlement or a judicial decision upon such claims.

**28.** Upon the payment of any such sum no subsequent claim shall be entertained in respect of the same matter:

Subsequent claims barred

Provided that the person receiving such sum shall be deemed to receive it on behalf of the person who would be entitled thereto if the claim to compensation had been a right enforceable by a civil action.

**CHAPTER IX**

**MUNICIPALITIES**

**29.** In any case in which the Municipal limits of any Municipality have been declared a riot area, the damage shall be assessed and compensation shall be payable in accordance with the provisions of this Chapter.

Special provisions for Municipalities.

**30.** (1) The Commissioner or Commissioners shall be appointed by the Mayor of the Municipal Council, who may appoint himself a Commissioner.

Appointment of Commissioners.

(2) A Commissioner appointed under this Chapter shall have all the powers accorded to a Commissioner under section 6 of this Ordinance, and all the provisions of that section shall apply to a Commissioner so appointed.

(3) All the provisions of sections 4 (2), 7 to 10, 36, 37, 39 and 40 shall, with the necessary modifications, apply as if they had been embodied in this Chapter.

(4) A scheme under this section may provide for all or any of the following matters:—

- (a) the use or adaptation, for the purpose of the scheme, of any provisions of the Municipal Councils Ordinance, or any by-laws made thereunder, relating to the collection and enforcement of rates and taxes or of the commutation of any tax;
- (b) the enforcement of any liability imposed by this section in accordance with Chapter VI, or any modification or adaptation thereof;
- (c) the exemption of any area or of any class of persons from the operation of the scheme, and the grant of special terms to any class of persons;
- (d) the liquidation of the charge imposed upon the Municipal fund by instalments; and
- (e) any other matter which in the opinion of the Minister may be necessary or desirable for the purpose of the scheme.

Amount of assessment to be a charge upon Municipal revenue.

**31.** (1) Upon the completion of the assessment, particulars thereof shall be published in the Gazette. Such particulars shall specify the several premises in respect of which the assessment is made, the amount of the assessment in each case, and (subject to the provisions of section 9) the person to whom compensation is due; and thereupon the total amount of the assessment so published shall - become a charge upon the Municipal fund of the Municipality in respect of which it is made.

(2) The Minister may direct that such charge shall be increased by the addition of such percentage as he may deem reasonable, as a contribution to the costs of suppressing the riot or disturbance by which the damage assessed was occasioned. The amount of such increase shall be deemed to be part of the charge, and shall be payable out of the Municipal fund to the Deputy Secretary to the Treasury, and shall be disposed of in such manner as the Minister shall direct.

Municipal Council may frame scheme.

**32.** (1) The Municipal Council may frame a scheme for the liquidation of the charge imposed upon its revenues under the last preceding section.

(2) Every such scheme shall be subject to the approval of the Minister, and any scheme so approved, on being published in the Gazette, shall have the force of law.

(3) A scheme under this section may provide for the recovery of the amount payable by means of—

- (a) the levying of a rate on all property assessed for the purpose of Municipal rates;
- (b) a tax on all males over the age of eighteen, or on such other persons as the Council may determine ;
- (c) any combination of any of the above methods of taxation;
- (d) any other method approved by the Minister.

(5) A Municipal Council, subject to the approval of the Minister, may from time to time frame a supplemental scheme for the amendment of any scheme framed under this Ordinance, and all the provisions of this section shall apply to such supplemental scheme.

Power of Municipal Council to frame supplemental scheme.

**33.** (1) It shall be lawful for any Municipal Council on whose fund any charge is imposed under this Chapter, with the sanction of the Minister, to borrow such sum or sums as may be necessary for the purpose of discharging the same, on such terms and conditions as may be approved by the Minister,

Power to borrow.

(2) The limitation on the borrowing powers of a Municipal Council prescribed by sections 191 and 192 of the Municipal Councils Ordinance, shall not apply to a loan made under this section.

Rate to be  
Municipal rate.

**34.** A rate imposed in accordance with a scheme under this Chapter shall be deemed to be a Municipal rate, and all the relevant provisions of the Municipal Councils Ordinance, shall apply thereto:

Provided that in any agreement between any owner and any occupier by which provision is made for the incidence of Municipal rates or tax imposed by any Municipal Council falling upon the occupier, such provision shall not apply to a rate imposed under this Chapter.

Action by  
claimants for  
compensation.

**35.** (1) Where any scheme has been approved under this Chapter, any person to whom compensation is declared to be due in the assessment published in pursuance of section 30, or in the case of adverse claims any person to whom it is declared to be due in pursuance of section 36, whose claim is not discharged by the Municipal Council in accordance with the scheme, may bring an action against the Municipal Council for the payment of any sum due to him in accordance with the scheme.

(2) If no scheme is approved within three months of the publication of the assessment under section 31 of this Chapter, any such person may bring an action against the Municipal Council for the amount declared to be due to him, as aforesaid.

(3) Section 307 of the Municipal Councils Ordinance shall apply to any such action.

(4) Where judgment has been recovered against the Municipal Council in any such action, the amount of such Judgment shall be payable out of the Municipal fund of such Council in accordance therewith.

(5) Upon the payment of any sum in pursuance of any scheme or assessment under this Chapter, whether upon final judgment or otherwise, no subsequent claim shall be entertained in respect of the same matter:

Provided that the person receiving such sum shall be deemed to receive it on behalf of the person legally entitled thereto.

**CHAPTER X**

**MISCELLANEOUS PROVISIONS**

**36.** In any case in which adverse claims are made to compensation under this Ordinance, any person so claiming may petition the District Court for a declaration of the respective rights of the persons so claiming, and the court shall have jurisdiction to make order accordingly. Adverse claims

**37.** Nothing in this Ordinance shall be deemed to render any person liable to taxation in respect of any immovable property by law exempt from taxation, or exempt from the payment of local or police rates. Exemptions.

**38.** (1) The Minister may quarter a special force of police in any administrative division in which he considers that it is desirable so to do, pending the assessment of damage and the recovery of compensation under this Ordinance, and for such longer period as he may consider necessary for the securing of good order in such administrative division. Power to quarter special police force.

(2) Such sum as shall be certified by the Secretary to the Treasury to be the cost of the maintenance of such special force within the administrative division may from time to time be allotted and recovered in the same manner as any sum allotted under Chapter V of this Ordinance.

(3) For any administrative division in which such special force is quartered the Minister may make such regulations as he may deem fit for the maintenance of good order in such division, and any person committing a breach of any such regulation shall be guilty of an offence, and shall be liable on summary conviction to imprisonment of either description for a period not exceeding six months, with or without fine not exceeding one hundred rupees.

**39.** The Commissioners appointed under this Ordinance shall be deemed to be public servants within the meaning of the Penal Code, and public officers within the meaning of the Civil Procedure Code. Status of Commissioners.



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***RIOT DAMAGES***

Protection of  
Commissioners.

**40.** No Commissioner appointed under *this* Ordinance shall be liable, either civilly or criminally, in respect of anything which he may have done or may have omitted to

do, when acting in good faith, in pursuance or in supposed pursuance of his powers **under** this Ordinance.