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FINAL REPORT OF THE POLICE COMMISSION

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REPORT OF THE POLICE COMMISSION

INTRODUCTION

YOUR EXCELLENCY,

THE four of us who are signatories to this Report and Mr. G. A. K. Rockwood were appointed a Commission of Inquiry on 28th December, 1965, for the purpose of inquiring into and reporting upon the organization, administration and discipline of the Police Force, and the power and duties of the members of the Police Force, with special reference to the following matters :-

- (a) the nature and the scope of the functions of the Police Force, and the measures that should be taken to secure the maximum efficiency of the Police Force for the purpose of maintaining law and order, and to secure a greater measure of Public co-operation and confidence, ;
- (b) the measures that should be taken to reorganize the Police Force, having regard to Ceylon's status as a independent country;
- (c) the structure and composition of the Police Force, the methods of recruitment and training of personnel for the Police Force, the terms and conditions of service (other than basic rates of pay) and the selection of officers for promotion and transfer;
- (d) the procedure that should be adopted for the investigation of complaints made by the public against members of the Police Force,

- (e) the powers and duties of the members of the Police Force, especially in relation to -
 - (i) the preliminary investigation of offences,
 - (ii) the apprehension and custody of accused or suspected persons, and
 - (iii) the institution of prosecutions in the Courts and the expeditious conduct thereof ;
- (f) the adequacy of the security and safeguards provided hitherto to members of the Police against risk to life and bodily injury involved in the performance of their duties, and the adequacy of the compensation hitherto payable where injuries were sustained, or where death resulted from any injury sustained, in the course of their duties;
- (g) any amendments to the Police Ordinance and to other existing legislation which may be necessary for giving effect to our recommendations on the matters aforesaid or for securing the objects and purposes of such recommendations; and
- (h) any other matter connected with, or incidental to the matters specified above in respect of which we may receive representations ;

and to make such recommendations as we may consider necessary as a result of our inquiries in respect of the aforesaid matters.

2. The Secretary of the Commission was not appointed till 12th March, 1966, and thereafter up to now we have held 138 sittings and heard 153 witnesses, both official and unofficial. A list of witnesses who gave evidence before us, marked Appendix I, and a list of those who sent memoranda, marked Appendix II, are attached hereto.

3. On 8th June, 1966, Mr. Rockwood resigned his membership of the Commission. No appointment was made to fill the vacancy created by his resignation.

4. On 1st May, 1968, our Secretary, Mr. R. I. Obeyesekere, ceased to hold public office having resigned from the post of Crown Counsel. As our work was already far advanced we decided to continue Mr. Obeyesekere as our Secretary. Mr. Obeyesekere having thereafter entered private practice at the Bar, necessarily his full time services were not available to us.

5. We have submitted already to Your Excellency two Interim Reports, dated 1st October, 1966, and 31st March, 1967, which so far have not been published. We now submit our Final Report. In doing so we have embodied under their appropriate heads the bulk of the text of both our Interim Reports, for purposes of comprehensiveness and completeness of this our Final Report.

CHAPTER I

RECRUITMENT

First Interim Report

6. We assumed that, till our recommendation were made, no major decisions in regard to the matters under reference would be taken, for to do so would defeat the object of appointing the Commission. When Press reports of large-scale recruitment to the Police Force were brought to our notice, we summoned the Inspector-General of Police, Mr. J. W. L. Attygalle, on 9th September, 1966, and verified what was reported in the Press. He confirmed that it was proposed to recruit 1,000 Constables and 137 Sub-Inspectors. We considered that the recruitment of such large numbers at one time when the method of recruitment of members to the Police Force was under consideration by us was not only unwise and undesirable, but it would also result in the selection of candidates who did not possess the required standards, both educational and physical, which we would recommend. To enable the Government to avoid such a situation, we decided to submit an Interim Report on the minimum educational and physical qualifications that a candidate seeking to enter the Police Force should possess, and we accordingly submitted to Your Excellency our first Interim Report in the following terms:-

"Recruitment of Constables

Educational Qualification

The Junior School Certificate which is the present minimum educational qualification required of a person seeking to enter the Police Force for training as a Constable is not high enough having regard to present-day educational standards and the availability for employment of very large numbers of young men possessing higher educational qualifications. Besides, the Junior School Certificate Examination is no longer a public examination, and has ceased to be a suitable test of educational proficiency for admission to such an important department of the Public Service. We are, therefore, of the opinion that the minimum educational qualification should be raised and we recommend that it should be the Senior School Certificate or the General Certificate of Education (Ordinary Level) in six subjects passed at not more than two sittings in either examination, including an ordinary pass in Arithmetic or Pure Mathematics and a credit pass in Sinhala or Tamil language.

Recruitment of Sub-Inspectors

Educational Qualification

In regard to a person seeking admission for training as a Sub-Inspector, the present minimum educational qualification is the Senior School Certificate or its equivalent. As we have recommended the raising of the minimum educational qualification for those seeking admission for training as Constables, we are of opinion that the minimum educational qualification required of a person seeking admission for training as a Sub-Inspector should also be raised.

We, therefore, recommend that the minimum educational qualification of a Sub -Inspector should comprise-

- (i) the General Certificate of Education (Ordinary Level) in six subjects passed at not more than two sittings, including an ordinary pass in Arithmetic or Pure Mathematics and credit passes in Sinhala or Tamil language and in two other subjects; and
- (ii) the University of London or the Ceylon General Certificate of Education (Advanced Level) in at least three subjects passed on not more than one occasion or in four subjects passed on not more than two occasions.

We also recommend that candidates possessing the Senior School Certificate with two credit passes including Sinhala or Tamil language be regarded as having a qualification equivalent to (i) above, Those credit passes should have been obtained at not more than two sittings.

Recruitment of Assistant Superintendents of Police

In regard to a person seeking admission for training as an Assistant Superintendent of Police, we recommend that the present educational qualification be retained without alteration.

Recommendations applicable to all Ranks

We also recommend that candidates who possess the above-mentioned educational qualifications and satisfy the other requirements obtaining at present should be required to sit for a written entrance examination of a standard appropriate to each rank in -

- (a) General Knowledge, and
- (b) General Intelligence.

Such examinations should be conducted by the Department of Examinations and should be held in all three media- Sinhala, Tamil and English.

We are of opinion that the final selection should be made in order of merit from among those who obtain at least 50 per cent of the marks for each subject in the entrance examination.

Treasury Circular 434 of 20th March, 1958

It would appear that persons who leave the Army, Navy and Air Force are admitted to the Police Service on the basis of the decisions embodied in Treasury Circular No. 434 of 20th March, 1958.

It is not in the Public interest that those who do not possess the educational qualifications and other prescribed requirements should be able to enter the Police Service merely because, having joined the Army, Navy or Air Force, as the case may be, they have chosen to resign therefrom.

In our opinion, the granting of the concessions embodied in that Circular to those who have resigned from the Army, Navy or Air Force and seek to join the Police Service would not only lower the standards of that Service but also affect its prestige."

The full text of the first Interim Report appears in Appendix III.

7. Although we made that Interim Report at great inconvenience to ourselves, we were informed that recruitment had proceeded and was proceeding not on the qualifications recommended by us but on the qualifications required under the terms of recruitment that had obtained before our appointment. No purpose is served by the appointment of a Commission if its recommendations are to be openly flouted, and action is to be taken in the teeth of its recommendations. We deplore the action of the Government in adopting qualifications which are no longer of any value in the recruitment of personnel to a Service so important and vital to the well-being of the community as the Police Service.

8. Since the issue of the Interim Report quoted above we have had occasion to consider the matter of recruitment to such special Services as the Criminal Investigation Department, the Security Services and the Women Police. We have made our recommendations in regard to these Services later in this Report under their appropriate headings.

CHAPTER II

TRAINING & RESEARCH

Second Interim Report

9. As we learnt again in the course of our sitting that steps were being taken to transfer the Police Training School at Katukurunda to Colombo, we verified that fact by summoning the Inspector-General of Police to give evidence before us, and we submitted to Your Excellency a second Interim Report regarding the location of the Training School, and whether it should remain at Katukurunda or be transferred to another site. Before making our Report we took the evidence of Sir Richard Aluwihare, Mr. Sydney de Zoysa, the first Principal of the School after it was moved to Kalutara, Mr. D. S. E. P. R. Senanayake, who succeeded him and Mr. T. B. Werapitiya, who had also been a Principal

of the School at Katukurunda and who had been abroad on a scholarship for the study of Police Training in England and America, and several others, In that Report we said. :

"At present, the recruits are trained at the Police Training School at Katukurunda (hereinafter referred to as the School). The School is situated in an agricultural land, 127 acres in extent, and was established there in 1948. Until that year the School had been in Colombo in premises specially built for it. The land and buildings were used during the last Great War for the housing of the Fighting Forces in the Katukurunda area. The buildings, which are of a temporary nature, have been neglected since the School took them over. The result is that the essential buildings, especially the toilets, are in such a bad state that, on our visit, we were appalled by much of what we saw.

The existing buildings may be classified under the following main heads :-

- (a) Administration,
- (b) Hostel,
- (c) Education,
- (d) Welfare and extra-curricular,
- (e) agriculture,
- (f) Staff quarters,
- (g) Stores, Garages and Outhouses.

The administration block of buildings consists of the following :-

- (i) The Director's Office,
- (ii) the Assistant Director's Office
- (iii) an Office for an Assistant Superintendent of Police,
- (iv) the Accommodation for the Recruiting branch, consisting of two rooms and a record -room,
- (v) the General Office which accommodates the clerical staff,
- (vi) a record-room for the General Office, and
- (vii) the Chief Lecturer's Office.

The Hostel buildings consist of -

- (i) nine dormitories, 55 feet long and 15 feet wide,
- (ii) twenty-nine rooms for Sub-Inspectors and Probationary Assistant Superintendents in training.
- (iii) two kitchens - one for recruit constables and the other for recruit Sub-Inspectors and staff attending refresher courses,
- (iv) two dining halls- one for recruit constables and the other for recruit Sub-Inspectors and staff attending refresher courses,
- (v) pantry,
- (vi) officers's canteen,
- (vii) canteen for sergeants in training.

The buildings devoted to education consist of-

- (i) nine class - rooms,
- (ii) museum and lecture -hall
- (iii) library and reading room,
- (iv) traffic lecture-room with traffic models.

Those devoted to welfare and extra-curricular activities are -

- (i) the cinema -hall,
- (ii) the co-operative stores,
- (iii) two canteens- one for the staff and the other for the recruits,
- (iv) barber shop,
- (v) post office,
- (vi) hospital and dispensary,

Those devoted to agriculture are -

- (i) the cattle-sheds,
- (ii) poultry- run,
- (iii) other farm buildings.

The staff quarters consist of -

- (i) 3 quarters for Director of Training and two Assistant Superintendents,
- (ii) 10 new houses for Inspectors and Sub-Inspectors,
- (iii) 6 old houses for Inspectors and Sub-Inspectors,
- (iv) 10 new houses for Sergeants, Police Constables and Police Drivers,
- (v) 13 old houses for Sergeants, Police Constables and Police Drivers,
- (vi) 2 prefabricated huts for Sergeants.

The stores, garages and outhouses consist of -

- (i) stores - two large buildings,
- (ii) one large garage, sufficient to accommodate three heavy trucks.

The resourcefulness of those in charge has enabled the School to be conducted all these years under conditions far from satisfactory. Training of recruits in congested hostels and class-rooms and with unsatisfactory sanitary arrangements is not conducive to a sound preparation for such responsible work as that of a police constable or an officer of the Police Force.

Each dormitory is known as a training station and an Inspector or Sub-Inspector is in charge of it. At the entrance to each training station is a room which is designed to serve as a model of what is known as the 'charge-room' of a Police Station. The 'charge-room' is designed to serve as a place for training the recruits in the day - to - day duties that have to be performed at a Police Station. These training stations are named as follows :-

Parakrama	Vijaya	Elara
Gemunu	Tissa	Rajasinghe

Campbell Dowbiggin Jenkins.

Eight of them are set apart for recruit constables and one for those who attend the promotion classes for Sergeants. Each dormitory is capable of accommodating thirty. All the dormitories cannot comfortably accommodate more than 250. To enable 500 recruit constables to be admitted at the same time, eight more dormitories should be built and furnished.

There is one dining -hall for recruit constables and another for recruit Sub-Inspectors and Assistant Superintendents. The dining-hall for recruit constables cannot comfortably accommodate more than 250. An additional dining-hall for recruit constables is, in our view necessary and should be provided immediately.

There are two common rooms known as the senior staff mess and the Junior staff mess. The senior staff mess is meant for recruit Sub-Inspectors and Assistant Superintendents while the junior staff mess is meant for Constables and Sergeants who come for the promotion classes and refresher courses. Recruit Constables are not provided with a common room. It is essential for their well-being that recruit Constables should also be provided with two common rooms, each capable of accommodating two hundred and fifty.

A building which was used as a cinema when the military occupied the premises is used both as an assembly-hall on formal occasions and as an entertainment hall. The building is large enough to accommodate 350-400. This is not sufficient for the needs of the School and a more capacious assembly-hall suitable for use as an entertainment hall when necessary should, in due course, be constructed.

All the members of the present staff are not provided with quarters. Only the following are provided with houses :-

- (a) The Director of Training,
- (b) The Assistant Director of Training,
- (c) I Assistant Superintendent.
- (d) 5 Inspectors,
- (e) 14 Sub-Inspectors,
- (f) 25 Sergeants,
- (g) 10 officers of the rank of Police Sergeant, Police Constable and Police Driver,
- (h) 20 Sergeants and Constables,
- (i) Police Constables employed in the School.

The School is provided with a hospital with a bed -strength of 20, in the charge of an Apothecary, There is. in addition, an out-patients dispensary which serves not only those at the School, but also the public in the neighbourhood. In our view, a qualified medical officer should be placed in charge of this hospital. He should also be the lecturer in First Aid.

There are three playgrounds - seven acres, four acres and one acre in extent. There are, in addition, ten volley-ball courts and two tennis courts. There is also a 22 rifle range and a revolver range. They are sufficient for the recreational and other outdoor activities of the School.

The swimming pool, on which Rs. 75,000 were spent, is in an unfinished state as a water purifying plant has not yet been installed. This should be supplied without delay and the swimming pool should be reconditioned and used.

The 127 acres which the School premises comprise is made up approximately as follows :-

- 25 acres for buildings and roads,
- 15 acres for playgrounds and firing ranges,
- 2 acres of pond,
- 45 acres of cocount, sparsely planted,
- 15 acres of paddy field,
- 5 acres devoted to vegetable cultivation,
- 1 acre for poultry-run,
- 3 acres for cattle-sheds and dairy,
- 1 acre for fodder grass,
- 15 acres of uncultivated land left as reservation.

We have examined the report and statements of income and expenditure of the farm placed before us by Mr. N. G. C. Seneviratne, who is in charge of the School. It would appear therefrom that the farm has been run at a loss.

Since the establishment of the School at Katukurunda, the following have served as its Heads:—

	From	To
(1) Mr. S. G. de Zoysa	29. 3. 48	28.5.55
(2) Mr. D. S. E P. R. Senanayake	29.5.55	1.9.60
(3) Mr. P. H. Brohier	1.9.60	14.2.62
(4) Mr. K. D. C. Ekanayake (acting)	15.2.62,	31.5.63
(5) Mr. T. B. Werapitiya	1.6.63	31. 12.65
(6) Mr. N. G. C. Seneviratne	1.1.66	to date

It would appear from the above particulars that except Mr. de Zoysa, who was in charge of the School for seven years, and Mr. Senanayake, who was in charge of it for five years, the others have been there for periods varying from thirty months to fifteen months. This frequent change of head can hardly be said to be conducive to the welfare of an institution which needs the control and guidance of a head with an abiding interest in the work.

Except for Mr. Ekanayake, the abovenamed officers were, at the time of their appointment to the School, Senior Assistant Superintendents who had been in that rank for over eight years. Of them, Mr. Werapitiya has undergone a course in Police Training School work, both in America and England. Mr. Senanayake has also had the opportunity of studying the work of Training Schools in England. Their transfer out of the Training School, especially the transfer of Mr. Werapitiya after only fifteen months, has been a great loss to the School. Mr. Werapitiya, whom we examined at length, impressed us as an officer who had his heart in the work and was eager to make use of his training and talent in moulding a disciplined and efficient police force. In the past, the interests of the School appear to have been subordinated to other interests. We hope that in future the interests of the School will not be sacrificed in the way in which they have been since 1960.

The activities of the School are at present classified as follows:—

- (a) Training (through 9 training stations),
- (b) Administration,
- (c) Recruiting,
- (d) Welfare,
- (e) Transport,
- (J) Traffic.

A Director and an Assistant Director both of whom are Assistant Superintendents of Police, are in overall charge of the branches mentioned above. The following Table shows the staff of each branch:—

	Inspectors Sub-Inspectors	Sergeant Majors	Police Sergeants	Police Constables	Police Directors	Wireless Telegraph Operators
Training Branch with Nine Training Stations	9	2	18	10	--	--
Administration Branch	9	--	16	2	--	--
Recruiting Office	2	--	2	25	--	2
Welfare Branch	I	--	5	28	--	--
Transport Branch	2	--	2	23	--	--
Traffic Branch	I	--	2	8	10	--
	--	--	2	3	--	--

The staff, except the following, are members of the Police Force:—

- 2 Duplicating Machine Operators,
- 2 Electricians,
- 1 Pump Mechanic,
- 4 Peons, and

48 Labourers.

The money voted by Parliament for this institution is not separately provided in the Estimates and falls under the general Vote of the Department. This is not at all satisfactory. One of the reasons for the neglect of the School and the decline in its standards is traceable to the fact that the School was regarded as a part of the Police Department and not as a separate and important activity of the State. An institution of this nature should have a separate Vote in the Estimates under which annual provision is made for its expenditure, including the entire personnel. We recommend that, in the future, the School should have a separate Vote in the Estimates under " Head 18—Police ", under which the entire expenditure should be shown. The money heretofore released for the institution has been found to be utterly inadequate and those in charge have been driven to seek contributions from the recruits for various purposes connected with the School. It is undesirable that the recruits should be called upon to pay for the facilities that should, be provided by the State.

Since the inception of the School, there has been no uniformity in the duration of the course of training given to successive batches of recruits nor in the numbers taken in at any one time for training.

A table showing the duration of the course of training from 1949 to the end of 1966 and the number of recruits under training during each period of training is annexed. It would appear from that table that—

- (a) 389 recruit Constables were trained from August 1949 to April 1950, a period of eight months;
- (b) from June 1950 to December 1950, a period of six months, 471 were trained;
- (c) from February 1951 to June 1951, a period of four months, 553 were trained;
- (d) from November 1951 to January 1952, a period of two months, 101 were trained;
- (e) from January 1953 to October 1953. a period of nine months, 234 were trained;
- (f) from October 1953 to August 1954, a period of ten months, 381 were trained;
- (g) from October 1954 to March 1955, a period of five months, 289 were trained; and

- (h) from February 1955 to May 1955, a period of three months, 275 were trained.

It is not necessary to refer to the remaining periods which range over 4, 5, 6, 7 and 8 months and the numbers trained which, range from 472 to 197.

The above facts and figures from the table referred to show, how unmethodical and lacking in plan or system the training of recruit Constables has been. It would appear that even the course of instruction is neither planned for a given period nor even, if planned, always observed. Their course of studies has often been interrupted by their being sent out on special duty on the occasion of the Kandy Perahera and on other occasions when police Constables, trained or untrained, were needed. Such interruption of their lectures is detrimental to the study and training of recruits. We recommend that this practice be stopped.

It is not only the training in the School that has been haphazard but also the training during the probationary period.

It is a condition of service that all recruits to the Police Force should be on probation for three years. The period spent at the School is counted as a part of that period. During the probationary period outside the School, the recruit is regarded as still under training and subject to the supervision of the Director of Training. To achieve that end, a recruit Constable's file has been designed. The period of training, according to that scheme, is divided into four terms. The first term consists of the period spent at the School which is assumed to be six months: the second term is also six months meant to be spent at Provincial or District Headquarters: the third term is one of twelve months' duration devoted to the ordinary police duties at a Police Station. The fourth period of probation service is also of twelve months' duration spent at a Police Station in the performance of full-time Police duties. Provision exists for the passing of tests at the end of each probationary period. At the end of the first period of six months at the School, the recruit is required to pass tests in—

- (a) Swimming
- (b) Running a mile,
- (c) Cycling,
- (d) Endurance,
- (e) First-aid,
- (f) Sinhala Language,
- (g) Tamil Language,
- (h) English Language,
- (i) Self-defence; and
- (j) a further test in Sinhala, known as the Confirmation Test.

During the period of training at the School, each lecturer is required to make a monthly progress record on the subjects in which the recruit receives instruction.

The lecturers are also required to make a record of -

- (a) the recruit's powers of observation,
- (b) initiative,
- (c) application, and
- (d) general progress.

In the second period of six months, the scheme is that the recruit should work under a Training Officer or the Officer-in-Charge of the Police Station to which he is attached. The Training Officer is required to make a weekly record of the recruit's progress. At the end of each month, the Headquarters Inspector and the Officer-in-Charge of the District, Division or Province are required to record their views of the recruit's progress. At the end of the third month, the Assistant Superintendent or the Superintendent is required to record his views on the recruit's special aptitudes or defects, and at the end of the sixth month he is required, in addition to making his observations on the recruit's weaknesses or special aptitudes, to state whether the recruit is fit to start normal Police duties by himself. During the third term, which is of twelve months' duration, the recruit has to be supervised by the Superintendent or Assistant Superintendent and the Officer-in-Charge of the Station. Each month, the Superintendent and the Officer-in-Charge have to record their observations of the recruit's work. At the end of the twelve months, the Officer-in-Charge and the Superintendent are expected to report on the recruit to Police Headquarters. The fourth and final term, which is also of twelve months' duration, has to be spent either at the Station at which the recruit spent the third term or at another station if it is in his interest to be stationed elsewhere. During that period, too, the Officer-in-Charge and the Superintendent or Assistant Superintendent are required to record each month their observations on the recruit's progress. At the end of the fourth term, the Superintendent of the Province or Division and the Assistant Superintendent of the District are required to report to the Director of Training, who makes his report to the Inspector-General, who has power either to confirm the recruit or extend his period of probation for a maximum period of twelve months, or terminate his services.

The Scheme provides for the training of the probationer outside the School being under the supervision of the Director of Training, who is expected to keep the probationer under his eye and be in a position to make his final recommendation for the probationer's confirmation.

The first Director of Training, Mr. de Zoysa, stated before us that during his period of office as Director he kept in touch with the probationers after they left the School, visited them regularly and tested them. The second Director, Mr. D. S. E. P. R. Senanayake, also stated that he visited the probationers outside the School once in three months, instructed and examined them. It would appear from the evidence of these two witnesses that they endeavoured to perform the duty entrusted to them with the limited staff at their disposal. The Scheme is designed to provide a sound training for a recruit for three years; but the Scheme has not been executed according to the design and, since the departure of Mr. D. S. E. P. R. Senanayake, has fallen into complete abeyance.

It is disturbing to note that all this elaborate supervision now exists only in theory and has not been carried out for the last six years. The Director of Training no longer recommends the final confirmation of the recruits, and the recruit constable's file serves little purpose as the elaborate machinery of supervision contemplated by those who prepared it does not operate.

Some of the witnesses who came before us expressed the view that the duration of the course of training at the School should be a year; others thought it should be nine months, while the majority of them held the view that it should be six months and not less.

As to the duration of the course, we have formed the view that a course of six months at the School should suffice provided that the recruit is under the close and effective supervision and control of the Director of Training during the remaining two and a half years of his probationary period outside the School.

Except in the case of illness preventing the attendance at lectures or the final examination, the period of training of a recruit who fails to pass the tests at the end of the six months' course at the School should not be extended. In a case which calls for extension on the ground of illness, the extension should not be for more than three months. If a recruit does not come up to standard at the end of his period of training at the School or his extended period of training at the School or his extended period in the case of illness, his engagement should be terminated.

At present, the theoretical training of a recruit Constable consists of instruction in—

- (a) Law,
- (b) Departmental Orders,
- (c) Practical Police Work,
- (d) Traffic and Crowd Control,
- (e) Scientific Aids to Criminal Investigation,
- (f) Public Relations,
- (g) First Aid, and
- (h) General Knowledge and General Intelligence.

These lectures occupy five hours a day and twenty-five hours a week.

In the way of physical training, drill and exercise, the recruit Constables' scheme of training provides for instruction in—

- (a) parade, including foot-drill,
- (b) physical training,
- (c) firing with rifle and automatic weapons,
- (d) riot-drill,

- (e) traffic control,
- (f) crowd control,
- (g) swimming, and
- (h) self-defence.

Each group of recruits attached to a Training Station is generally under the supervision, training and instruction of the Officer-in-Charge of the Station. He instructs them in all the subjects in respect of which there are no special instructors. Attached to each station are two sergeants who act as parade and firing instructors. The subjects in which there are special lecturers are—

- (a) Public Relations,
- (b) Scientific Aids to Criminal Investigation
- (c) Finger Prints,
- (d) First Aid, and
- (e) Traffic Control.

The present system under which the officer in charge of each Training Station regardless of his qualifications acts as lecturer in all the subjects for which there are no special instructors is entirely unsatisfactory, especially when we take into account the fact that the instructors are now not selected for their aptitude in the branches of study in which they are called upon to lecture.

Inefficient Police Officers not fit for other work or Police Officers against whom disciplinary proceedings are pending and for whom there is no other place have been sent to the School as lecturers. According to some of the witnesses who appeared before us, the School has been regarded as virtually a penal station to which Police Officers not required elsewhere are posted.

That attitude has damaged the prestige of the institution and resulted in loss of efficiency and is partly the cause of the decadence of the Police Service. The lecturers should be persons whom the recruits could look up to and regard as persons whose standards of conduct and efficiency they should emulate.

Except in the case of the Chief Lecturer, service at the School did not count for promotion. There was, therefore, a reluctance on the part of Police Officers to accept appointment to the staff of the School. This rule should be altered and service at the School should count for promotion in the same way and to the same extent as service in any other post in the Police Service.

We recommend that the present method of appointing Police Officers as lecturers should be given up and that the lecturers in all subjects except the subject of Police Departmental Orders should be from outside the Police Force.

Up to now, the Lecturer in Law has been a Police Officer. A minority of the witnesses favoured the continuance of the present practice; the majority were in favour of the appointment of a lecturer qualified in Law from outside the Police Force. In our view, the Law Lecturer should be a trained lawyer who has practised in the Courts, preferably on the criminal side. He should be a full-time member of the staff. His salary scale should be that applicable to a Senior Crown Counsel. Such a scale would attract members of the Attorney-General's Department. Unless such a scale of salary is laid down it will not be possible to attract and retain a capable lawyer.

The subjects in which instruction is imparted to the recruit are not sufficiently broadbased. We recommend that subjects such as Shorthand, Typewriting, Geography, General History with special reference to Ceylon, Sinhala, Tamil and English be included in the curriculum of studies.

The lecturers in English, Tamil, Sinhala, Shorthand, Typewriting, General History with special reference to Ceylon, Geography, General Knowledge, General Intelligence, should also in terms of our recommendation above be persons who hold special academic qualifications to teach their respective subjects and who are not Police Officers.

The existence of a number of lecturers who are not Police, Officers will, in our view, go a long way to remove from the School the military atmosphere that at present exists and to create in the minds of recruits the right attitude in their dealings with the public. The lecturers should also be employed on a permanent, full-time basis and paid a salary in keeping with salaries paid to those engaged in the teaching of professional students. Such a course would help to attract and retain men of high calibre and thereby the prestige of the School would be enhanced.

The evidence before us is that there is far too much emphasis on parades and drill at present and that less time should be given for parades and drill. The hours devoted at present to drill, parades and games are as follows:—

- 6.15 a.m. to 7.30 a.m.—Drill.
- 3.15 p.m. to 4.30 p.m.—Parades.
- 5.00 p.m. to 6.00 p.m.—Games.

We agree with these representations and recommend that there should be a curtailment of the time devoted to parades and that drill in the morning should be done away with.

The recruits should attend lectures at 7.30 a.m.. an hour earlier than at present and should go on till 12.30 p.m. The afternoon lectures should commence at 2.30 p.m. and conclude at 3.30 p.m. The time-table should be arranged for the rest of the week so as to include sufficient time for footdrill, self-defence, riot-drill, Judo, swimming and games.

Although the teaching of " self-defence is on the curriculum. there has been no systematic instruction in any well-known art of self-defence. We recommend that the trainees be given regular instructions in Judo by fully qualified instructors who need not be Police Officers unless there can be found in the ranks of the Force persons fully qualified to instruct in that art.

The same observation applies to swimming. It is not systematically taught by a qualified instructor and life-saving forms no part of the instruction. A qualified instructor should be appointed to teach both swimming and life-saving.

At present a recruit constable is not taught to drive a motor vehicle. Some of the Senior Police Officers who appeared before us expressed the view that in this age it was essential that every Police Officer should be a competent driver with a knowledge of elementary, motor mechanism that such a driver should possess. Without that qualification and knowledge, a Police Officer would be at a disadvantage, whether it be on traffic duty or in any other duty involving a motor vehicle. We accordingly recommend that the recruits be instructed in driving motor vehicles of all types and in motor mechanism. The requisite number of qualified instructors in this branch of work should be added to the staff.

The sanctioned strength of the Police Force is—

1 Inspector-General,
5 Deputy Inspectors-General,
120 Superintendents, Assistant Superintendents,
11 Chief Inspectors,
889 Inspectors, Sub-Inspectors,
20 Sergeants-Major,
1,256 Sergeants,
8,253 Constables,
588 Police Drivers,
3 Women Sergeants,
47 Women Constables,
130 Wireless Operators.

To bring the Police Force to its sanctioned strength,

1,400 Constables,
100 Sergeants and
136 Sub-Inspectors

have to be appointed. To train this number without undue delay, the School should be organized to train at one time—

(a) 500 Constables and

- (b) 30 Sub-Inspectors.

This would necessitate, as far as the recruit constables are concerned, the construction of—

- (a) eight dormitories,
- (b) eight class-rooms,
- (c) enlarging the library,
- (d) an additional dining-hall,
- (e) a kitchen, and
- (f) two common rooms, as there is no common room for the constables at present.

It was agreed by all the witnesses who gave evidence on the subject of the School that provision should be made for training 500 constable recruits at any one time. The needs of the country require that provision should be made for training that number. As for the future, the annual needs of the Police Force owing to retirements, resignations, and termination of services within the foreseeable future may not exceed that number..

The School is at present equipped for training—

250 recruit constables,
25 Sub-Inspectors,
3-4 Probationary Assistant Superintendents of Police,

and providing promotion courses for—

25 Constables seeking to qualify as Sergeants,
15 Sergeants seeking to qualify as Sub-Inspectors, and
25 Sub-Inspectors seeking to qualify as Inspectors.

These courses are held twice a year. Refresher courses are provided for 15-20 senior Inspectors and the same number of senior Sergeants. Recruiting has been suspended since July 1965, and after December 1965 no recruits have been trained at the School.

We do not recommend the admission of recruits over and above the number the present buildings can satisfactorily accommodate. If large numbers are to be admitted, the accommodation, furniture and equipment should be immediately increased.

The increase in the number of recruits would also necessitate an increase in the number of lecturers and instructors. If the number of recruit constables under training at any one time is five hundred, the staff should be as follows _

- (a) 4 Lecturers in Law,
- (b) 4 Lecturers in Shorthand and Typewriting,

- (c) 4 Lecturers in General Knowledge and General Intelligence,
- (d) 4 Lecturers in English,
- (e) 3 Lecturers in Sinhala,
- (f) 1 Lecturer in Tamil,
- (g) 3 Lecturers in Geography,
- (h) 3 Lecturers in Departmental Orders,
- (i) 4 Instructors in Swimming and Life-Saving,
- (j) 4 Instructors in Judo.

The majority of witnesses who gave evidence before us were of the view that the recruits should not be burdened with agricultural work. In our opinion, the responsibility for the agricultural section should not be placed on the Director of Training as at present. He should be free to devote his entire time to the main task of training the recruits to the Police Force, both in the School and outside it. The agricultural work should be put in charge of a person qualified to supervise that work.

We are, therefore, of the opinion that a farm manager should be appointed so that he may control the farm and put it on a sound commercial basis. The surplus produce, after supplying the needs of the School, should be sold and the proceeds credited to Revenue. The farm manager should be directly, under the control of the Director of Training and not under any other authority.

We do not wish it to be understood that under no circumstances should a Police Officer be appointed a lecturer at the School in those subjects for which we have recommended that persons outside the Police Force should be appointed. We see no objection to the appointment of a Police Officer who has the necessary academic qualification in the subject he is required to teach and who is an officer of exemplary character and conduct.

Such officers, the witnesses before us stated, were reluctant to accept appointment to the staff of the School because of the reputation that it was a "penal station" and because while at the School they not only lost their share of rewards but also their chances of promotion. To overcome this reluctance, we recommend—

- (a) that Police Officers who have the requisite qualification should be given an incentive allowance, and
- (b) that all rules that are in the way of their service at the School from being counted for promotion be repealed.

The incentive allowance should be sufficient to compensate them for the loss of rewards and the additional responsibility and work that is involved in the work; of a lecturer.

We recommend the following incentive allowance per mensem, provided that the allowance is not more than 50%, of the officers salary. If the allowance is more than 50% of the salary, he should receive an allowance equal to 50% of his salary:—

per mensem Rs.

(a)	Chief Lecturer	250
(b)	Other lecturers	200
(c)	Others	100

The other officers posted to the Training School, but not in the capacity of lecturers, such as Superintendents and Inspectors, Sergeants and Police Constables, should also receive an incentive allowance, as follows, subject to the same rule that if the allowance exceeds 50% of the officer's salary his allowance would be a sum equal to that percentage of his salary :

Rs.

Superintendent	350
Assistant Superintendent	300
Inspector	200
Sergeant	100
Police Constable	50

Under the present set-up, the period of 2½ years, though meant to be a period of training under the supervision of senior and experienced Police officers, is not devoted to any systematic training and supervision of the recruits work as a member of the Police Force for the reason that the officers who are expected to supervise and train the recruits placed under them are unable to give their undivided attention to the work of training. The unanimous opinion of the witnesses who gave evidence on this aspect of training is that the recruit should be closely supervised during the 2½ years and that he should be tested at regular intervals as to his work in order to maintain the efficiency, of the recruit so that, at the end of his period of probation, he will be in a position to assume the responsibility of a full-fledged member of the Police Force.

We are of the view that the present training of a recruit during his probationary period outside the School is unsatisfactory and that his training and Supervision should be followed up by the Director of Training.

Such follow-up cannot be effectively carried out unless the Director of the School is an officer of high standing in the Police Force.

We, therefore, recommend that the Director should be an officer occupying the rank next to the head of the Police Department. At present, an officer who occupies that rank is designated a Deputy; Inspector-General of Police. So long as the present set-up of

the Police Force continues, the Director of Training should be of the rank of Deputy Inspector-General. Should there be a change of designation, whatever the designation be, then an officer occupying rank next to the head of the Department should be the Director of Training. The Director should not be the most junior of Deputy Inspectors-General, but he should be an officer of sufficient seniority, though he need not be the most senior of them.

The Director should be stationed at Kalutara and have his office there. The functions of the Director should be— ,

(a) the recruitment of trainees to the Police Force, and

(b) the training of recruits to the Police Force at the School and thereafter outside during their probationary period.

On the Director should be conferred all the powers necessary for carrying out his functions and he should be provided with the necessary staff. The Director should be regarded for all practical purposes as a Head of Department to enable him to function with efficiency and adequate authority in all matters pertaining to Training.

We recommend that two Assistant Directors not below the rank of Superintendent of Police be appointed to attend to the day-to-day duties of the School and be in immediate control of the instruction and administration of the School. Four other Assistant Directors should be appointed to supervise the instruction and training of recruits on probation outside the School.

Regarding the tendency in the past to deny sufficient funds to the school, the majority of those who have occupied the office of Director have, in their evidence, stated that their requests for money were not readily granted and consequently no planned development had been possible at the School.

As stated earlier, the amount voted for the School should be shown under a separate Vote in the Estimates and it should be under the control of the Director.

We questioned those witnesses who were qualified to speak on the location of the School as to the suitability of the present site, - Sir Richard Aluwihare; Mr. Sidney de Zoysa, who was in charge of the School for 7 years at its present location, Mr. D. S. E. P. R. Senanayake, who was his successor and who was in charge of the School for five years; Mr. Osmund de Silva, Inspector-General of Police from 26.7.55 to 26.7.59; and Mr. S. A. Dissanayake, Inspector-General of Police from 1.4.63 to 1.5.66; Mr. T. B. Werapitiya, Superintendent of Police, who has been on a study tour of Police Training Schools in America and England and who was in charge of the School from June 1963 to December 1965; and Mr. N. G. C. Seneviratne, the present Director, who has held that office since January 1966. Except Mr. Seneviratne, all the others favoured Katukurunda. Mr. Seneviratne thought that it would be convenient to have the School in Colombo because

of the ease of access to the Analyst's Department and the Finger Print Bureau. But we are unable to regard these as sufficient grounds for recommending the removal of the School from the ideal and spacious location in which the School is now and had been for the last 19 years. It was stated before us that several eminent men in the Police Service of other countries who visited the School had been greatly impressed by the School and the setting in which it was located.

As Mr. Seneviratne has not yet had any recruits in training since he assumed his present post, the views of Messrs. de Zoysa, Senanayake and Werapitiya which are based on practical experience are entitled to prevail. Not one of them found that the distance from Colombo was a disadvantage. Even in the matter of obtaining Visiting Lecturers they did not find any difficulty.

Although Mr. Attygalle, the Inspector-General of Police, and Mr. N. G. C. Seneviratne, the present Director of the School, came before us they did not indicate that there was a proposal to move the School to Colombo. It was only after we decided to verify from the Inspector-General of Police and the Director of Training the information that one of us had heard that there was such a proposal to move the School to Colombo,, that we were' told of the proposal to remove the School to the Echelon Barracks in Colombo. We deplore the fact that such a major decision should have been taken while the Commission was considering the very matter a fact which the two witnesses abovenamed were aware of as they were questioned on the subject when they appeared before the Commission earlier. The entire purpose of appointing a Commission to inquire and report on any matter is defeated and results in a waste of public time and money if the Government makes major decisions on the very matters referred to the Commission while the Commission is still inquiring into them. Where the recommendations of the Commission are urgently needed there are constitutional ways and means of indicating it to the Commission and obtaining its recommendation in the way of an interim report.. That constitutional procedure has not been availed of in this instance. The Echelon Barracks in our view are unsuitable for the School. The removal of the School to military barracks at a time when the public are clamouring for a change in the military complexion of the Police is not only unwise but also undesirable.

It is unthinkable that any country in the world would contemplate housing a Police Training School in such close proximity to the Legislative and Administrative Centres of Government which must inevitably expand in the direction of the area in which the School is to be established."

General Comment

10. Despite our recommendation in that Report that the School should remain at Katukurunda the Training School was transferred to the Echelon Barracks— a place thoroughly unsuitable for a Police Training School. The full text of this second Interim Report is attached as Appendix IV.

11. The attitude of the Government in paying no heed to the recommendations in our first and second Interim Reports made it necessary for us to consider whether any purpose would be served in our proceeding with the work of the Commission. After careful consideration we formed the conclusion that to resign at that juncture was not in the public interest. We therefore, decided to proceed with our task and issue our Final Report.

Research and Higher Training

12. There is at present no provision for higher training or research in Police Work in Ceylon. It is important that there should be a suitable College for higher studies and research. One of the witnesses who appeared before us, Mr. S. D. E. S. Gunawardene, Assistant Director of Training, advocated the establishment of a Senior Police College with a Central Forensic Institute with facilities for research in branches of knowledge essential for Police work.

13. In an age when methods of crime are, so to say, being fast modernized "and every advantage is being taken by the criminal of ever expanding scientific techniques, the facilities of modern transportation and communication and the numerous other means of crime organization, it is futile that methods of crime detection and prevention should continue to remain static and should fail to harness all the known up-to-date techniques, such as are in vogue in countries where the process of advanced development have compelled high standards of vigilance, control, and detection. We therefore recommend very strongly that an Institute of Research and Higher Training be established as a matter of high priority.

14. Our country has hitherto been content to send Police Officers for training abroad in various branches of Police activity. Appendix V contains a list of officers so sent abroad with the names of the respective countries in which they were trained and the subjects of their study.

15. In the future too our country should send officers abroad for the purpose of seeing and studying how other countries handle their problems. Heretofore the majority of those sent abroad on scholarships have been officers of the rank of Inspector and above. It would be useful to send men of the rank of Sergeant and Constable to work for a sufficient period in the London Metropolitan Police. At least one such officer should be sent each year. That would tend to improve the standard of the rank and file.

16. We think that the Research and Higher Training Institute should be established in association with the Police Training School. An officer of the rank of Superintendent should be placed in charge. He should be a person who is qualified to do research and with an aptitude in that direction. He should be provided with a qualified statistician and a criminologist who has done research. The officer selected to be in charge, if he has not already travelled abroad and studied the working of a police Research and Higher Training Institute, should be afforded an opportunity of doing so.

17. The Institute should be provided with an adequate library, a laboratory, lecture halls and lecturers. These can come as the institution expands. What is important is that a start even on a modest scale should be made immediately.

18. Officers sent abroad for training should on their return be used in posts suited for men of their training and aptitude. The material before us discloses that such is not the case. Mr. Werapitiya, who had been sent abroad to study the training of Police Officers, was on his return appointed to a post in which his study and experience were wasted, while an officer who did not have any such training was at the head of the Police Training School.

CHAPTER 111

FUNCTION'S AND POWERS

19. It is appropriate that the matter of the nature, scope and functions of the Police Service should receive such prime place in the several references that have been made to us. These are basic to the entire structure and functioning of the police.

Functions of the Police

20. In our view the main functions of the Police are—
- (a) to ensure the security of the State,
 - (b) to enforce law and order,
 - (c) to preserve the public peace,
 - (d) to protect public and private property,
 - (e) to safeguard the life and liberty of the citizen,
 - (f) to prevent crime and breaches of the law, and
 - (g) to prosecute offenders in the Magistrate's Court.

21. The functions of the Police have increased to such an extent in modern times that the early concepts of the Police Service have undergone considerable change. But the character of the Police as a disciplined non-military organization has not changed and the public have all along opposed the militarization of the Police. Chapter VIII of the Criminal Procedure Code contains provisions which enable a Magistrate, a Government Agent, or the head of the Police Force to use the Army for the purpose of dispersing unlawful assemblies. Those provisions are set out in Appendix VI.

22. Although the Police Service is essentially a civil service, yet the fact that the modern law-breaker and criminal is well equipped and often armed demands that the Police personnel should be trained in the use of arms and permitted to carry arms for use within the limits provided in Sections 89, 90, 91, 92, 93, 94, 95, 96, 97, 98 and 99 of the Penal Code in the defence of person or property. Those provisions are set out in Appendix VII. .

23. The Police Ordinance and the regulations made thereunder, the Criminal Procedure Code and the Penal Code set out in the main the powers and functions of the Police. There are many other enactment which clothe the Police with various other powers. They are set out in Appendix VIII

Assistance to other Departments

24. The practice has grown of using the Police to assist various Government departments in the enforcement of statutes with the administration of which Such departments are charged. The Price Control Ordinance and the Shop Act are examples of such enactment. The Excise Ordinance set up an Excise Force for the express purpose of the administration and enforcement of that Ordinance, but with the passage of time, the duties of detection and prosecution of offenders under that Ordinance, which the law provides should be performed primarily by Excise Officers, have now devolved on the Police, and the Excise Officers appointed under that Ordinance do not now perform the duties of detection of excise offences and the enforcement of the Ordinance. We do not regard this change as satisfactory. The increase of crime has imposed on the Police so much work that we do not think that the Police with its present: strength can take over the detection and prosecution of offenders under the Excise Ordinance without detriment to its own work

Use of Police as an Instrument for Striking Terror

25. The practice has also grown of employing the Police as a force to strike; terror into those who are required to vacate Crown land, houses owned by the State, and unlawfully erected buildings, or fail to carry out orders made by various public officers in regard to duties with which they are entrusted. Even in the case of eviction of persons from Crown land, the Police are introduced for the purpose of striking fear into the people. These are functions which the Police are not authorized by law to perform and should not perform. Not only it is illegal to do so, but it tends to make the Police appear in an unfavourable light as a terror-striking force. In our view the Police when performing such functions do not enjoy the protection of the law and lay themselves open to be sued in the Courts both civilly and criminally. The use of the Police Force in such a role as a force for striking terror into persons who would not otherwise meekly submit to the orders of Public Officers should, therefore, be forthwith discontinued. The process of civil law should be invoked in those cases. If the speed of the civil law is too slow the laws should be amended and machinery which ensures greater speed should be introduced.

CHAPTER IV

IMPROVING EFFICIENCY AND MORAL STANDARDS

26. The newspapers and other organs of publicity have often focussed public attention on police activity suggestive not only of inefficiency but also of corruption and excesses frequently bordering even on depravity. Members :-of the public of different levels, not only persons who have themselves suffered at the. Hands of the Police, but even public-spirited social workers, with no self-interest at all, have testified to many incidents within their personal knowledge which have raised grave concern in our minds as to what happens at the hands of the Police in the name of public security and the protection of the ordinary rights of the people. Members of the Police Force appearing before us, some as individual and others as members of unions of officers, representative of a wide cross section of almost all the operative grades of the Force have themselves admitted to the existence of corruption and excesses which cause grave anxiety even to them.

Code of Discipline

27. The Police Force has all along been the creature of Statute Law and it is important that it should continue to be so. The first legislative enactment governing the Police is Ordinance No. 3 of 1834. This was repealed by the present Ordinance, No. 16 of 1865, which, as amended from time to time, has been in force to the present day.

28. If the maximum efficiency of the Police Force for the purpose of maintaining law and order is to be ensured, those who seek to enter the Police Force should have a high standard of education, an unblemished record of good conduct, and a high moral code. The training imparted in the Police Training School should accordingly be thorough and so oriented as to meet modern needs, and a strict code of discipline should be prescribed and strictly enforced. To secure the former of those objects we made suitable recommendations in our first and second Interim Reports. In regard to the latter of the objects there is a Code of Discipline drawn up to give effect to the recommendations of the Soertsz Commission Report of 1947 in that behalf. That Code of Discipline has received the approval of the Public Service Commission, and is set out in Appendix IX.

29. It would appear from the Preface to the Police Departmental Order dated 5th February 1960, that the Code of Discipline and other departmental regulations included therein purport to have been made under Section 55 of the Police Ordinance There is no indication in the Book of Standing Orders that the Code of Discipline or any other Standing Order to be found therein has been published in the Government Gazette as required by Section 17. (1) (e) of the Interpretation Ordinance. If the rules or regulations have not been so published they will not have the legal force that flows from publication in the Gazette. Apart from the fact that the Code of Discipline has not been published in the Gazette it does not have the characteristics of a Code.

Police Act

30. A body that is the creature of a Statute should have its composition, status, duties, responsibilities and powers defined. We have with that end in view drafted a new Act to be called the Police Act. which accompanies this Report.

The Code of Discipline should be re-drafted under the power conferred by the Police Act, with prescribed sanctions.

A Code without sanctions for the breach of its provisions is of little value.

Police Service Commission to Control Police Service

31. In the Police Act which we have drafted we have provided for the establishment of a Police Service to be controlled by a Police Service Commission.

32. As the evidence before us discloses that the matter of appointments, promotions and disciplinary action is considerably delayed under the present system, we recommend the setting up of a Police Service Commission. Since the Public Service Commission was established twenty-one years ago the Government Establishment has grown by leaps and bounds. It is no longer possible for one Public Service Commission to deal expeditiously with all the matters affecting the Public Service. It is a feature of the present set-up that officers are kept on long periods of interdiction without the charges against them being disposed of. Delay in making promotions or transfers involving increase of salary and inability to deal promptly with disciplinary matters undermine the morale of a service.

33. It is important that such deterioration of the morale of the Police Service should not be permitted. We therefore, recommend that a special Commission to be known as the Police Service Commission be set up to deal with appointments, transfers, promotions and the disciplinary control of the Police Service.. That Commission will take the place of the present Public Service Commission in regard to the Police Service. The establishment of such a Commission would. involve an amendment of the Ceylon (Constitution) Order in Council by the exclusion of the Police Service from the Jurisdiction of the Public Service Commission.

34. Such a Commission will not only be able to deal with the above matters expeditiously but its establishment will also go a long way in reducing the grievances that now exist in the Police Department. These are mainly unfairness in regard to promotions and transfers, and unjudicial approach to disciplinary: inquiries and trials. A special body dealing with one single department should be able to more closely study and understand the qualities, performance and aptitude of the personnel affecting whose progress and well-being it has to make decisions. Because of the growing volume" of work the Public Service Commission has had to delegate a considerable part of its powers to public officers and consequently the Commission has had to depend on the recommendations made to it by the officers of the department's concerned. It is that delegation and dependence on departmental reports that has been the cause of much complaint.

35. The evidence before us shows that the exercise of the delegated powers in the Police Department has been a source of dissatisfaction. Various irrelevant considerations, it was urged, influence the recommendations of the officers of the Department. It would also appear that appointments and promotions are subject to political interference. Such interference "affects the" independence of the members of the Service and the impartial discharge of their duties. It would also induce the members of the Police Service" to invoke the aid on their behalf of the politicians whom they oblige. The evidence discloses that instances in which; the members of the Police Department have invoked the aid of politician's are known.

36. In the interests of the efficiency of the Police Service there should be an impartial body of persons entrusted with the" power of appointing, transferring, punishing, dismissing and exercising disciplinary control.

Status of the Head of the Police

37. A prerequisite to the efficient maintenance of law and order by the Police is non-interference with the performance of their duties. The members of the Service should have the freedom of discharging their duties without the fear of pressures from outside. The appointment of a Police Service Commission coupled with the provision that the head of the Police should not be removable except for proved misconduct and then only after an address of both Houses should, in our view, go a long way in securing that object.

38. To-day the Inspector-General of Police is in the same position as any other public servant in regard to his liability to be retired from the Public Service although there is no other public servant who is called upon to bear so great a responsibility as he.

An Inspector-General who has reached the age of optional retirement or who has only a few years to reach that age is haunted by the fear that if he does not please those in power he may be retired either at once or the moment he reaches the age of optional retirement. That the head of so important a department should be haunted by such fears in the performance of his very responsible duties is not in the public interest. We recommend, therefore, that the head of the Police should be suitably protected against irresponsible exercise of the power of removal. The Judges of the Supreme Court, the Auditor-General and the Commissioner of Elections enjoy such immunity.

39. We have accordingly provided in the draft Police Act that the Commissioner of Police, which is the new designation we have provided therein for the head of the Police, cannot be removed except for proved misconduct, and then only after a resolution by both Houses has been passed and tendered to the Governor-General.

Safeguarding the Rights of the Public

40. Apart from the fact that under existing conditions the Public Service Commission is unable to exercise its control over the Police Service effectively to-day, the Police

Service, which has so much to deal with the public, is free to act without the curb of an authority empowered to take immediate and effective cognizance of the abuse of its powers. Every member of the public has not the means to expose oppressive action by the Police. Besides the fear that there would be retaliation if a person tried to expose the abuse of authority by the Police deters even persons with means from seeking to assert their rights. The consequence is that the vast majority of people suffer in silence.

Appointment of a Police Ombudsman

41. To meet this situation we recommend herein the creation of a Police Ombudsman with such number of Deputies as may be required from time to time to inquire into complaints by the public against the Police. The subject is discussed in detail in Chapter VI of this Report. We have made suitable provision in the draft Police Act to give effect to our recommendation.

42. Another respect in which the public are at present helpless is in regard to decisions of a Police Officer affecting the public against which there is no authority to which aggrieved persons may appeal.

43. The decisions which a Police Officer has power to make are far-reaching and affect a citizen's rights and his liberty. We are therefore of the view that an appeal to a court of law should be provided against such decisions. We have made suitable provision for this in the draft Police Act.

Police Participation in Elections

44. It is important that Police Officers should be impartial in time of Parliamentary and Local Government elections. This is the injunction conveyed at present to all Police Officers by the Inspector-General of Police. But in view of the demand by certain sections of the Public Service for "political rights", the connotation of which expression has not yet been defined, it is important that there should be laid down a statutory injunction to all Police Officers against participation in elections except by casting their votes.

45. We seek to ensure the strict impartiality of Police Officers in elections by providing in the draft Police Act a provision that Police Officers should not take part in elections except by casting their votes, and that they should not seek directly or indirectly to influence voters. We have provided a section which penalises the act of influencing or attempting to influence voters. We hope thereby to achieve a measure of detachment in the members of the Police Service in the matter of elections. The security of tenure of the head of the Service and the protection of the higher echelons from political interference, we think, should improve the efficiency of the Service.

46. The evidence before us discloses that officers are transferred on political grounds without notice, especially before and after elections. We trust that the machinery which we have devised of a Police Service Commission entrusted with the appointment,

promotion, transfer and disciplinary control over the Police Service would serve as a buffer against such action.

CHAPTER V

RELATIONS WITHIN SERVICE

47. The Constables who gave evidence before us complained that their superior officers, especially Inspectors and Sub-Inspectors, rarely addressed them politely. They stated that the officers used foul and abusive language on every occasion and that they had to submit to it. This is a surprising state of affairs and it reflects badly on the higher officers, who are expected to behave courteously to all subordinates. Police Officers who act in that way perhaps seek to emulate the now almost extinct type of army officers who fondly imagine that the use of foul language was the hallmark of manliness. We think that it is all wrong. An immediate reform is called for, and officers who flagrantly violate the Departmental Orders by the use of abusive and foul language, in addressing their subordinates should either mend their ways or be expelled, from the Police Service.

48. The evidence discloses that a wide gap exists between the officers and the rankers. While the officers need not be on terms of familiarity with the ranks, their aloofness should not extend so far as to make them behave with Olympian disdain as if they were overlords and those below them serfs. We were surprised to hear about this aspect of the relations between the staff and the ranks especially as to-day half the members of the Grade of Inspector are men promoted from the ranks and one-third of the members of the Grade of Assistant Superintendent are also men promoted from the ranks.

49. It is surprising that this lack of civility should be so widespread as the witnesses who came before us stated, in view of the fact that Rule 2 (b), (c), (e) and (f) forbids such an attitude and behaviour.

The Rule reads—

" Insubordinate or Oppressive Conduct ;

That is to say if he—

- (b) is guilty of oppressive or tyrannical conduct towards an inferior, in rank, or
- (c) uses obscene, abusive, or insulting language to any other member of the Service, or
- (e) assaults any other member of the Service, or
- (g) is guilty of incivility or oppressive conduct to any member of the public".

The importance of the above provisions of the Disciplinary Code, should be impressed on all officers so that they may desist from violating them.

It would seem that the provisions of the Disciplinary Code are not sufficiently well known to the ranks. Otherwise it is unthinkable that its open breach could have remained without complaint.

50. According to the evidence before us, this experience of Constables begins on the parade grounds at the Training School. Thereafter, when they are moved to field stations, it becomes a common experience to be abused by Inspectors and Sub-Inspectors both on the parade grounds and in the course of their day-to-day duties. It is the general opinion that at the levels of Assistant Superintendents and Superintendents of Police such abuse seldom or never occurs.

51. Opinion is divided as to whether officers promoted to the Grade of Sub-Inspector are more often guilty of such conduct than directly recruited officers, but specific reference has been made that directly recruited Sub-Inspectors are among some of the worst in this respect. It is also clear from evidence that officers guilty of such conduct are invariably those who are prone to corruption and abuses in the exercise of their functions and duties, and where this is the case it is frequently the Constables who are honest and straight in their dealings that suffer such abuse most. It is those who yield readily and join such superiors in their nefarious activities that become the most favoured and through such favouritism receive quicker promotion or at least are placed in positions which enable them to win recognition. The less favoured Constables are relegated to lesser duties, given no opportunity of making their mark and after suffering abuse and ill-treatment are black-marked so that their promotions are prejudiced.

52. We consider that the recruitment of better qualified officers such as we have recommended and the right emphasis at the stage of training such as we have detailed can in themselves go a very long way in improving the relations within the Service.

CHAPTER VI

RELATIONS WITH THE PUBLIC

General Comment

53. If the Police is to secure a greater measure of public co-operation and confidence it is necessary that the public should feel that their complaints against the Police receive the consideration that they deserve.

54. The Police do not enjoy the goodwill of the public. The public image of the Police is not at all what it should be. The fear of battery by the Police is in every citizen. Several cases of torture have come to light in the Courts. The Police have therefore to win the public confidence by a long period of correct behaviour before public co-operation can be gained. The outlook and attitude of mind towards the public has to change. Courteous attention and civility must replace the rude and militaristic attitude that is characteristic of a Police Station. No laws can effect the change. Even after public attention has been focused on a number of incidents in which the Police have belaboured the public, reports of Police violence still continue to appear in the Press. We think that this attitude of mind of the Police is largely due to the fact that the machinery for investigating complaints by the public against the Police at present is unsatisfactory and does not command the confidence of the people.

The Present Procedure of Inquiry

55. The present procedure for receiving and inquiring into complaints made by the public against members of the Force is prescribed in Appendix D to Departmental Order A7. It is set out in Appendix X to this Report.

56. The Departmental Order provides that complaints against the Police may be made—

- (a) by petition, telegram or telephone message, or
- (b) in person at any Police Station and recorded in the Information Book, or
- (c) in person at any Police Office and recorded by any Police Officer.

57. A member of the public who wishes to make a complaint against a Police Officer has a right to be accompanied by one or two friends if he so desires. The friend or friends accompanying the complainant should be persons unconnected with the matter of the complaint. As soon as a complaint against a Police Officer is received the Assistant Superintendent of the area in which the Police Officer against whom the complaint is made is stationed is required to notify the Superintendent of the fact of the complaint.

58. In the case of a complaint made by petition the petitioner is required to attend the nearest Police Station or Police Office and to acknowledge its authorship and the contents of the petition.

59. Under the present procedure there is a "preliminary" or "fact finding " investigation into a complaint. If the preliminary investigation discloses a prima facie case charges are served on the officer concerned and he is given an opportunity of providing an explanation. After the explanation is received a Board of Inquiry is set up to investigate the complaint.

60. The Board consists of the Assistant Superintendent in charge of the District as Chairman, the Officer-in-Charge of the Station to which the accused Police Officer is attached and a member of the public.

61. In the event of the Officer-in-Charge of the Station being himself a witness, the next senior Inspector or Sub-Inspector of the Station or any other Officer-in-Charge of a Station in the District will be the second member of the Board.

62. When the complaint is against the Officer-in-Charge of a Station the superintendent of the Province or Division is the Chairman and the second member is the Assistant Superintendent in charge of the District.

63. The member of the public is selected by the Superintendent from a Panel consisting of residents in the area who are willing to serve on such a panel. The panel is drawn up from a list of persons recommended by the Government Agent and the Assistant Superintendent of Police of the area and is finally approved by the Inspector-General of Police.

64. At the inquiry the complainant is not allowed to be accompanied by or receive assistance from a friend; but the Police Officer against whom the complaint is made is permitted the assistance of a friend or another officer in the Police Service. The unofficial member of the Board has power to question the complainant, the accused officer and their witnesses.

65. The findings of the Board are recorded by the Chairman and communicated to the unofficial member. He may either assent or dissent. If he dissents his dissent has to be forwarded with all relevant papers to the Deputy Inspector General of Police of the area.

66. The venue of the inquiry is required as far as possible to be a place which is neutral.

67. Above we have briefly described the prescribed procedure for dealing with complaints by members of the public. The evidence discloses that in fact these Boards do not act impartially and that by their very constitution their weight is on the side of the Police.

68. The unofficial member of the Board selected by the Superintendent is generally a person chosen by the Police themselves and will not go against the accused officer either because he dares not or is not inclined to do so. In this matter the evidence is that precept and practice are far apart. In fact one witness, Mr. Bandara, a planter who appeared before us, gave a graphic description of an inquiry. We are satisfied that the present procedure must change in the interests both of the Police Service and of the people.

69. The complainant, appearing as he does without assistance legal or otherwise, is at a great disadvantage and rarely gets a fair hearing.

70. These Boards do not enjoy the confidence of the public, and rightly so their constitution does not inspire confidence and should be done away with. A complaint by a member of the public against the Police is a serious matter both from the Police Officer's point of view and from that of the public. Police Officers should be protected against false complaints. At the same time the public should have the satisfaction of knowing that their complaints are not dealt with indifferently but are given the hearing that they deserve. It is not easy to provide the machinery, especially in the provincial areas, for these inquiries to be held by Judges in whom the public have confidence. But the difficulty of providing such machinery and the expense to the State of establishing such impartial tribunals, should not stand in the way of a complete re-organization in view of the outcry against excesses by the Police. The absence of an impartial body which can promptly deal with complaints against the Police seems to have encouraged some Police Officers who are not so conscious of their responsibilities and duties to the public to treat the public in a way that is not becoming of the guardians of the peace. The evidence before us discloses that members of the public are humiliated and assaulted by the Police for no reason at all.

71. On account of the unsatisfactory nature of this procedure we have endeavoured to set up entirely new machinery for investigating complaints against the Police. It is designed to win public confidence in the tribunal which hears the complaints.

Ombudsman

72. We, accordingly, recommend the setting up of a Police Ombudsman to, whom the public may make complaints against the Police. This officer should be independent and have power both to investigate charges and to try them. He should be able to act promptly and dispose of complaints expeditiously. He should have all the powers necessary to achieve that end. We have accordingly made provision in the draft Police Act which we have prepared for a complete machinery for receiving and disposing of complaints against the Police.

73. The Police Ombudsman should be a person with judicial training and experience. He should be beyond the pale of executive control but subject to the supervision of the Supreme Court. We have provided that this officer should be drawn from the highest class of the Judicial Service. As work increases he should be provided with deputies who too should be drawn from the Judicial Service. He and his deputies should be appointed by the Judicial Service Commission and have all the powers of a Magistrate.

74. A member of the public should also be free to make a complaint against the Police to any Magistrate or Judge. We have made provision in the draft Police Act accordingly.

75. As the finding of the Police Ombudsman will have far-reaching consequences we have given the parties the right to be represented by Counsel, and made the decision of the Ombudsman subject to an appeal to the Supreme Court. To prevent undue delay in the

disposal of complaints we have given the Police Ombudsman power to inflict any punishment that the Law provides.

76. As for the venue of the inquiry it should not be the Police Station or the Office of any Police Officer. The language of the proceedings should be the Official Language. For the benefit of those who do not understand the Official Language there should be interpreters,

77. We recommend that in the case of members of the public who are unable to get legal aid, the State should provide legal aid, both at the inquiry and in appeal. This legal aid, if it is to be effective, should be available before the Ombudsman proceeds to hear the matter of complaint. We, therefore, wish to empower the Ombudsman to assign counsel. Their fees should be met by the State. The recommendations we have made should go a long way in reducing the uneasiness of the public in regard to the conduct of the Police and their attitude towards the public at present.

78. Although this machinery would involve additional expense to the State it would be amply repaid by the public confidence it would enjoy, the protection the people would receive, and by the deterrent effect such a machinery would have on Police Officers inclined to take the law into their own hands.

Corruption

79. The evidence furnished not only by witnesses from within the Police Force but also by those representing the outside public, and some of those persons who were at one time in the Police Force, is that corruption in the Police Force is widespread and varied.

80. The Police witnesses gave the following examples of corruption:—

- (a) that Rs. 50 was levied for giving bail to a person in custody;
- (b) that two bottles of toddy from certain taverns were given daily to the Police Constables;
- (c) that office of high rank and rankers were in league with those who faked currency;
- (d) that there were officers who received regular payments from kasippu dealers, bucket-shop keepers and boutique keepers;
- (e) that the members of the Police Force visited so-called social clubs and restaurants and obtained free drinks;
- (f) that illegal detention of a person could be secured for as low a payment as Rs. 50
- (g) that raids on kasippu dealers who paid regular bribes were made only after prior notice to them;
- (h) that large-scale kasippu dealers got off scot-free while the small men were detected and punished;

- (i) that Police Officers who were engaged in building houses obtained their sand, bricks, timber, etc., free from the dealers in those goods;
- (j) that Police Constables had to provide their superiors not only with foodstuffs but also with attractive young women;
- (k) that Police Constables were used to collect the bribes from kasippu dealers, bucket-shop keepers, etc.;
- (l) that regular payments were made by timber contractors engaged in transporting timber;
- (m) that in certain areas all the kasippu dealers had joined to pay regular monthly bribes to all ranks from the highest to the lowest;
- (n) that those who did not give bribes had to face trumped up charges; and
- (o) that information books were falsified for a payment.

81. They stated that in some areas the kasippu dealers and bucket-shop keepers exercised such great influences high places that both officers and the 'ranks refrained from raiding their dens of evil for fear of adverse repercussions. Some of the witnesses stated that certain bucket-shop keepers were so powerful that they could even get Police Officers transferred over the telephone. The witnesses even ventured to give names. They mentioned Krishnan of Kotahena; and Chelliah of the Pettah. Though the situation may in fact not be so bad as pictured to us it is dangerous that such an impression should prevail in the ranks.

82. A Police Force which is corrupt fails to serve its purpose. Where corruption prevails the Police cannot get the co-operation of the public. without the co-operation of the public the Police cannot perform their task as satisfactorily as they could if they had their co-operation.

Some of the Causes of Corruption

83. The increase of corruption cannot be put down to any one cause. Corrupt men are to be found in all walks of life, but when there are too many such men in the Police Force then society is in peril. The causes of corruption in the Police Force are too numerous to be exhaustively catalogued. We venture to state here some of them:

- (a) the existence of illicit trades such as the receiving of illegal bets and the illicit sale of liquor in which the profits are large enough to enable the engaged in them to pay large bribes in keeping with the status of the bribed. The statement of the 18th century British Prime Minister Walpole "Every man has his price " is not untrue in the generality of cases;
- (b) the difficulty of detection of corruption as neither party to a corrupt act is willing to disclose the act, and there are rarely other witnesses to a corrupt act;
- (c) the absence of safeguards against corruption;
- (d) the defects in the law for the punishment of corrupt men;
- (e) the defects in the machinery of justice;

- (f) the law's delays;
- (g) political interference brought about by the influence that those in illicit trades exercise;
- (h) the weakness of the administrative machinery;
- (i) the inadequate salaries and allowances paid to members of the Police having regard to the high cost of living;
- (j) the absence of a proper authority with adequate powers to whom complaints against the Police can be made;
- (k) the absence of a proper set up for the hearing and expeditiously disposing of complaints made by the public;
- (l) the ignorance of their legal rights by the vast majority of the people;
- (m) the ignorance of the law on the part of Police Officers of all ranks;
- (n) intemperate living on the part of some Police Officers brought about by wrong notions as to status and style of living;
- (o) decay of moral standards in the country at large due in no small way to the indifference and not seldom the immorality of some of those in the seats of power;
- (p) the desire on the part of unprincipled men to make money at any cost;
- (q) the servile obedience to the higher ranks that is now demanded of the rank and file;
- (r) the methodical crushing of the spirit of those men in the ranks who show independence and a desire to conform to the law and respect the rights of citizens;
- (s) the corruption of the new comers by corrupt old stagers with the result that the new comers lose all sense of honesty and integrity and abhorrence of corruption;
- (t) the failure of the Police to attract young high-souled men of good education owing to the false popular notion that the Force needs men of brawn and not brain;
- (u) the impression abroad, that only dishonest men who are a match for toughs and bullies can get on in the Force, prevents men who wish to lead an honest life from seeking admission; and
- (v) the undue emphasis laid on prowess in athletics and sport has sometimes brought in men who think that brute force is the best way of maintaining peace and good order.

All the causes of corruption in the Police Force enumerated above cannot be eradicated unless the corrupter and the corrupted undergo a process of moral purification or a course of moral re-armament. Although eradication of corruption is not possible, measures can be devised to reduce it and reduce it appreciably.

Remedies

84. In the draft Police Act we have introduced several measures designed to achieve that end. In Sections 60 and 61 we have provided that every Police Officer, from the

Inspector-General or the Commissioner of Police (as he will be known if our recommendation as to designation is accepted) down to the meanest ranker should make an annual declaration of his assets and (if married) of those of his wife and children. We have also provided that any officer who makes a false declaration of his assets shall be guilty of an offence and be punished with a fine or imprisonment or both such fine and imprisonment and shall also be dismissed.

85. We have also provided for the forfeiture of undeclared assets. If the safeguards against corruption we have provided in the draft Police Act are accepted by the Government and enacted, corruption is likely to be greatly reduced. Attention should also be drawn to the Sections of the Draft Act which punish the giving to and the acceptance by a Police Officer of a bribe designed to deflect him from the path of duty. That provision is bound to have a deterrent effect on corrupt men.

86. The machinery of a Police Ombudsman which we have provided in the draft Act will have the effect of complaints of corruption being expeditiously heard and dealt with by an impartial tribunal. That machinery is bound to win public confidence and complaints against the Police will be made in the future in the faith that they will be heard and decided by an impartial Judge and not as at present by a tribunal with a Police bias sitting in a Police Station or in the office of an Assistant Superintendent. The existence of such a tribunal, we are confident, should act as a deterrent against corruption.

87. The corruption that is fostered by the influence that men in illicit trades exercise over politicians can only be removed by Ministers and Members of Parliament setting higher standards of public conduct for themselves. A Police Officer who seeks the assistance of a Minister or Member of Parliament to secure or stop a transfer or to obtain a promotion at once loses his independence. He cannot be expected to act impartially in any matter in which the particular Minister or Member of Parliament is concerned. He will not be able to turn down requests made by the Minister or Member of Parliament for the show of special favours. The result is that the officer is rendered incapable of performing his duty with that degree of detachment which is necessary.

Other Influencing Considerations

88. We have asked ourselves: Why do men in the Police Force invoke external aid ? The answer is:—It is because—

- (a) transfers are made without any plan or rule and often without reference to the hardship caused or likely to be caused to the officer,
- (b) promotions are arbitrarily decided, and
- (c) there is no appeal to a body that is willing to give an officer aggrieved by a transfer or by the denial of a promotion an impartial and full hearing and remedy his grievance if he has been wronged.

Once a decision has been made it is adhered to even by those above. The Constables and Sergeants who gave evidence before us gave full expression to the sense of frustration that prevails among the rank: and file. It is not surprising in these circumstances to find the men invoking the aid of politicians, a course which is not at all in the public interest.

89. When the above-enumerated defects in the present system have been remedied there should be no need to seek; the aid of Ministers and Members of Parliament in the matter of transfers and promotions.

90. A good many of the existing grievances in regard to transfers and promotions should disappear with the establishment of the Police Service Commission which we recommend and the setting up by that Commission of a Transfer Board and a Promotions Board. These matters are provided for in the draft Act. Once that machinery is set up and transfers and promotions are in the hands of bodies that cannot be influenced and from whose decisions there is an appeal to a higher body, influential men in illicit trades will no longer be able to exert over the Service the influence that they now wield.

Ignorance of Rights and the Law

91. The ignorance of their legal rights by the vast majority of the people encourages corruption. This is not a matter that can be easily remedied. With the progress of education this cause of corruption may perhaps be reduced if we can build up the moral standards of the country. Apart from that if legal aid were available to the ordinary man either free or at a price he could afford, he would be able to know what his rights are. But today legal assistance is beyond the reach of the ordinary man, and free legal aid is not widespread. Corruption brought about by the ignorance of one's legal rights could be remedied by providing free legal aid on a much larger scale than at present. Lawyers' associations could assist in this direction by opening legal aid centres in those areas of large cities where people of slender means live.

92. The ignorance of law on the part of Police Officers will to a certain extent be remedied by the adoption of our recommendation that there should be examinations for promotion up to the level of Assistant Superintendent of Police.

93. Regular refresher courses with incentives to those who attend and qualify would take the matter of legal knowledge of the men in the Force a step further.

94. The servile obedience to the higher ranks that is said to exist now should change with the institution of the Transfer Board, the Promotions Board, and the right of appeal from the decisions of the two abovementioned bodies to the Police Service Commission. With the establishment of those bodies men of all ranks will no longer fear to complain if their superiors are corrupt or oppressive. The fear that their subordinates will expose such corruption will act as a deterrent to the superior officers.

Measures Necessary to Attract Men of Superior Quality

95. The failure of the Police to attract men of good education and integrity is due partly to the popular notion that brawn and not brain is needed in the Force and partly to the present method of recruitment.

96. As the minimum educational qualification, a pass in the Junior School Certificate Examination which was once the lowest public examination is still accepted. The recommendation we made in our first Interim Report that a reasonably high standard of education should be the minimum has not yet been accepted and large numbers of men of poor education have been recruited as Constables and Sub-Inspectors.

97. In that Report we recommended that—

- (i) a recruit Constable should have passed at least the G.C.E. (O.L.) in six subjects passed at not more than two sittings including an ordinary pass in Arithmetic or Pure Mathematics and a credit pass in Sinhala or Tamil language; '
- (ii) a recruit Sub-Inspector should have, as the minimum educational qualification, of a pass in the G.C.E. (O.L.) in six subjects passed at not more than two sittings including an ordinary pass in Arithmetic or Pure Mathematics and credit passes in Sinhala or Tamil language and in two other subjects, and the University of London or Ceylon G.C.E. (A.L.) in at least three subjects passed on not more than one occasion or in four subjects passed on not more than two occasions.

98. In order to draw better recruits the current notion that brawn and not brain is most needed must be dispelled. The prospects available in the Service should be publicised among. Students in the higher classes of the Secondary Schools. The necessary publicity could be given by distributing in all Secondary Schools an attractive booklet giving the qualifications needed for entering the Force and the prospects available in the Service. It should also contain brief life sketches of those who have risen from the ranks to the highest offices in the Service. Visits to schools by officers of high rank, such as deputy heads of the Service and Superintendents, may inspire the young to choose a Police career. Their visits should be accompanied by a lecture illustrated by a film depicting the life of a Police Officer from the day he enters the Service till he reaches the highest rank. Such propaganda is likely to fire the young minds with a desire to join the Force and be an example to others.

99. The undue emphasis hitherto laid on athletics and sport should also be removed. Athletics and sport are in themselves not harmful and the concept Of “Mens sana in corpore sano” should be encouraged. But past experience teaches us that mere attainments in the field of sport were so much emphasized that sportsmen kept out deserving men of good character and education who had not achieved prowess in sport. In the future that emphasis should be removed. Men with both brain and brawn are the

ideal; but brain should not have to yield to brawn in the future. In our first Interim Report we recommended that Ju Jutsu should be taught in the Police Training School. If it is taught, subtle physical techniques can replace brawn where there is need to control obstreperous offenders.

100. We recognize the importance of good physique in those seeking admission to the Police. Accordingly, in our second Interim Report we drew attention to the omission to refer to this in our first Interim Report on 'Recruitment' and recommended as follows —

"At present, a Constable has to be 5' 4 in height and 31 inches chest (deflated) and his vision not less than 6/12 with each eye. If vision is 6/6 with one eye, vision of 6/12 with the other eye, he is disqualified. Some of the witnesses have expressed the view that it was necessary to prescribe a less severe physical qualification but the majority of the witnesses said that practically all the recruits who were selected —with one exception— possessed the physical qualification now prescribed. We see no reason to recommend any variation of the present minimum standards. We, therefore, recommend that the physical and visual qualifications be not altered. The physical and visual qualifications of those recruited for training as Sub-Inspectors are higher than those seeking training as Police Constables.

They are as follows:—

Height 5'6 (minimum).

Chest 34" normal (deflated).

Eye-sight Colour vision normal. Any candidate who requires the use of glasses will not be eligible.

We do not recommend any variation of these qualifications and recommend that they should be made to apply to those seeking appointment to the rank of A.S.P."

These recommendations will ensure the minimum of brawn that the Service will require.

101. Policemen are too often exposed to danger with no protection afforded. Riot squads are now provided with wicker shields. But that alone is not sufficient. The most vital parts of the body such as the head and the pectoral region should be provided with protective wear such as steel or duraluminium headgear and steel jackets to protect the heart and lungs. With such protective armour men can face riots with confidence.

Need for High Moral Standards

102. A Police Officer, if he is to exercise influence, must lead an exemplary life and not be given to intemperate habits. He should not be addicted to liquor or gambling. He should not frequent clubs or restaurants. In such places he falls an easy prey to corruption. That corrupt Police Officers receive free drinks from restaurant-keepers and tavern-keepers is well known. The ideal is that every Police Officer should be a total abstainer. He would then not fall a prey to the kind of corruption referred to above.

103. In the matter of moral behaviour too, a Police Officer should set a high standard; he should not go after women or associate with women of questionable character. Some recent cases disclosed that certain Police Officers were inclined to violate the rules of conduct which men of their position should observe.

104. The intemperate ways of men and officers can be checked if their seniors and superiors shown their disapproval in a marked way. At present there; appears to be too tolerant an attitude which encourages evil-doers. This aspect of corruption can be effectively controlled only by those above visiting with the strictest reproof all those who stray from the path of propriety and enforcing rigidly the rules of the Disciplinary Code. The rule regarding drunkenness is not always adhered to. A Policeman is not permitted to drink; or solicit a drink of intoxicating liquor while on duty, nor may he render himself unfit for duty by the consumption of intoxicating liquor. The evidence before: us discloses that this rule is not enforced. Living beyond ones means is another aspect of intemperate living over which those above should be vigilant. A man who lives beyond his means is tempted to get money by crooked means such as bribery and questionable gifts.

105. The same may be said of the rule regarding gambling. A Policeman may not gamble in barracks or in quarters attached to a Police Station. But that rule is all too often violated. A stricter supervision of a Policeman's life is needed.

106. The corruption of the new comers by the old stagers can be reduced if during the probationary period the probationers are made to go on their rounds perform their other duties with men picked for their integrity. The evidence given before us disclosed the fact that is not the general practical at present. Some of the Constables that came before us explained how very early in their official life they were taught corrupt ways by corrupt and hardened seniors.

CHAPTER VII

PREVENTION OF OFFENCES

Importance of Prevention

107. Hitherto sufficient emphasis has not been laid on the preventive aspect of Police work. Prevention is better than cure is an old adage that applies to crime as well as disease, crime being itself a disease in the body politic.

108. Although Section 56 of the Police Ordinance enjoins that it shall' be the duty of every Police Officer to use his best endeavours and ability to prevent all crimes, offences and public nuisances, that duty is rarely carried out. It is well known that those who complain of threatened crimes or offences or threats of violence are told that no action

can be taken until an offence is committed. The popular notion in the lower rungs of the Police Force seems to be that without bloodshed no threats of violence should be taken notice of. This wrong impression has been one of the causes of the increase of crimes of violence. It must be removed and the preventive side of the duties of the Policeman should be emphasized..

109. It costs less to prevent crime than to bring an offender to book. The Academy of Police Research and Higher Training which we recommend above can help in this direction. Police Officers especially trained with the accent on prevention of crime will be of great help. Crime Prevention should be a subject allocated to a Deputy Commissioner of Police. The public should also remember that it is their duty to take adequate care of themselves and their property. They should be eager not to involve the State in unnecessary expense brought about by their lack of circumspection or care. The field of Crime Prevention extends over a large area. In fact Crime Prevention is not a matter exclusively for the attention of the Police. Others should also lend a hand. Businessmen, land-owners, Government departments, public corporations, architects and builders should all bear it in mind. In the matter of town planning, and the construction of buildings for human habitation as well as for other purposes, the prevention of crime should be kept in view. Temptation to commit offences should not be placed in the way of people for they will yield to it and create problems for the Police and expense to the State.

Settling of Disputes

110. Civil disputes if unattended to timeously often lead to criminal offences generally of a grave nature. With a view to preventing the increase of crime brought about by neglected or ignored civil disputes we have provided in the draft Police Act a number of sections designed to provide machinery for the settlement of civil disputes summarily by a Magistrate pending the decision of the matter by a competent Court of Civil Law. To-day the Police have no legal power to take action when a complaint of a civil dispute is received. Although the complaint of a civil dispute is recorded as a matter of course in the Information Book there is no legal obligation to do so.

111. This matter of preventive action by timeous attention to civil disputes has received the attention of the Criminal Courts Commission. In paragraph 10 of their Report the Commission states

“10. Many disputes and resulting offences spring from rival claims to land. There is at present no method by which a Magistrate can deal speedily and summarily with such disputes. It is essential that a Magistrate should be vested with statutory powers to make orders with regard to the possession of lands where disputes affecting such lands may result in a breach of the peace. The procedure suggested by us in Section 98A is based in part on the provisions of Section 145 of the Indian Code of Criminal Procedure. As far as possible, notice will be given to the parties alleged to be concerned in the dispute, but whether such notice reaches the parties or not the Magistrate will hold a summary inquiry

and may, even before the inquiry is concluded, make an interim order on the question of possession in order to maintain the peace. The purpose of the inquiry is to enable the Magistrate to determine in a summary manner who should for the time being be permitted to enjoy the right in dispute, but he will make an order which may not be founded strictly on the legal merits of the claims of the rival parties but rather with a view to the necessities of the immediate emergency. It will be directed rather to restoring the 'status quo' and to ensure that interference, except by due process of law, with possession does not give rise to a threatened breach of the peace. The ultimate decision as to the legal rights of the parties will necessarily have to be made, in subsequent proceedings, by a competent civil court. No particular procedure has been prescribed it regard to the manner of holding the inquiry, for that would only have introduced technicalities. The order eventually made by the Magistrate will be a purely temporary one, and a refusal to comply with it in breach of it is made punishable."

112. To give effect to the above recommendation that Commission recommended the introduction of a new Section numbered 98A to the Criminal Procedure Code, which reads:

" 98A. (1) In this section, " dispute affecting land " includes any dispute as to the right to the possession or the boundaries of any and or part thereof, or as to the right to cultivate any land or part thereof, or as to the right to the crops or produce of any land or part thereof, or as to any right in the nature of a servitude affecting the land.

(2) Whenever a Magistrate, on information furnished by any police office or otherwise, has reason to believe that the existence of a dispute affecting any land situated within the local limits of his jurisdiction is likely to cause a breach of the peace, he may issue a notice—

- (a) fixing a date for the holding of an inquiry into the dispute;
- (b) requiring the parties alleged to be concerned in the dispute to attend at such inquiry and to furnish to the court on or before the date so fixed written statements of their respective claims as respects the fact of actual possession of the land or any part thereof or as respects any rights which are the subject of the dispute.

(3) A copy of the notice shall, in the manner provided by this Code for the service of summons, be served upon such person or persons as the \Magistrate may direct, and at least one copy thereof shall be affixed in some conspicuous place at or near the land to which the dispute relates.

Where a copy of the notice has been so affixed, an inquiry under the succeeding provisions of this section may be held and an Order under those provisions may be made, notwithstanding that the notice may not have been served on any party to the dispute.

(4) The inquiry into the dispute shall be held in a summary manner on the date fixed in that behalf under subsection (2) or on such other date or dates to which the inquiry may be adjourned by the Magistrate:

Provided that when the inquiry is so adjourned, the Magistrate may pending the conclusion of the inquiry, make an interim Order containing all! provision which may be made in an Order under subsection (9) or subsection (10) or subsection (11).

(5) Where the dispute concerns the right to the possession of any land or part thereof, the Magistrate shall endeavour to determine which if any of the parties was in actual possession of the land or part thereof and the date of the issue of the notice under subsection (2), and where he so determines that any party was in actual possession on that date he may, save as otherwise provided :, subsection (6), make an order under subsection (9) in favour of that party.

(6) Where the Magistrate determines at the inquiry that any party was within the period of two months immediately preceding the date of the issue of the notice forcibly dispossessed of the land or part thereof, the Magistrate may make an Order under subsection (10) in favour of that party.

(7) In any case where the dispute concerns any right. other than the right to; the possession of the land or any part thereof. the Magistrate shall endeavour to determine which if any of the parties is entitled to the right which is the subject of the dispute.

(8) The determination, if any, to be made by the Magistrate under the preceding provisions of this section shall be made after examination and consideration of any statements furnished in compliance with the notice under subsection (2) and of all such evidence as may be admitted by the Magistrate in his discretion, so however that any determination under subsection (5) or subsection (6) may be made without reference to the merits of the claims of any of the parties to a right to the possession of the land or any part thereof

(9) In any case referred to in subsection (5) the Order of the Magistrate shall declare the party specified therein to be entitled to possession of the land or a specified part thereof until he is evicted therefrom under an order or decree of a competent court, and prohibiting all disturbance of such possession otherwise than under the authority of such order or decree.

(10) In any case referred to in subsection (6) the Order of the Magistrate shall, in addition to containing the declaration and prohibition referred to in subsection (9), direct that such party as shall be specified in the order shall be restored to the possession of the land or any specified part thereof.

(11) In any case referred to in subsection (7) the order of the Magistrate shall declare that any party specified therein shall be entitled to any such right in or respecting

the land as may be specified in the order until such party is deprived of such right by virtue of an order or decree of a competent court, and prohibiting all disturbance or interference with the exercise of such right by such party otherwise than under the authority of such order or decree; any such Order may also contain such other directions as the Magistrate may think fit with respect to the exercise of such right or to the sale of any crops or produce of the land or part thereof or to the custody or disposal of the proceeds of the sale of such crops or produce.

(12) In any case where the terms of settlement of any dispute affecting land are voluntarily agreed on between the parties, and are approved by the Magistrate, an Order under the preceding provisions of this section may be made in accordance with the terms so settled.

(13) Any person who acts in contravention of or fails to comply with any Order made under this section shall be guilty of an offence and liable to imprisonment for a term not exceeding three months or to a fine not exceeding five-hundred rupees.

(14) No appeal shall lie against any Order made by a Magistrate under this section.

(15) Magistrate of the court by which an Order under this section was made may on application made to him in that behalf by any person affected by the Order, rescind the Order or vary it in such manner as he may consider expedient.

(16) "No Order under this section shall affect or prejudice any right or interest in land which any person may be able to establish in a civil suit and it shall be the duty of a Magistrate who commences to hold an inquiry under this section to explain the effect of this subsection to the parties."

113. In our view the recommendation of the Commission does not provide a full scheme for effectively dealing with civil disputes, especially those relating to land, which often culminate in crimes of serious violence and even murder

114. We have provided a more detailed machinery with the same end in view. In the first instance the Officer-in-Charge of the Police Station is empowered to make an interim order till the Magistrate to whom the Officer-in-Charge of the Police Station is bound to report the complaint, makes his order. We have made that order appealable and also final if within a year from the date of that order or the judgment of the Supreme Court no civil action is instituted by either party. We have also made provision for the appointment of a receiver by the Police and the Magistrate in any case in which some independent person answerable to the Police or the Magistrate should be appointed to receive the produce or income of the subject matter of dispute till the final decision is reached.

115. We have in the draft Police Act omitted Section 70 of the Police Ordinance which provides:

" 70. No police officer shall receive any complaint of any petty offence, or take into his custody any person brought to him accused of such petty offences as trespass, assault, quarrelling, or the like; and it shall be lawful for any police officer to refuse to receive and act upon any charge of an offence of a grave character, if he shall, on inquiry made of the complainant alone, see good grounds for doubting its truth:

Provided always that if the charge be not of such a nature as under ordinary circumstances would justify the police officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such officer at the time."

116. We have instead introduced into the draft Police Act a provision which makes it obligatory on the Police to record all complaints whether they be trivial or not and whether they relate to civil or criminal matters.

Investigation of Complaints

117. We have also introduced a provision which makes it obligatory on the Police to act on all complaints be they serious or not. An appeal to a Magistrate from the decision of the Police not to exercise the obligation to record complaints is provided. To-day the Police act as if they were a law unto themselves and there were no authority to review their decisions. A Magistrate's supervisory powers can under the draft Act be invoked by an aggrieved citizen. The draft Section reads:

"When a Reserve Officer or any Inquirer or person having the powers of an Inquirer or any Police Officer who is required to maintain the Information Book refuses to record a complaint in the Information Book or the Substitute Information Book any person aggrieved by such refusal may appeal by way of petition to the Magistrate of the Division in which such Inquirer or person having the powers of an Inquirer or any Police Officer required to maintain an Information Book is resident or stationed naming the person who refused to record the complaint as respondent to the petition.

118. We expect that the provisions we have introduced will not only prevent crime, but also act as a controlling influence on arbitrary action and undue influence.

Prevention of Traffic Offences

119. Another field in which offences can be prevented is the field of traffic control. The prevention of offences should start with the training of drivers of motor vehicles. To-day there is no training school officially recognized and manned with trained instructors. With the growth of motor traffic such schools are essential and should be established in all the major towns. Drivers properly instructed not only in driving but in the Traffic Code would go a long way in reducing traffic offences and road accidents. The

establishment of a driving school for the public has been under consideration for some time, but no action has been taken so far. We strongly recommend that early and positive action be taken and that as a first step a modern driving school be immediately established in Colombo.

Boy's Clubs

120. Another useful aid towards the prevention of offences that calls for attention is the establishment of homes for homeless children and boys, clubs for youths who have no homes and are not provided with organized educational, vocational and recreational facilities.

121. The Pettah Boys' Club was a step in the right direction. It was established towards the end of 1922 with the object of improving, through sport and recreation, the surroundings and lives of the boys h, the streets of Colombo who lack the support of parents or relatives. The movement does not appear to have progressed. Greater attention to this aspect of preventive work should be paid.

122. Boys are frequently employed by those who are engaged in the illicit drug and liquor traffic. By caring for the waifs and strays and seeing that they are equipped for gainful employment it should be possible to reduce the: employment of boys in illicit trades. Boys' clubs should be formed in every large town and it should be the duty of the Government to look after the clubs and see to the welfare of their members.

Registration of Servants

123. A very useful measure which is now on the Statute Book and which is not sufficiently emphasized is the Registration of Domestic Servants Ordinance It is not enforced now. Its enforcement is an important step in the prevention of crime.

124. We recommend that the Ordinance be enforced and that after due warning' those who do not observe its requirements be prosecuted.

125. To-day the matter of registration takes time. Steps should be taken to speed up work. The application of the Ordinance should be made Islandwide and a Registrar of Servants appointed to every important town.

Rural Volunteers

126. Evidence was given before us by Mr. O. S. de Silva former Inspector General of Police, and by other Police Officers and several members of the public of a scheme of organizing rural volunteers as part of the then popular Rural Development Movement conducted under Government auspices, with a view to harnessing the support of young people in the rural areas for the protection of their own areas and for assisting the police at times of heavy call on them at seasons of festivals such as the Kandy Perahera.

Mention was made of how these volunteers were registered at Police Stations, given appropriate identifying arm bands or badges and were required to be on call by the Inspector of the local station to assist in police duties when required. In this way rural volunteers accompanied local police in police patrols of their areas at night and outside their areas in activities such as the control of crowds at the Kandy Perahera. Thefts of praedial produce and other minor offences in village areas were claimed to have been considerably reduced in some areas during the time police & patrols were organized in those areas. There has also been official acknowledgement of the assistance rendered by rural volunteers in controlling crowds in festive seasons.

127. The organization has since fallen into decay owing to political and other influences, and within the Police Force owing to conflicting opinions at senior levels and the prejudice that Rural Development work was a device of some officers for securing mass popularity at the expense of normal police work.

128. We consider that the usefulness of such an organization should be fully, examined by the authorities and given appropriate form in consultation with the Ministries concerned. Necessarily due to changing social conditions a movement of this nature cannot remain rigid in its structure but must be adjusted and shaped from time to time to suit conditions prevailing at each time.

Licensing of Prohibited Knives

129. As the pointed knife is the weapon commonly used in crimes involving personal violence the possession, manufacture and sale of such knives should in our view be subject to control. The Dangerous Knives Ordinance, an enactment of 1906, which was designed to prevent any person from carrying or wearing a pointed knife the blade of which is more than two inches long has not served its purpose as it is not rigidly enforced.

That Ordinance provides that any person who carries on or about his person or wears any prohibited knife shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding fifty rupees and for the second or any subsequent offence to a fine not exceeding one hundred rupees.

A "prohibited knife" is defined as "any knife, whether a clasp knife or otherwise, the blade of which is more than two inches in length, and is not so rounded or blunted at the point as to be incapable, in the opinion of the court, of being used as a stabbing instrument, and includes any sword, dagger, or similar weapon adapted for use as a stabbing instrument."

To-day prohibited knives are imported, made and sold without any control and regardless of the law are carried and worn by a large number of persons. In our view the import, manufacture, sale and possession of prohibited knives should be permitted only on licence. Licences to import or manufacture such knives should be granted only to approved persons. They should be required to maintain a register of knives imported or

manufactured by each of them indicating the quantity imported or manufactured, their nature and the persons to whom they have been sold. A person should not be permitted to purchase without a permit a prohibited knife from an approved importer or manufacturer. A licensed seller of prohibited knives should be permitted to sell such knives only to those with permits. Every seller of prohibited knives should be required to keep a register indicating the identity of the persons from whom the knives are purchased and of the persons to whom they are sold.

It should be made an offence punishable on summary conviction with a fine of five-hundred rupees or with rigorous imprisonment for one year or with both such fine and imprisonment, without a licence in that behalf, to possess, import, manufacture, or sell a prohibited knife.

The Superintendent of Police should be the authority for issuing such licences. There should be an appeal to the Magistrate of the area in which the applicant resides against any refusal to issue a licence.

We hope the controls we have recommended above will go a long way to reduce the toll of the prohibited knife.

Licensing of Firearms

130. Another measure of crime prevention lies in the stricter control of the import, manufacture and possession of firearms. The licensing authority, to-day is the Government Agent. He relies largely on the recommendation of the Police. The power to license firearms should be taken away from the Government Agent and vested in the Superintendent of Police. An appeal to a Magistrate should be provided as a safeguard against arbitrary refusal to issue a licence.

The vesting of the power to license firearms in the Superintendent of Police would enable the Police to keep track of all the licensed owners of firearms and help them to detect and bring to book all owners of unlicensed firearms more effectively than at present.

CHAPTER VIII

INVESTIGATION OF CRIME

Supervision of Criminal Investigation

131. The preliminary investigation of offences is provided for in Chapter XII of the Criminal Procedure Code (hereinafter referred to as Chapter XII). That Chapter was

introduced in 1908. The machinery provided therein is designed to bring criminal investigation under the supervision of a Magistrate; but that purpose has not been achieved and Magistrates have ceased to perform the functions expected of them.

132. The Inquirers referred to in Section 120 of the Criminal Procedure Code do not now perform the functions they are vested with under Chapter XII. They confine themselves to the exercise of the powers vested in them by Chapter XXXII of the Criminal Procedure Code (hereinafter referred to as Chapter XXXII). That Chapter provides for an inquiry being held into sudden deaths, by accident or some unknown cause or suicide. The legislation contemplated a class of Inquirer who had all the powers of an Officer-in-Charge of a Police Station in the investigation of crime under Chapter XII, and all the powers of a Magistrate in the inquiry into sudden deaths under Chapter XXXII.

Functions of Inquirers

133. We have not been able to ascertain when and why the Inquirers appointed under Chapter XII ceased to exercise their powers under that Chapter.

134. Under Chapter XII an Inquirer has to enter every information relating to the commission of a cognizable offence if given orally to him, in a book called the 'Information Book' and require the person who gives it to sign the book. Although the Code provides that the form in which an Information Book shall be kept should be prescribed by the Minister no form has yet been prescribed. The Information Books are now being kept in a form not prescribed by law. This is a grave omission which should have been rectified long ago. This is not all; even the limitation of the exercise of an Inquirer's powers to inquire into sudden deaths alone is not warranted by law.

135. It is necessary therefore that the Code should be amended or that Inquirers, exercise of their full functions be removed. The power of investigation conferred by Chapter XII is confined to complaints of cognizable cases. Those are cases, in which a peace officer may arrest without a warrant. It is only upon receiving an order from a Magistrate that an Inquirer may inquire into a non-cognizable offence, that is an offence for which a person cannot be arrested without a warrant.

136. The question then is whether Inquirers should be required to exercise their full powers under Chapter XII and XXXII or be permitted as at present to confine themselves to the inquiry into sudden deaths.

137. If they are to exercise their full powers it will be necessary for them to devote their entire time to their duties as was intended by the Legislature when it enacted Chapter XII. In areas well served with Police Stations the Officer-in-Charge of the Police Station can exercise his powers of investigation under Chapter XII and it would then not be necessary for Inquirers to exercise their powers of investigating offences. But where the area of a Police Station is large, as in the case of Moneragala, Bibile, Amparai, Horowupotana,

Balangoda, Tissamaharama, Padaviya, Mahiyangana and a few other places, an Inquirer with power to investigate offences in the places far removed from the Police Station would be a source of convenience to the public.

Police Officers as Inquirers in Remote Areas

138. In areas not adequately covered by Police Stations we think that the adoption of a suggestion made by Mr. A. C. Dep, Deputy Inspector-General of Police, should prove valuable. His scheme is that a Police Sergeant or Constable well known to be efficient and well conducted should be stationed in each outlying area with all the powers of receiving complaints, carrying out investigations and arresting accused persons. He holds the view that the presence of such an officer in every remote area would be bound to have a good influence and would be convenient to the local inhabitants in that they would not have to travel long distances when they had to lodge a complaint at the Police Station.

139. We are of the view that it is an experiment worth trying and we recommend that in those stations which have a large area to supervise, officers of the type we have described above be posted in the outlying places and that they be appointed 'Inquirers' under Chapter XII so that they may lawfully receive complaints and maintain an Information Book and arrest offenders. An officer so posted should be regarded in the same manner as a Police Post.

Recording and Investigation of Complaints

140. Section 121 of Chapter XII reads:

Information in cognizable cases.

"121. (1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station or to an inquirer, shall be reduced to writing by him or under his direction and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and a copy thereof shall be entered in a book, hereinafter referred to as the 'Information Book'; to be kept by such officer or inquirer in such form as the Minister may prescribe in this behalf.

Procedure where cognizable offence suspected.

(2) If from information received or otherwise an officer in charge of a police station or inquirer has reason to suspect the commission of a cognizable offence, he shall forthwith send a report of the same to the Magistrate's Court having jurisdiction in respect of such offence, or, in the case of an officer in charge of a police station, to his own immediate superior, and shall proceed in person to the spot to investigate the facts and circumstances of the case and to

take such measures as may be necessary for the discovery and arrest of the offender:

Provided that an officer in charge of a police station may depute one of his subordinate officers to proceed to the spot to make Such investigation and take such measures as may be necessary for the discovery and arrest of the offender, or if it appears to him that there is no sufficient ground for entering on an investigation he shall not be bound to investigate the case.

Power to police officer or inquirer to require attendance of persons able to give information.

(3) Any police officer or inquirer making an investigation under this Chapter may by order in writing require the attendance before himself of any person being within the limits of the station of such police officer or any adjoining station or within the local limits of the jurisdiction of such inquirer who, from the information given or otherwise appears to be acquainted with the circumstances of the case and such person shall attend as so required.

If any person when required to attend by an inquirer refuses or fails to do so, the inquirer may thereupon in his discretion issue a warrant to secure the attendance of such person as required by such order as aforesaid. "

141. The foregoing section requires the Officer-in-Charge of a Police Station to receive the information and reduce it to writing himself or have it reduced to writing under his direction and bring his mind to bear on it and, if he has reason to suspect the commission of a cognizable offence, send a report of it to, his immediate superior, and proceed in person to investigate the facts and circumstances of the case and take such measures as may be necessary for the discovery and arrest of the offender. If it appears to the Officer-in-Charge of a Police Station that there is no sufficient ground for entering on an investigation, he is not bound to investigate the case. The proviso to sub-section (2) creates an exception to the rule that the Officer-in-Charge of a Police Station must himself take such measures as may be necessary for the discovery and arrest of the offender. The exception is that the Officer-in-Charge may depute one subordinate officers to proceed to the spot and to make such investigation and take such measures as may be necessary for the discovery and arrest. of the offender

142. Today the requirements of this section are generally not observed. The power to have information given to him reduced to writing "under his direction" is misinterpreted to mean a power to give a general direction to the Reserve Sergeant to record all complaints made at the Police Station. The Officer-in-Charge of a Police Station neither receives the information nor reduces it to writing nor proceeds to the spot nor makes any investigation nor takes any measures for the discovery and arrest of the offender, nor does he himself depute a subordinate officer to make such investigation and take such

measures as may be necessary for the discovery and arrest of the offender. It is the Reserve Sergeant that does all that as a matter of routine. The Officer-in" Charge of a Police Station is inaccessible to the public. He remains in an ivory tower far above the ordinary work of a Police Station and does not permit himself to be disturbed except by some important caller at the station. It is the rank and file who attend to the day to day business of the station. This disregard of the law should not be permitted to continue. It is because those at the top do not perform the duties prescribed by law that there is so much laxity and corruption in the Service. Either the law should be amended if the work of the Officer-in-Charge of a Police Station is so heavy that he is unable to discharge the duties imposed on him by law or, if that is not the case, the Officer-in-Charge of a station should be compelled to attend to the duties imposed on him by the Code. Disregard of the law by the State functionaries imperils the State and brings the law into disrepute. When the Legislature enacted the provisions of Chapter XII it must be presumed to have conferred on the Officer-in-Charge of a Police Station the power to investigate offences because the investigation of offences is an important step in the administration of Justice. It is for the same reason that the provisions of Chapter XII find a place in the Criminal Procedure Code.

143. It should be noted that the Officer-in-Charge of a station may not depute a subordinate officer to perform all his duties under Section 121 (2), nor is he empowered to depute a subordinate officer to perform any of his functions under subsection (1).

144. He has no power to depute a subordinate to investigate the facts and circumstances of the case; he may only depute a subordinate officer "to make such investigation and take such measures as may be necessary for the discovery and arrest of the offender." It would be seen that the Legislature has designedly limited the power to depute. The subordinate officer conducting the investigation which he is deputed to make is required by Section 125 to report to the Officer-in-Charge of the Police Station the result of such investigation.

Attendance at Inquiries ,

145. In an investigation under Chapter XII the investigator (be it the Inquire or a Police Officer empowered by the Chapter) is empowered to examine orally any person supposed to be acquainted with the facts and circumstances of the case, and reduce to writing any statement made by the person so examine.

He is expressly forbidden to administer an oath or affirmation or to require the person making the statement to sign it (Section 122). All such statements recorded in the course of an investigation as are not recorded in the information Book must be entered in the Information Book by the Officer or Inquirer holding the investigation as soon as may be convenient.

Visit to Scene of Crime

146. Departmental Order C. 1 deals with the Investigation of Offences. It reads:

"The investigation will be conducted in accordance with the provisions of Chapter XII of the Criminal Procedure Code. The Officer-in-Charge of the station shall whenever possible go in person to the scene in the first instance. When this is not possible he will visit the scene at the earliest opportunity and thereafter direct the investigation.."

147. This Order does not accurately convey the requirements of Chapter XII which makes it imperative for the Officer-in-Charge of the Police Station to go to the scene in every case and not merely whenever possible. The loophole unwarranted in law provided in the Departmental Order has been so widened that it is rarely that the Officer-in-Charge now goes to the scene of a crime, suicide or murder. Generally it is a Sergeant or Constable that does so.

Statements made at Inquiries

148. Subsection (2) of Section 122 provides that a person is bound to truly answer all questions put to him by the Officer-in-Charge of a Police Station investigating the facts and circumstances of a case, but that he is not bound to answer questions which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

149. Subsection (3) declares how the statements recorded under Chapter XII are to be treated in legal proceedings. It reads:

Statements to police officer or inquirer not to be admitted in evidence.

" (3) No statement made by any person to a police officer or an inquirer in the course of an investigation under this Chapter shall be used otherwise than to prove that a witness made a different statement at a different time, or to refresh the memory of the person recording it. but any criminal court may send for the statements recorded in a case under inquiry or trial in such court and may use such statements or information, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such statements, nor shall he or they be entitled to see them merely because they are referred to by the court; but if they are used by the police officer or inquirer who made them to refresh his memory, or if the court uses them for the purpose of contradicting such police officer or inquirer, the provisions of the Evidence Ordinance, section 161 or section 145, as the case may be shall apply.

Nothing in this subsection shall be deemed to apply to any statement falling within the provisions of section 32(1) of the Evidence Ordinance, or to prevent such statement being used as evidence in a charge under section 180 of the Penal Code. "

150. Section 123 provides an accused person with certain safeguards. It reads:

No inducement to be offered

"123. No inquirer or police officer shall offer or make or cause to be offered or make any inducement, threat or promise to any person charged with an offence to induce such person to make any statement with reference to the charge against such person. But no inquirer or police officer shall prevent or discourage by any caution or otherwise any person from making in the course of an investigation under this Chapter any statement which he may be disposed to make of his own free will. "

Powers of Search

151. Section 124 enacts a power to search in cases where an inquirer or an Officer-in-Charge of a Police Station considers that the production of any document or thing is necessary to the conduct of the investigation. It reads:

Search by police officer or inquirer

"124. (1) Whenever any officer in charge of a police station or an inquirer making an investigation in a cognizable case considers that the production of any document or thing is necessary to the conduct of the investigation, and there is reason to believe that a person to whom summons or order under section 66 has been or might be issued will not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person such officer or inquirer may search or cause search to be made for the same in any place.

(2) Such officer or inquirer shall if practicable conduct the search in person.

(3) If he is unable to conduct the search in person and there is no other person competent to make the search present at the time, he may require any headman to make the search, and he shall deliver to such headman an order in writing specifying the document or other thing for which search is to be made and the place to be searched, and such headman may thereupon search for such thing in such place.

(4) The provisions of this Code as to search warrants and searches thereunder shall so far as may be apply to a search made under this section. "

Detention of Persons

152. Section 126 empowers an Officer-in Charge of a Police Station or an inquirer to release an accused held in custody if there is not sufficient evidence or a reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate's Court. That section reads:

"126. If upon an investigation under this Chapter it appears to the officer in charge of the police station or the inquirer that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate's Court, such officer or inquirer shall if such person is in custody release him on his executing a bond with or without sureties as such officer or inquirer may direct to appear if and when so required before a Magistrate's Court having jurisdiction to try or inquire into the offence."

153. Sections 37 and 126A of the Code make certain very important provisions affecting accused persons the importance of which the Police and Magistrates do not appear to realise. The liberty of the subject and his right not to be detained in custody indefinitely without a charge being made before a Court of law is enshrined in these two sections. In recent times several instances of disregard of these provisions have been brought to light in the Courts. Police Officers who openly flout these laws are rarely punished by their superiors or by the Courts. The result is that the legal rights of the subject are denied and the subject is without a remedy.

154. Even Judges do not seem to be moved by long remands of persons against whom no charge has been laid. Unquestioningly and without any regard to the rights of the citizen they grant the applications of Police Officers for illegal remand after illegal remand extending in some cases for months. Human rights declared in enactments do not enforce themselves. Someone has to enforce them. . Our legal system lacks that someone and the weak and the poor who are denied their rights are left to suffer in silence. We have for that reason provided in the draft Police Act a provision making it an offence punishable with a fine not exceeding five hundred rupees or with rigorous imprisonments for a term not exceeding twelve months or with both such fine and such imprisonment to detain in custody an accused person beyond twenty-four hours.

155. Such a provision should serve as a deterrent to Police Officers who are inclined to transgress the law. But we think that a similar penalty should be provided in the Criminal Procedure Code for non-observance of Sections 37 and 126A and we have done so in our done amendments to the Criminal Procedure Code. Section 37 reads:

Person arrested not to be detained more than twenty- four hours

"37. No peace officer shall detain in custody a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate."

Section 126A reads:

Procedure when investigation cannot be completed in twenty- four hours.

"126A. (1) Whenever an investigation under this Chapter completed within the period of twenty-four hours fixed by Section 37 and there are grounds for believing that the information is well founded, the officer in charge of the police station or the inquirer shall forthwith transmit to the Magistrate having jurisdiction in the case a report of the case, together with a summary of the statements, if any, made by each of the witnesses examined in the course of such investigation relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused is forwarded under this section may, from time to time, by warrant addressed to the Fiscal of a province and to the superintendent of any prison in that province, authorize the detention of the accused in the custody of the Fiscal for a term not exceeding fifteen days in the whole.

The provisions of section 289A shall apply to every such warrant.

(3) If the Magistrate considers further detention Unnecessary, he may either withdraw the case from the inquire and himself try such case, or inquire into it with a view to committal, or may require the accused to execute a bond with or without sureties, to appear if and with so required

156. The maximum time allowed for detaining in police custody an accused arrested without a warrant is twenty-four hours. If an investigation cannot be completed within twenty-four hours of the arrest of the accused he must be produced before a Magistrate before the expiration of that time if there are grounds for believing that the information is well founded.

157. The Officer-in-Charge of a Police Station or an inquirer is required to transmit to the Magistrate a report of the case together with a summary of the statements if any, made by each of the witnesses examined in the course of the investigation.

158. The Magistrate is empowered by sub-section (2) to authorize the detention of the accused by warrant addressed to the Fiscal and to the Superintendent of any person In the Province for a term not exceeding fifteen days in the whole.

159, The imperative provision as to detention in sub-section (2) is today violated. The section only gives a Magistrate power to detain an accused for fifteen days in all, although he may remand him more than once as is indicated by the words "from time to time". Most Magistrates appear to act in the erroneous belief that an unlimited number of consecutive orders authorizing the detention of the accused for fifteen days at a time can

be made under this section. Why in this age when so much emphasis is laid on human rights and fundamental rights, Magistrates continue to make illegal orders of detention and why the Bar makes no protest against such illegal orders of detention baffles understanding. Even the Police Departmental Order recognizes that the total period of detention permitted by Section 126A cannot exceed fifteen days. It reads:

"Police should not expect accused to be kept on remand for more than a maximum of two weeks. Whenever a suspect is remanded by a Magistrate pending completion of inquiries and police inquiries are completed before such date on which the prisoner is to be next produced and further detention becomes unnecessary a report should be made to Court immediately so that an order may be made for the immediate release of the prisoner."

160. Despite this order daily applications for the remand of accused persons are made and granted over and over again long after the period of fifteen days has elapsed.

161. It is most unfortunate that the very functionaries appointed to keep watch and ward over the Police have failed to discharge their sacred function. Today accused persons are kept on remand for long periods, in some cases as much as two years. This is a scandalous state of affairs and the sooner Magistrates realise the extent to which they are by their illegal orders denying the liberty of the subject the better it is. Else one may justifiably ask : Quis custodiet ipsos custodes ? We hope that this practice will stop even now after we have drawn pointed attention to this state of affairs.

162. It is not as if the law had left unprovided for cases in which the Police fail to act diligently. Sub-section (3) empowers a Magistrate to inquire into a case himself were those whose duty it is to inquire are not diligent. It also empowers him, at the end of the fifteen days after which he has no power to remand accused person, to require and accused person to execute a bond with or without sureties to appear if and when required.

163. This provision is designed to safeguard the liberty of the subject and his fundamental right that he should not be detained without a charge. If the Police cannot at the end of 15 days after they have forwarded an accused person to a Magistrate present a charge against him, the law does not permit his detention. That right of the subject cannot be overemphasized and the observance of this provision will go a long way in reducing, the law's delays. The laxity of Magistrates to-day encourages the Police to delay prosecution and enables them illegally to keep innocent people behind bars on the ground that investigations are not over.

Speeding up Inquiries

164. The injunction laid down in Section 131 that every investigation under Chapter XII shall be concluded without unnecessary delay has in recent years come to be disregarded, and disregarded with impunity. There does not appear to be any urgency in carrying out investigations into crimes. This lack of a sense of urgency contributes in no

small measure to the miscarriage of Justice. Witnesses do not have perfect memories and the impression of what they saw and heard is bound to fade with the passage of time.

165. We have recast Chapter XII to eliminate the defects and abuses we have referred to above. Our new draft of Chapter XII is in Appendix XI.

The Department of the Government Analyst

166. Apart from the lethargic way in which the Police investigations are carried out, the failure of the Government Analyst to furnish his reports in time contributes to the delay of prosecutions in criminal cases.

167. The members of the Government Analyst's Staff Association who came before us stated that the delay in furnishing reports was due:

- {a) to there being no proper buildings to work in. They had to work in corridors. Of the space of 24,000 square feet required for their work they have only 10,000 square feet;
- (b) to the absence of modern equipment. resulting in greater time being, taken in analysis;
- (c) to their department being understaffed;
- (d) to the fact that there was no proper library; and
- (e) to there being not sufficient financial provision for their work.

168. To speed up the administration of justice the Analyst should be provided with what he needs in the way of buildings, men, equipment and books.

169. The Analyst is also burdened with a volume of work which could well be performed by a different set-up. This includes the examination of stolen bicycles for ascertaining their numbers, and the examination of opium and guns produced in Court. The witnesses who came before us were of the view men with lower qualifications than Science Graduates could be appointed to discharge these functions and that the Forensic side should be strengthened and employed exclusively for criminal legal work. Cases are postponed over and over again because the Analyst's reports have not been received. It is a sad reflection on an independent country that it has been unable to provide the wherewithal for ensuring that Justice is not delayed. It should be remembered that Justice delayed is Justice denied.

170. We recommend that the Analyst's Department be given the buildings men, equipment and books it needs for its work in connection with Court cases. This matter should be regarded as one of the highest priority.

The Law's Delays

171. Everyone is concerned with the march of crime in this country but no one seems to realize how much this march is accelerated by the failure of the State to speed up the administration of Justice. Too little attention is paid to it. Courts are not provided in places in which they are needed. Courts are housed in buildings inadequate and unsuitable for the administration of Justice. Courts are insufficiently staffed and ill-equipped. The public who attend the Courts on legal business or as witnesses are not provided with waiting, rooms. The retiring rooms of the Bar are poorly furnished and equipped. Judges are poorly paid. The inspection of Courts by Judges of the Supreme Court is not regularly carried out. Rules are not made made statutes which provide that rules should be made. The service that are part and parcel of the administration of justice, like the Police and the Analyst's Department, are unable to act with sufficient speed to prevent delay. A complete re-organization is needed.

172. A welfare state which sees to the needs of the common man should realize that administration of Justice, if not more important than any other vital service, such as Health, Education or the distribution of food, is at least important. The welfare of the state depends on the efficiency of its machinery of Justice. The finance needed for maintaining its efficiency should not be denied .

173. It is an old adage that Justice delayed is Justice denied. Criminal cases take far too long to come up for trial. There are several reasons for this delay. One of them is the inadequacy of staff on the part of such key departments as the Government Analyst's Department, and another is the absence of adequate supervision both by the Judiciary and by the higher officers of the Police Service.

174. The Judges of the Supreme Court rarely inspect the inferior courts although Section 8 of the Criminal Procedure Code expressly provides that the Judges of the Supreme Court in the exercise of their power of superintendence may inspect all inferior courts and give directions as to the keeping of the records thereof.

175. The supervisory powers of the Supreme Court if exercised would be of great assistance in checking and preventing the law's delays.

176. If the Judges are unable to spare the time needed for inspecting the inferior courts, the Supreme Court should be strengthened by the addition of two more Judges so that two of the Judges of the Supreme Court may devote their full time to the supervision of the inferior courts. The benefits to the public of such an arrangement would far outweigh the expense involved.

177. The rule-making powers vested in the Supreme Court in regard to many matters have not so far been exercised. Those powers include the power to make rules for the speeding up of the business of the Courts. The absence of such rules has in no small measure contributed to the delay in legal proceedings Perhaps the Judges are unable to find the time to draft rules under the various enactments which empower them at act. The

appointment of a legal draftsman to the staff of the Supreme Court will in no small way help the Judges to exercise their rule-making powers.

178. The amendments made to the Criminal Procedure Code in regard to the procedure to be observed in cases not triable summarily have also resulted in criminal trials being delayed. The Code (Section 165B) requires that instead of sending the record to the Attorney-General upon committal the Magistrate should forward it to the Court for trial and transmit to the Attorney-General a certified copy of it.

179. The lack of equipment such as typewriters in good order and the paucity of typing staff have resulted in the copy not being transmitted to the Attorney General for as much as two years in some cases. Such long delays are bound to affect a prosecution as the memory of witnesses is bound to fade with the passage of time.

180. Immediate steps should be taken to remedy this state of affairs. Either sufficient staff and typewriters should be immediately provided or the procedure that obtained before 1938 should be re-introduced. Under that procedure: immediately upon the conclusion of an inquiry if the Magistrate finds there are sufficient grounds for committing an accused for trial he was required to forward the records to the Attorney-General. (Section 157, Criminal Procedure Code 1898 to 1938).

181. If the Attorney-General formed the view that the case was one in which the accused should be indicted, he directed the committal of the accused for trial and forwarded an indictment and returned the record, which, after observing certain prescribed procedural steps, the Magistrate forwarded to the Court of trial with the indictment. .

182. If the finances of the State do not permit an immediate increase of staff and equipment of the inferior courts, we recommend that the law should be amended without delay.

183. While on the subject of the amendment of the law governing the committal of accused persons for trial by a higher court, it would be pertinent to refer to another aspect of the procedure which requires amendment.

Director of Public Prosecutions

184. The Attorney-General's role as public prosecutor which began in the colonial days is no longer compatible with the present constitutional set up. The time has come for the Attorney-General's functions of Public Prosecutor to be handed over to a Director of Public Prosecutions. The Attorney-General has many quasi-judicial functions to perform in regard to criminal proceedings. He is therefore unable to direct prosecutions in the same way as a Director of Public Prosecutions may. The absence of such a functionary is also disadvantageous from the Police point of view. It was sought to overcome this disadvantage by setting apart a number of Crown Counsel whom the Police may consult

direct without the usual formalities. For some time they were provided with Chambers in the Police Headquarters; but that arrangement no longer obtains. That arrangement is by no means satisfactory as Crown Counsel are representatives of the Attorney-General and their functions too have to be discharged with the same detachment as is expected of the Attorney-General.

185. With a Director of Public Prosecutions functioning, prosecutions can be speeded up and the Police act from the outset according to the instructions of the Director.

186. The Criminal Courts Commission which was appointed in 1950 and issued its report in 1953 examined this very matter and recommended the appointment of a Director of Public Prosecutions and appended a draft of the necessary legislation. It is regrettable that recommendation has not been carried out all these sixteen years. As that report is not readily available we quote below that portion of it which deals with the recommendation and the draft legislation proposed by that Commission:

48. " In dealing with the administration of the criminal courts, proposals that tend in any degree to lessen the sense of the responsibility of the individual citizen actively to assist in the day-to-day enforcement of the law should be critically examined before they are accepted." So said Sir Theobald Mathew, Director of Public Prosecutions, in a lecture delivered by him before the University of London. These remarks were made in connection with suggestions that the scope of the Department might be extended and the responsibilities of the Director increased. We can find no argument against the proposal to set up such a Department.

Such an appointment will not abolish the right of private persons to institute criminal proceedings and to conduct them with the assistance of lawyers of their choice. A large proportion of the cases filed in Magistrates' courts in this Island are what are commonly termed "private complaints". The private citizen will continue to exercise that right but the Director of Public Prosecutions will be able to exercise his influence in two ways. He will be entitled in the public interest to take over a private prosecution at any stage; and his consent will be required for the institution of certain proceedings. The former step may be taken to assist a private prosecutor by retaining a counsel or a proctor, or by authorizing, the payment of special expenses such as expert's fees and the cost of preparing evidence. The latter provision is necessary in order to prevent oppressive prosecutions.

49. In the case of the more serious offences the Police at present take action after making their investigations and collecting the necessary evidence. But there are weaknesses in the present system which should be eliminated as far as possible. The Police will surely benefit if there is some authority to which they can go for advice and assistance in difficult and important cases such as culpable homicide, rape, and grave sexual offences against children and young persons.

Not only will the Director have the duty of giving counsel in such cases, but the Police will be under a legal obligation to report such cases to him so that he may, if he thinks it advisable, take over the conduct of the prosecution. But the greater advantage will lie in the duty of the Director to institute, undertake and carry on criminal proceedings in 3 classes of cases:

- (1) all offences punishable with death,
- (2) offences which affect the community as a whole rather than any particular individual. when he considers his intervention is required,
- (3) all matters referred to him by a Government Department where he considers that criminal proceedings should be instituted. Owing to the legal necessity to report such cases to the Director this legal department will be kept informed of all grave crimes as they occur, and will assist in handling their prosecution.

50. We anticipate that there will result a considerable tidying up of the business of investigation and the later stage of presentation of cases in Court where serious crimes form the subject of the charge. The guidance of trained lawyers with the ability "to brush aside inessentials and drive to the heart of the case" will always be available. The Attorney-General does not now perform these important functions in the same way. We do not know whether it is because no duty is cast on the Police to consult him, or because the machinery does not exist in the Attorney-General's Department to carry out all his obligations which the Department of Public Prosecutions will fulfil. But the defect of the present set-up is that the Attorney-General does not in practice play a part in many cases which require handling by lawyers until after the inquiry in the Magistrate's Court has terminated. The Attorney-General will superintend the work of the Department of Public Prosecutions and the Director will be subject to any directions that the Attorney-General may decide to give him. But there is at present no particular branch of the Attorney-General's Department, whose officers give their undivided attention to the same functions as the new Department which we wish to see established. We think it essential that those functions should be performed by a distinct and identifiable authority whose rights and obligations will be definite.

The existence of such a separate Department will mean (1) that the Police could be advised, while inquiries are being made, as to the directions in which further inquiries should be made, (2) that the Police where they have made all the inquiries themselves, will make all the evidence available to the Department who will present the case in Court either themselves or through counsel specially engaged for that purpose, in cases of particular importance and difficulty.

If our proposals in this connection be adopted, some of the statutory functions now exercised under the Code may conveniently be delegated to the Director.

We believe that the establishment of a Department of Public Prosecutions under the general superintendence of the Attorney-General will considerably promote sufficient presentation of cases for the prosecution in non-summary inquiries; it will eliminate the delays which now occur when Crown Counsel discovers too late, i.e., after the stage of committal, that some essential evidence has not been led at the proper time; it will put an end to the practice by which the police are content to place all the conflicting evidence before the Magistrate, leaving it to some one else to decide at a later stage what should be presented at the trial as the case for the Crown ". In our opinion the prosecution should be in a position to state its case when the non-summary inquiry commences with as much precision as prosecuting counsel can when the actual trial commences.

51. The Director will exercise a watch over the course of prosecutions instituted in the Magistrates' Courts because he will be informed of any prosecution which has been withdrawn or is not proceeded with in a reasonable time. If there is a mala fide discontinuance of proceedings which should be continued, he will be entitled to proceed with them if it is in the public interest to do so. We believe that there are many advantages to be gained from such a Department. ultimately its success will depend on the confidence it inspires, and not merely on the increased efficiency in the handling of criminal matters. The public would like to feel that prosecution on grave charges will not be heedlessly launched; they would also like to see that grave crimes do not go unpunished because the earlier stages of the investigations or of the institution of criminal proceedings, were managed by incompetent hands or without adequate professional directions.

52. There has been in operation for some time a scheme whereby a certain number of Crown Counsel while continuing as members of the Attorney General's Department, function exclusively as legal advisers to the Police Department. Whether or not this scheme is to continue, it must in no way be regarded as carrying into effect our proposals for the independent establishment of a Department of Public Prosecutions. Each scheme is designed to fulfil an entirely separate purpose in the same way as, in England, the Solicitor to the Police Commissioner in London functions independently of the Director of Public Prosecutions. Indeed the practice in England is for the Police Solicitor himself to obtain advice from the Director in regard to all problems of sufficient magnitude and of general application.

53. We understand that until about a year ago Crown Counsel functioning as legal advisers to the Police were accommodated in the offices of the Police Department, and came to be regarded as members of the Department. This practice gave rise to some legitimate criticism, and we are very glad to hear that it no longer obtains. So long as a Crown Counsel retains his connection with the Attorney-General's Department, his professional activities should not be directed in such a manner as to create the false impression that he is in truth a "Police

lawyer". Such advice as he gives to the Police should be given in the name of the Attorney-General, and his work should come under the general supervision and direction of the Attorney-General.

54. It is very desirable, we think, that, even after the establishment of the Department of Public Prosecutions, the Police should continue to have the benefit of professional advice, and legal representatives, in cases which do not require the intervention of the Director. But we are not in favour of a system whereby a legal adviser to the Police Department should at the same time retain his connection with the Attorney-General's Department. If the services of a Crown Counsel are required as legal adviser to the Police, he should for the time being be seconded for service. This would be a better way of preserving the essential distinction between the true functions of the Departments concerned. There is no reason, however, why a Police Lawyer should not in the interests of economy, be instructed by the Department of Public Prosecutions to appear in Court on behalf of the Department in cases which it has undertaken.

" NEW CHAPTER XXXV A

A The Director of Public Prosecutions, his powers and duties

Office of Director of Public Prosecutions to assist Attorney-General.

"393A. (1) There shall be, in the Department of the Attorney-General, an officer to be called and known as the Director of Public Prosecutions (hereinafter referred to as "the Director").

(2) A person shall not be qualified to be appointed as the Director unless he is an Advocate of at least ten years standing.

(3) There may be appointed such officers as may be necessary for the purpose of assisting the Director to exercise and perform his powers and duties under this Act or any other law.

(4) The Director shall in the exercise and performance of his powers and duties under this Chapter or any other written law be subject to the directions, whether general or special, of the Attorney-General.

Power and duties of criminal proceedings

393B. (1) The Director may, on behalf of the Attorney- General, exercise, perform or discharge any power, duty or function vested in or imposed on the Attorney-General by this Code, other than the power of entering a NOLLE PROSEQUI or of pardoning an accomplice or of sanctioning appeal from acquittal.

(2) It shall be the duty of the Director to institute, under take or carry on criminal proceedings on behalf of the Attorney-General in the following cases, that is to say—

- (a) in the case of any offence punishable with death;
- (b) in any case referred to him by a Government department in which he considers that criminal proceedings should be instituted; and
- (c) in any case which appears to him to be of importance or difficulty or which for any other reason requires his intervention.

(3) Nothing in the preceding provisions of this section shall preclude any person from instituting, or carrying on any criminal proceedings if the instituting or carrying on of such proceedings by such person is authorized or permitted by any other section of this Code; but the Director may undertake at any stage the conduct of those proceedings if he thinks fit. Advice on criminal matters

393C. (1) The Director shall give advice, whether on application or on his own initiative, to the Police and other Government departments and to such other persons as he may think proper in any criminal matter which appears to him to be of importance or difficulty, and such advice may at his discretion be given either orally or in writing,'.

(2) The Director may authorize a pleader to act as his agent in the conduct of a prosecution and determine the fees to be paid to pleaders so authorized.

(3) The Director may assist prosecutors by authorizing the payment of special expenses, including the cost of preparation of evidence, and the payment of fees to coun sel and to scientific or professional witnesses if he is satisfied that such expenses are necessarily incurred for the proper conduct of any criminal proceeding.

Police reports to be made to Directors

393D. The Superintendent or Assistant Superintendent of Police in charge of any area shall, as respects offences alleged to have been committed within that area, report to the Director—

- (a) every offence punishable with death;
- (b) every offence in respect of which a prosecution is by law required to be instituted by or with the consent of the Attorney-General;
- (c) every cognizable offence in which the prosecution is fully withdrawn or is not proceeded with within a reasonable time;
- (d) every case in which a request for information is made by the Director;
- (e) every case in which it appears to such Superintendent or Assistant Superintendent that the advice or assistance of the Director is desirable;
- (f) every case of any other offence specified by the Attorney-General by order to be an offence in respect of which a report under this section is necessary.

Regulations as to Directors powers and duties

393E. (1) The Minister of Justice may make regulations containing all such incidental or supplementary provisions as may be necessary to enable the Director to exercise and perform his powers and duties under this Chapter.

(2) Every regulation so made shall be brought before the Senate and the House of Representatives for approval, and if so approved shall be published in the GAZETTE and come into operation upon the date of such publication.

Savings for power of Attorney-General

393F. Nothing in this Chapter shall be construed to be in derogation or restriction of the powers and functions of the Attorney-General under this Code or any other law.

187. We agree with the recommendations and the draft legislation except that in our view the Public Prosecutor's Department should be a separate department and not a branch of the Attorney-General's Department. The creation of a separate department will not in any way affect the functions of the Attorney-General. If on the ground of expense the creation of a separate department is not considered with favour we strongly urge that at least recommendation of the Criminal Courts Commission should be carried out

CHAPTER IX

INTERNAL SECURITY

Recruitment to the Security Service

188. An independent country has to guard its security. That requires a special set up which works mostly unseen. A Security Service which would include several branches of activity is a prime need. It now exists in the Criminal Investigation Department under different classifications. We recommend the establishment of a separate Security Service with a head of its own subordinate only to the head of the Police Service. The recruitment to such a service should proceed on lines different from those on which the ordinary police are selected. The training for such a service would also not be the same as the work is so different from the normal police work. Men of different qualifications would be needed and the age limits and educational and physical qualifications prescribed for members of the regular Police Service which we have recommended elsewhere would not be needed in the case of men of the Security Service.

189. The candidates will have to be hand-picked from either the Police Service or outside it, and should consist of both men and women, according to the needs of the Service. We, therefore, recommend that the conditions that govern the intake of men to the regular Police Service should not apply to the admission of men to the Security Service. The Police Service Commission, the establishment of which we recommend, has power to lay down the conditions governing the recruitment to such a Service. In view of the fact that the men who are to be selected from outside would join it at an age when they would not ordinarily, be able to qualify for a pension, we recommend that special pension rules as in the case of Judges of the Supreme Court or of the Judicial Service be provided (for those who are appointed from outside. Such a course would attract and help to retain men of the right calibre.

Other Considerations

190. The training of officers of the Security Service should be assigned to the Institute of Higher Training which we have recommended elsewhere. The courses of instruction and the direction thereof will be a matter for such expert "advice both from within and outside the country as it may be possible for the Police Service Commission to secure.

191. We also recommend that the Security Service should be placed under a Deputy Commissioner working under the authority of the Commissioner of Police. In order that there may be an outlet for men of the Security Service who do not come up to its exacting requirements, we recommend that those recruited to this service whether from within or outside the Force should be transferable to any other branch Or the Service. Salary scales will have to be fixed with due Consideration to the qualifications that candidates for such a service should possess.

192. It is necessary that the Security Service should have the co-operation and assistance of the other branches of the Police Service. The question of how the Security Service should liaise with the other sections of the Police Service will be a matter for detailed planning by the Commissioner of Police.

193. As at least some of the men of the Security Service should be familiar with the important living languages, we recommend that an allowance be paid to every member of the Service who attains proficiency in any living language other than Sinhala or Tamil. The quantum of the allowance payable for each language should be determined by the Police Service Commission.

CHAPTER X

STRENGTH, STRUCTURE, DESIGNATIONS AND PROMOTIONS

Strength

194. The sanctioned strength of the Police Force at the date of this report is -

- (1) Inspector - General
- (2) 5 Deputy Inspectors - General,
- (3) 120 Superintendents and Assistant Superintendents,
- (4) 11 Chief Inspectors,
- (5) 889 Inspectors and Sub - Inspectors,
- (6) 20 Sergeants Major,
- (7) 1,256 Sergeants,
- (8) 8, 253 Police Constables,
- (9) 3 Women Police Sergeants,
- (10) 47 Women Police Constables.

195. There are 266 Police Stations and 41 Police Offices excluding the Police Headquarters. The growth of the Police Force in the last ten years is shown in the table set out below:

Sanctioned Cadre

	58-59	59-60	60-61	61-62	62-63	63-64	64-65	65-66	66-67	67-68	
I.G.P	1	1	1	1	1	1	1	1	1	1	
D.I.GG.		5	5	5	5	5	5	4	4	4	4
D.I.G. Admin.	-	-	-	-	-	-	-	1	1	1	1

S.PP/A.S.PP.	108	109	109	109	110	110	110	110	120	120
C.II.	11	11	11	11	11	11	11	11	11	
I.PP/S.II.	747	761	761	761	783	783	791	791	889	889
S.MM.	20	20	20	20	20	20	20	20	20	
P.SS.	1,129	1,129	1,129	1,129	1,134	1,134	1,134	1,134	1,256	1,256
P.CC/P.DD.	7,272	7,422	7,672	7,672	7,701	7,701	7,951	7,951	8,841	8,841
W.P.SS/W.P.CC.		43	43	43	43	50	50	50	50	50
	50									
W.T.OO.	130	130	130	130	130	130	130	130	130	130
Total	9,466	9,631	9,881	9,881	9,945	9,945	10,203	10,203	11,323	11,323

196. With the expansion of the inhabited areas it will be necessary to increase the number of Police Stations and of the men needed to man them. Hitherto uninhabited areas are being opened up and there is a movement of population from the congested areas to those new colonization schemes. It is necessary that those new areas should be adequately policed.

197. We, therefore, recommend a planned programme for establishing new Police Stations in new and growing areas. To mention a few such places, Police Stations should in our view be opened up in Uggal Kaltota, Medirigiriya, Tanamalwila, Panamure and Kebitigollewa. The opening of new Police Stations should not be done as in the past without adequate preparation. As Crown land is available in newly opened areas the Police Station should be built on Crown land and quarters should be provided for the officers and the rank and file having due regard to the needs of married as well as unmarried men. In this regard we must say that we were impressed with the lay-out of some of the new Police Stations built by the Gal Oya Development Board. Amparai should serve as an example. It can be improved upon. When a new Police Station is being planned the needs of the future as the area expands should be kept in view. Adequate space should be reserved for expansion.

198. It was urged that the strength of the Force should be determined on the basis of population, one Constable to a thousand head of population. We are unable to agree with that view. We think that the strength of the Service should keep pace with the changing needs of peace, order and good government and the security of the State.

199. The difficulty in the past was that the sanctioned number of posts were not filled. Vacancies should not remain unfilled, but should be promptly filled.

200. We recommend that the strength be increased as and when new Police Stations are established. The strength of a station already established should not be weakened by drawing police personnel from it to staff new stations

Structure

201. The total strength of police personnel at Headquarters staff now numbers 68 comprising the following:—

Deputy Inspectors-General	5
Superintendents and Assistant Superintendents of Police	11
Chief Inspectors, Inspectors and Sub-Inspectors	10
Police Sergeants	12
Police Constables	17
Police Drivers	7
Women Sergeants and Constables	6

202. The rest of the personnel of the Service is distributed throughout the Island as shown in Appendix XII.

203. The Police Stations are classified into five grades A, B, C, D, and E according to their relative importance. A classified list of the Police Stations appears in Appendix XIII.

204. We have considered the question of whether for administrative purposes it would be better to bring the Deputy Heads of the Service nearer to the level of the people by dividing the Island into three broad regions and stationing centrally in each of them a Deputy Head who would exercise the powers of his office with closer control of the staff under him, and also ensuring to the people of each area closer accessibility to him. We consider that at the level at which a Deputy operates and having regard to the functions he performs, there would be greater advantage in locating him at the centre itself, available for close consultation with the Head of the Service.

205. It would appear to us that the posts of Superintendents of Police are the real key positions for effective administration and for the exercise of the many police functions which immediately concern the public.

206. We observe that the North-Western Province, the Northern Province, the Sabaragamuwa Province, the Uva Province and the North-Central Division are each at present in charge of a single Superintendent. We consider that every one of these areas is too large for efficient administration by one person and accordingly recommend that more than one Superintendent be placed in charge of each of these areas.

Designations

207. The Service in our view should consist of a head and such number of Deputies, Superintendents, Assistant Superintendents, Chief-Inspectors, Inspectors, Sub-Inspectors, Sergeants Major. Serr of Deputies, Superintendents, Assistant Superintendents, Chief-Inspectors, Inspectors, Sub-Inspectors, Sergeants Major. Sergeants and Constables as may be fixed from time to time by Parliament.

208. The designation of the present head is Inspector-General of Police and that of his deputies Deputy Inspectors-General of Police.

209. At the time the present Police Ordinance was enacted the head of the Police Service was designated the Chief Superintendent of Police and the other officers were designated Provincial Inspectors, District Inspectors, Sergeants and Constables.

210. In 1866 by Ordinance No. 7 of that year the designation Chief Superintendent of Police was altered to Inspector-General of Police. The designations Provincial Inspector and District Inspector were altered to Provincial Superintendent and Assistant Superintendent of Police respectively. By that same enactment a new rank of Inspector was introduced.

211. The designation Provincial Superintendent appears to have undergone further change to Superintendent. The Police Ordinance does not authorize the officer of Chief Inspector which now exists. That designation is not authorized by law.

212. The demand for change of designation of the head of the Force flows from the public objection to the Police Service having anything to do with a designation savouring of military significance. Although the designation "General" is used in connection with the head of the Attorney-General's Department, the head of the Audit Department, the head of the Post Office, the head of the Survey Department, and the head of the department charged with the work of registration of Lands, Births and Deaths, there has been no clamour for change of those designations. It is because of the public dissatisfaction with the attitude of the members of the Police Department, both of the officers and of the rank and file, that there has been a demand for a change of designation in the hope that such a change might bring about a change in the attitude towards the public. Although it is change in the outlooks that is needed and not a change in the titles, we think that in this instance the views of the public should be treated with the regard they deserve.

213. The Soertsz Commission had to consider this same question and came to the conclusion that the designation Inspector General of Police should be altered to Commissioner of Police. That Commission took into consideration certain observations made by a British Commission appointed in 1929 to report on the British Police. The words quoted by the Soertsz Commission bear repetition and we set them out below:

" The police of this country have never been recognized, either in law or by tradition, as a Force distinct from the general body of citizens. Despite the imposition of many extraneous duties on the police by legislation or administrative action. the principle remains that the policeman is, in the view of the common law, only a person paid to perform as a matter of duty acts which, if he were so minded, he might have done voluntarily. Indeed a policeman possesses few powers not enjoyed by the ordinary citizen, and public opinion expressed in Parliament and elsewhere has shown great jealousy of any attempt to give increased authority to the Police. This attitude is due, we believe, not to any distrust of the Police as a body, but to an instinctive feeling that, as a matter of

principle, they should have as few powers as possible which are not possessed by the ordinary citizen and that their authority should rest on the broad basis and active co-operation of all law-abiding people. At the same time it must be realized that there are certain duties of a special nature which, if they are to be entrusted to the Police and adequately performed by them, require the grant of special powers ".

214. We agree with the recommendation of that Commission that the designation Inspector-General of Police should be changed to Commissioner Police and that the Deputies should be known as Deputy Commissioner Police.

215. None of the witnesses who came before us submitted a case for a change of the other designations. The Soertsz Commission recommended that the designation Superintendent of Police be changed to Provincial /inspector and that the designation Assistant Superintendent of Police be changed to District Inspector.

216. As a Superintendent of Police is not necessarily in charge of a whole Province the designation Provincial Inspector would not be suitable. Similarly an Assistant Superintendent of Police would not necessarily be in charge of a District so that the designation District Inspector would not be appropriate. There are Superintendents in charge of Provinces and parts of Provinces and in some instances of various units and activities of the Police Service. Similarly Assistant Superintendents are in charge of units less than a District and of units of the Service and various activities. We, therefore, do not recommend a change in the designations superintendent of Police and Assistant Superintendent of Police.

Promotions

217. The subject of promotions has been a matter of complaint for a long time. It came up for consideration before the Soertsz Commission, which recommended a Promotions Board of five with a quorum of not less than three, consisting of the Inspector-General of Police as Chairman, a senior Ceylonese Superintendent, a District Judge or a retired District Judge, a senior member or a retired member of the Civil Service, or a law officer or a retired law officer and a member selected from the general public.

218. The Board recommended by the Commission was never constituted. If it had been constituted the grievances of the members of the Service would have to a great extent been redressed. The general complaint is that favouritism plays a great part in promotions and that those who do not curry favour with those in power do not receive their promotions. This complaint was voiced by the Constables and Sergeants who gave evidence before us. The Inspectors' Association also expressed their dissatisfaction with the present system. It was also stated that political influence too comes into play in the matter of promotions.

219. The present system is not the same in regard to all ranks. The promotion of the Constables to the rank of Sergeant and of the Sergeants to the rank of Sub-Inspector is

decided by the Inspector-General of Police on a delegation by the Public Service Commission under Section 61 of the Ceylon (Constitution) Order in Council. To assist him in the task he appoints an ad hoc Selection Board when, there are vacancies to be filled. The Selection Board consists of three Gazetted Officers one of whom is a Deputy Inspector-General of Police who is also its Chairman

220. The promotions from the rank of Sub-Inspector and above are made by the Public Service Commission itself

221. The existing system has not earned the confidence of the Service, especially those in the rank of Constable and Sergeant. There are no special rules governing the promotion of Assistant Superintendents and Superintendents. In their case their promotions are decided according to the rules governing all public servants. The rule is that in considering the claims of officers for promotion, merit and ability shall be taken into account as well as seniority and official qualifications.

Constables

222. The grievance of the Constables is that they are debarred from promotion unless a file known as the 'Sergeants' Class File is opened, on the orders of a Provincial or District Superintendent.

223. Departmental Order A5 prescribes that for the opening of a Sergeants' Class File the candidate for promotion should—

- (a) have a minimum of five years' service;
- (b) have a good record of service with good conduct;
- (c) be reliable and have a reputation for honesty;
- (d) be able to keep and check the Information Book and enter registers at the Station from the Information Book;
- (e) be free from debt and pecuniary embarrassment;
- (f) be physically fit and take a keen interest in police activities; and
- (g) in the case of Constables in the Finger Print Bureau have passed the proficiency examination in the elementary grade in finger printing.

224. Although the Departmental Order provides that a Sergeants' Class; File should be opened on the direction of a Provincial or Divisional Superintendent the decision that such a file should be opened rests almost entirely in the hands of the Inspector in charge of the Police Station to which the Constable is attached. He has to initiate the step by recommending to the Superintendent that a Sergeants' Class File be opened in respect of a particular Constable. We affix the form of such a file as Appendix XIV hereto. The file is kept at the Police Station at which the Constable is for the time being serving.

225. The weight of evidence before us is that such a file is not generally opened unless the Constable is of a type that is submissive, will fetch and carry for the Inspector, carry tales to him, attend to his household work, take the children to school, train his dogs, and

do his marketing. There is also evidence that even after such a file is opened it is closed at the whim and fancy of the Superintendent and that there is no redress against such arbitrary decisions.

226. A Constable in respect of whom a file has been opened should have good reports for twelve consecutive months before he is qualified to sit for the Sergeants' examination. The subjects of examination are General Knowledge, Elementary Law as contained in the Constables' Manual and Police Orders as contained in the Constables' Manual, the Police Gazette, and Departmental Orders. Those to be promoted as Sergeants are selected, according to the number of vacancies, from among those who have passed the examination. When vacancies exist in the rank of Sergeants the Inspector-General of Police asks the Officers-in-Charge of Provinces and Divisions to send up the names of those whom they recommend for promotion from among those who have passed the Sergeants' Examination. They are chosen upon the recommendation of a Provincial Selection Board consisting of the Officer-in-Charge of the Province or Division and the Officer-in-Charge of each Station. When the Officers-in-Charge of the Provinces send up the names, the Inspector-General of Police appoints a Selection Board consisting of three Gazetted Officers one of whom is a Deputy Inspector-General of Police who is also the Chairman of the Board. From among those recommended by the Board the Inspector-General selects those who are fit to undergo a course of instruction at the Training school for the rank of Sergeant

227. The training is for a period of two months. At the end of the course the Director of Training will report to the Inspector-General of Police on each of the candidates as regards his work, conduct and fitness for promotion to the rank of Acting Sergeant. The Inspector-General of Police appoints those recommended as Acting Sergeants. They have to act for one year and are confirmed at the end of that period if their work and record justify such confirmation. Those who do not qualify for confirmation are given an extension of one year. If they do not reach the required standard at the end of the extended period they are reverted to the rank of Constable.

228. It was stated that those who by various devices earned the goodwill of the superior officers received quick promotions, while those who insisted on their rights and did their duty and did not seek to placate their superiors did not receive their promotions in due time

229. Persistent reference was made by Constables to so-called 'Intelligence Sheets' which every Constable is required to maintain as a day-to-day record of the information gathered by him which would be material to the detection and prevention of crime in his area. A specimen intelligence sheet appears in Appendix XV. These intelligence sheets are treated as a measure of a Constable's efficiency for purposes of promotion to higher grade.

230. It has been urged before us that the intelligence sheet record is used by errant Inspectors in charge of stations as a device to prevent files being started for those whom

they do not favour. Accordingly, in order to build up a case against such officers they are assigned duties which do not enable the gathering of 'intelligence' or 'information' adequate to impress superior officers, whilst those who are favoured are given daily duties which enable them to build up for themselves impressive intelligence sheets.

231. It was emphasized that the system which requires a Constable to fill an intelligence sheet makes him dishonest as he is forced to fabricate cases in order to show that he has detected crimes even when he has not. The view that the intelligence sheet should be abolished was universal. We agree that it serves no useful purpose and recommend that it be abolished. We recommend that instead every Constable be provided with a diary in which he should be required to record daily every incident of significance. That requirement should serve as a check on idlers. We recommend that the system of intelligence sheets be done away with and we do hope that our recommendation will be acted on, if it has not already been done on the publicity which has been given to the evidence before us on this matter.

232. Every Constable has a Service Register in which all acts of good conduct are entered. That should serve as a guide to his merit as a Constable.

Sergeants

233. The promotion from the rank of Sergeant to that of Sub-Inspector is also dependent on the opening of a 'Sub-Inspectors' Class File'. Such a file is opened on the orders of the Deputy Inspector-General of the Range For such a file to be opened a Sergeant should—

- (a) have a minimum of five years' service as a Sergeant;
- (b) have a good record of service with good conduct;
- (c) be reliable and have a reputation for honesty;
- (d) be capable of conducting a complicated inquiry and ably present the case to Court;
- (e) have a thorough knowledge of parade and physical training;
- (J) have the ability to command a body of men;
- (g) be free from debt and pecuniary embarrassment;
- (h) be able to take charge of a small station;
- (i) be physically fit and keenly interested in Police activities; and
- 0) in the case of a Sergeant from the Finder Print Bureau, have passed the advanced Grade Examination in Finger Prints.

234. Sergeants with Sub-Inspector's Class Files who have twelve consecutive satisfactory monthly reports will be eligible to sit for the Examination Promotion. The subjects of examination are—

- (a) General Knowledge;
- (b) Law; and
- (c) Police Orders.

235. Those who pass the examination are selected for training in the same manner in which Constables are selected for training as Sergeant. After selection they are trained at the Training School for two months. They considered fit for promotion are appointed Acting Sub-Inspectors and training for a further month after they have been given the uniform of a Sub-Inspector. They are appointed as Acting Sub-Inspectors on one year's probation. At the end of that period those who are found to be fit are confirmed in their appointments. Those who at the end of the training of two months are found to be unfit for promotion are sent back.

Sub-Inspectors

236. The rule governing the promotion from the rank of Sub-Inspector to Inspector is that no Sub-Inspector who has been recruited direct can become an Inspector unless he has been a Sub-Inspector for eight years and, in the case of a Sub-Inspector promoted from the ranks, unless he has held that office for seven years.

237. One year before the due date for promotion the officer concerned is required to bring to the notice of the Superintendent or Assistant Superintendent under whom he works the fact that his promotion is due in a year's time. The Superintendent or Assistant Superintendent is required to open a progress file in which are recorded all particulars regarding the officer. Those who are recommended as fit to run a 'C' grade station are considered by a Board consisting of all the Deputy Inspectors-General at a personal interview. Those found fit to run a 'C' grade station are sent to the Police Training School for a period of instruction and training for two months. At the end of the two months they are required to sit for an examination in Law, Police Orders, Musketry, Tear gas and Crime Investigation. Those who fail in not more than two subjects are permitted to sit once more for the subjects they have failed in. The Inspector-General is also empowered to promote a Sub-Inspector who has failed on account of his advanced age or because he has had no experience of field work owing to circumstances beyond his control. The results, together with the Director's recommendations and the respective Progress and Training files, are sent to the Deputy Inspector-General (Administering), who recommends to the Inspector-General those candidates whom he considers fit for promotion from among those who have passed the test.

Examinations for Promotion

238. The bulk of the evidence in regard to all promotions was to the effect they should be by examination and examination alone: It was impressed Upon us by the witnesses that the examination should not be conducted by the Department. They asked that it be conducted by the Examinations branch of the Education Department. The Police Department examinations command the confidence of the examinees. We agree with the view that there should be an examining body which commands the confidence of examinees. The existing procedure should not continue. It was urged by every witness from the ranks that the main test of promotion should be a qualified examination and that every confirmed Constable should be eligible to sit for that examination. Promotions

should be made in order of merit regardless of seniority and according to the vacancies in each year. Serious objection was made to a suggestion that a Selection Board should select these to be promoted from among the successful candidates.

239. At the examination for the promotion of Constables to the rank of Sergeant, the subjects of examination should be:

- (a) Sinhala—2 papers;
- (h) English—2 papers;
- (c) Tamil—2 papers in the case of those who are Tamils and I paper in the case of those who are not Tamils;
- (d) Penal Law, Criminal Procedure, Police Act and Regulations made hereunder—I paper;
- (e) Law of Evidence—I paper; and
- (f) General Knowledge—2 papers.

240. The standard should be high. and no Constable who does not get 50 Per cent in each subject and 60 per cent in the aggregate should be eligible for promotion.

241. In the case of the promotion of Sergeants to the rank of Sub-Inspector we recommend that the subjects of examination should be:

- (a) Evidence Ordinance—I paper;
- (b) Penal Laws other than the Penal Code—2 papers;
- (c) Penal Code and Criminal Procedure Code—2 papers;
- (d) General Knowledge pertaining to Ceylon—1 paper;
- (e) Geography of Ceylon—I paper; and
- (f) Public information—I paper.

The pass mark in each subject should be 60 per cent and in the aggregate 75 per cent. Arrangements for these examinations should be made by the Police Service Commission, in consultation with the Council of Legal Education the Attorney-General and the Department of Examinations.

242. In the case of Sub-Inspectors there is no examination at present for promotion to the rank of Inspector, but if the principle that has been applied in the case of Constables and Sergeants is to be applied in their case too, there should be an examination for promotion from that rank to the rank of Inspector Such an "examination will tend towards greater efficiency on the part of the: Force. The subjects for examination should be

- (a) Police Act—2 papers;
- (b) Penal Code—2 papers;
- (c) Criminal Procedure Code—2 papers;
- (d) Penal Statutes other than the Penal Code and the Police Act—2 paper;
- (e) Evidence Ordinance—2 papers;
- (f) General Knowledge—I paper;
- (g) Elements of Civil Law—Persons and Property, Contracts and Tots— 2 papers;

- (h) Election Law—I paper;
- (i) Constitutional Law of Ceylon—I paper; and
- (j) The Machinery of Justice—I paper.

Arrangements for this examination too should be made by the Police Service Commission in consultation with the Council of Legal Education, the Attorney General and the Department of Examinations. The emphasis should be on the practical aspects of each of these subjects.

243. The standard of examination should be high and no one who fails to score 60 per cent in each paper should be regarded as having passed the examination. The vacancies should be filled in order of merit, and once a candidate has passed the examination he need not pass the examination a second time. An examination I should be held only when all those who have passed at the previous examination have been promoted. Those who fail the examination should be permitted to sit for it a second or a third time. Thereafter they will not be entitled to compete.

244. Promotion from the rank of Inspector to that of Assistant Superintendent of Police is at present determined by selectionably the Public Service Commission from among those in charge of 'A' Grade Stations. We do not consider this a satisfactory procedure, There are 38 'A' Grade Stations and the number of vacancies each year is not even a tenth of the number of 'A' Grade Stations.

245. We consider that an officer's proficiency in Law and other branches of knowledge which an officer of the rank of Assistant Superintendent of Police should possess should be tested at an examination before he is given that rank.

246. The subjects of examination should be

- (a) Penal Code and other Penal Laws—2 papers :
- (b) Criminal Procedure Code—2 papers;
- (c) Evidence Ordinance—2 papers;
- (d) Civil Law—2 papers;
- (e) Election Law—both Parliamentary and Local Government—I paper;
- (f) Ceylon Constitution—I paper;
- (g) General Knowledge -I paper;
- (h) Police Act and the regulations made thereunder—2 papers:
- (i) Official Language—2 papers;
- (j) Tamil Language—I paper; and
- (k) English Language—I paper.

Arrangements for this examination too should be in the hands of the Police Service Commission acting in consultation with the Council of Legal Education, the Attorney-General and the Department of Examinations.

247. The standard of examination should be high and the pass mark should not be less than 75 per cent in each paper.

248. All those who satisfy the examiners should be eligible for promotion in order of merit. If More candidates than the number of vacancies available pass the examination in any one year no examination for filling vacancies should be held till all the successful candidates have been promoted. This would make it unnecessary for a candidate who has once reached the required standard to sit for the examination a second time. Those who fail the examination should be permitted to sit for it a second or a third time. Thereafter they should not be eligible to sit.

249. The promotion from the rank of Assistant Superintendent of Police to that of Superintendent of Police and from the rank of Superintendent of Police to that of Deputy Commissioner should be made by the Police Service Commission without an examination as and when vacancies occur. In such promotions merit should be the criterion and not seniority.

250. No member of the Police Service who has not received the approval of the Police Service Commission to sit for a promotion examination should be eligible to sit for it. and in the case of those who have passed the examination there should be continued good conduct up to the time when their promotion are to take place. |

The Police Service Commission should prescribe and notify the nature of the good conduct that the Commission would take into account in granting approval and the nature of the bad conduct that would disentitle a member of the service from receiving approval.

CHAPTER XI

ALLOWANCES

251. The allowances that are now paid to members of the Police Service can be classified under the following heads:—

- (1) Allowances paid to officers of a special rank or grade.
- (2) Allowances paid to officers holding specified posts or performing special duties.
- (3) Allowances paid to all members of the Police Service.

Allowances to Officers of Special Ranks

252. We shall now proceed to discuss these various categories and make our recommendations. Under (1) may be grouped the following:—

- (a) Gazetted Officers Temporary Allowance (Emergency)

The present rate of payment of this allowance is as follows:—

	Per mensem Rs. c.
Assistant Superintendent of Police	100. 0
Superintendent of Police	135. 0
Deputy Inspector-General of Police	170. 0
Inspector-General of Police	200. 0

This allowance was introduced in 1957, to satisfy the agitation by officers of the Gazetted ranks for a salary increase. It can no longer be called 'temporary' as the allowance has been paid for the past 11 years. As the salaries of these officers have not yet been revised the allowance should, in our view, continue till the salaries of these officers are revised and brought into force. Till then the allowance should be called "The Gazetted Officers' Interim Allowance". In view of the considerable rise in the cost of living since this allowance was first introduced in 1957, it should be increased.

The increase in the cost of living is large enough to warrant a liberal revision of this allowance. We, therefore, recommend the following allowance under this head:—

	Per mensem Rs. c.
Asst. Superintendent of Police (Permanent and Probationary)	150 0
Superintendent of Police	200 0
Deputy Inspector-General of Police	250 0
Inspector-General of Police	300 0

Before we part with the subject of the Gazetted Officers' Temporary Allowance (Emergency) we wish to observe that the considerations which influenced the grant of this temporary allowance to Gazetted Officers apply equally to officers of other ranks. No salary increase have been granted to officers of other ranks and it is but just and reasonable that they too should be given a Temporary Allowance till their salaries are revised to be in keeping with the present cost of living.

We, therefore, recommend for the other grades of Police Officers a Temporary Allowance (Emergency) at the following rates:—

	Per mensem Rs. c.
Chief Inspector	125 0
Inspector	100 0
Sub-Inspector	75 0
Sergeant	50 0
Constable	25 0

(b) Gazetted Officers Uniform Allowance

This is a monthly allowance of Rs. 25 paid to Gazetted Officers, viz. the Inspector-General of Police, the Deputy Inspectors-General, the Superintendents, and the Assistant Superintendents of Police for procuring and maintenance their

uniforms. The maintenance and replacement of the uniform of a Gazetted Officer throughout his official life has to be done at the officer's expense. Having regard to the present price of the quality of material that is required for making these uniforms, the allowance of Rs. 25 per mensem seems insufficient. We recommend that the present uniform allowance be doubled, and that the officers concerned be paid Rs. 50 a month.

(c) Gazetted Officers Outfit Allowance

This is an allowance paid only to a Probationary Assistant Superintendent of Police. On appointment he gets an outfit allowance of Rs. 1,000 to enable him to provide himself with the uniform and other equipment needed for his office. During the probationary period the monthly allowance is not paid but at the end of that period the confirmed Assistant Superintendent becomes entitled to the uniform allowance. We do not recommend a change in this allowance as no evidence as to its inadequacy has been placed before us.

- (d) (i) the Plain Clothes Allowance
(ii) The Compensatory Allowance

These allowances are paid to Chief-Inspectors, Inspectors, Sub-Inspectors, Sergeants and Constables of the Police Service, the nature of whose duties requires them not to reveal their identity as Police Officers. They have in consequence to wear civil clothes which they have to provide themselves. The officers serving in the Special and Investigation Branch of the Criminal Investigation Department and the Bribery Department fall into this category. The allowance is in consequence known as the Plain Clothes Allowance. This allowance has been revised from time to time. The last revision was in 1955. The present rate is as follows:—

	Per annum Rs. c.
Inspectors and Sub-Inspectors	120 0
Police Sergeants and Constables	90 0

Having regard to the prices of textiles and the cost of tailoring, which have both risen considerably since 1955, this allowance appears to us to be inadequate, and in our view should be substantially increased. In a Report dated 9th April, 1956, made to the Secretary to the Treasury by Mr. John Attygalle, when he was Inspector-General of Police he recommended the following rates:—

	Per annum Rs. c.
Inspectors and Sub-Inspectors	300 0
Police Sergeants and Constables	275 0

In support of his recommendation he said:

"These Officers have to move about in different attire at different times to suit the nature of the work assigned to them. and keep their identity undisclosed throughout their investigations.

We agree with Mr. Attygalle, and we recommend the rates of allowance proposed by him.

(e) Compensatory Allowance

The compensatory allowance is paid as compressional to those officers who work in situations in which they are unable to earn rewards awarded from the Police Reward Fund. We have received no representations that the allowance paid under this head is insufficient. We, therefore do not recommend an increase of the present rates, which are as follows:—

	Per mensem Rs. c.
Inspectors	40 0
Sub-Inspectors	30 0
Sergeants	10 0
Constables	6 0

(f) Good Conduct and Good Service Allowance

the former of the above allowances is paid to Constables alone, but the latter to Constables as well as Sergeants.

The present rates of the Good Conduct Allowance which is paid for uninterrupted good conduct are as follows:—

	Per mensem Rs. c.
After 2 years	2 0
After 4 years	4 0
After 8 years	6 0
After 12 years	8 0
After 16 years	10 0
After 20 years	12 0

The payment of this allowance is governed by Departmental Order B.5, which is reproduced in Appendix XVI. The Order needs redrafting as it is clumsily worded.

So long as a Constable does not receive a punishment which is entered in the Service Register his conduct is regarded as good. When a Constable becomes liable to a punishment which is one that has to be entered in the Constable's Service Register his good conduct is interrupted thereby. By uninterrupted good conduct thereafter for the prescribed period he may regain the allowance he forfeited. The period of uninterrupted good conduct prescribed for regaining a forfeited good conduct allowance half that required for earning it in the first instance.

The Constables who gave evidence before us emphasized the inadequacy of this allowance. This allowance, as in the case of other allowance, needs revision. The Inspectors' Association has suggested the following scale:—

	Per mensem Rs. c.
After 2 years	5 0
After 4 years	10 0
After 8 years	15 0
After 12 years	20 0
After 16 years	25 0
After 20 years	30 0

While we agree that the rates should be increased, we have formed view that for each year of good conduct there should be a rise in the amount of allowance, the accordingly recommend the following scale:—

	Per mensem Rs. c.
After 2 years	4 0
After 3 years	6 0
After 4 years	8 0
After 5 years	10 0
After 6 years	12 0
After 7 years	14 0
After 8 years	16 0
After: 9 years	18 0
After 10 years	20 0
After 11 years	22 0
After 12 years	24 0
After 13 years	26 0
After 14 years	28 0
After 15 years	30 0
After 16 years	32 0
After 17 years	34 0
After 18 years	36 0
After 19 years	38 0
After 20 years	40 0
After 21 years	42 0
After 22 years	44 0
After 23 years	46 0
After 24 years	48 0
After 25 years	50 0

(g) Good Service Allowance

A Good Service Allowance is an allowance paid to Constables who have earned the Good Conduct Allowance for over 25 years, and have an unbroken period of five years good conduct after the grant of the last Good Conduct Allowance. The Good Service Allowance is Rs. 15 per annum which is added to

the salary on which the office's pension is computed. For such prolonged Good Conduct: Rs. 15 annum is far too small a reward. The Good Conduct Allowance of a Constable who continues to show good conduct after 25 years should be converted to a Good Service Allowance of Rs. 50 which should be added to his pension.

Sergeant-Major and Sergeants can also qualify for Good Service Allowance. Their Good Service Allowance is the same as that of a Constable. This allowance is also taken into account in determining their pension. For or these officers too the Good Service Allowance should be Rs. 50.

The Good Service Allowance can be withdrawn for disgraceful conduct even after the officer has retired. What constitutes 'disgraceful conduct' is not defined, but is left to the decision of the Deputy Inspector-General of the Range, who has to decide whether the act: for which the officer has been punished falls within the meaning of the expression disgraceful conduct. In our view what is disgraceful conduct should be defined, and not left as at present to be decided in each case by the Deputy Inspector - General of the Range. We recommend the following definition':—

'Disgraceful conduct' means conduct which lowers the officer in the esteem of others. It includes the following acts:—

- (1) insubordination by word, act or demeanour;
- (2) incivility or offensive conduct to any member of the public;
- (3) knowingly making or signing any false statement in any official document or book;
- (4) wilfully making any false, misleading or inaccurate statement in any official document or book;
- (5) destroying or mutilating any official entry therein in any official document or book;
- (6) improperly using his character and position as a Police Officer for his private advantage;
- (7) whilst on duty drinking or soliciting any intoxicating liquor;
- (8) conviction by a court-of law for a crime or offence, or, though not convicted, being dealt with under the provisions of section 325 of the Criminal Procedure Code for an offence which has been proved or in respect of which a plea of guilt has been tendered;
- (9) dishonesty;
- (10) sleeping whilst on sentry duty or night duty;
- (11) disobedience of orders;
- (12) grave misconduct and misbehaviour;
- (13) gross carelessness about Government money or Government property;
- (14) negligence in the performance of his duties;
- (15) misuse or abuse of the powers of a Police Officer;

- (16) helping another to gain his object unlawfully under the shield of his official authority;
- (17) shielding an offender or wrong doer from the process of law;
- (18) making a false return or representation to a court of law; and
- (19) any other conduct not specified herein which in the opinion of the Police Service Commission is disgraceful conduct.

While it is desirable that a Constable should be rewarded for bravery; in arrest, and rescue from fire or drowning, or any other act that calls for recognition, it would be a misnomer to classify such acts under Good Conduct. They should be classified under a heading such as Distinguished Conduct or Bravery, for a Constable who is not earning a Good Conduct Allowance may nevertheless well distinguish himself by bravery in arrest or by rescuing a person from fire or drowning. The Departmental Order also contains the following:—

"Good Conduct Allowance will be paid to Constables for extra ordinary good conduct, bravery in arrest, rescue from fire or drowning etc."

"Allowances for this will be granted by the Inspector –General Police only in exceptional cases."

"Allowances granted under rule 1 (ii) will be forfeited only for crimes of turpitude and then only by the Order of the I.G.P."

This Departmental Order has been badly drafted. Turpitude is not a crime. Apart from that we see no valid reason for confining an award under this head to Constables. An officer of gazetted rank, an Inspector, Sub-Inspector or Sergeant who displays bravery in arrest or rescues a person from drowning should be equally eligible.

For distinguished conduct an officer should be given a reward in keeping with the prowess shown or the risks run by him. Rewards for distinguished conduct should be paid out of the Police Reward Fund.

We recommend a maximum reward of Rs. 1,000 and a minimum reward of Rs. 100 for each act of distinguished conduct. The decision of the amount of reward should be left to the Rewards Committee which is constituted by the draft Police Act.

The other allowances under the first head are the following allowances paid to Constables and Sergeants:—

- (i) Allowances paid to those who have gained the First Aid Badge;
- (ii) Allowances paid to those who have gained the First Aid Medal;
- and
- (iii) Allowances paid for Special Efficiency.

(h) First Aid Allowance

Sergeants-Major, Sergeants, Constables, Women Police Sergeants, Women Police Constables, and Police Drivers are paid an allowance of Rs. 15 per annum on obtaining the First Aid Badge and Rs. 30 per annum on obtaining the First Aid medal. The exacting conditions that have to be satisfied in order to earn the Badge and the Medal demand that those who gain them should be adequately rewarded. The present allowances are utterly inadequate. We recommend an allowance of Rs. 50 per annum for the Badge and Rs. 100 per annum for the Medal.

(i) Allowance paid for Special Efficiency

This allowance is paid to Sergeants and Constables for high efficiency in special duties, such as Fixed Point Duty, in the Colombo Division, Telephone Operator Duty, Reserve Duty in the Colombo Division, Specialized Duties in the Harbour Police, and Special Service in the Depot.

The allowance paid under this head is Rs. 2 per mensem to a Constable and Rs. 3 per mensem to a Sergeant. An allowance for special efficiency should not be so meagre as these allowances are at present. We recommend that they be increased as follows —

	Per mensem Rs. c.
Fixed Point Duty in Colombo Division	15. 0
Telephone Operator Duty	10. 0
Reserve Duty in the Colombo Division	20 0
Specialized Duties in the Harbour Police	25 0
Special Service in the Depot	10 0

Allowances to Officers holding Specified Posts or Performing Special Duties

253. We shall now proceed to discuss the second of the above heads, viz. 'Allowances paid to Officers holding specified posts or performing Special Duties. Under this head fall officers holding the following posts:—

	Per mensem Rs. c.
(a) The Registrar of Finger Prints .	100 0
(b) Supervising Inspectors	60 0
(c) Sub-inspectors	40 0
(d) Advanced Grade Officers	30 0
(e) Elementary Grade	15 0
(f) O. 1. C., Central Garage	100 0
(g) O. 1. C., Radio Branch	125 0
(b) Magazine Keeper Sergeant, Kandy	10 0
(i) Drill Sergeants	10 0

These allowances were fixed in 1911 and revised from time to time. The final revision was in October 1955. Like all other payments to officers of the Police Service, they call for revision. These payments are made in order that they may serve as an inducement to the officers to remain in their posts for a reasonable period of time without seeking transfers to other spheres of work.

We agree that it is in the public interest to ensure that officers performing duties for which a special skill is required should remain in their posts for a reasonable length of time. The experience so gained enables them to perform their respective tasks better.

We, therefore, recommend that these allowances be increased as follows:—

	Per mensem Rs. c.
(a) Registrar of Finger Prints	150 0
(b) Supervising Inspectors	90 0
(c) Sub-Inspectors	60 0
(d) Advanced Grade Officers	45 0
(e) Elementary Grade	22 50
(f) O. I. C., Central Garage	150 0
(g) O. I. C., Radio Branch	187 50
(h) Magazine Keeper Sergeant, Kandy	15 0
(i) Drill Sergeants	15 0

Under the head of officers performing special duties there should be included the Officer-in-Charge of the armoury at the Police Depot and also all member of the Mounted Police. The former office involves highly technical work requiring special knowledge and skill. It is important that an officer who acquires such special knowledge and skill should remain in his post for reasonable length of time. To attract to and retain in this post capable men we recommend the payment of a monthly allowance of Rs. 100. The latter category of officers are to-day not paid any special allowance although they perform duties involving special skill and training. It was pointed that remaining in the Mounted Police resulted in a loss of the chances of promotion. In order to attract to and retain in this branch efficient horsemen for a reasonable length of time we recommend that officers be paid a monthly allowance of Rs. 100 and that Sergeants and Constables be paid an allowance of Rs. 50 per mensem. In fixing the above allowance we have taken into account the fact that it is not every man that has the aptitude for good horsemanship.

In our second Interim Report we have dealt with the allowances that should be paid to Police Officers holding posts in the Police Training School. We recommended therein the following allowances:—

	Per mensem Rs. c.
Superintendent in charge of the I Training School	350 0
Assistant Superintendent charge of the Training School	300 0
Inspectors	200 0
Sergeants	100 0
Constables	50 0

Chief Lecturer	250 0
Other Lecturers	200 0
Others attached to the Police Training School for the performance or duties other than lecturing	100 0

Allowances paid to all Members of the Police Force

254. We now come to the third of the above categories of allowances. The following allowances come within its ambit:—

- (a) Cost of Living Allowance and Special Living Allowance,
- (b) Rent Allowance, and
- (c) Travelling Allowance which includes transport, lodging and subsistence allowance.

- (a) Cost of Living Allowance and Special Living Allowance

Although the Cost of Living Allowance and the Special Living Allowance fall within the class of allowances paid to all members of the Police Force, we do not propose to deal with those two allowances as they are paid to the entire public service at the same rate. Any variation, in those allowances would automatically apply to the members of the Police Service.

- (b) Rent Allowance

Although the rent allowance is also an allowance paid to all public officers at the rate of 8 1/2 per cent of their basic salary in the case of unmarried officers and 17 per cent in the case of married officers, it calls for special treatment in regard to the Police Service as all Police Officers of the grade of Chief-Inspector and below are entitled to free quarters (D.O. A4)—Appendix XVII.

Not all officers so entitled are provided with quarters. Those not provided with quarters are now paid a rent allowance at the following rates:—

+U. C.
*M. C or & V. C.
+T. C.

		Rs. c.	Rs. c.	Rs.c
(a) Chief-Inspectors and Inspectors	(Married)	100.0	80.0	66.0
	(Bachelors)	50.0	40.0	30.0
(b) Sub-Inspectors, Acting Sub-Inspectors and Sergeants-Major	(Married)	80.0	70.0	54.0
	(Bachelors)	50.0	35.0	30.0
(c) Sergeants and Constables	(Married)	50.0	40.0	33.0

	(Bachelors)	25.0	20.0	13.75
(d) Maximum enhanced rental in exceptional cases	(Married)	150.0	125.0	100.0
payable to O.I.CC of Police Stations and	(Bachelors)	—	—	—
O. I. CC of substations				

We have set out above the present rates of rent allowances paid to such officers. There is overwhelming evidence before us that these allowances are utterly inadequate in the present shortages of houses. Deputation after deputation of Constables have stated that the rents they pay are far above the allowances they receive. Although there is a law which regulates rents and which makes it penal to pay or receive a rent above the prescribed rent, that law is openly flouted even by Police Officers, as they would not otherwise be able to obtain a house to live in. A state of affairs in which even Police Officers are compelled to break the law openly is deplorable and should be brought to a speedy end. Laws which do not take existing facts into account should not be enacted as the respect for the law is not enhanced thereby. On the contrary law is brought into disrepute by the enactment of laws which even those whose duty it is to enforce them are compelled to infringe openly, and with the acquiescence of their superiors.

Until all officers entitled thereto are provided with free quarters a rent allowance, which is more realistic than those now obtaining, should be paid. The Inspector's Association suggested the following rates of payment;

	U. C. or M. C. T.C. V. C.		
	Rs. c.	Rs: c.	Rs. c.
Chief-Inspectors, Inspector sand Cub-Inspectors	250 0	200 0	150 0
Sergeants	100 0	85 0	75 0
Constables	90 0 ⁰	70 0	60 0

 * M. C = Within a Municipal Council area.
 + U: C. = Within a Urban Council area.
 ++1-. C. = Within a Town Council area, .
 &V. C = Within a Village Council area.

We are unable to agree entirely with the submissions of the Inspector's Association. Having regard to the evidence before us and the acute shortage of hours that now prevails, and is likely to prevail for a long time to come, we recommend that the actual rent paid by the officers be paid to him as rent allowance in lieu of official quarters. But where the actual rent exceeds the rates given below which we recommend as the maximum rent allowances to be paid, the officers will have to bear the extra amount:

	M. C. Area Rs. c.	U. C. Area Rs. c.	T. C. Area Rs. c.	V. C. Area Rs.c. .
Chief-Inspectors; Inspectors and Sub-Inspectors	250 0	200 0	175 0	150 0
Sergeants and Constables	125 0	100 0	85 0	75 0

Officers not entitled to free quarters receive a rent allowance at the same rate as other members of the Public Service. Officers who receive rent allowance are:

The Inspector-General of Police
Deputy Inspectors-General
Superintendents of Police
Assistant Superintendents of Police.

They receive an allowance of 17 per cent of their basic salary if married and if unmarried half that rate. Where officers of the above category are allowed to occupy Government bungalows they have in addition to foregoing their rent allowance to pay 6 per cent of their basic salary, as in the case of other Government Servants who are allowed to occupy houses owned by the State. We are unable to recommend any change in the above rent allowances or rent payments as these apply to all public servants regardless of the Service in which they are.

(c) Travelling Allowance

This includes transport allowance, loading, and substances while away from the station on duty. This allowance is best considered rank by rank of the Service and allowance by allowance:

(i) Transport Allowance

Constables and Sergeants	No Transport Allowance	
Sub-Inspectors, Inspectors and Chief-travelling	Commuted	monthly
Inspectors	allowance	
Assistant Superintendents, Superin-travelling	Commuted	monthly
tendents, Deputy Inspectors-General and Inspector-General	allowance	

(ii) Lodging Allowance

	Per night Rs. c.
Constables and Sergeants	2 50
Sub-Inspectors, Inspectors and Chief-Inspectors	3 0
Assistant Superintendents, Superintendents, Deputy Inspectors-General and Inspector-General	3 0

(ii) Subsistence Allowance

	Per day	
	Rs.	c.
Constables and sergeants	6	50
Sub-Inspectors, Inspectors and Chief-Inspectors	10	0
Assistant Superintendents, Superintendents, Deputy		
Inspectors-General and Inspector-General	10	0

These rates are paid if the officer is away from his station for twelve hours or more. In the case of absence for less than that period the payments are at the following rates:—

Between 6 and 12 hours half subsistence
Less than 6 hours no subsistence.

The evidence before us is that these rates have no relation whatsoever to the present cost of living, or the charges made at resthouses and reputable hotels which have in the last few years increased by leaps and bounds. Officers, especially of the higher grades, are unable to get lodging or food at the rates now paid.

The Inspectors' Association submitted that the rates should be increased as follows:—

	Lodging for a night		Subsistence	
	Rs.c.		Rs. c.	
Constables and Sergeants	3.0		10	0
Sub-Inspectors, Inspectors and Chief-Inspectors	5.0		15	0
Assistant Superintendents, Superintendents, Deputy	5.0		15	0
Inspectors-General and Inspector-General				

The evidence before us proves beyond any doubt that the present rates are far too low. They should have been revised long ago. A Police Officer's duties are such that when away from his home station he should not be forced to seek the hospitality of those among whom he happens to be for the performance of his duty. When the allowance is so poor he cannot without being out of pocket occupy lodgings in keeping with his status in the Service or the importance of the duty he has to perform. In those circumstances the inducement to accept hospitality from interested persons is too great for the average officer to resist. Such a situation affects the officer's sense of detachment, and is likely to place temptation in his way and lead to corruption.

The submissions of the Inspectors' Association are a substantial advance on what now obtains, but in view of the rising cost of living we wish to modify those rates as follows:—

Lodging Subsistence

for a night

	Rs. c.	Rs. c.
Constables and Sergeants	5 0	10 0
Sub-Inspectors, Inspectors and Chief-Inspectors	15 0	20 0
Assistant Superintendents, Superintendents, Deputy Inspectors-General and Inspector-General	20 0	30 0

In the case of practically all the recognized hotels and many resthouses even the rates we recommend are insufficient for lodging and subsistence. As the resthouse and hotel charges are not uniform throughout the Island an officer should be paid his actual expenses where they are more than the rates prescribed above provided they are vouchsafed by official receipts. Resthouse and hotel rates are well known and there can be no reason for making requisitions which are untrue.

New Allowances Recommended

255. So far we have discussed the allowances that are now paid to members of the Police Service. We shall now proceed to consider whether any new allowances should be recommended. The Constables who gave evidence pleaded for the following new allowances:—

- (a) Allowance for having to work round the clock, and for loss of week-end holidays and public holidays;
- (b) Allowance for the risks the rank and file and officers such as Inspectors and Sub-Inspectors run in performing their day-to-day' duties; and
- (c) Allowance for laundering, mending and polishing.

(a) Extra Duty Allowance

The evidence before us has made it clear that in view of the special nature of his duties a Police Officer is unable to benefit by the weekly holidays and public holidays other public servants enjoy. His hours of duty also are not fixed. He can be called on duty at any time of the day or night, and the eight-hour day which other public servants are familiar with is not available to him. Often he has to work round the clock. The arduous nature of a Police Officer's life finds no recognition in the way of a bonus or allowance, and has been a source of considerable discontent. As Police Officer do not have trade-union rights, and the Sergeants and Constables do not have an organization for voicing their grievances, this discontent does not manifest itself in a form that the public or the State would sit up and take notice of. It is fortunate that Police Officers have all these years performed their duties despite their hardships.

It is not in the public interest that a group of public officers, however devoted to their duty they may be, should- be required to work such long hours and, without even the satisfaction of some monetary reward, forgo the leisure which other public officers enjoy. Some of the witnesses who came before us felt that the occasional outburst of Police

violence on unfortunate persons charged with offences may be the result of irritability caused by the pent up dissatisfaction or suppressed discontent. The Inspectors' Association, who have examined this matter, suggest a monthly allowance of Rs. 150 in the case of Officers-in-Charge of Police Stations and Rs. 100 for other Inspectors and Sub-Inspectors.

We are of the view that Police Officers of the rank of Constable, Sergeant, Sub-Inspector and Inspector should all receive a monthly allowance called the

Extra Duty Allowance at the following rates:—

	Per mensem' Rs. c.
Constables	30 0
Sergeants	50 0
Sub-Inspectors and inspectors in-charge of Police Stations	100 0

These allowances would in a measure, small though they be, compensate the men for the loss of weekly and public holidays. These allowances should be paid only when an officer is on duty. When he is on leave he should not be entitled to the allowance. If the period of leave is less than a month, for every day of leave a proportionate amount should be deducted.

(b) Risk Allowance

There is no gainsaying that the fact that Police Officers who are out in the field are exposed to various risks. The risk is greater in the case of the rank and file, and less as the rank of the officer rises. It was urged that officers should be compensated by a monetary allowance for the risks they run in carrying out their duties. We agree with that view and recommend the payment of a monthly risk allowance of Rs. 15 to Constable and Sergeants, and Rs. 10 to Sub-Inspectors and Inspectors.

Officers posted to duties that do not involve the risks that those in the field are exposed to should while performing those duties not be entitled to the risk allowance. We have in mind the officers attached to such departments as the Finger Print Bureau, the Police Training School, the Police Central Garage, the Radio Branch and other departments where the officers are not exposed to the danger to life or limb.

(c) Lawndering, Mending and Polishing Allowance

We wish to deal with the representations made to us by the members of the Service who do not receive such an allowance. They are Chief Inspectors, Sub-Inspectors, Sergeants and Constables. They are supplied with uniforms by the Government.

On joining as a Constable the recruit gets:

- (a) four khaki tunics,
- (b) four pairs khaki shorts,
- (c) two slouch hats,
- (d) one numeral,
- (e) one clothes brush,
- (f) one boot brush,
- (g) two pairs puttees,
- (h) one pair shoulder titles,
- (i) three pairs stockings, black,
- (j) one armlet,
- (k) one kit rug,
- (l) one kit box,
- (m) one padlock and key,
- (n) ten large and ten small buttons,
- (o) one leather belt With union plate and pouch,
- (p) one whistle and chain,
- (q) one pair belt-hooks,
- (r) one baton,
- (s) one blue overcoat,
- (t) two banians, Cotton,
- (u) one pair deck-shoes, brown canvas
- (v) one pair boots' black,
- (w) one pair shoes, black,
- (x) two ribbons " Ceylon Police",
- (y) leather linings for slouch hats, and
- (z) collars for tunics.

After he passes out of the Training School: the Constable receives -

- (a) two tunics or one bushcoat and one tunic per annum,
- (b) two pairs shorts per annum,
- (c) one slouch hat per annum,
- (d) one pair of puttees every two years,
- (e) two pairs of stockings every six months,
- (n) two banians every six months,
- (g) one pair deck-shoes, brown canvas, every six months.
- (b) one pair black boots every ten months, and
- (i) one pair black shoes every ten months.

On appointment or promotion as Sub-Inspector the officer receives:

- (a) one slab tunic,
- (b) one pair slacks,
- (c) three khaki shirts,
- (d) three pairs khaki shorts,
- (e) three pairs kahki stockings,
- (f) two caps, infantry,

- (g) one raincoat, khaki,
- (h) one badge for cap
- (i) one pair shoulder titles,
- (j) one pair shoulder cords,
- (k) two chromium-plated stars,
- (l) ten large buttons,
- (m) twenty small buttons,
- (n) two belt-hooks,
- (o) one belt, brown leather,
- (p) one whistle and chain, and
- (q) two pairs shoes.

On passing out of the Training School a Sub-Inspector receives the following additional articles:—

- (a) one khaki tunic,
- (b) one pair khaki slacks,
- (c) two white suits,
- (d) one ceremonial head-dress, and
- (e) one pair shoulder cords.

Thereafter each year Chief-Inspectors, Inspectors and Sub-Inspectors receive:

- (a) four suits,
- (b) shirts, shorts and stockings issued in lieu of tunics and trousers at the rate of one pair of shorts, one shirt and one pair of stockings for each suit. The maximum number of stockings one may receive is three pairs.

Sergeants get no special uniform. In their case too the replacements are the same. It has been represented that an allowance should be paid to meet the expense of laundering, mending and polishing. We think that the request reasonable under the conditions prevailing to-day, and having regard to the ever increasing charges of laundry and polish. We recommend the payment of a monthly allowance of Rs. 25 to Chief-Inspectors Inspectors and Sub-Inspectors, and Rs. 15 to Sergeants and Constables. With the grant of this allowance the issue of shoe polish to Constables and Sergeants may be discontinued as this allowance should enable them to buy the polish.

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CHAPTER XII

COMPENSATION FOR INJURY

256. The provision of the Police Ordinance in case of injury suffered while performing police duties and the regulations made thereunder have been criticised as being vague and indefinite and not serving the purpose for which they are designed. We have, therefore,

substituted in the draft Police Act a new provision which removes the difficulties complained of.

257. The old provision reads:

"28A. (1) The Minister may, with the concurrence of the Minister of Finance, make regulations providing for the establishment and operation of a scheme for the grant of compensation to any police officer who is permanently totally or partially disabled, or to the legal heir or heirs of any police officer who is dead, in any case where such disablement or death, as the case may be, is due to any injury—

- (a) received by such officer, without his own negligence, in the actual discharge of his duties and on account of circumstances specifically, attributable to the nature of his duties, or
- (b) received by such of officer as a result of any act of reprisal occasioned by, or arising out of, any action taken by him in his capacity as such officer.

Such regulations may provide for the principles, exceptions, restrictions and conditions according, and subject, to which such compensation will be granted and for all other matters necessary or expedient for the establishment and operation of such scheme. Such regulations may make different provisions in respect of police officers who are members of the Special Police Reserve and police officers who are not such members.

(2) No regulation made under the preceding provisions of this section shall have effect until it is approved by the Senate and the House of Representatives, and notification of such approval is published in the Gazette.

(3) Any regulation made under the preceding provisions of this section may be given retrospective effect as from a date not earlier than the fourth day of February, 1948.

(4) Any compensation granted in accordance with regulations made under the preceding provisions of this section shall be a charge on the Consolidated Fund of Ceylon.

(5) Where in any case a dispute arises as to whether or not compensation is payable or as to the amount of compensation payable under any regulations made under the preceding provisions of this section, such dispute shall be referred to the Minister for decision by the Inspector-General of Police and the decision of the Minister, made with the concurrence of the Minister of Finance, on such reference shall be final and conclusive and shall not be subject to question or review in a court of law,

(6) Any compensation granted in accordance with regulations made under the preceding provisions of this section in respect of the disablement or death of a police officer shall be in addition to any pension, gratuity compensation, allowance, or other benefit, granted in respect of such disablement or death under the Minutes on Pensions.

(7) For the purposes of this section "police officer" shall include a police driver."

258. "Any police officer who suffers any injury which has arisen out of and in the course of his employment shall be compensated at the rates prescribed in Schedule (1) hereto.

SCHEDULE (I)

Table showing the basis of computation of compensation for permanent total disablement

Rank-	Basis of Computation
1. In the case of a constable or police driver who has, in the grade which he was serving at the time he received the injury which resulted in his disablement, earned—	
(a) five increments or less than five increments	His last monthly salary multiplied by seventy-two.
(b) more than ten increments, but not more than fifteen increments	His last monthly salary multiplied by sixty-six.
(c) more than fifteen increments	His last monthly salary multiplied by sixty.
2. In the case of a Sergeant who has, in the grade in which he was serving at the time he received the injury which resulted in his disablement, earned—	
(a) ten increments or less than ten increments	His last monthly salary multiplied by sixty.
(b) more than ten increments	His last monthly salary multiplied by fifty-four.
3. In the case of a Sub-Inspector, Inspector or Chief Inspector	His last monthly salary multiplied by fifty four

4. In the case of an Assistant Superintendent, Superintendent, Deputy Inspector-General or the Inspector-General	Rupees twenty-three thousand five hundred and seventy-five Rs. 23,575.
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For the purposes of computation of compensation under this Schedule

"monthly salary " shall include the cost of living allowance and the special ,,,,,,,allowance, but no other allowance.

List of injurics deemed to result in permanent partial disablement

Injury	Percentage of the amount of compensation for permanent total disablement
Loss of right arm above or at the elbow	70
Loss of left arm above or at the elbow	60
Loss of right arm below the elbow	60
Loss of leg at or above the knee	60
Loss of left arm below the elbow	50
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger, other than index finger	5

Note :- Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of any limb or member."

259. The evidence disclosed the fact that there was no statutory provision for the payment of compensation for injury till the introduction of Section 28A in 1962.

Even after the Section was introduced no regulations were made thereunder till 1964. Claims for compensation were therefore held up owing to absence of regulations under the section.

260. Our draft section gives every officer of the Police Service a right to compensation at prescribed rates for an, injury Which has arisen out of and in the course of his employment.

261. Even after the regulations were made there were considerable delays in administratively deciding claims for compensation. We have, therefore, constituted a Compensation Board with power to entertain direct and decide all claims to compensation for injury.

CHAPTER XIII

HOUSING

262. We wish to discuss this matter under two heads, viz, :
Police Stations,
Quarters for Members of the Service

Police Stations

263. There are 262 Police Stations in the Island. Of these, 154 are housed in Government buildings, and 108 are in buildings which have been rented out. Most modern of these Police Stations in Government buildings are at :

1. Ambalangoda
2. Amparai
3. Anamaduwa
4. Anuradhapura
5. Damana
6. Borella
7. Central Camp
8. Gampaha
9. Gampola
10. Inginiyagala
11. Kalutara
12. Kaluwanchikudy
13. Kuliyaipitiya
14. Maradana
15. Maskeliya
16. Matara
17. Medawachchiya
18. Narammala
19. Samanthurai
20. Slave Island
21. Trincomalee
22. Udupussellawa
23. Uhana
24. Vellavelly

25. Welikada.

264. It was brought to our notice that some of the stations which are in Government buildings are in a very unsatisfactory condition. The buildings are old and old-fashioned, and need replacement. Although representations have been made to the Government in regard to their state, no effective action has been taken so far. The stations in this condition are:

1. Akkaraipattu
2. Ambalantota
3. Anuradhapura Police Office
4. Batticaloa
5. Beruwala
6. C.I.D. Technical Branches
7. Deraniyagala
8. Dehiwela
9. Dikwella
10. Galle
11. Horowpotana Police Post
12. Hatton
13. Kilinochchi Police Office
14. Kegalle Police Office and Station
15. Kuchchaveli
16. Kuruwita
17. Kamburupitiya
18. Moratuwa
19. Matara Police Office
20. Narahenpita
21. Police Headquarters
22. Puttalam Police Station and Office
23. Rambukkana
24. Trincomalee
25. Tissamaharama
26. Valaichchenai
27. Wadduwa
28. Wattala.

265. It is not satisfactory that a Police Station should be housed in a private building. The owner of such a building, especially in a provincial town, would be regarded as a person able to exercise some influence over the Police. The owner would himself expect the Police to recognize his position as landlord and show him favour or special consideration. Therefore, it is necessary that within a reasonable time all Police Stations now housed in private buildings should be housed in buildings put by the State. As there are 108 stations in private buildings, we suggest that a twenty-five year building programme be planned and carried out. Such a programme would involve the

construction of not more than five stations a year and be well within the capacity of the State finances. They should be modern in design and have regard to the needs of the Service, of the public and of those detained in the custody of the Police.

266. Several witnesses pointed out that Police Stations are furnished in a most unwelcome fashion, that suitable furniture for the public is never provided, and that the public are required to sit on benches while Police Officers sit on chairs. It was also pointed out that in some Police Stations even the Police Officers had to sit on improvised seats such as packing cases. The members of the public who gave evidence before us deplored this manner of treating the public whose co-operation the Police was nevertheless anxious to have. We, therefore, recommend that all Police Stations be immediately furnished adequately and provided with chairs.

Quarters for Members of the Service

267. Under the topic of Rent Allowance we have dealt with the question of quarters for Police Officers and the need to pay adequate rent allowances till suitable quarters are provided. Even where quarters are provided, in some instances they are unfit for human habitation.

Special Allowance for Hardship in Living Conditions

268. We have it in evidence, which is also borne out by our observations at stations such as Batticaloa, that some of the accommodation officially provided to both married and unmarried officers is far from satisfactory and is less than of minimum standard. This applies more particularly where the Police Stations are housed in old private buildings or were established long ago, and these buildings have now become almost uninhabitable. At these stations the accommodation is often inadequate, leading to severe congestion and crowding beyond description. The rooms are ill-ventilated, the roofs are almost beyond repair, and the provision for cooking food and for the amenities of dining, washing and bathing is virtually primitive.

269. In Batticaloa, which is the provincial centre of the Eastern Province and the headquarters of the Police for provincial activity, officers live in corridors and outer verandahs, each with no more space than just enough to place a bed with walking space round it. The kitchen and the dining room are within a few feet of a row of latrines primitively serviced with buckets. Both the kitchen and the dining room were teeming with flies at the time of our visit.

270. We consider it most unsatisfactory that officers officially provided with accommodation should be compelled to suffer such conditions. There is no effective answer except to provide, and that with utmost speed, new accommodation adequate to serve present and future needs, at all stations where unsatisfactory living conditions exist.

271. The barracks attached to the following stations have been referred to in evidence as overcrowded and in a deplorable state and call for immediate attention : -

Avissawella
Bandarawela
Bandulla
Cinnamon Gardens
Foreshore
Galle
Hatton
Jaffna
Kandy
Kotahena
Modera
Moratuwa
Panadura
Slave Island
Wellawatte
Wellampitiya

272. We have recommended above that a planned programme to provide the Police with quarters, having due regard to the future development of the Force should be forthwith prepared and carried out in about 15 years, Although that period may seem too long, if such a programme had been planned when we achieved independence, by now a large number of unsuitable quarters would have been replaced.

273. During the tenure of office of Sir Richard Aluvihare as Inspector-General of Police a determined effort was made to provide, at least in Colombo, those entitled to free quarters with quarters. Between January 1947 and May 1955 the following quarters were provided :-

Flats for Constables and Sergeants { 144 at the Depot, and
40 at Borella

274. In the following provincial towns quarters are provided :-

Amparai
Anuradhapura
Galle
Jaffna
Kandy
Kurunegala
matara
Nuwara Eliya
Polonnaruwa

275. The number of officers entitled to quarters and not provided and the number provided with them at the time of writing are reflected in the following table :-

	Number provided with quarters	Number of married men in occupation of single men's barracks for want of quarters	Number of bachelors in occupation of single men's barracks	Number not provided with quarters
Chief- Inspectors	5	nil	nil	6
Inspectors	184	12	12	480
Sub-Inspectors	102	11	88	
Sergeants	469	74	101	609
Police Constables	1,261	632	2,833	3,527
Police Drivers	100	38	116	334

276. The above figures show that the Government has hopelessly failed to discharge the obligation imposed on it by the very regulations it has made. Every endeavour should be made to fulfil this obligation without further delay. A programme extending even over a period of 15 years should be drawn up and rigidly adhered to. The Public Works Department, which is the builder for the Government, will not be able to undertake this building programme. The work should, therefore, be entrusted to the State Engineering Corporation or to reliable contractors of the private sector. The money spent on such buildings would, in course of time, be repaid by a progressive reduction in the allowances paid to the officers who are not provided with quarters.

Quality of New Buildings and Maintenance

277. It is necessary to observe that the workmanship of some of the newly erected buildings, particularly where they have been constructed by the Land Development Department, probably in great haste, leaves much to be desired. The timber used is of poor quality and unseasoned. The carpentry and the masonry work are both inferior. We consider that the erection of buildings in this manner is a serious loss to Government and that measures should be taken to ensure proper workmanship.

278. At the same time we must observe that the maintenance of some of the new buildings leaves a great deal to be desired. The gutters and drains are neglected. The electrical fittings are not properly maintained. The toilets and bathrooms are far from being in efficient working order. The showers and water carriage system are in disrepair.

279. The senior Police Officers on their inspections should pay particular attention to these conditions. Every station should carry an adequate allocation of funds for maintenance of its buildings.

Police Lock-ups

280. In many of the Police Stations located in private buildings the police lock-up is virtually a dungeon without ventilation except through the one and only heavily barred entrance. The air does not flow through and often reeks with the smell of urine and other odours. Particularly in the dry zone, persons confined in these lock-ups must suffer inhuman hardship. The general appearance of every lock-up is that of a dog kennel. This came home to us forcefully, when in fact at the Inginiyagala Police Station we actually found the Inspector's dog kennelled in the lock-up of the station.

281. In the designing of lock-ups in the new Police Stations we consider that a reasonable degree of comfort, consonant with the needs of security, should be provided, bearing in mind that persons arrested and placed in lock-ups are presumed to be innocent.

The Effect of Poor Housing

282. The gravest aspect of poor conditions of housing is that such unclean and unhealthy conditions of living must have equally unclean and unhealthy effects on the minds of the officers who are committed to such living. Some of the unhealthy attitudes and perversities of the Police which have been referred to in evidence before us may well have been generated by the inescapable frustration of day-to-day living in squalor, such as we have seen at Batticaloa

CHAPTER XIV

UNIFORMS

283, Departmental Order BI describes the uniforms of each rank of the Police Force. It is reproduced in Appendix XVIII.

Discussion of Evidence

284. It was urged by some of the witnesses both from the general public and from the Police Department that the colour of the uniform should be changed as it was the same as that of the Army uniform. The policeman's khaki is to-day not the same as the Army Khaki; but even if there were no marked difference the wearing of khaki by itself would not make a person ill-mannered and rude and inclined to belabour and torture those who come to the Police Station and those whom they arrest. The postman who wears the same khaki is not pugnacious or offensive. He is quiet and well conducted and shows no tendency, to attack those who have business with him. In fact the khaki-wearing postman

attracts the public because of his good nature while the khaki-wearing Constable repels the public because of his surly nature and overbearing manner. It is the man's nature and manner that bring about this result and not the colour of his uniform.

The two cartoons in the local newspapers reproduced in Appendix XIX depict the image of the Constable in the public mind.

285. One argument adduced for the change was that a policeman can today be mistaken for a postman and vice versa. Though both officers wear uniforms of the same colour it is rarely that the ordinary man would mistake one for the other because the attitude of the policeman leaves no room for such a mistake. This argument we are unable to accept and we see no reason for a change of colour in the police uniform on that ground. Much stronger grounds would be needed before a change in colour could be recommended, especially on account of the great expense which such a change would involve.

286. Apart from the colour several other changes were advocated. The Constables urged that the slouch hat be replaced by a peak cap, that the belt and tight neck tunic be done away with, and that puttees should be given up. They urged that there should be no marked difference in the uniform of the Constables and that of the Officers.

287. In regard to the head gear we think the crash proof helmet which is now worn by the Traffic Policeman may be a good substitute for the slouch hat. It would also act as a protection against an attack with clubs and stones.

288. We agree that the objection to the prescribed wearing of puttees is reasonable as we do not think they are either useful or ornamental.

289. There was also an objection raised to the prescribed wearing of boots; but we are unable to agree. Boots are now required to be worn only on ceremonial parades. Shoes can be worn on all except ceremonial occasions. We, therefore, make no recommendation for a change in the footwear.

290. The use of the leather belt was also objected to. We are of opinion that objection is reasonable. No leather belt is required to be worn with the bush coat which is also permitted. With that coat a cloth belt may be worn. We recommend that both the leather and the cloth belts be done away with.

291. The subject of uniforms was considered by the Soertsz Commission also but that Commission too saw no ground for recommending a change in the colour of the uniform. They were however of the view that the Crowns, Stars and Sam Browne belts could be done away with

292. We are in agreement with that view. Instead of Bars, Stars, Crowns and Oak Leaves we recommend that the Officers should wear their designation in the Official Language on their caps. We also agree that the Sam Browne belt be done away with. The

changes we recommend are designed to remove some of the military characteristics of the uniform of the Officers.

293. The Constables' complaint against the wearing of the tunic also appears to have been before the Soertsz Commission. That Commission was of the view that bush coats should be adopted as largely as possible in substitution for tunic coats in the course of their performance of the ordinary duties that devolve on members of the Force. tunic coats being confined to ceremonial or other important occasions.

294. We ourselves are in favour of the use of bush coats being permitted except on formal occasions. In fact Departmental Order B. 1. Part III. Note 4, permits it. It reads:

" No. 1 or No. 3 uniform may be worn on beats, patrols, inquiries and reserve duty, etc. No. 3 permits the wearing of a khaki drill open neck bush coat Oil beats, patrol. inquiries and reserve duty."

It is not clear to us why this Departmental Order is not being followed We recommend that it be followed in future.

Kit Inspections

295. Reference was made to the practice of elaborate kit inspections to which Constables. were regularly subjected at great expense of time and energy. It was urged that these often became the opportunity for Officers-in-Charge to pass uncalled for criticism and use of abusive language on those Constables whom they were determined to find fault with and to black mark with the perverse intention of denying them just promotions.

296. We are glad to note that "Kit Inspection" in its obnoxious form has been done away with since 30th June, 1966.

As from that date the following order has been made by the Inspector - General of Police which, while removing the objectionable features of kit inspection, ensures that every member of the Service turns out in uniform neatly and properly :-

"No. MP 250/66

Kit Inspections

As from the date of this notification, Kit Inspection should not be held. However, if a Police Sergeant/ Police Constable/ Police Driver is badly turned out when in uniform then the kit of only such Police Sergeant/ Police Constable/ Police Driver will be inspected.

It will be the responsibility of the Officers-in Charge of Provinces, Divisions, Districts and Stations to ensure that all Police Officers under their supervision are neatly and properly turned out when wearing their uniforms"

297. We agree with the change that has been made.

CHAPTER XV

TRANSPORT

Present Position

298. We now come to the question of transport. We are informed that several Police Stations are not provided with a sufficient number of motor vehicles and that the mobility of the Police is affected thereby. A large number of stations in the provinces with vast areas to control do not have enough motor vehicles. Stations which are regarded as of little importance have nevertheless large areas to control, and in allocating vehicles to those stations more regard should be paid to the area under the control of the respective station than to its grade. Such stations are Anuradhapura, Batticaloa, Bibile. Hambantota, Horowapata, Maha Oya, Mahiyananna, Moneragala, Polonnaruwa, Puttalam, Tissamaharama and Trincomalee. A list of vehicles and their distribution is at Appendix XX.

Actual Requirements

299. The transport requirements of the Police are as follows.

Heavy Trucks	100
Light Vans	32
Jeeps	227
Land Rovers	145
Cars	148
Technical Vehicles	7
Motor Cycles	527

The present strength of the transport fleet is :

Heavy Trucks	95
Light Vans	29
Jeeps	204
Land Rovers	132
Cars	135
Technical Vehicles	7
Motor Cycles	479

It will be seen that the transport fleet needs the following additions.

Heavy Trucks	5
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Light Vans	3
Jeeps	23
Land Rovers	13
Cars	13
Motor Cycles	48

Repair Services

300. There is also the question of delay in repairs to which our attention has been drawn by several witnesses. That is largely caused by the inability of the Government to obtain spare parts on its own terms. The scarcity of spare parts and the difficulty of obtaining exchange have forced motor dealers to sell only for cash and without a discount. The evidence is that the Treasury rules do not permit purchases on those terms. Witnesses pressed for a quicker return of vehicles sent for repairs to the Central Garage.

301. The Central Garage is too old-fashioned and is not equipped to handle the increasing number of vehicles that have already been added to the Police fleet, and will be added in the future. When we visited the Central Garage and Workshop we found a large number of serviceable vehicles out in the open for want of covered space, and even the repair shops were very small and insufficient to accommodate all the vehicles awaiting repair, nor were they fitted with up-to-date machinery and equipment. The Garage consists at present of 11 repair shops. The machinery in the Garage consists of:

.Machine Shop

- (1) one motor cycle boring stand,
- (2) one cylinder head facing machine,
- (3) one correcting rod machine,
- (4) one pressure cleansing tank,
- (5) one plug cleaner,
- (6) one bench type drill machine,
- (7) one electric drill machine,
- (8) one electric re-boring machine,
- (9) one electric valve facing machine,
- (10) one electric flextol machine,
- (11) one grinder wheel bench type,
- (12) one electric grinder,
- (13) one honing machine,
- (14) one hydraulic press and carrier,
- (15) one lathe machine (electric),
- (16) one lathe machine (electric super 7),
- (17) one brake-lining machine,
- (18) one Singer sewing machine,
- (19) one electric Singer sewing machine,
- (20) one tyre-removing machine,

- (21) one electric vulcaniser,
- (22) one tester tube bath.

Electric Shop

- (1) three battery charges,
- (2) one beam adjuster,
- (3) one coil-winding machine,
- (4) one petrol pump tester,
- (5) one six-puller press octopus.

Jeep Section

- (1) one adjustable floor job crane,
- (2) one degreasing plant.

Motor Cycle shop

- (1) one electric grinder.
- (2) one engine tester,
- (3) one chain pulley.

Servicing Section

- (1) one air compressor,
- (2) one hydraulic hoist,
- (3) one tyre pressure gauge,
- (4) one oil dispenser,
- (5) one grease gun, large,

Reception Bay

- (1) One electric hoist.

Painting Shop

- (1) one air compressor and electric spray guns.

Tool Stores

- (1) one chain pulley block
- (2) one portable electric disc sander,
- (3) one wheel alignment gauge,
- (4) one inflator stand,
- (5) one electric vulcaniser for re-grooving,
- (6) one electric vulcaniser,
- (7) one king pin gauge,
- (8) three hydraulic jacks.

302. We, therefore, recommend that the Central Garage be modernized and enlarged on the following lines:—

Proposed lay-out

- (1) Garages to be built at eastern end of boundary wall as most of the vehicles are exposed to the elements due to lack of garage accommodation.
- (2) Workshop courtyard to have a roofing so that vehicles may be protected from the sun and the rain.
- (3) Wall to be erected from point of view of security. At present, an old barbed-wire fence separates the garage premises and the rail track of the Ceylon Government Railway.
- (4) Present Stores to be expanded by converting four garages under the Administration Block into proper Stores.

This scheme is now before the Public Works Department.

Requirements of the future

303. Application has already been made for the following new items:—

- (1) one reborring machine, capable of reborring motor cycle blocks,
- (2) one Diesel injector testing pump.
- (3) two 3/8" light weight electric drills,
- (4) two five-ton capacity hydraulic trolley jacks,
- (5) two 2-ton capacity hydraulic trolley jacks,
- (6) twenty two-ton axle stands.
- (7) twenty five-ton axle stands,
- (8) twenty seven-ton axle stands,
- (9) one 230 volts tyre groover,
- (10) one 400/440, 3 phase electric arc welder,
- (11) one 4-5 H.P.—1420 r.p.m.—three phase 400/440 volts motor,
- (12) special tools for Estafette vans,
- (13) special tools for Austin 1100 cars,
- (14) one Singer sewing machine for Upholstery Section.

304. There should also be at least three mobile workshops for servicing and repairing the vehicles at the Police Stations. Such attention would enable the vehicles to be kept in good order and prevent a breakdown, and in the long run be more economical.

Defective Maintenance

305. In making our recommendations for better facilities for the repair of vehicles we wish to emphasize the need for greater care and better maintenance of police motor vehicles. In the case of motor bicycles, wherever possible, a bicycle should be assigned to the same rider with an annual allowance for maintaining it free from repair. In the case of vehicles driven by drivers each vehicle should as far as possible be "married" to a driver. Wherever the driver goes the vehicle should go. The driver should receive an incentive allowance for maintaining it repair-free. With this end in view a motor repair course should be inaugurated at the Garage and Police Drivers should be encouraged to take the

course and obtain a certificate. A motor mechanic's allowance should be given to those who take the course and qualify.

306. The motor mechanic 's allowance we recommend is Rs. 25 per annum, and the repair-free maintenance allowance we recommend is Rs. 150 per annum in the case of vehicles under five years and Rs. 250 per annum in the case of those over five years.

Petrol Quota

307. It was also brought to our notice by some of the witnesses that the petrol quota given to certain Police Stations was insufficient. While some stations had enough, others were starved. It was suggested by some of the witnesses that in some instances the petrol quota was exhausted because the officers used the Government vehicles for their private purposes. We are of the view that effective measures should be taken to control the use of public Vehicles for private purposes and the Misuse of petrol allocated for official use. We have provided in the draft Police Act that it would be an offence for a Police Officer to use anything meant for official use for any other purpose. We hope that that provision will in a measure check the misuse of Government property. When machinery for the control of the misuse of State property is being devised. action should also be taken to make the petrol allocation more flexible. Where a station has much more than its ordinary activity in a particular month, it should be in a position to receive a greater allocation in that month.

CHAPTER XVI

WELFARE OF POLICE PERSONNEL

Present Set-up

308. There is a small unit with an Assistant Superintendent of Police at its head to attend to the welfare of Police personnel.

309. The evidence before us disclosed that the welfare arrangements in the Police were poor and that they were utterly inadequate for so large and so vital a service. They were in no way comparable to the welfare arrangements that obtained in the Army.

Lack of Welfare Facilities when on Special Duty

310. The witnesses who came before us stated that when they went on special duty in large numbers they had to fend for themselves. They stated that for instance when they went on special duty in connection with the Kandy Perahera or for the Independence Celebrations they were quartered in vacant school buildings with their kit and left to look after themselves and their kit. These buildings lacked the necessary sanitary arrangements and space for accommodating large numbers. In consequence the men had to put up with

almost intolerable discomforts and hardships. They added that in contrast to the case of the Army an advance unit of Welfare Officers provided the accommodation needed with all the facilities the men should have.

311. The Army also provides mobile canteens for its men on duty for long hours during riots, strikes and major disorders, while the policeman has to fend for himself, often having to forgo even a cup of tea.

312. Police personnel who are sent on duty to places which have no vacant buildings where they can be quartered are forced to find accommodation be the verandah of the nearest Police Station or in the verandah of private dwellings in the neighbourhood. In similar circumstances Army detachments are provided with tents which can be pitched in the nearest vacant land and with facilities for preparing their food. Amenities such as water, mobile kitchen; and sanitary arrangements are also provided when the Army has to bivouac. The Police enjoy no such amenities.

Mess for Sergeants and Constables

313. Another aspect of Welfare that is now neglected is the provision of a mess for Sergeants and Constables in Colombo and in the important provincial towns. Sergeants and Constables who come to Colombo on various duties have no mess facilities. They have to fend for themselves and find accommodation in hotels or with friends. The Officers of Inspector and higher staff rank are able to stay in their respective messes. It is important that the Sergeants and Constables too should have a mess in Colombo. The building should be provided by the Government free of rent as in the case of the Officers' Mess. It should be large enough to meet their needs. An initial grant sufficient for furnishing and equipping it should be made. Its upkeep and maintenance should be the responsibility of its membership. If a Sergeants' Association and a Constables' Association are formed or if one Association is formed for both Sergeants and Constables the mess can be looked after by the two Associations in the one case or by the one Association in the other case. Such a mess in Colombo would solve the welfare problems of Sergeants and Constables.

314. Similar messes, but on a much smaller scale, in Kandy, Galle and Jaffna, where Supreme Court Sessions are regularly held would relieve the Sergeants and Constables of the hardships they undergo at present owing to the difficulty of finding accommodation in those towns at a price within their reach.

A Separate Welfare Organization

315. We recommend that the Welfare Branch of the Police Service be completely re-organized with sufficient personnel, equipment and funds. It should have at its head a Deputy Commissioner of Police who should have such number of assistants as would enable him to discharge his duties efficiently. The Branch should see that all arrangements are complete for the reception of Police personnel who visit on duty any

town or place in large numbers. The Branch should be provided with all the equipment necessary such as tents, mobile lighting plant, mobile water service and filtration plant, camp furniture, camp equipment, camp kitchens, and other requisites essential for camping. It should also maintain several mobile canteens able to serve refreshments free of charge to officers who are on long stretches of duty and are unable to leave their posts.

Welfare of the Sick

316. The welfare of the sick should also be on a better footing. The members of the staff are expected to visit Police personnel and the members of their families when in hospital and obtain for them drugs that are not available at the hospital.

317. The Welfare Officers do not visit the sick who remain in their homes and obtain domiciliary treatment. Officers who are ill, whether they are in a hospital or not should be visited, and their urgent needs studied and provided.

318. There should also be convalescent homes in such places as Bandarawela, Nuwara Eliya, Hambantota and Puttalam. Those who use these homes should be able to do so at a fee within their reach.

The Place of Religion

319. The religious and moral welfare of the Police Officer is as important as his material welfare. To day the Police Officer is visualized by the public as an irreligious rough in uniform who has no place for religion in his life.

320. One group of Constables who gave evidence before us stated that Buddhists who abstained from liquor were looked down upon. They were called 'unfortunate fellows'. Another group of witnesses stated that they were not permitted to display religious pictures or images of the Buddha in their barracks. This discouragement of respect for religion is not in the interest of the Police Force.

321. As stated earlier the extolling of vice and the discouragement of virtue by their superiors is bound to have a harmful effect on the rank and file. We should not be understood as saying that there are no officers in the higher ranks who are well behaved and well conducted. Such officers there are but they are the exception. We hope that the position will be reversed and that the well behaved and well conducted officers who respect and practise their respective religions will become the rule. The public image of the policeman is, as we have already stated, that of a rough in uniform. We trust that image will soon change into that of a gentleman in uniform.

Discontinuance of Police Gymkhana

322. At present the Welfare Branch draws money from the Amenities Fund. The source of income of this Fund are the Police Gymkhana and donations from the public. The income and expenditure of this Fund for the last five years are shown below:

1964	1965	1966	1967	1968	
Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	
Income 21,115 30		6820 93	19,775 85	18,519 44	19361 69
Expenditure 12,160 49		6224 82	20,253 97	16,742 59	11662 74

It would be unwise to rely on the Police Gymkhana for raising money for the Welfare Fund. This is an undesirable method of raising money. Several witnesses decried the way in which they were forced by their superiors to buy tickets themselves and to sell tickets to the public. They stated that when forced by their superiors to sell tickets they had to resort to undue influence and force traders and others in their areas to buy them. They stated that in doing so they felt they were not acting correctly, but that they had no option as for those who bought the tickets, they did so because they did not wish to offend the Police.

323. Police Officers should not be forced to buy or sell tickets in a lottery. Lotteries are prohibited by law, and Police Officers who sell lottery tickets do not help to enhance the prestige of the Police Force. Traders and others who oblige the Police by buying tickets in their lottery would naturally expect favours from them in return. The sale of tickets by Police Officers is undesirable as it could, and is almost certain to affect the impartial discharge of their duty. We, therefore, recommend that the Police Gymkhana Sweep be discontinued.

324. Donations from the public are not a regular source of income and cannot be relied upon. We see no objection to voluntary donations from members of the public being received.

CHAPTER XVII

WELFARE FUNDS

325. At present there are several funds to which members of the Service are required to contribute. They are as follows:—

- (a) The Barrack Fund,
- (b) The Compassionate Fund,
- (c) The Recreation Fund, and
- (d) The Amenities Fund.

Not one of these funds has any statutory authority. The rank and file of the Police Service who gave evidence before us expressed the view that these funds did not benefit the vast majority of the members of the Police Force. They alleged that they benefited only the

senior ranks. It is, therefore, necessary that these funds, if they are to continue, should be so administered as to benefited the majority.

(a) The Barrack- Fund

The Barrack Fund and its scope are thus described in Regulation 83 of the Ceylon Police Departmental Financial Regulations:

" 83 The Barrack Fund.—The income of this fund is derived from small subscriptions collected from the men of the District or Division, and from other sums from miscellaneous sources which the Superintendent sees fit to allocate to the Barrack Fund. The fund is entirely at the disposal of the Superintendent or Assistant Superintendent, and expenditure may be incurred by him, without sanction, on any suitable object connected with the comfort, convenience, and well-being of his men. Advances (recoverable by such instalments as the Superintendent may think fit) may be granted at his discretion to men who subscribe to the fund for such purposes as medical aid during sickness of themselves or their families, deaths, etc. Advances should not be made to clerks or others who do not subscribe."

(b) The Compassionate Fund

All officers of and below the rank of Chief Inspector, except Police Drivers, are bound to contribute towards this fund. The Constables are required to contribute 25 cents per mensem; all others 50 cents per mensem the fund is meant to assist in the funeral expenses of an officer who dies while in service or after he has retired. An advance of Rs. 100 is given to the widow or widower or, where, there is no widow or widower, to the unmarried daughters or sons. Thereafter a donation is given to the widow or widower at the rate of Rs. 10 for each year of service of the deceased officer.

The particulars regarding this fund are the subject of Departmental Order E.11, which is reproduced in Appendix XXI hereto.

The total assets of the fund on 1st July, 1968, were Rs. 913,706.05. The income of the fund has exceeded the expenditure every year and the fund is financially sound.

The Constables and Sergeants who gave evidence before us complained that it was impossible to obtain any money from the fund before the funeral of an officer. Even long after the death, it was difficult to obtain the advance and donation provided for in the rules. The advance that is now paid for funeral expenses is, as mentioned earlier, only Rs. 100.

In addition to funeral advances, donations to the widow and unmarried daughters of the deceased and sons under eighteen years of age are made out of the fund. The Compassionate Fund does not offer any relief to a person who has resigned or has been dismissed or discharged for inefficiency, or has his enlistment cancelled.

(c) The Recreation Fund

The major part of the fund is consumed in providing sports facilities for the members of the Police Force, especially for those who are stationed in Colombo, and the complaint was that even in this case it was the officers who benefited more than the rank and file.

(d) The Amenities Fund

The Amenities Fund was started in 1948 with a nucleus of Rs. 1,694.71 being the money lying to the credit of the Police Boys' Brigade. It has been supplemented by donations from well-wishers and collections from the public in provinces and districts. The income from concerts and plays organized by the Police and the proceeds of the annual Police Sweep and Horse Gymkhana are credited to this fund.

Recommended Comprehensive Welfare Fund

326. In regard to all the funds we have set out above, we think that the existence of so many funds for purposes which are not widely different is not satisfactory. In our view if the men of the Police Service wish to contribute towards providing themselves with benefits over and above those the State provides there should be one fund called the Welfare Fund which should embrace all the objects of the different funds described above. Officers of all ranks should contribute to this fund, the officers of higher rank contributing more than those of lower rank. The object can be achieved by providing for a compulsory contribution from each member. We recommend that the contribution in the case of all ranks should be 2 per cent of the basic monthly salary. The contribution should be deductible from the salary and paid to the Fund by the paying of officers.

Government Grant

327. As the contributions of the members of the Service will not be sufficient to meet all the welfare needs of the Service, we recommend that an annual grant of an amount equa to the total of their contributions be made by the Government.

Administration of the Fund

328. A Board should administer the Fund. The Board should consist of the Deputy Commissioner of Police (Welfare) as Chairman, a Superintendent of Police, an Assistant Superintendent of Police, two Inspectors of Police. two Sub-Inspectors, two Sergeants and three Constables. The Board should have a full-time Secretary appointed by the Police Service Commission and paid by the State. The Secretary's office and equipment and staff should be provided by the State. The Fund should be governed by rules made by the Board and approved by the Police Service Commission. The rules should be fair to all grades and such as would ensure expeditious and timely grant of relief in case of sickness or death. Every Police Station should have an agent nominated by the Board.

Objects

329. The objects of the Fund should be:
- (a) to provide the members of the Police Service with amenities the cost of which cannot be met either from funds voted by Government or from other Departmental funds;
 - (b) to grant financial relief to members of the Police Service in times of distress due to protracted illness and other unforeseen causes which will be decided on humane and charitable considerations;
 - (c) to meet the cost of essential drugs recommended for the treatment of Police Officers if such drugs are out of stock at Government medical institutions;
 - (d) to provide financial assistance (by loan or grant) in any exceptional case at the discretion of the Commissioner of Police on the advice of the Board of Deputy Commissioners of Police;
 - (e) to provide recreational facilities for the officers;
 - (f) to help the families of deceased officers by contributing to the funeral expenses; and
 - (g) to grant relief to officers in distress.

Cases Outside Scope of Fund

330. Assistance from this Fund should however not be given in cases of pecuniary embarrassment occasioned by imprudent living and in cases of serious illness caused by intemperance or other reprehensible cause.

CHAPTER XVIII

THE POLICE HOSPITAL

331. The Police Hospital was first established in 1869. Only men are entitled to indoor treatment. The members of the families of the Police Service personnel are entitled to be treated at the Outdoor Dispensary. It was first housed in a building in Baseline Road. For lack of sufficient accommodation it was moved to a Navy building on the Marine Drive.

332. To-day it has 30 beds. The staff consists of 2 medical officers, 1 registered medical practitioner, 1 assistant medical practitioner, 4 male nurses, 3 male attendants, 1 dispenser, 10 conservancy labourers, 1 ordinary labourer and 1 cook. It can by no means be said to be a modern hospital. It has no operating theatre, no pathological laboratory, no X-ray clinic, no cardiograph, no dental clinic, nor any other facilities of a modern hospital.

333. For the last five years a total of 1,100 patients have on an average been treated at the hospital and 18,000 at the Outdoor Dispensary.

334. The average expenditure for the last five years has been Rs. 17,000 The current year's budget provides for an expenditure of Rs. 25,590.

335. Some of the witnesses who came before us were in favour of the retention of the Police Hospital but as a fully equipped modern hospital and not in its present state. Others were in favour of its abolition as they thought that Police personnel should, like other citizens, seek treatment at one of the General Hospitals in Colombo or in any large provincial town.

The Need to continue the Police Hospital

336. The Police Service consists of over 10,000 men and it is important that in the case of illness they should receive prompt attention. The existence of a Police Hospital would help them to get that prompt attention. The Army with a force of about 7,000 has an up-to date and modern hospital which caters exclusively for the Army.

337. Army personnel can also seek treatment at one of the General Hospitals, but as it is important that Army personnel should in case of illness receive prompt attention an Army Hospital is provided. The expenditure of the Army Hospital as provided in the Budget for 1968-69 is Rs. 150,000. Such an expenditure is provided because the public interest requires it. For the same reason we think that the Police Hospital should not be abolished but should be continued as a modern fully-equipped institution with all branches of medical and surgical treatment.

338. In view of the pressure on accommodation at the General Hospital, Colombo, it is not always that Police patients could gain admission readily if they so required. In the case of Police Officers from outstations who require to enter the General Hospital, this could prove a great hardship. In such cases, the facilities of the Police Hospital could be made available to outstation officers until accommodation should become available at the General Hospital. In that sense a Police Hospital, specially reserved for the Police, could serve as a useful clearing house and thus prove a great convenience.

339. We find that the Soertsz Commission also regarded it as important that the Police Department should have a separate hospital. The Inspector-General of Police of that time appears to have strongly pressed for the retention of the Hospital.

340. The contention that a Police Hospital encourages the feeling that the Police are a class apart from the ordinary citizen was rejected by that Commission. We agree that there is no substance in that contention.

Suitable Buildings and Staff

341. We recommend that the Hospital should be established in a modern building with double the amount of the present accommodation. A sufficient permanent medical staff should be maintained. Arrangements should be made for the Specialists from the General

Hospital to visit the Police Hospital when the resident medical officer requires their assistance.

Funds for the Police Hospital

342. The expenditure for the Police Hospital is now provided in the votes for the Ministry of Health. We do not regard this as satisfactory. Provision should be made in the votes of the Police Department itself and we recommend accordingly.

CHEPTER XIX

LEAVE

343. A Police Officer is entitled to—
- (a) vacation leave,
 - (b) hospital leave,
 - (c) lieu leave,
 - (d) accident leave,
 - (e) casual leave,
 - (f) half-pay leave,
 - (g) special T.B. leave,
 - (h) leave for departmental games, and
 - (i) duty leave.

All ranks are entitled to vacation leave, lieu leave, accident leave, half-pay leave, special T.B. leave, leave for departmental games, and duty leave Only Sergeants and Constables may avail themselves of hospital leave. All ranks other than Sergeants and Constables may avail themselves of casual leave.

(a) The maximum vacation leave available is 42 days in the case of those who entered the service before 24th April, 1933, and 28 days in the case of those who entered the service thereafter. The maximum hospital leave available to those who entered the service before 24th April, 1933, is 84 days, and to those who entered the service after that date it is 56 days. A person who has exhausted his hospital leave is not entitled to vacation leave.

(b) Hospital leave is granted to Sergeants and Constables if the period of leave is spent in hospital or when a Sergeant or Constable is compelled to be on sick leave at home, supported by a medical certificate on account of an infectious or contagious disease or on account of an accident of a serious nature sustained while not on duty. In the case of an accident sustained while on duty a Police Officer is entitled to 6 months leave on full pay and 3 months on half pay; provided that he is not responsible for the accident and he is medically certified as unfit for duty.

The Sergeants and Constables complained that it was only in the case of infectious or contagious diseases that they were given hospital leave to receive medical treatment in their homes

They urged that they should be entitled to sick leave without having to enter hospital. We are in sympathy with their request. Today when hospitals are overcrowded an officer, if he can pay, should be free to take treatment while being in his own home. A condition precedent to the grant of such leave should be a medical certificate from a doctor in a government Hospital or Dispensary.

We recommend that the title Hospital Leave be altered to Sick Leave and that even those taking treatment in their own homes for diseases which are neither contagious nor infectious should on a proper medical certificate be granted sick leave.

Other Categories of Leave

We recommend no change in the other categories of leave.

CHAPTER XX

RETIREMENT

344. The law relating to retirement of public and judicial officers is to be found in the rules made under the Public and Judicial Officers (Retirement) Ordinance.

Age of Retirement

345. All public officers must retire at the age of sixty unless they are expressly permitted to continue in service beyond that age. A public officer may be required to retire on attaining the age of fifty-five or at any time thereafter.

346. In the case of the Police Department the age upon and after which an officer may be required to retire was made fifty years in 1955 by an amendment of the rules made under the Public and Judicial Officers (Retirement) Ordinance.

The relevant retirement rules are as follows —

"1. (1) The age of compulsory retirement of every public or judicial officer shall be sixty years.

Provided that the age of compulsory retirement in the case of midwives and female vaccinators of the Department of Health and Presidents of Rural Courts who are not lawyers be fifty-five years.

(2) Notwithstanding anything in paragraph (1) of this rule the competent authority may, if the authority considers it expedient, extend the employment of any public officer beyond the age of compulsory retirement if—

- (a) the head of the department in which he is employed considers that his services should be retained in the interest of the service; or
- (b) where that officer is the head of a department, the Permanent Secretary to the Ministry to which that department is attached considers that his services should be retained in the interests of the Service..

2. (1) The competent authority may require any public or judicial officer to retire upon his completing the age of 55 years or at any time thereafter.

Provided, however, that any officer of every class or description specified in column I hereunder may be required to retire at any time after the completion of the age or the period of service as the case may be specified in the corresponding entry in column II—

1	11
i) Matrons, nursing sisters, nurses, or midwives or female vaccinators in the Department of Health	Fifty years of age or twenty years of service whichever is the earlier.
ii) Female officers employed in the Post and Telecommunications Department and female teachers (appointed before June I 15, 1934) employed in the Education Department.	Fifty years of age or twenty years of service; whichever is the earlier.
(iii) Members of the Ceylon Police Force	Fifty-five years of age.
(iv) Of officers of the Department of Public security who were appointed to that Department from the Ceylon Police Service. Option to retire	Fifty years of age.

347. The above rules do not permit a public officer to retire at his option even after he has attained the age at which the Government may require him to retire.

348. But the Government has all along acted on the footing that a public officer may at his option retire from the Public Service on or after attaining the age of fifty-five and in the case of the Police Department at the age of fifty.

349. We have had no representations against the present age of optional retirement of Police Officers. Some members of the constabulary who gave evidence asked that the right to opt to retire at the age of fifty be given only to the officer, and that the Government should not have the power as at present to retire a Police Officer on or after he has attained the age of fifty.

350. We are unable to accede to the request that the right should be one-sided. Neither the officer nor the Government need give any reason for exercising the option. The position is that the continuance of an officer in service after the age of fifty is, as it were, on sufferance. We, therefore, feel that the position of an officer who continues in the service after the age of fifty in constant fear of his being asked to retire at any time if he does not please his superiors impairs the efficient and impartial discharge of his duties, cramps his freedom of action and takes away his independence.

351. The complaint of the Constables is that the fifty year rule is used by the Government to get rid of efficient and able men for reasons other than lack of efficiency, and that it has often been resorted to for getting rid of men against whom the Police hierarchy have grudges. It was also stated that the age of optional retirement was even being used to get rid of officers for political reasons.

Extentions

352. Under A.R. 187, which applies to all Government Departments including the Police Department, and public. officer is required on attaining the age of optional retirement to state each year whether he wishes to continue in service. If he is not granted permission to do so he has to retire. This provision is also unsatisfactory as it is capable of being abused. It is a soul-destroying provision the like of which we have not been able to find in any other country.

353. It is not in the interests of the public that a senior officer after about thirty years of good service should have to get about his work with a Sword of Damocles hanging over his head.

Board of Appeal

354. If our recommendation that a Police Service Commission be set up is accepted, the fact that it is the Police Service Commission that will exercise the right to retire a Police officer who has attained the age of fifty will no doubt in a measure lessen the danger of the abuse of the power to retire that now exists. But that safeguard alone is not sufficient. We have, therefore, decided to prescribe in the draft Police Act the law relating to retirement of Police Officers, and provide an appeal to a Board of Appeal from a decision of the Police Service Commission to retire an officer at fifty. We have also specified the grounds on which an officer may be required to retire after the age of fifty and before the age of sixty.

355. This Board of Appeal would consist of three persons one of whom at least should have held high Judicial Office. Members of the Senate and the House of Representatives and of the Police Service would be disqualified from serving on the board.

356. The Board should in our view be a permanent one with a Secretary and the necessary staff.

CHAPTER XXI

ASSOCIATIONS OF MEMBERS OF THE POLICE SERVICE

357. The Associations of members of the Police Service at present are:

- (a) The Ceylon Police Officers' Mess, and
- (b) The Ceylon Police Inspectors' Association.

Officers' Mess

358. This Association is confined to officers of the rank of Assistant Superintendent of Police and above. It was started in 1909 in a building rented out by the Association in Ist Lane, Kollupitiya, and was moved to two Government 'C' class bungalows in 1923. The bungalows are provided rent-free. The rules of the Mess are reproduced in Appendix XXII hereto. It would appear from these rules that the Mess is designed to promote the social activities of the officers who are members.

Inspectors' Association

359. This is an Association of officers of the rank of Sub-Inspector, Inspector and Chief Inspector. The objects of the Association are:

- (a) to protect, promote and safeguard the interests and welfare of its members as a body; and
- (b) to promote mutual respect and goodwill amongst its members and to encourage loyalty and co-operation in the best interests of the public service and to take such steps as are conducive to the attainment of the above objects.

The rules of the Association are reproduced in Appendix XXIII hereto.

360. It would appear from the objects reproduced above and from the rules which are reproduced in Appendix XXIII that this body is different from the Officers' Mess and is an Association for the protection of the interests of its membership.

The Right of Sergeants and Constables to form an Association

361. The Sergeants and Constables have no Association at all. There was an Association formed in 1946. It was disbanded in 1949. All the, Sergeants and Constables and several members of the public who came before us expressed the view that the Sergeants and Constables should be permitted to form an Association for the purpose of

watching their interests and making representations in regard to matters affecting them. The view that they should not have the power to strike was universally expressed. The Sergeants and Constables were of the view that the present welfare bodies were of little use, and that they did not provide a satisfactory means of bringing to the notice of the authorities the viewpoint of the Sergeants and Constables in regard to their conditions of service, hours of duty, pay and allowance, housing or any other matter affecting them as members of the Police Service.

362. It would appear from the Report of the Soertsz Commission that Commission did not favour the formation of a Sergeants' and Constables' Association. At the time that Commission sat there were two associations of Police Officers, viz., the Inspectors' Association and The Sergeants' and Constables' Association. The Commission said:

" In the very recent past two Associations have been formed within the Force. The Inspectors' Association and the Sergeants' and Constables' Association. The objects of the former, according to its Chairman who gave evidence, are to promote mutual respect and goodwill among its members and encourage loyalty and co-operation in the best interests of the public and to take such steps as are incidental or conducive to the attainment of the above objects. According to the evidence, all the Inspectors and Sub-Inspectors of the Force are nominally members of this Association, but it would appear that the views in their memorandum are not the views of the Inspectors as a body. If the Association confines itself solely to the objects referred to, it may serve an excellent purpose and no objection can be raised to its continuance. It would appear, however, from the evidence, that this Association and the other Association, namely, the Sergeants' and Constables' Association, are already showing unhealthy tendencies. There has already been a clash between the Chairman of the Inspectors' Association, although not in that capacity, and the Inspector-General of Police, with regard to the election of a Committee of the Ceylon Police Library. Moreover, the time seems to be inopportune for breaking up the Force into various bodies, for the evidence given before us, as we have already observed, indicates that there are dissensions in the ranks of the Force which are likely to be accentuated by the formation of Associations of this nature. There is an even greater objection to the Sergeants and Constables' Association. It does not appear to be in the interests of discipline that Sergeants and Constables should be members of the same Association. It is the duty of a Sergeant to supervise his Constables and find out how they are performing their duties and to correct or report any Constable who is found either inefficient or dishonest. It will not be possible for him to perform these duties impartially if he and the men supervised by him were members of the same association, particularly where the office bearers of that association might happen to be Constables. There is a further danger that these associations might be made use of for political purposes and that outside influence might be brought to bear on them by persons who seek to make use of them for their own ends. There does not seem to be at the moment any need for such Associations and,

presumably, the Inspector-General will agree with this view, although he might have held a different view earlier."

363. We find ourselves unable to agree that the formation of associations of officers of the Police Service should not be permitted merely because of the dangers indicated above. These dangers exist even without the formation of such associations. A body of responsible men entrusted with important duties should be allowed to express their grievances through a legitimate and recognized Association of such men. It is a right accorded to almost every other branch of the public service, and the denial of such a right to Sergeants and Constables would only allow discontent and frustration to grow without the authorities being officially aware of their existence or cause. A large force of men with no recognized means to make known to the administration their viewpoint is also a danger to the State.

364. We are, therefore, of opinion that this request of the Sergeants and Constables, who form the vast majority of the Police Force, should be granted, and that they should be permitted to form an Association for the purpose of safeguarding their interests, and bringing to the notice of the authorities any matters affecting their service, and also of making representations in regard to any grievances that they may have. Such an association would have a membership of about 10,000 and, as it would no doubt be a powerful body we have provided statutory safeguards against the dangers envisaged by the Soertsz Commission by including suitable provisions in the draft Police Act.

365. There are 1,256 Sergeants and 8,253 Constables. The question is whether they should be permitted to form one common association or two separate associations. As the interests of the Sergeants may not be identical with those of the Constables the formation of two distinct associations may be advantageous, both to the State and to the officers concerned. In this regard we agree with the view expressed by the Soertsz Commission. If both ranks form one association there is likely to be a clash when the interests of one rank conflict with those of the other.

Deduction of Subscriptions

366. We, therefore, recommend that permission be granted to form two associations. Such associations cannot flourish unless the subscription of members can be regularly collected. This can only be assured if the subscription of each member is deducted from his pay and paid in a lump sum to the association. Such deductions are now made in regard to the Barrack Fund and the Compassionate Fund. We recommend that the same course be adopted and have given such deduction statutory sanction in the draft Police Act.

CHAPTER XXII

WOMEN POLICE

Present Cadre and Conditions of Employment

367. Women Police were first enrolled in June 1954. In that year two women Police Constables were recruited. That number has been added to from time to time, and to-day the strength of the women Police personnel is—

Women Police sergeants, and 47 Women Police Constables

368. Only unmarried women are selected for appointment. A woman Police Constable is paid the same salary as that paid to men Police Constables. On enrolment a woman Police Constable is paid Rs. 750 per annum. After one year she is placed on the salary scale of—

Rs. 840- Rs. 1,764

22 of Rs. 42

There are efficiency bars at Rs. 1,050, Rs. 1,260, Rs. 1,470, and Rs. 1,638. Those between 19 and 30 years of age are eligible. The educational qualifications prescribed are the Junior School Certificate issued by a school approved for the purpose by the Director of Education or a pass in Standard VIII in such a school provided the head of the school certifies that such is equivalent to a pass in the Junior School Certificate Examination. The physical qualifications are that a candidate should not be less than 5 feet in height and should have good eye-sight. Recruitment is by advertisement and interview by a Selection Board convened for the purpose. The posts are permanent and pensionable. The appointment will be on trial for a period of three years. The selected candidates are bound by the Public Service Commission rules, the Financial Regulations, Regulations of the Manual of Procedure, Departmental Orders, the Police Disciplinary Code, and any other orders issued by the Inspector-General of Police or by the Government from time to time. Women Police Constables are not permitted to marry until they are confirmed in their appointments except in the case of those permitted by the Inspector-General of Police after two years' satisfactory service.

369. The salary scale of women Police Sergeants is as follows:—

Class II	Rs. 1,464 - 7 of 48—Rs. 1,800 per annum (E.BB. before Rs. 1,608 and Rs. 1,848)
Class I	Rs. 1,848—7 of 48—Rs. 2,184 per annum

The posts are filled by promotion from the rank of women Police Constables. Women Police Sergeants and Constables are provided with free quarters and free uniforms.

Need for Expanding Cadre

370. The women constabulary has not grown to meet the needs of modern times although women now occupy an important place in the public sphere. This situation appears to have arisen largely because of the difficulty of providing accommodation for them in barracks and satisfactory provision in Police Stations. When new buildings are designed for Police Stations the provision of suitable accommodation for women members of the Service should be borne in mind.

371. In future greater attention should be paid to the development of the Women's Branch of the Police Service. Every Police Station in such cities as Colombo, Galle, Kandy and Jaffna should have women personnel.

Promotion to Higher Grades

372. No woman has reached the rank of even Sub-Inspector. This is due to the fact that the Women's Branch of the Service has so far been regarded as unimportant. There are many departments of activity in which the services of women police officers could be used with advantage. They should prove useful as Telephone Operators, Stenographers and Typists, members of the Security Service, C.I.D., the Finger Print Bureau, and the Photographic and the Radio Sections.

373. To attract capable women to the Service immediate provision should be made for at least—

- 1 Woman Superintendent,
- 1 Woman Assistant Superintendent,
- 1 Woman Inspector, and
- 1 Woman Sub-Inspector,

to be recruited direct in the first instance and later appointed either direct or by promotion if there are suitable women candidates in the ranks.

Educational Qualifications

374. The educational qualifications required of a female police recruit should be the same as those required of a male police recruit.

375. As the expense of establishing a separate Women's Police Training School would be too great, women police recruits should also be trained as at present in the same school as that in which the men are trained'.

376. With necessary modifications their training should be the same as that for men.

Training Police Matrons

377. Although women Police Constables are not attached to every Police Station, at least one Police Matron, who could be called up to serve, whenever necessary, is attached

to every Police Station. The matron is selected by the officer-in-Charge of each station subject to the approval of the Superintendent of the area, except in the case of Slave Island, Bambalapitiya, Pettah, Maradana, Fort and Mt. Lavinia Police Stations. The Matrons attached to these few stations are appointed by the Inspector-General of Police and are paid a salary of—

Rs. 42-Rs. 564

120 of Rs. 12

The other Matrons are treated as casual employees and are paid by the day at the rate of Rs. 1.64 in Colombo and Rs. 1.60 outside Colombo.

Evils of the Present System

378. The evidence is that these Matrons who are casual employees are ever ready to help peccant officers in their evil designs and that they afford no protection to defenceless women who have the misfortune to be brought to or come to a Police Station.

Women's Auxiliary Police Constabulary

379. The present system of appointing Matrons should not be continued. We recommend that a Women's Auxiliary Police Constabulary be established in place of the Matrons. These women need not undergo the same training as Women Police Constables, but arrangements should be made to instruct them in such elementary rules as persons performing their duties should know. The Police Service Commission should lay down the course of instruction that they should receive. They should be selected from among the permanent residents of the area of each Police Station. They should be appointed by the Police Service Commission, and be paid a non-incremental salary which should be not less than the initial of that paid to a woman Police Constable. But they should not be entitled to a pension or to any allowance such as a woman Police Constable is entitled to. They should be required to provide their own quarters within a convenient distance of the Police Station, and should receive no rent allowance or overtime. They should have the same physical and educational qualifications but not necessarily the same age qualification as is required of a woman Police Constable, and should be on duty at the Police Station for at least eight hours and more when necessary. They should be entitled to the same leave as a woman Police Constable. They should be provided with a uniform and should be clothed with all the obligations and duties of a Police Constable.

380. As the women's constabulary grows the numbers of the women's auxiliary constabulary should decrease.

381. Considering the fact that the number of educated women of good physique is increasing, this branch of the Service should attract capable women of integrity possessing the necessary physical qualifications. Suitable members of the Women's

Auxiliary Police Constabulary with the requisite qualification could be recruited to the regular Women's Police Service.

Chapter XXIII

AUXILIARY SERVICE PERSONEL

382. Duties which need not necessarily be performed by members of the Police Service are at present performed by a large number of persons who are not members of the Police Service. These persons may be classified as follows:—

- (a) Wireless Operators,
- (b) Clerks,
- (c) Typists,
- (d) Translators,
- (e) Stenographers,
- (f) Police Drivers,
- (g) Police Mechanics,
- (h) Peons,
- (i) Binders,
- (j) Duplicating Machine Operators,
- (k) Conservancy labourers,
- (l) Station labourers,
- (m) Office labourers,
- (n) Meal carriers,
- (o) Horse-keepers, and
- (p) Apprentice horse-keepers.

Trade Union Rights

383. Persons of the above classifications, not being subject to the rules of the Police Service, are eligible to be members of a Trade Union and may resort to strike action to enforce their demands or to show their sympathy with other strikers.

384. This freedom to strike could in time of crisis embarrass the regular Police Service in the satisfactory discharge of its duties. It is, therefore, necessary to consider whether the work performed by any or all of the classes of workers mentioned above should be performed by members of the regular police Service.

385. There would be no point in ensuring that the members of the Police Service do not strike if the performance of their duties could be hampered by a strike of the auxiliary service personnel.

386. At least the key auxiliary services should be manned by Police personnel or, if they are not so manned, the members of such services should not have the freedom to strike while they serve in the Police Debarment.

Radio Services

387. One of the key services which in time of crisis must function at the highest level of efficiency is the Radio Service. At present there are 32 stations outside connected with Colombo. They are:

Northern Range—4,640 kilocycles per second

Norther Province	Jaffna Kankesanturai Mannar Vavuniya
North-Central Division	Anuradhapura Polonnaruwa Trincomalee
Central Province	Kandy Matale Gampola Nuwara Eliya Hatton
North-Western Province	Kurunegala Kuliyapitiya Chilaw
Western Province	Gampaha Negombo

Central and Southern Ranges, - 4,885 kilocycles per second

Police Training School	Katukurunda
Western Province (Central)	Homagama
Western Province (South)	Kalutara Mlatugama
Western Province (West)	Galle Ambalangoda
Southern Province (East)	Matara Tangalle
Uva	Badulla Bandarawela Sabaragamuwa Ratnapura Avisawella Kegalle

388. Of the 160 men at present operating the Service 112 are non-police personnel A deputation from these non-police personnel came before us and stated that they had no avenues of promotion open to them and that their prospects in the Service were poor. Most of these men had been recruited from among those who had served in the Army during the last Great War. They asked that a number of higher grade posts be created to provide avenues of promotion for them. Some of the younger members of the Service desired the right to retire while they were yet of an age at which they could find employment in the private sector.

389. It is not necessary to deal with their claim for better terms of service as in our view this is an activity that should in due course be manned entirely by members of the Police Service. We recommend that as the non-police personnel retire they should be replaced by members of the Police Service. In order to accelerate the change-over we recommend that attractive terms of retirement be provided for them. As many of the non-police personnel were in the Army at the time of their recruitment, we recommend that the years of military service be counted for the purpose of calculating the pension of those who wish to retire and that every person whose total period of service exceeds ten years be permitted to retire as members of the Police Service qualify for appointment as Wireless Operators,

390. A deputation of the members of the Police Service who are now engaged as Wireless Operators pleaded that they should be paid the same salaries as the non-police operators who were remunerated on a higher scale than Police Constables who were Wireless Operators.

391. Police personnel who are selected for a service such as this which calls for a special skill are not likely to be ordinarily transferred to other branches of activity. In consequence they run the risk of losing their chances of promotion and reward. To attract to and retain in the Radio Section men of conspicuous skill and aptitude a special allowance should in our view be paid to them while they are so serving.

392. We accordingly recommend that they be paid a monthly allowance of Rs. 100 regardless of rank. This allowance is fixed at this level in order to retain in this Section for a reasonable length of time men with the requisite technical skill, We have in making this recommendation taken into account the fact that the wireless operators who are not members of the Police Service receive nearly twice as much as a Police Constable Wireless Operator. The relative salary scales are:

Police Constable

Not-Police
wireless Operator

Rs. 840 Rs. 1,764
22 of Rs. 42

Rs. 1,140—Rs. 3,780
22 of Rs. 120

393. The Officer-in-Charge of the Radio Station holds the rank of Inspector. The present holder of that office has undergone a course of training in Radio for 2½ years in Australia. He came before us and submitted that his chances of promotion were not bright so long as he held the present post. Although there is attached to the post a compensatory allowance of Rs. 125 per mensem' he submitted that a Cabinet ruling bars him from receiving more than Rs. 91.66 of that allowance.

394. We recommend that the allowance of the head of the Radio Section and of all others receiving similar allowances be exempted from that ruling. We also recommend that an Inspector holding the post of head of the Radio Section should be eligible for promotion to the rank of Assistant Superintendent of Police or Superintendent of Police, and that the fact that he has served in a special post not involving field or station work should not be regarded as a disqualification for such promotion. His skill and experience acquired in a technical service should on the contrary be regarded as a special qualification Nor should the head of the Radio Section, which in time to come is bound to expand, be required to relinquish his post in that Section on his promotion to a higher rank. We envisage that the post would in due course become important enough to be held by an officer of the rank of Assistant Superintendent or even Superintendent. Today there is a Superintendent in over-all charge of the Radio Section and the Garage.

Clerical Staff

395. The clerks employed in the Police Department number 466. They belong to the following grades of the Clerical Service:—

- (a) 2 E.C.C., Special Grade,
- (b) 27 E.C.C., Grade I.
- (c) 92 E.C.C., Grade II, and
- (d) 345 G.C.C.

396. In the event of a strike in the Clerical Service, it is open to the clerical officers attached to the Police Department who belong to a Trade Union to strike. A strike involving the clerical staff is bound to hamper the work of the Police in time of crisis. In our view it would be impracticable to appoint Police personnel to, perform clerical work, and provide them with suitable avenues for promotion. We, therefore, recommend that members of the Clerical Service while serving in the Department should not have the right to strike. We have inserted in the draft Police Act provision to give effect to our recommendation.

Stenographers and Typists

397. There are 32 Stenographers and 47 Typists who are non-police personnel in the Police Department today. They are members of the Government Stenographers' Service and the Government Typists' Service. The Government Stenographers and Typists are entitled to be members of the Government stenographers Association and the Government Typists' Union respectively and are free to resort to strike action. The members of these services in the Police Department are at present not barred from participating in a strike decided on by their respective unions. In a time of crisis a strike of all the stenographers and typists is bound to dislocate the work of the Department.

398. As in the case of the Clerical Service it would not be practicable to man all the posts of stenographers and typists with Police personnel. To day there are members of the Police Service who have become proficient typists. We have in our second Interim Report recommended that Shorthand and Typewriting should be taught to every recruit at the Police Training School. But such instruction alone will not without adequate practice make efficient stenographers and typists. Even if they did become efficient enough to be appointed as stenographers and typists the difficulty of providing them with suitable avenues of promotion in that line would still arise.

399. We, therefore, recommend that as in the case of the Clerical Servants the members of the Stenographers and Typists' Services should not be free to strike while in the Police Department as it would impede the work of the Department. We have, accordingly, made provision in the draft Police Act prohibiting them from striking on pain of punishment.

Police Drivers

400. Of the other categories of workers, Police Drivers and Mechanics call for special attention. There are 588 Police Drivers to-day. This number is bound to increase with additions to the Police Transport Fleet.

401. The Drivers are recruited by advertisement. Candidates for the post of Police Driver should be between the ages of 18 and 30 years, unmarried and physically fit to drive, able to read and write Sinhala, Tamil or English, and possess a clean certificate of competence, and preferably with a knowledge of ~motor mechanism. Their salary on joining is Rs. 750 per annum. After one year they are placed on the scale—

Rs. 840 - Rs. 1,764

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with Efficiency Bars before reaching Rs. 1,050, Rs. 1,260, Rs. 1,470 and Rs. 1,638

402. They are provided with a uniform which consists of khaki shorts, a bush coat and a beret. These men are not members of the Police Service although they are uniformed

and receive the same salary as a Police Constable. A deputation from this category of the Service gave evidence before us and complained—'

- (a) that they had no avenues of promotion,
- (b) that they had to work at all hours Without overtime,
- (c) that although they were not members of the Police Service they were subject to the same Disciplinary Code, and
- (d) that they were not paid an allowance for cleaning the vehicles they drove as in the case of Constables who were Drivers.

403. It was urged by several deputations that a Police Driver not being Police Constable could not when not actually driving be employed in any other work whereas if Police Constables were engaged as Drivers they could be employed on Police duties when not driving. When a Police vehicle was out of commission the Police Driver would have to idle whereas if a Police Constable was the Driver he could always be found other work till the vehicle was repaired.

404. In our view it is to the advantage of the State to appoint members of the Police Service as Police Drivers. As Police Drivers receive the same salary as Police Constables, and are subject to the same hours of duty, the total financial commitment of the State will not be increased substantially by the appointment of Police Constables as Police Drivers. We have in our second Interim Report recommended that every Police Constable in training should be taught motor mechanism and driving. This recommendation if implemented would greatly facilitate the change.

405. We, therefore, recommend that the post of Police Driver be abolished and that members of the Police Service be appointed to drive Police vehicles. As our recommendation if carried out immediately would throw several hundred men out of employment we recommend that those among them who are qualified to be Police Constables be taken into the Police Service and that future recruitment of Police Drivers be stopped. Those who are not qualified to be taken into the Service may be allowed to continue until they retire. The places of those who retire should be filled from the Police Service.

Police Mechanics

406. There are 112 Mechanics in the Police Garage. They fall into two categories, viz., Mechanic Constables and Sergeants. There are 100 in the former category and 12 in the latter. The Mechanic Constables are paid the salary of a Police Constable and the Mechanic Sergeants that of a Police Sergeant. These men do not belong to the Police Service but are subject to the same terms of service and can claim no overtime however long be the hours of work.

407. A candidate for the post of Mechanic Constable must be between the ages of 18 and 30 years, able to read and write Sinhala, Tamil or English, possess good eye-sight, be

unmarried and have successfully completed a four-year period of apprenticeship at a recognized motor engineering firm.

408. A deputation of these men came before us and complained that while they did not belong to the Police Service they were subject to the same disciplinary rules. Their main complaint was the lack of avenues of promotion.

409. As Mechanics are essential to the proper maintenance of a large fleet of motor vehicles it is important that there should be a satisfactory organization to repair and service Police vehicles. So long as the Mechanics do not belong to the regular Police Service it may not be easy to provide a sufficient number of staff posts for a group of 100-200 technicians.

410. These men, not being members of the Police Service, are free to strike to enforce their demands. A strike of Mechanics is likely to seriously affect Police transport. In the public interest such a strike cannot be permitted. The Mechanics also complained of favouritism in the matter of promotion. The establishment of a Police Service Commission and a Promotions Board on the lines we recommend and provide for in the draft Police Act will go a long way to reduce the grievance in regard to favouritism.

411. There still remains for consideration the complaint of lack of avenues of promotion. For a force of a hundred Mechanics it would not be economical to have more than 12 Supervisors or Sergeants. It would appear therefore that so long as the Mechanics are members of a separate service as at present many avenues of promotion cannot be provided for them.

Police Garage

412. The Police Garage is administered by a Superintendent of Transport and Communication who has under him the Radio Section also. There are two Inspectors in the Radio Section and two in the Garage.

413. If the top posts of these technical services can be manned by members of the Police Service we see no reason why the rank and file should also not be members of the same service. Men with the requisite capacity to be trained will not be difficult to find. The fact that it has been possible to find men for the Radio Section, which is a more specialized branch of work, is a circumstance that favours the possibility of finding men with the necessary bent to be trained as motor mechanics.

414. With the enlargement of the Police Transport Fleet and the re-organization and modernization of the Garage more skilled men may be needed not only in the rank and file but also in the higher ranks.

415. We, therefore, recommend that all Mechanics of the Garage be members of the Police Service. Men of the Police Service who have an aptitude for such work should be

trained at one of the Government Technical Training Institutes and then appointed to the Police Garage. The fact that they are technical workers should not be allowed to stand in the way of their promotions. Their not being engaged on Station duty or in field work should not be held against them when their promotions are considered.

416. As men with technical skill are not easy to find, we recommend that in order to attract to and retain in the Garage men of high technical skill a monthly allowance of the same amount as we have recommended for the Wireless Operators (vide paragraph 392) be paid to the Police Service men employed in the Garage regardless of rank. That allowance is Rs. 100 per mensem.

Other Categories

417. The other categories of auxiliary service personnel listed above, though not so vital to the efficient administration of the Service in time of crisis, should also in our view not have the right to strike while in the Police Department.

418. Their work is not such as could ordinarily be performed by members of the Police Service and there is no question of appointing Police personnel to perform them. A strike by these categories of workers will upset the smooth working of the Department in no small way. It would, therefore, not be in the public interest to permit these workers alone to strike. We, therefore, recommend that while these categories of workers are serving in the Police Department they should by law be prohibited from striking, and we have accordingly so provided in the draft Police Act.

CHAPTER XXIV

POLICE BAND

419. The Police Band was established in 1905. Its present strength is:

I Bandmaster,
I Probationary Sub-Inspector—trainee Bandmaster,
I Sergeant-Major,
I Police Sergeant, and
29 Police Constables.

The Bandmaster is paid a salary of Rs. 5,340 per annum, and the trainee Bandmaster is paid Rs. 1,740 per annum. The other members are paid the salaries paid in the Police Service to members of their respective ranks.

420. The Band is hired out to those who require its services. The first Rs. 50 derived from private engagements is paid into the New Instrument Fund. Out of the balance, one-third is paid into the Band Fund, one-fifth is paid to the Bandmaster, and the remaining seven-fifteenths are divided as follows:—

6 shares to the Sergeant-Major,
5 shares to the Sergeant,
4, 3, and 2 shares to the others according to their proficiency.

421. Young men between the ages of 17 and 23 years with a flair for music are selected by a panel consisting of the Superintendent of Police in charge of the Depot, the Headquarters Superintendent, the Chief Inspector of the Depot, and the Bandmaster, as probationers in the Band and known as Band Boys. Their probationary period lasts from one to two years. The probationers are paid a monthly allowance of Rs. 50. After the probationary period the Band Boys are enrolled as Constables on the same salary scale as Police Constable and are transferable. Where a Band Boy does not possess the minimum educational or physical qualifications of a Constable the approval of the Public Service Commission is obtained for his appointment. The appointments and promotions are the same as for Constables. .

427. They wear the same uniform as regular Police Officers of their respective ranks on ordinary occasions. On ceremonial occasions they wear a ceremonial uniform purchased from the Band Fund.

423. The Band Fund is also used—

- (a) for defraying the expenses of the training and refresher courses of the Bandmaster,
- (b) for paying the allowances of the Band Boys,
- (c) for purchasing music sheets and books,
- (d) for subscribing to the Band Journal,
- (e) for paying licence fees to the Public Performance Rights Society, and
- (f) for purchase of transport and its maintenance.

424. The only spontaneous evidence given before us on the Police Band was furnished by some bandmen who alleged unfair treatment by the Bandmaster. We examined the Bandmaster, who denied the allegations that were made. At the end of the evidence we were left with the impression that there was not sufficient supervision of the work of the Bandmaster and that there was room for him to act autocratically. We are of the view that the Officer-in-Charge of the Depot should supervise the work of the Band more closely.

425. In our view the Police Band may be continued; but the recruitment to its ranks should be in the hands of the Police Service Commission, which should lay down the conditions of service, the procedure for enlistment and training, the qualifications of recruits and the period of probation. It should also make regulations as to the distribution of the Band Fund.

CHAPTER XXV

ACKNOWLEDGEMENTS

426. In conclusion we wish to record our appreciation of the work of the Secretary Mr. R. I. Obeyesekere and the office staff. Mr. Obeyesekere continued to be the Secretary of the Commission after he resigned his office of Crown Counsel and became a member of the unofficial bar. The entire administrative work of the Commission's office in consequence devolved on Mr. D. G. D. Dharmasena, the Chief Clerk, who functioned with much acceptance.

427. On Mr. T. D. L. Wijenayake, the Chief Stenographer, fell the heavy task not only of recording the evidence but also of taking down and typing our Report. Mr. Wijenayake had towards the end of our deliberations, especially at the stage of the composition of our Report, to work late into the night. The conscientiousness, intelligence, and efficiency with which Mr. Wijenayake discharged his duties went a long way to lighten our task and impressed us greatly. He had to work day after day outside the normal office hours typing our Report. We record our appreciation of the devotion with which he worked and express the hope that suitable notice will be taken of this commendation.

425. Of the other members of the office staff Mr. M. D. G. Saliva, who typed the draft Police Act, and Mr. B. D. P. Gunaratna, who recorded the major portion of the evidence in Sinhala, deserve special mention.

H. H. BASNAYAKE,
Chairman

N. J. L. JANSZ
Member.

D. B. ELLEPOLA,
Member

S. A. WIJAYATILAKE,
Member.

R. I. OSEYESEKERE,
Secretary.
Office of the Police Commission,
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9 th September, 1969.

Part II

POLICE ACT

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CHAPTER I

Short title.

1. This Act may be cited as the Police Act No of and shall come into operation on a date to be proclaimed by the Governor-General.

Establishment of Police Station and Guard Rooms

2. It shall be lawful for the Minister by notification published in the Gazette—

- (a) to establish a police station for any area for which a police station has not already been established and in such notification define the area for which such police station is established by specifying the limits of such area;
- (b) to establish a police post for any place or locality within the area of a police station or outside such area, or for any special purpose and declare the purpose for which such post is established and if it is established for any particular area, specify the limits of the area for which such post is established;
- (c) to establish a police guard room for any place or locality within the area of a police station or outside such area, or for any special purpose and declare the purpose for which such guard room is established and if it is established for any particular area, specify the limits of the area for which such guard room is established;
- (d) to split up an area for which a police station has been established into two or more areas, and establish a separate police station for each of those areas;
- (e) to unify two or more areas for which police stations have been established;
- (f) to amend the limits of any area for which a police station, police post or police guard room has already been established by either reducing such area or enlarging it;
- (g) to discontinue any police post or police guardroom established hereunder or at any time before the coming into operation of this Act.

Police Stations, Posts and Guard Rooms in existence to continue

3. Police stations, police posts or police guard rooms already duly established under any enactment repealed by this Act or by any previous enactment shall continue to be police stations, police posts and police guard rooms for the respective purposes or areas for

which they have been established as if they were police stations, police posts or police guard rooms established under this Act.

CHAPTER II

Establishment of Police Service and oath of office

4. (1) A Government Service to be known as the Ceylon Police Service, hereinafter referred to as the Police Service, is hereby established.

(2) Every member of the Police Service shall before entering on his office and before he commences his duties take the following Oath of Office before a Magistrate or District Judge by reading it aloud in the presence of such Magistrate or District Judge and subscribing thereto—

I being a Christian do swear*/not being a Christian do solemnly, sincerely and truly declare and affirm that I will well and truly serve the Government of Ceylon as a member of the Ceylon Police Service without favour or affection, malice or ill-will so long as I continue to be in the Service; that I will see and cause the public peace to be kept and preserved; that I will prevent to the best of my power all offences; that I will not except within the limits provided by law use force on any person in my charge or custody; that at all times I will be courteous and polite to every member of the public of whatever rank or station in life; that I will show at all times the highest regard to children and defenceless women who invoke the aid of the Police; that I will use my best endeavours to protect the life and limb of all citizens and their property; that I will preserve and guard any property entrusted to me; that I will not accept any bribe or reward of any man; that I will not at any time do anything which brings or is likely to bring the Service to which I belong into disrepute; that I will be just and fair to all my subordinates and show keen respect and obedience to my superiors; and that while I continue to be a member of the Police Service I will to the best of my skill, knowledge and judgment discharge all the duties thereof faithfully according to Law.

.....
Member of the Police Service.

Affirmed/Sworn and signed

Read over/affirmed/sworn and signed before me this
day of

This is to certify that of the Police Service took the above Oath of Office before me by reading it aloud in my presence and hearing and affixing his signature thereto in my presence.

..... Signature of Magistrate/District'
Judge.

The words being a Christian do swear „, and " sworn" are to be used in the case of Christians only. Those words should be struck out in the case of others.

Present members of the Police Force to continue

5. (1) All persons who are now in the Police Force established under the Police Ordinance shall on the date on which this enactment comes into operation automatically become members of the Police Service on the same salaries and allowances, and rights, privileges and conditions of service as they enjoyed before the date on which this Act is brought into operation; subject however to the conditions that such salaries, allowances, rights, privileges and conditions of service may be revised or altered under this Act.

(2) All persons who become members of the Police Service by operation of sub-section (1) shall take the prescribed Oath of Office within thirty days of the date on which this Act is brought into operation.

Officers of the Police Service

6. The Police Service shall consists of—

- (a) a Commissioner of Police, and –
- (b) such number of—
 - (i) Deputy Commissioners of Police,
 - (ii) Superintendents of Police,
 - (iii) Assistant Superintendents of Police,
 - (iv) Chief Inspectors of Police,
 - (v) Inspectors of Police,
 - (vi) Sub-Inspectors of Police,
 - (vii) Sergeants Major, Sergeants, Constables,
 - (viii) Lecturers, Teachers, Instructors, and Supervisors at the Training School,
 - (ix) Police Drivers,
 - (x) Engineers, Foremen, Technicians, Mechanics and other personnel whose services are necessary for or ancillary to the efficient maintenance of the Police Service,
 - (ix) Experts, Advisers and Consultants as may be needed for the efficient maintenance of the Police Service,
 - (xii) Clerks, Stenographers, Typists, Record keepers, Storekeepers, Telephonists, Binders, Peons, Labourers, Horsekeepers, and all other personnel necessary for or ancillary to the efficient

maintenance of the Police Service, as may from time to time be authorized by Parliament.

Appointment of officers for the purpose of this Act

7. (1) The Commissioner of Police shall be appointed by the Governor-General. All other members of the Police Service shall be appointed by the Police Service Commission established by this Act.

(2) The Police Service Commission constituted by this Act is hereby charged with the duty of—

- (a) the training, enlistment, appointment, promotion, transfer, reduction in rank, punishment, dismissal and disciplinary control of all members of the Police Service;
- (b) the appointment, promotion, transfer, reduction in rank, punishment, dismissal and disciplinary control of the staff, both subordinate and superior, of the Police Training School, the Central Garage, the Radio Service, the Police Stables, the Police Band and any other branch that may hereafter be established.

Establishment of Police Service Commission

8. (1) There shall be a Police Service Commission (hereinafter referred to as the Commission) consisting of three members appointed by the Governor-General. One of them, at least, shall be a person who has held high judicial office.

(2) The Governor-General shall nominate one of the members of the Commission, who has held judicial office, to be its Chairman.

(3) The Commission shall not transact any business except at a meeting of the Commission and unless two of its members, of whom one must be the Chairman, are present at that meeting.

- (4)
 - (a) The members of the Commission shall hold office for five years and shall not be eligible for reappointment.
 - (b) The prohibition against re-appointment shall apply both to members originally appointed and to members appointed to fill a vacancy created by death, resignation or removal.
- (5)
 - (a) Member of the Commission may resign his office by letter addressed to the Governor-General.
 - (b) Where a member resigns the Governor-General shall appoint a person to be a member of the Commission to fill the vacancy created by the resignation for a period of five years from the date of his appointment.

(6) A member of the Commission who absents himself from three consecutive meetings of the Commission without obtaining the prior written permission of the Governor-General shall cease to be a member of the Commission.

(7) Where a member of the Commission dies or ceases to be a member of the Commission, the Governor-General may appoint a person to take the place of the member so dying or ceasing to be a member of the Commission.

Members of the Commission how removed

9. (1) The members of the Commission shall not be removed from office by the Governor-General except for proved misconduct.

(2) The Governor-General shall in consultation with the Chief Justice appoint a Tribunal of three members for trying a member of the Commission charged with misconduct.

(3) The Governor-General shall in consultation with the Chief Justice prescribe by regulation the procedure - and practice to be followed in such trial.

(4) The accused member shall be entitled to be . represented at such trial by an advocate or proctor. The Attorney-General or a counsel nominated by him may appear for the Government.

(5) Where a member of the Commission is removed upon being found guilty of misconduct, the Governor. General shall appoint a person to fill the vacancy created by the removal and such newly appointed member shall hold office for a period of five years from the date of his appointment.

(6) The Tribunal appointed under this section shall not be properly constituted unless all three members are present.

(7) The decision of the Tribunal shall be in writing and signed by all three members and pronounced in public, and forwarded, to the Governor-General.

(8) Upon receiving the decision the Governor-General shall, if the member has been found guilty of misconduct, make an order removing him from office and notify that fact in the Gazette.

Action to be taken in case of temporary incapacity of members of Commission

10. (1) Where any member of the Commission is temporarily incapacitated from performing his duties by illness or any other cause, the Governor-General may appoint a person to act for him during the period of his incapacity.

(2) Where a member is incapacitated from performing his duties by illness or other cause for more than six months the Governor-General is hereby empowered at the end of six months to declare that the member has ceased to be a member of the Commission and fill the vacancy thereby caused.

Persons disqualified from being members of the Commission

11. The following persons shall not be appoint members of the Commission:—

- (a) Any person in the service of the Government or of any Corporation or Institution or Institute in which the Government or a Minister has the right of appointing the managing body or directors
- (b) Any person in the service of any University
- (c) A member of the Senate.
- (d) A member of the House of Representatives.
- (e) A member of any local authority such as a Municipal Council, an Urban Council, a Town Council or a Village Council.
- (f) Any person who has been found guilty and convicted under the Bribery Act or of any offence under the Penal Code or any other penal enactment or against whom an offence under any of those enactments has been proved in a Court of Law.
- (g) Any person who has been dismissed from the Government Service or the service of any Public Corporation or Institution, Institute or University.
- (h) Any person who has been found by a Court of Law to be insolvent or adjudged to be of unsound mind.
- (i) A member of the clergy of any religious denomination.
- (j) Any person who is not a citizen of Ceylon.
- (k) A person under thirty years of age.
- (l) A person who has been defeated at a Parliamentary or local government election for five years from the date of his defeat.

Secretary and Assistant Secretaries to the Commission

12. (1) There shall be a Secretary to the Commission and such number of Assistant Secretaries as may be required from time to time by the Commission for the efficient performance of its functions.

(2) No member of the Police Service shall be appointed as Secretary or as an Assistant Secretary to the Commission.

(3) (a) The Secretary and the Assistant Secretaries, and all other members of the staff of the Commission, shall be appointed by the Commission.

(b) The Commission is hereby empowered. to decide from time to time on the number and qualifications of the staff it may require.

(4) The Commission shall by rules prescribe-

- (a) the duties of the Secretary and the Assistant Secretaries;
- (b) the duties of the other members of the office staff;
- (c) the qualifications required of each member or grade or class of the office staff;
- (d) the conditions of service and the remuneration and allowances to be paid to its staff, both executive and subordinate;
- (e) all other matters necessary for the efficient discharge of the duties and responsibility vested in it.

Members of the Commission to be remunerated

13. (1) The members of the Commission shall be paid such remuneration as may be sanctioned by Parliament.

(2) Once the remuneration is sanctioned by Parliament it shall not be diminished during the term of office of the members.

(3) The remuneration of the members of the Commission shall be charged on the Consolidated Fund.

Offences to seek to influence the Commission

14. (1) Every person who, directly or indirectly, by himself or by any other person, in any manner whatsoever, influences or attempts to influence any decision of the Commission or of any member thereof or any person or body of persons whom the Commission has authorised to perform any one or more of its functions shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(2) Where a person seeks to influence or attempts to influence the appointment of a candidate, such candidate shall be disqualified from being appointed, and shall not be appointed by the Commission unless it is proved to the satisfaction of the Commission that the act was done or the attempt was made without the candidate's knowledge.

(3) For the purposes of a prosecution under subsection (1) a statement in writing sworn to by the member concerned before a Justice of the Peace or a Judge of any Court shall be sufficient proof of the facts stated therein and shall be received as evidence in any Court of Law without the member concerned being called as a witness except in a case he which in the interests of justice the Magistrate deems it necessary to examine the member concerned.

(4) Where the Magistrate deems it necessary to orally examine a member he shall not permit counsel or pleader on either side to put any questions to the member.

(5) Subsection (1) and (2) shall not apply to a report which any member of the Police Service is required to make in the ordinary course of his duties, or to any report called for by the Commission, or to any recommendation or testimonial as to character or otherwise granted by a person for the purpose of being submitted with the application where the notice calling for applications requires that such testimonials or recommendations should be appended to such application or to any statement made by a referee from whom the Commission has called for a report, certificate, or information regarding the candidate, his antecedents, or his education, training, character, and conduct.

Commissioner of Police removable only for proved misconduct on an address of both Houses

15. (1) The Commissioner of Police shall not be removed from his office except for—
 (a) proved bodily or mental infirmity which unfits him to perform the functions of his office, or
 (b) proved misconduct.

(2) The bodily or mental infirmity or misconduct must be proved before a tribunal appointed as hereinafter provided.

(3) Where the tribunal finds the Commissioner of Police unfit to discharge the duties of his office owing to bodily or mental infirmity or finds him guilty of misconduct, he shall not be removed from office until motions praying that he be removed from his office have been passed by both Houses of Parliament, and presented to the Governor-General, through the Speaker of the House of Representatives and the President of the Senate.

(4) The Governor-General is hereby empowered to appoint, in consultation with the Chief Justice, a tribunal of three members, one of whom he shall appoint as Chairman, to hear and determine an allegation of misconduct against the Commissioner of Police.

(5) The Governor-General shall constitute the tribunal from among the Judges of the Supreme Court or and Judges of the, Supreme Court who have retired or both from among Judges of the Supreme Court and Judges of the Supreme Court who have retired.

(6) The Governor-General may, in consultation with the Chief Justice, by regulation prescribe the powers of the tribunal appointed as herein provided and the procedure and practice to be followed by such tribunal.

(7) The decision of the tribunal shall be in writing and pronounced in public and shall be forwarded to the Governor-General by the Chairman of the tribunal.

(8) The Commissioner of Police shall be entitled to be represented before the tribunal by a pleader of his choice. The Government may be represented by the Attorney General or by a counsel nominated by him.

(9) 'Misconduct' in this section includes conduct unbecoming of the holder of the office of the Commissioner of Police.

Powers of Commission to make rules for the Good Government of the Police
Department and Services

16. (1) The Commission is hereby empowered from time to time—

- (a) to make rules as to the duties of members of the service, as to their residence, classification rank and particular services as well as their distribution and inspection and all such rules as may be necessary for the good government of the Police Service, for maintaining discipline therein, and generally for promoting the efficiency and well-being of such Service;
- (b) to prescribe a code of conduct for members of the Police Service and make such rules relative to the Police Service as the Commission may deem expedient for preventing neglect of duty or abuse of powers and for rendering such service efficient in the discharge of its duties;
- (c) to lay down the rules governing the promotion, reduction in rank, stoppage of increments, deferment of increments, fines, the imposition of pecuniary and other punishments, disciplinary control, transfers penal or otherwise, and dismissal of members of the Police Service, and the conditions governing the grant of leave and the cancellation thereof;
- (d) to prescribe rules governing the enlistment, admission, training and appointment of members of the different branches of the Police Service;
- (e) to prescribe the curriculum of studies and the period and method of training at the Police Training School of recruits to the Police Service and the syllabus of examination to be held therein;
- (f) to prescribe the curriculum of studies and the mode of training, the tests for determining efficiency and the examinations to be held during the period of probation of members of the Police Service;
- (g) to prescribe the rules and conditions governing the confirmation after the period of probation of members of the Police Service;
- (/i) to prescribe the terms and conditions governing the extension of the period of probation;
- (i) to prescribe the subjects in which candidates who are examined for promotion—
 - (i) from the grade of Constable to that of Sergeant,
 - (ii) from the grade of Sergeant to that of Sub Inspector,

- (iii) from the grade of Sub-Inspector to that of Inspector,
 - (iv) from the grade of Inspector to that of Assistant Superintendent of Police, are to be examined, and the number of papers to be set in each subject, the number of questions in each paper, and the duration of each paper;
- (J) to prescribe the minimum number of marks needed for a pass in each subject and the minimum number of marks needed in the aggregate for a pass in each examination;
 - (k) to prescribe the syllabus of examination for promotion from one rank in the Police Service to another;
 - (l) to prescribe the conditions that have to be fulfilled by those seeking approval to sit for the examinations, for promotion from one rank to the next higher and to prescribe the conditions to be fulfilled by those whose promotions are determined without an examination;
 - (m) to prescribe the syllabus of examinations to be held for determining promotions over efficiency bars;
 - (n) to prescribe the maximum number of times a candidate may be entitled to sit for the examination for promotion from one grade to another;
 - (o) to prescribe the uniforms, badges and marks of distinction and distinguishing marks to be worn by the members of the different ranks of the Police Service;
 - (p) to prescribe the procedure to be observed by members of the Police Service or by an approved Association of the Police Service in making representations to the Commission in any matter affecting them;
 - (q) to prescribe the cases in which and the conditions subject to which an oral hearing may be granted to members of the Police Service or a delegation from an approved Association of the Police Service and the procedure to be followed thereat;
 - (r) to prescribe the procedure to be observed by members of the Police Service or any approved Association of the Police Service in communicating with the Commission and the procedure to be followed by subordinate officers in communicating with their superiors;
 - (s) to prescribe rules relating to the discipline, conditions of service and enlistment of the Special Police Reserve and such other rules as may be necessary to secure the efficiency of the Reserve;

- (t) to prescribe the mode of determining seniority, and the order of precedence among the members of the Police Service;
- (u) to prescribe the procedure to be observed by any Board appointed by the Commission, the conducting of the meetings of such Board and the duties of the officers of such Board;
- (v) to prescribe the period and nature of notice required for summoning a meeting of any Board appointed by the Commission and to fix the quorum at a meeting of such Board where no quorum is fixed by this Act;
- (w) to prescribe the form of application—
 - (i) for compensation for any injury which has arisen out of and in the course of the employment of a police officer;
 - (ii) for assistance from the Welfare Fund;
 - (iii) for rewards from the Reward Fund;
- (x) to make special rules which apply only to women members of the Police Service;
- (y) to specify which of the rules made hereunder do not apply to women members of the Police Service;
- (z) to make rules for all matters for which no express provision has been made and for which rules are necessary; and
- (aa) to generally make rules for all matters not hereinbefore specified which are necessary for the good government, efficient administration, management and control of the Police Service.

(2) The Commission is hereby empowered to make rules binding on the members of the auxiliary services generally in regard to any or all of the matters mentioned or referred to above.

(3) The Commission shall have power to make rules for promoting the general efficiency of the members of the Police Service within any port and for preventing neglect or abuse in the discharge of their duties.

(4) Until rules are made by the Commission under the powers conferred by this Act all regulations, rules and orders made under the Police Ordinance shall continue in force.

(5) All rules, regulations or orders continued in force by subsection (4) shall be deemed to have been made under this Act.

(6) The Commission may revise, amend or repeal any regulation, rule or order made under the Police Ordinance and continue in force by this Act, or repeal such regulation, rule or order and substitute therefore any other rule.

(7) All rules made under this Section by the Commission shall be published in the Gazette and shall upon such publication come into operation.

(8) A copy of every rule so published shall be tabled in the Senate and the House of Representatives and if no resolution disallowing such rule is passed by both Houses within forty-two days of the date on which it is tabled the rule shall have the same force of law as from the date it was published in the Gazette as if it were herein enacted

Commission may from time to time authorize Boards to exercise some of its functions

17. (1) It shall be lawful for the Commission, if it should deem it necessary to do so owing to the volume of its work, and subject to such conditions as it may prescribe, to authorize the Promotions Board and the Transfer Board hereinafter constituted to exercise such of its powers as it may authorize them to exercise from time to time subject, however, to the overriding powers of the Commission.

(2) Every authorization to exercise the powers of the Commission shall be made in writing and shall specify the limits of the powers of the exercise of which is authorized, and the terms and conditions of such authorization.

(3) There shall be a right of appeal to the Commission by any member of the Police Service aggrieved by a decision of the Promotions Board or the Transfer Board.

(4) Every authorization made under subsection (1) shall be published in the Gazette.

(5) The commission shall by rule prescribe the mode of appealing from a decision of the Promotions Board or the Transfer Board and the practice and procedure to be observed at the hearing of such appeal.

(6) In the exercise of its powers to appoint a Promotions Board and a Transfer Board under subsection (1):

- (a) it shall- be lawful for the Commission to refrain from appointing either of the Boards till such time as the Commission is of opinion that the volume of its work is such that the appointment of either Board or both the Boards is necessary;
- (b) it shall be lawful for the Commission to appoint any one only of the two Boards in the first instance and refrain from appointing the other Board at

all or till such time as the Commission is of opinion that there is a need for it.

(7) The Commission is hereby empowered in consultation with the Head of the Treasury to determine the remuneration that should be paid to the members of the Promotions Board and the Transfer Board other than the Commissioner of Police.

Promotions Board

18. (I) The Promotions Board shall consist of three members appointed by the Commission one of whom at least shall have held high judicial office.

(2) The Promotions Board shall make all its decisions at a meeting of the Board. At such meeting the Board shall not be properly constituted unless all its members are present throughout the proceedings.

(3) The Promotions Board shall consist of—

- (a) a person who has held high judicial office who shall also be appointed its Chairman,
- (b) a retired member of the Administrative Service who has held the office of Permanent Secretary, and
- (c) the Commissioner of Police.

(4) The Commissioner shall appoint as Secretary to the Promotions Board a person who is not a member of the Police Service.

Transfer Board

19. (I) The Transfer Board shall consist of three persons appointed by the Commission one of whom shall have held high judicial office.

(2) The Transfer Board shall make all its decisions at a meeting of the Board. At such meeting the Board shall not be properly constituted unless all the members are present throughout the proceedings.

3) The Transfer Board shall consist of—

- (a) a person who has held high judicial office who shall also be appointed its Chairman,
- (b) a retired member of the Administrative Service who has held the office of Permanent Secretary, and
- (c) the Commissioner of Police.

Secretary to Transfer Board.

20. (I) There shall be a Secretary to the Transfer Board appointed by the Commission.

(2) The Secretary to the Transfer Board shall not be a member of the Police Service.

Same person may be Secretary of Promotions Board and Transfer Board

21. The Commission shall appoint as Secretary to the Transfer Board, either the Secretary of the Promotions Board or some other person in case the Secretary of the Promotions Board is unable to discharge the duties of both offices.

. Appeals to Commission by person aggrieved by decision of Promotion Board or Transfer Board.

22. Any member of the Police Service aggrieved by a decision of the Promotions Board or of the Transfer Board may appeal to the Commission by way of petition. Such petition shall be signed by the person making the appeal.

. Appellant may be heard in person or by counsel where necessary

23. (1) The Commission may, if it deems it necessary to do so, grant an appellant a hearing in person or, where it thinks fit to do so, permit a pleader on behalf of the appellant to make his submissions.

(2) It shall be lawful for the Commission to revoke-at any time the permission so granted to counsel to make submissions on behalf of the appellant.

Revisory powers of the Supreme Court

24. The Supreme Court shall have the right in the exercise of its prerogative powers to review any decision of the Commission which offends the rules of natural justice or is contrary to law.

25. (1) Promotion from—

- (a) the rank of Constable to that of Sergeant,
- (b) the rank of Sergeant to that of Sub-Inspector,
- (c) the rank of Sub-Inspector to that of Inspector, and
- (d) the rank of Inspector to that of Assistant Superintendent of Police,

shall be determined by examination and candidates shall be selected in order of merit.

(2) No candidate may sit for an examination for promotion from the rank in which he is to the next higher rank unless and until he has received the approval of the Commission to do so.

(3) Where the power to grant the approval referred to in subsection (2) is conferred by the Commission on the Promotions Board such Board may grant its approval to those candidates who apply to sit for the examinations in respect of which it is authorised to grant approval.

(4) In granting approval to a candidate to sit for an examination the Commission or the Promotions Board as the case may be shall have regard to the candidate's good conduct and general fitness for promotion

(5) No candidate may be permitted to sit for a promotion examination more than three times in all.

Tribunals of Inquiry.

26. (1) The Commission is hereby empowered to appoint from time to time tribunals of inquiry consisting of not more than five persons nor less than three persons to hold any disciplinary inquiry which the Commissioners are unable to hold themselves or which the Commissioners consider should be held before a tribunal of inquiry appointed by them.

(2) A member of the Senate or the House of Representatives or of any local authority or a member of the Police Service or any person who has been dismissed from the Government Service or the service of any public corporation or been convicted of any offence punishable under the Penal Code or the Bribery Act or any other penal enactment shall not be appointed to such tribunal of inquiry.

(3) The members of a tribunal of inquiry may be paid such remuneration as may be determined by the Commission.

(4) The tribunal of inquiry shall sit in camera except when the Commission directs that such tribunal should hold a public inquiry.

(5) Unless at a hearing all the members of the tribunal are present the tribunal shall not be properly constituted.

(6) The Commission shall when constituting the tribunal nominate one of its members to be its Chairman.

(7) The evidence given before at of inquiry shall be recorded verbatim.

(8) The tribunal shall record its conclusions on the charges it is empowered to inquire into and make a report embodying such conclusions.

(9) The conclusions and the report shall be signed by all the members of the tribunal and transmitted to the Commission.

(10) Where the tribunal is not unanimous each member shall record and sign his conclusions on the inquiry, and the conclusions of all the members shall be transmitted the Commission by the Chairman.

(11) A tribunal shall inquire into any matter referred to it and report with the greatest expedition and within the time fixed by the Commission.

(12) The Commission shall at the time of appointment of any tribunal of inquiry fix the time within which the inquiry is to be concluded and the report made. The Commission may from time to time extend the time so fixed where it considers that further time is necessary to complete the inquiry.

(13) At an inquiry held before a tribunal of inquiry appointed by the Commission the officer against whom the charges are laid shall have the right to appear and plead his case in person.

(14) No advocate or proctor or friend may appear on behalf of a member of the Police Service at an inquiry before a tribunal except with the prior leave of the Commission obtained in writing.

(15) The Commission may in a suitable case either upon the application of the party accused or upon the recommendation of the tribunal of inquiry permit the party accused to be defended by a pleader or a friend.

(16) Where leave is granted by the Commission to a party accused to appear by pleader the Commission shall also provide a pleader to assist the tribunal of inquiry.

(17) The Commission may act on the conclusions of tribunal of inquiry only if after considering the report of the tribunal the Commission concurs with them.

(18) Where the Commission does not concur with the conclusions made by any tribunal of inquiry it may on the material before it form its own conclusions as to the charges and take action accordingly or appoint a second tribunal of inquiry not consisting of the members who constituted the first tribunal of inquiry.

(19) For the purpose of summoning witnesses and causing the production of documents the Commission and any tribunal of inquiry appointed by it shall have all the powers of a Magistrate of a Magistrate's Court.

(20) All process issued by the Commission or a tribunal of inquiry shall be issued under the hand of the Chairman of the Commission or of the tribunal of inquiry as the case may be.

(21) Where during the proceedings of a tribunal of inquiry a member of the tribunal becomes unable to perform his functions on account either of illness or any other cause

whatsoever the Commission may revoke the appointment of the tribunal and appoint another to hold the disciplinary inquiry *de novo* .

- (22) No person shall be brought before a tribunal of inquiry unless he has been—
- (a) served with a written copy of the charges against him in a language which he understands;
 - (b) given every opportunity of summoning his witnesses; and
 - (c) given certified copies free of charge of all documents on which he relies for his defence.

(23) (i) Where it appears to the Commission or to a tribunal of inquiry at the commencement of or during an inquiry at which the person whose conduct the are inquiring into is unrepresented by a pleader that the party accused has no means for obtaining the services of a pleader at his expense and that the charges against him are such that justice is likely to suffer if he is not represented by a pleader it shall be lawful for the tribunal to assign such counsel as in the view of the tribunal can competently plead his cause and direct that his fees be paid by the Treasury.

(ii) The Head of the Treasury shall be bound to carry out such direction as if it were an order made by a Magistrate of a Magistrate's Court.

CHAPTER III

Age of compulsory retirement sixty years.

27. (1) Every member of the Police Service shall retire from the Police Service on his attaining the age of sixty years.

(2) It shall be lawful] for the Commission to extend from time to time the service of any particular member of the Police Service beyond the age of sixty years in a case in which the Commission considers that the public interest requires that that member should continue in service.

(3) The Commission shall not extend the service of any such member for more than five years in all.

Optional retirement at the age of fifty

28. (1) A member of the Police Service may retire from at the Service at his option on reaching the age of fifty years or at any time thereafter before he reaches the age of sixty years.

(2) The Commission may require any member of the Police Service to retire on his attaining the age of fifty years or at any time thereafter till he reaches the age of sixty years on the ground

- (a) that such member is by reason of mental or bodily infirmity unfit to continue in service, or
- (b) that such member is no longer able to discharge his duties efficiently, or
- (c) that the public interest requires that that member should be retired, or
- (d) that the interests of the Service requires that that member should be replaced by a younger member, or
- (e) that the conduct of that member is such that his retention in the Service is not in the public interest.

Member of Police Service may appeal to Board

29. Any member of the Police Service dissatisfied with an order made by the Commission under Section 28 may within 30 days of the receipt of such order appeal to the Board of Appeal as hereinafter constituted.

Appeal to be in writing and signed

30. The appeal shall be in writing addressed to the Board of Appeal and signed by the person making the appeal. The Commission shall be named as party respondent in such petition.

Constitution of Board of Appeal

31. The Board of Appeal shall consist of three members one of whom at least shall be a person who has held high judicial office.

Governor General to appoint Board

32. The members of the Board of Appeal shall be appointed by the Governor-General and each member shall hold office for five years and the members shall not be eligible for re-appointment. Member of Police Service, member of Senate and of House of Representatives disqualified from Board.

33. A member of the Senate or of the House of Representatives or of local authority or any employee of the Government or of any public corporation or of the Police Service shall not be eligible for appointment to the Board of Appeal.

Members of Board to be paid remuneration.

34. The members of the Board of Appeal shall be paid such remuneration as Parliament may fix and such remuneration shall not be reduced during their term of office.

Quorum of Board.

35. The Board of Appeal shall not be properly constituted unless all the members are present at a hearing of an appeal

Chairman to be person who has held Judicial office.

36. The Governor-General shall appoint as Chairman of the Board of Appeal a member who has held high Judicial office.

Parties to be heard.

37. (1) The Board of Appeal shall hear the appellant in person.

(2) On such appeal the burden of proving that the order of retirement is not justified on any of the grounds specified in this Act shall be on the appellant.

(3) The Board of Appeal shall hear such evidence oral or written as the appellant shall adduce and shall summon such other witnesses as in the opinion of the Board are able to give relevant evidence.

(4) The Board of Appeal shall also call for and examine such files or documents as the Board deems it necessary to examine in order to further the ends of justice.

(5) The Board of Appeal shall not either *ex mero motu* or on the application of the appellant summon or examine as a witness any member of the Commission.

(6) All communications from the Board of Appeal to the Commission shall be addressed by the Secretary to such Board to the Secretary to the Commission.

When counsel may appear.

38. The Board of Appeal may grant the appellant the privilege of being represented by pleader should it deem it necessary to do so. Such permission may be granted *ex mero motu* or on the application of the appellant.

When Commission may not appear by Counsel

39. The Commission shall not be entitled to be represented by a pleader unless the Board of Appeal has granted the appellant leave to appear by a pleader.

When may Commission appear by Counsel.

40. In any case in which the appellant is permitted to appear by a pleader the Commission shall be entitled to be represented by a pleader.

No costs for either party.

41. The Board of Appeal shall have no right to award costs to either party.

Decision to be given in the open either immediately after a hearing or at a later date.

42. (1) The Board of Appeal shall immediately after a hearing is concluded or at any future date which it may fix~ at the conclusion of a hearing pronounce its decision in public.

(2) The decision of the majority of the Board of Appeal shall be accepted as the decision of the Board.

Decision of Board to be signed by all three members

43. (1) The decision of the Board of Appeal shall be in writing signed by all its members.

(2) \Where there is a division of opinion the dissenting member may record his dissent.

Commission bound to carry out decision of Board

44. The Commission shall give effect to every decision of the Board of Appeal.

Board may fix period within which a second order of retirement may not be made.

45. Where the Board of Appeal reverses a decision of the Commission that a member of the Police Service should retire it shall fix a period within which a second order of retirement shall not be made.

Where appeal allowed commission not to make fresh order except on new facts.

46. Where the Board of Appeal reverses a decision of the Commission that a member of the Police Service should retire the Commission shall not make a second order to retire unless fresh grounds for retiring the officer concerned have arisen.

Retirement for ill-health.

47. (1) The Commission may in any case in which it is of opinion that a member of the Police Service should be retired on the ground of ill-health, if the officer is below the age of 50 years, appoint with the concurrence of the Director of Health Services a panel of three medical practitioners to examine the officer concerned and report whether such officer is fit to discharge his duties. Such report shall be in writing signed by the three medical practitioners.

(2) The medical practitioners shall be paid from the funds voted by Parliament for the work of the Commission, where there is no rule of the service prohibiting such medical practitioner from accepting a fee or reward.

If officer unfit to serve, order of retirement to be made by Commission.

48. Where the report made by a panel of medical practitioners appointed under Section 47(I) states that the officer is unfit to discharge the duties of his office the Commission may make an order retiring the officer from the Police Service. From such order there shall be no appeal.

Mode of calculating and the rates at which pension may be paid.

49. The mode of calculating the pension or gratuity and the rates at which the pension or gratuity shall be calculated prescribed in the Minute on Pensions relating to members of the Public Service shall apply to all members of the Police Service who retire or are compulsorily retired,

subject to such modifications as are prescribed—

- (a) in the case of those who retire of their own choice on attaining the age of fifty years or at any time thereafter before reaching the age of sixty years, or
- (b) in the case of those who are compulsorily retired on attaining the age of fifty years or at any time thereafter before reaching the age of sixty years.

Every member of Police Service not dismissed to pension.

50. Every member of the Police Service who is not dismissed from the Service or who has not ceased to be a member of the Service by operation of any statutory provision shall be entitled to pension or gratuity as the case may be in accordance with the rules and mode of

computation prescribed in the Minute on Pensions applicable to all public servants..

Appeal to Board against denial of pension

51. (1) Any member of the Police Service who has not been dismissed from the Service by the Commission or who, has not ceased to be a member of the Police Service by the operation of any statutory provision may if he is denied a pension or gratuity appeal in writing signed by the appellant to the Board of Appeal constituted under this Act.

(2) The Director of Pensions shall be named as a party respondent to the appeal.

(3) The appellant shall be entitled to appear in person at the hearing of such appeal and may if he is granted permission to do so appear by pleader.

Powers of Board on any appeal for pension

52. (1) The Board of Appeal shall on any such appeal after hearing the appellant and the Director of Pensions, where it deems it necessary to do so, make an order either dismissing the appeal or granting a pension or gratuity as the case may be.

(2) Before the Board of Appeal makes an order granting a pension or gratuity it shall afford the Director of Pensions an opportunity of appearing either in person or by pleader and making his submissions against the grant of such pension or gratuity.

(3) In any case in which the Director of Pensions is granted leave to appear by pleader the Board of Appeal shall grant the appellant also leave to be represented by pleader.

(4) In every case in which leave is granted to the appellant to be represented by a pleader such pleader shall be entitled to address the Board of Appeal.

(5) The Director of Pensions shall be bound to give effect to any order of the Board of Appeal granting a pension or gratuity.

(6) If the Director of Pensions fails to comply with an order made by the Board of Appeal he shall be guilty of the offence of contempt of court as if the order was one made by a Magistrate's Court and shall be liable to be imprisoned till such time as he carries out the order.

Procedure of hearing of appeal

53. At the hearing of an appeal under Section 51 against the refusal of a pension or gratuity grant of leave to parties to appear by pleader shall be determiner' by the Board of Appeal in the same way as at the hearing of an appeal against an order of retirement.

No costs to be awarded

54. No costs shall be awarded against the appellant at the hearing of an appeal against the refusal to grant a pension or gratuity.

Secretary to the Board how appointed and paid.

55. (1) The Governor-General shall appoint a Secretary to the Board of Appeal.

(2) The Commission shall be represented by its Secretary or an Assistant Secretary who shall give the Board of Appeal every assistance.

(3) No person shall be qualified to be appointed as Secretary to the Board of Appeal unless he is an advocate of at least ten years' standing or is a member of the Ceylon

Judicial Service or is a Crown Counsel of not less than five years' standing in the permanent service of the Attorney General's Department.

(4) The salary of the Secretary to the Board of Appeal shall not be less than that paid to a senior Crown Counsel.

(5) Where a member of the Judicial Service or a Crown Counsel from the Attorney-General's Department is appointed as Secretary to the Board of Appeal the Governor General may second him for service for a fixed period of not less than five years if the selected officer so desires it.

Board to be provided with necessary staff and equipment.

56. The Board of Appeal shall be provided with such staff; equipment and offices as shall be necessary for the efficient discharge of its functions.

Police officers not to resign without leave or six months notice.

57. (1) No member of the Police Service may resign from the Service or withdraw or absent himself from his duties unless he is expressly authorised to do so in writing by the Commission or unless he shall have given to the Commission six months' notice in writing of his intention to do so.

(2) Any member of the Police Service who commits a breach of subsection (1) shall be dismissed from the Police Service.

Persons serving in the Police Department cannot strike.

58. (1) No officer or person, not being a member of the Police Service, who is for the time being serving in the Police Department shall, while he is so serving, have the right to strike although he be a member of a Trade Union.

(2) Any officer or person who commits a breach of subsection (1) shall be guilty of an offence punishable upon summary trial by a fine not exceeding five-hundred rupees or rigorous imprisonment not exceeding twelve months or by both such fine and imprisonment.

(3) A person convicted under subsection (2) shall not be entitled to remain in the service to which he belongs and shall be treated as if he were dismissed there from.

Members of the Police Service not to engage in trade or business

59. (1) No member of the Police Service shall—

- (a) engage in any trade or business whatsoever, or any activity in the nature of a trade or business, or

- (b) accept any employment, or
- (c) receive any gift or remuneration for any work done by him, or
- (d) without the previous written leave of the Commission engage in any activity other than the performance of his duties.

(2) Any member who is proved to the satisfaction of the Commission to have committed a breach of any provisions of this section shall be dismissed from the Police Service.

CHAPTER IV

Members of the Police Service to declare their assets annually

60. (1) On the 15th day of January of each year every member of the Police Service and every person who, although not a member of the Police Service, is for the time being serving in the Police Department, shall make a statement in writing of the property both movable and immovable owned by or standing in the name of himself, his wife and children and forward it to the Commission to be preserved in the custody of such officer as the Commission may appoint as Personnel Officer of the Commission.

(2) If any statement made under subsection (1) proves to be false the officer making the declaration shall be guilty of the offence of making a false declaration under this section and shall be liable on conviction after summary trial to a fine of five hundred rupees or to rigorous imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(3) A person convicted under subsection (2) shall if he does not appeal to the Supreme Court cease at the end of the appealable period to be a member of the Police Service or the service to which he belongs, or if having appealed his appeal is dismissed, he shall cease to be a member of the Police service or the service to which he belongs on the day on which the order of dismissal of his appeal is pronounced.

Members of the Police Service to declare their debts annually.

61. (1) On the 15th day of January of each year every member of the Police Service and every person who, although not a member of the Police Service, is for the time being serving in the Police Department, shall make a statement declaring the secured and unsecured debts of himself, his wife and children and forward it to the Commission, to be preserved in the custody of such officer as the Commission may appoint; as the Personnel Officer of the Commission.

(2) If any statement made under subsection (1) proves to be false the officer making the declaration shall be guilty of the offence of making a false declaration under this section

and be liable on conviction after summary trial to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(3) A person convicted under subsection (2) shall at the end of the appealable period cease to be a member of the Police Service or the service to which he belongs if he does not appeal against his conviction; to the Supreme Court. If he appeals to the Supreme Court, and if his appeal is dismissed he shall cease to be a member of the Police Service or the service to which he belongs on the day on which the order of dismissal of his appeal is pronounced.

An offence to own wealth unaccounted for

62. (1) Any member of the Police Service or any person who, although not a member of the Police Service is for the time being serving in the Police Department found to be in possession or control of any movable or immovable property which is not accounted for in the annual statements made by him, shall be guilty of an offence, and shall upon summary trial be liable to a fine of five hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(2) A member of the Police Service or a person for the time being attached to the Police Department who is convicted of an offence under subsection (1) shall at the end of the appealable period cease to be a member of the Police Service or the service to which he belongs if he does not appeal against his conviction to the Supreme Court. If he appeals to the Supreme Court and if his appeal is dismissed he shall cease to be a member of the Police Service or the service to which he belongs on the day on which the order of dismissal of his appeal is pronounced.

(3) The property movable or immovable of a Police Officer or other person who is convicted under this section which is not accounted for in his annual returns shall, if he does not appeal or if having appealed his conviction is not set aside in appeal, become the property of the Crown and it shall be lawful for the Magistrate of the Magistrate's Court before which he was convicted to direct the accused officer to deliver such property to the Court if it is property that is capable of manual delivery. If it is not property capable of manual delivery the Magistrate shall make such order as to its delivery or transfer as he deems fit having regard to the nature of the property. If the property is immovable property the Magistrate shall direct the accused officer to execute before him a transfer in favour of the Crown in such form as he may deem fit.

(4) An accused person who fails to carry out an order or direction given by a Magistrate shall be guilty of the offence of contempt and shall be liable to be summarily tried and convicted by the Magistrate of the Magistrate's Court that made the order, and upon such conviction to be imprisoned till he carries out the order of the Magistrate or causes it to be carried out.

CHAPTER V

Members of the Police Service may form Associations

63. (1) Members of the Police Service of any one rank or of more than one rank may with the written approval of the Commission form themselves into an Association of the purpose of—

- (a) promoting the efficiency of the Police Service;
- (b) fostering good relations and fellowship among its members and among all members of the Police Service
- (c) being the official channel of communication between its members as a body and the Commission and the Commissioner of Police;
- (d) being the official channel for making representations on behalf of the members of the Association;
- (e) protecting and improving the conditions of service of the members of the Police Service forming the Association;
- (f) taking such action as the Association considers advisable in the interests of the members forming the association; and
- (g) advancing the welfare and well-being of the members of the Association.

(2) No member of the Police Service shall be a member of an Association that is not approved by the Commission under this section.

Procedure for forming Associations

64. (1) The members of any one rank or of more than one rank of the Police Service desirous of forming an Association shall make application to the Commission in writing under the hand of not less than 55 per cent of the members of the rank or ranks desiring to form the Association.

(2) Such application shall specify the purpose or purposes of the Association and shall be accompanied by the draft constitution of such Association.

(3) Once the approval to form an Association is granted by the Commission its constitution shall not be altered except with the prior written approval of the Commission.

Subscription may be deducted from, salary.

65. The subscription of every member of any Association of Police Officers approved by the Commission shall be deducted from the pay of such member by the Paying Officer, who shall pay it to the Treasurer of such Association.

Accounts of Association to be audited and Balance Sheet submitted.

66. Every Association of Police Officers approved by the Commission shall have its accounts audited at the end of each year by an auditor approved by the Commission and shall within three months of the end of each year submit a Balance Sheet to the Commission.

When approval of an Association may be withdrawn

67. (1) If at any time it appears to the Commission that the membership of any approved Association has fallen below 55 per cent of the members of the rank or ranks constituting the Association the Commission shall issue notice on the President and the Secretary of the Association, and call Upon them to show cause why the approval of the Association should not be withdrawn.

(2) If no cause is shown or cause having been shown the Commission is not satisfied that the Association consists of not less than 55 per cent of the rank or ranks constituting the Association, it shall withdraw its approval.

(3) The fact of the withdrawal of the approval of any Association by the Commission shall be published in the Gazette .

(4) It shall not be lawful for any member of the Police Service to be a member of any Association that is not approved or whose approval has been withdrawn. .

(5) At any hearing by the Commission for the purpose of withdrawing the approval of an Association any other office-bearer than the President or Secretary or any other member may make a written application for leave to make representations against the withdrawal of approval.

(6) The Commission may if it is satisfied on the facts stated in such application grant the applicants a hearing and make its order.

No Association of Police Officers to be registered as a Trade Union.

68. No Association of members of the Police Service shall be registered as a Trade Union and no such Association shall have the rights of a Trade Union.

Resorting to strike action by members of the Police Service perishable.

69. (1) It shall be an offence punishable with imprisonment upon summary trial for a period not exceeding one year for the members of any Association of the member of the Police Service to resort to strike action for the purpose of obtaining their demands or attaining their objects.

(2) Any member of the Police Service who strikes or threatens to strike or refrains from attending to his duties in order to compel the Government to grant his demands shall, in addition to any punishment to which he may be liable, be deemed to have vacated his office and shall cease to be a member of the Police Service on the date on which he performs any of the acts referred to herein, and shall not be re-employed.

CHAPTER VI

Injuries in execution of duty.

70. Any injury suffered by a member of the Police Service—

- (a) while on duty or while on a direct journey from his home to report for duty or to his home after duty; or
- (b) while not on duty in the performance of some act which is within the scope of his ordinary duties; or
- (c) in consequence of some act performed in the execution of his duty—

shall be deemed to have arisen out of and in the course of his employment.

Compensation for injury.

71. (1) A member of the Police Service who suffers any injury which has arisen out of and in the course of his employment shall be compensated at the rates prescribed in Schedule (1) hereto.

(2) A Board of three members known as the Compensation Board is hereby established for the purpose of determining the amount of compensation to be paid to a member of the Police Service who suffers any injury which has arisen out of and in the course of his employment.

(3) The members of the Board shall be appointed by the Commission and shall hold office for five years.

(4) The Commission shall appoint one of the members to be Chairman of the Board.

(5) Of the three members one shall be appointed from among the Deputy Commissioners of Police, one shall be appointed, in consultation with the Director of Health Service, from among the senior medical practitioners attached to the Department of Health Services, and the third shall be a person who by training and experience is qualified to assess the amount of the loss in earning capacity caused to a person by any particular injury.

(6) The members of the Board shall be paid such remuneration as the Commission shall determine in consultation with the Head of the Treasury.

(7) There shall be a Secretary to the Board. He shall subject to the directions of the Chairman, summon meeting of the Board, keep minutes of its meetings, and be in charge of all its records, files and correspondence.

(8) The Secretary of the Board shall be appointed by the Commission, which is hereby empowered to determine the salary of the Secretary in consultation with the Head of the Treasury. .

(9) The Board shall make all its decisions at a meeting of the Board.

(10) The Chairman and one member shall form a quorum.

(11) Any member who without the prior written permission of the Commission absents himself from three consecutive meetings shall cease to be a Member of the Board.

(12) A member may resign his membership of the Board by letter under his hand addressed to the Commission stating the reason for his resignation. A resignation shall not take effect until it is accepted by the Commission and such acceptance is signified in writing to the member resigning.

(13) The Commission shall have power to fill any vacancy caused by death, resignation or cessation of membership.

(14) The member appointed to fill a vacancy shall hold office for five years.

(15) All applications for compensation shall be address to the Secretary to the Compensation Board in the form prescribed by the Commission.

(16) Every application for compensation shall be placed before the Board without delay.

(17) Any applicant for compensation may be summoned by the Board to appear before it.

(18) An applicant for compensation shall have the right to present his case before the Board in person

(19) An applicant for compensation shall not be entitled to be represented before the Board by pleader or friend except with the approval of the Board.

(20) The Board shall hear and decide all applications of compensation with the least possible delay,

(21) The Secretary shall communicate in writing under his hand the decision of the Board to the applicant as expeditiously as possible.

CHAPTER VII

Punishment for obtaining admission by false representation.

72. Every person who by any false or forged certificates or any false representations obtains admission or re-admission into the Police Service shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding one thousand rupees or imprisonment for a period not exceeding two years or to both such fine and imprisonment and shall be treated as if he were never admitted to the Police Service and shall not be admitted to the Police Service at any time thereafter.

Dismissed person not to be re-admitted to the Police Service.

73. Any person who has been dismissed from the Police Service shall not, while such dismissal is in force be readmitted to the Police Service.

Convicted person not to be re-admitted to the Police Service

74. (1) Any person who has been convicted of an offence under the Penal Code, the Bribery Act or under any other law that may be notified in the Government Gazette from time to time by the Commission shall not, while such conviction is in force be admitted to the Police Service.

(2) Where a person convicted of any, offence under the laws specified in subsection (1) or in a notification published thereunder is admitted to the Police Service without the conviction being known to the authority admitting him to the Service the person so admitted shall be dismissed the moment the conviction comes to or is brought to the notice of the Commission.

CHAPTER VIII

Police Ombudsman.

75. There shall be a functionary who shall be known as the Police Ombudsman, hereinafter referred to- as the Ombudsman.

Ombudsman how appointed.

76. The Ombudsman shall be appointed by the Judicial Service Commission.

Persons eligible for appointment as Ombudsman.

77. (1) Members of the Judicial Service who have been not less than ten years in that Service and Advocates or Proctors who have been members of either branch of the legal profession for not less than fifteen years shall be eligible for appointment as Ombudsman.

(2) A person who has at any time—

- (a) been convicted of any offence, and has not received a pardon, or
- (b) been found guilty by the Supreme Court of professional misconduct, shall not be eligible for appointment as Ombudsman or Deputy Ombudsman.

Ombudsman when removable

78. The Ombudsman or a Deputy Ombudsman shall not be removed from office except for proved misconduct or proved mental or bodily infirmity which renders him unfit to hold office.

Member of Judicial Service shall be seconded.

79. If the Judicial Service Commission shall deem fit it may instead of appointing an Ombudsman permanently second for service as Ombudsman a member of the Judicial Service for a period of years to be specified in the Act of appointment

(2) The appointment of an Ombudsman shall be notified in the Gazette.

Remuneration of Ombudsman

80. An Ombudsman shall be paid the same remuneration and shall be entitled to the same privileges allowances, and leave as a member of the Special Class of the Judicial Service.

Age of retirement of Ombudsman.

81. The age of retirement of the Ombudsman shall be the same as that prescribed for members of the Special Class of the Judicial Service, and his age of retirement may be extended on the same grounds on which the age of retirement of a member of the Judicial Service may be extended.

Ombudsman to have powers of Magistrate.

82. (1) The Ombudsman shall have—

- (a) all the powers of a Magistrate under the Criminal Procedure Code and any other law conferring, powers on a Magistrate, and
- (b) all the powers of an Inquirer under the Criminal Procured Code.

(2) The jurisdiction of the Ombudsman shall have no territorial limitation and he shall have the right to hear and determine complaints from any part of the Island regardless of the place of residence of the person making the complaint or that of the person against whom the complaint is made

(3) The Ombudsman's jurisdiction to hear and determine any complaint against a member of the Police Service shall not be affected or excluded by the fact that—

- (a) another Court has jurisdiction to hear and determine the subject matter of the complaint,
- (b) that another body or institution has a right to settle by conciliation the matter of the complaint,
- (c) that any legal requirement to submit the matter of the complaint to a Conciliation Board has not been complied with.

All complaints against Police to be made to Ombudsman

83. All complaints against a member of the Police Service shall be made to the Ombudsman in writing by an aggrieved person, or a friend or near relation of any aggrieved person, or any Member of the public or any public servant acting in the public interest.

Complaints to Ombudsman to be signed.

84. Every complaint made to the Ombudsman shall be signed by the person making it.

Ombudsman to investigate all complaints.

85. Upon receiving a complaint the Ombudsman shall have power to investigate it by summoning and examining on oath the person making the complaint (hereinafter referred to as the complainant) and any witnesses who are disclosed either in the original complaint or in the oral examination .

Ombudman may frame a charge.

86. (1) If upon the examination of the complaint and of any witnesses disclosed in the written complaint or the oral examination of the complainant . the Ombudsman is of opinion that the complaint discloses conduct that should be the subject matter of a charge against the officer in respect of whom the complaint has been made, he shall frame a charge and cause it to be served on the officer against whom the complaint has been made (hereinafter referred to as the accused), and shall call upon him to appear before him in

person on a date and at a time stated in the charge to show cause, if any, why he should not be dealt with for the act specified in the charge.

(2) The Ombudsman shall at the same time issue summons on the complainant and the accused and any witnesses he may wish to examine, to appear in person before him at a date and time stated in such summons.

(3) (1) The Ombudsman may summon any witnesses whom the accused wishes to call in support of his defence

(2) Before issuing summons in any particular case the Ombudsman may ask for particulars as to the evidence to be given in order to satisfy himself that the witness is able to give material evidence. Where he is not so satisfied the Ombudsman may refuse summons.

Ombudsman may issue a warrant

87. The Ombudsman may for the arrest of any person who fails to obey a summons issued by him.

Parties entitled to be represented by Counsel before Ombudsman.

88. The complainant and the accused shall each be entitled to be represented by a Proctor or Advocate in all proceedings before the Ombudsman.

Person disobeying summons may be remanded.

89. The Ombudsman may also remand to the custody of the Fiscal for the duration of the hearing of a charge—

- (a) any member of the Police Service against whom a charge has been framed, and
- (b) any person who disobeys a summons issued by him.

Evidence given at a hearing before the Ombudsman to be recorded.

90. The Ombudsman shall record or cause to be recorded the evidence given at the hearing of a charge or charges against a police officer.

Proceedings before Ombudsman to be in public.

91. The proceedings before an Ombudsman shall be open to the public and shall not be held in camera unless the Ombudsman shall for any special reason to be recorded by him in writing decide that it is in the public interest that the proceedings should be held in camera.

Language of proceedings before Ombudsman to be prescribed.

92. The Judicial Service Commission shall prescribe the language in which proceedings before the Ombudsman shall be taken, and the language in which the records of the Ombudsman shall be kept.

93. The Judicial Service Commission shall make regulations for all matters relating to proceedings before the Ombudsman or the exercise of his powers for which express provision is not made herein. All such regulations shall be published in the Gazette and shall when so published have the force of law.

Ombudsman not to sit in Police Station.

94. The Ombudsman may take proceedings in any suitable place; but he shall not sit in a police station or a police office for the purpose of any proceedings under this Act.

Ombudsman may inspect scene

95. The Ombudsman may *ex mero motu* visit any police station or other place referred to in the complaint, charge or proceedings for the sake of better understanding the case or whenever requested to do so by either party to the proceedings before him.

Ombudsman bound by the rules of natural justice.

96. The Ombudsman in hearing a complaint against a member of the Police Service shall be bound to observed the rules of natural justice; but he shall not be bound by the provisions of the Evidence Ordinance except when the charge is in respect of an offence punishable under the Penal Code or any other law which a court also has jurisdiction to hear and determine.

Ombudsman to perform an active role in the investigation of a charge.

97. (1) The Ombudsman shall have all the powers necessary for ascertaining the facts relating to a complaint under investigation.

(2) He may either *ex mero motu* or on the application of either party, call for and examine any relevant official record, document or paper.

(3) Such records, documents and papers shall not be withheld from him on the ground of any privilege or official confidence.

(4) Where a party to the proceedings applies for summons to produce a document the Ombudsman shall not cause it to be produced unless he is satisfied that it is relevant.

(5) For the purpose of satisfying himself as to the relevancy of a document the Ombudsman may call for and examine it and any other document or documents, and any person or persons.

98. For the purpose of any inquiry or trial It shall be lawful for the Ombudsman—

- (a) to call for particulars regarding the bank account of any member of the Police Service, his wife and children,
- (b) to call for a statement of all the movable property entrusted to or deposited with any bank by a member of the Police Service. his wife and children.

Documents not to be withheld from Ombudsman.

99. Any person withholding from the Ombudsman any document called for by him shall be guilty of an offence and shall upon summary trial be liable to a fine not exceeding Rs. five hundred rupees or to rigorous imprisonment not exceeding a period of one year or to both such fine and imprisonment.

Punishments an Ombudsman may inflict

100. (1) If at the conclusion of an inquiry the Ombudsman finds a member of the Police Service guilty of the charge or charges laid against him he shall have the power—

- (a) if an offence under the Penal Code is proved, to inflict the punishment prescribed by that Code for that offence;
- (b) if an offence under any other law is proved, to inflict the punishment prescribed by that law;
- (c) if no offence under any law is proved but the evidence establishes a breach of discipline, to inflict any of the punishments prescribed in Schedule II to this Act or in his discretion to refer the matter of punishment to the Commission for the imposition of a suitable punishment.

(2) The Commission is hereby empowered upon receipt of every such reference as is provided in subsection (1) (c) to inflict such punishment as it may deem fit.

Decision of Ombudsman to be in writing.

101. The decision of the Ombudsman shall be in writing and may, be pronounced either immediately upon the conclusion of the hearing or at a later date and time to be declared at the end of such hearing in the presence of the parties.

Appeal to Supreme Court from decision of Ombudsman

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102. There shall be an appeal to the Supreme Court by either party aggrieved by the decision of the Ombudsman.

Appeal to by way of written petition

103. The appeal shall be by written petition addressed to the Supreme Court and shall be delivered to the Registrar of the Supreme Court at the Registry in Colombo within ten days (exclusive of Poya days and Public Holidays) of the pronouncement of the decision

Parties may appear in person or by Counsel at hearing of appeal.

104. At the hearing of the appeal the parties shall be entitled to be heard in person or be represented by Counsel.

Member of the Police Service found guilty automatically dismissed from the Service.

105. A member of the Police Service found guilty of an offence against the Penal Code or any other law shall be deemed to have been dismissed from the Police Service on the day on which he is found guilty if he does not appeal against the decision of the Ombudsman, or, if he appeals on the date on which his appeal is dismissed.

Deputy Ombudsman may be appointed.

106. The Judicial Service Commission may appoint such number of Deputies to the Ombudsman as it may deem necessary having regard to the volume of work. Each such Deputy shall be known as Deputy Police Ombudsman (hereinafter referred to as Deputy Ombudsman).

Member of Judicial Service may be seconded as deputy Ombudsman.

107. (1) If the Judicial Service Commission shall deem fit it may instead of appointing a Deputy Ombudsman permanently second for service as Deputy Ombudsman a member of the Judicial Service for a period of years to be specified in the Act of appointment.

(2) The appointment of a Deputy Ombudsman shall be notified in the Gazette .

Qualifications of Deputy Ombudsman .

108. The qualification necessary for the appointment of a Deputy Ombudsman shall be the same as those required in case of the Ombudsman

Powers of Deputy Ombudsman.

109. A Deputy Ombudsman shall have all the powers and privileges of the Ombudsman and shall be entitled to the same remuneration and be subject to the same conditions of service.

Pension of Ombudsman and Deputies not to be withheld.

110. A pension shall not be withheld from the Ombudsman or any of his Deputies except on the ground that under the rules governing pensions he has not qualified for a pension.

Magistrate or District Judge may record complaints against Police.

111. (1) Notwithstanding the provisions of Section 83 (a) Magistrate or District Judge shall record any complaint made against a member of the Police Service and transmit such record to the Ombudsman.

(2) The Ombudsman shall thereupon proceed as if the complaint had been made to him in the first instance.

Complaints against Police disclosed in a civil or criminal proceeding to be reported to Ombudsman.

112. (1) If in the course of any civil or criminal proceeding in a Court of Law or before any Statutory Tribunal or any Conciliation Board or any person or body of persons empowered to hear and determine any matter, a complaint; against a member of the Police Service is made or an offence or any other act on the part of a member of the Police Service; which calls for investigation by the Ombudsman is disclosed the Judge or Magistrate before whom the proceedings are held shall forthwith report such matter to the Ombudsman

(2) The Ombudsman shall thereupon proceed as if the complaint had been made to him in the first instance.

Ombudsman under a duty to investigate Complaints brought to his notice by Judges

113. It shall be the duty of the Ombudsman to investigate hear and determine any matter affecting a member of the Police Service brought to his notice by a Judge or Magistrate.

Content of expression "Judge"

114. (1) The expression " Judge" in Sections 112 and 113 shall mean a Judge of the Supreme Court, a Commissioner of Assize, a District Judge, a Magistrate or a President of a Rural Court, and shall include the Chairman of a Conciliation Board or any member or members of a any Statutory Body or Tribunal or Commission of Inquiry or any person or body of persons empowered to hear and determine any matter.

(2) Where such Statutory Body, Tribunal or Commission of Inquiry or body of persons has a President or Chairman the expression " Judge " in Sections 112 and 113 shall include such President or Chairman .

Content of expression Ombudsman

115 In this Act the expression " Police Ombudsman " or " Ombudsman " shall be read wherever the context admits as including a Deputy Police Ombudsman

Place of investigation of complaints.

116. The Ombudsman or a Deputy Ombudsman shall be entitled to inquire into a complaints either in Colombo or in any other place nearest to the place where the complaint . resides or his witnesses reside.

Ombudsman and Deputies may inspect Police station.

117. The Ombudsman and any Deputy Ombudsman shall have power to inspect any Police Station, Police Post , Police Guard Room, or Police Office and examine the Information Book or any other books or documents kept or maintained therein.

CHAPTER IX

Judges may inspect Police Stations.

118. A Magistrate, a District Judge, a Commissioner of Assize or any Judge of the Supreme Court may *ex mero motu* or when moved by any person to do so inspect any Police Station, Police Post, Police Guard Room or Police Office and may order the release of any person illegally detained in custody and make such other orders as the interests of justice may require.

Police to obey all orders made by judges inspecting Police Stations.

119. (1) All orders made under the preceding section shall be obeyed by the officers to whom they are ,given and it shall be their duty to carry them out.

(2) Disobedience to such order shall be punished by the Judge who made the order as if it were a contempt of his authority *ex facie curiae* and such Judge is hereby empowered to summarily try and punish the offender for contempt.

(3) Anything in any other law to the contrary notwithstanding such Judge may sentence the offender to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding twelve months. or to both such fine and imprisonment

Police Officers to forward complaints made against the Police.

120. It shall be the duty of every officer in charge, a Police Station, Police Post, Police Guard Room or Police Office to forward without delay to the Ombudsman a true copy, certified by him, of every complaint made at his station against a member of the Police Service.

All Persons to transmit to Ombudsman complaints received against Police

121. It shall be the duty of—

- (a) the Commissioner of Police, every Deputy Commissioner of Police every Superintendent, and Assistant Superintendent of Police
- (b) every Inquirer appointed under the Criminal Procedure Code,
- (c) every head of Department, and
- (d) every Chairman or Manager of every public corporation

to transmit to the Ombudsman under his hand every complaint against a member of the Police Service received by or sent to him.

Fiscal to excute all summons, warrants and other process.

122. (1) It shall be the duty of every Fiscal and his subordinate officers to execute faithfully all summons warrants or other process directed to him or them by the Ombudsman or any Deputy Ombudsman.

(2) If any Fiscal or any subordinate officer of such Fiscal fails or omits to serve or execute a summons, warrant or other process issued by the Ombudsman or any Deputy Ombudsman he shall be guilty of the offence of contempt and shall be liable upon conviction after summary trial by such Ombudsman or Deputy Ombudsman to be sentenced to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(3) The Ombudsman or any Deputy Ombudsman is hereby empowered to summarily try all such offences of contempt and award the punishment prescribed herein.

Police officer to execute warrants and serve summons.

123. (1) Any member of the Police Service who is ordered by the Ombudsman or a Deputy Ombudsman to serve a summons or execute a warrant or any other process issued by him shall carry out such order.

(2) If any member of the Police Service fails or omits to serve or execute a summons, warrant or other process issued by the Ombudsman or any Deputy, Ombudsman he shall be guilty of the offence of contempt and shall be liable upon conviction after summary trial by such Ombudsman or Deputy Ombudsman to be sentenced to a fine not exceeding

five hundred rupees or to rigorous imprisonment for a term not exceeding twelve months or to both such fine and imprisonments.

(3) The Ombudsman or any Deputy Ombudsman is hereby empowered to summarily try all such offences of contempt and award the punishment prescribed herein.

Injured person though not the complainant may participate in proceedings before Police Ombudsman.

124. Where the person aggrieved by an act of a member of the Police Service is not the complainant himself but some other person (hereinafter referred to as the injured person) the Ombudsman may upon the written application of the complainant and the injured person permit such injured person to appear at the hearing of the charge against such member of the Police Service and discharge such complainant from the proceedings.

Ombudsman may assign Counsel or Proctor.

125. Where the complainant, or the injured person or the accused is unable for lack of means, to retain a Proctor or Advocate to represent him the Ombudsman or any Deputy Ombudsman may assign a Proctor or an Advocate or a Proctor and an Advocate having regard to the circumstances of the case.

Ombudsman may permit party to appear by friend

126. Where a party to the proceedings before the Ombudsman or any Deputy Ombudsman requests that he be allowed to appear by a friend he may permit such friend to appear whether he be a member of the legal profession or not.

Assigned Counsel how paid

127. (1) The fee or the rates of fees that should be paid to any Advocate or Proctor assigned by the Ombudsman or a Deputy Ombudsman shall be determined by such Ombudsman or Deputy.

(2) At the conclusion of the hearing of a complaint such Advocate or Proctor or where both an Advocate and a Proctor are assigned such Advocate and Proctor shall be paid his or their fees or remuneration by the Secretary to the Ombudsman upon the production of a certificate from the Ombudsman or a Deputy Ombudsman specifying the amount that should be paid or the rate at which the remuneration has been determinable and, where the fee is payable by the day, the number of days for which the remuneration should be paid.

CHAPTER X

Judicial Service Commission may appoint Secretary to Ombudsman.

128. The Judicial Service Commission shall also appoint a Secretary to the Ombudsman and to each Deputy Ombudsman.

Secretary to Ombudsman to be a lawyer

129. The Secretary to the Ombudsman and the Secretary to each Deputy Ombudsman shall be an advocate, of not less than six years standing in the profession

Remuneration of Secretary to be fixed by J.S.C.

130. The salary of the Secretary to the Ombudsman and of each of the Secretaries to such number of Deputies as may be appointed may be determined by the Judicial Service Commission at a suitable point in the scale prescribed for members of the Judicial Service.

Ombudsman to be provided with office and staff.

131. (1) The Ombudsman shall be provided with an office and such staff and equipment as he may require.

(2) It shall be the duty of the Head of the Treasury to provide the buildings, staff and equipment required by the Ombudsman for the discharge of his functions under this Act.

CHAPTER XI

Special Police Reserve.

132. (1) The Commissioner of Police may from time to time, with the approval of the Minister, by order authorize the establishment of a Special Police Reserve for the area comprised within any province or district.

(2) Where the establishment of a Special Police Reserve for any area is authorized under subsection (1), the Superintendent or Assistant Superintendent of Police in charge of that area, or any Justice of the Peace and Unofficial Magistrate who is requested so to do by such Superintendent or Assistant Superintended, may in writing appoint, as officers of the Special Police Reserve for that area, such fit and proper persons resident in that area as may consent to be so appointed.

(3) The number of persons appointed to be officers of the Special Police Reserve for any area shall not exceed such number as the Commissioner of Police may consider necessary.

(4) The Superintendent or Assistant Superintendent of Police in charge of any area may, whenever he considers it necessary so to do, by notice given either orally or in writing, call out for service in that area any one or more of the officers of the Special Police Reserve for that area.

(5) The period of service of any officer so called out shall commence on the date specified in such notice by the Superintendent or Assistant Superintendent and shall terminate on a date to be specified by him by a subsequent notice, but without prejudice to the power of the Superintendent or Assistant Superintendent, in manner herein before provided, to call out such officer for further service.

Officer of Police Reserve bound to perform same duties as regular officer.

133. (1) Every officer of the Special Police Reserve for any area who is called out for service under Section 132 shall during his period of service be liable to perform in that area the same duties as any ordinary officer of police, and shall accordingly during that period have the same powers, privileges and protection, be liable to the same penalties, and be subordinate to the same authority, as an ordinary officer of police.

(2) Any officer of a Special Police Reserve who, having been called out for service under Section 132, fails without sufficient cause to report for service, or neglects or refuses to serve as such, or disobeys an order or direction which may be given him for the performance of his duties, shall be guilty of an offence and upon summary trial be liable to a fine not exceeding two hundred and fifty rupees.

Resignation etc., from Reserve.

134. (1) Any officer of the Special Police Reserve for any area who desires to resign from the Reserve may give written notice of his intention to resign to the senior police officer of that area; and in any such case the resignation of such officer shall become effective on the expiry of a period of fourteen days from the date of the receipt of such notice or on such earlier date, if any, as may be determined by such senior police officer.

(2) The Commissioner of Police may, where he is of the opinion that the interests of the Police Reserve so required, by order remove any officer of a Special Police Reserve from that Reserve after affording such officer an opportunity of showing cause against such removal

(3) It shall be the duty of any officer who resigns from a Special Police Reserve or is removed therefore forthwith to surrender at the nearest police station his letter of appointment as an officer of the Reserve and such uniform and other equipment as may have been issued to him.

CHAPTER XII

Neglect of duties by members of Police Service punishable.

135. Every member of the Police Service who shall neglect his duties or violate any rules made under this Act or any rules made under any enactment repealed by this Act but continued in force by virtue of this Act, or shall neglect or fail to perform any duty imposed upon him by this or any other enactment or by any rules made hereunder shall Upon summary conviction be liable to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment

(2) Any fine imposed under this section or any part thereof may be deducted from the salary due to such offender.

Duties of Police Officers

136. It shall be the duty of every member of the Police Service—

- (a) to use his best endeavours and ability to prevent all crimes, offences, breaches of law, and public nuisances;
- (b) to preserve the peace;
- (c) to prevent all breaches of the peace;
- (d) to apprehend disorderly and suspicious characters .
- (e) to detect and bring offenders to justice;
- (f) to collect and communicate intelligence affecting the public peace and the security of the State;
- (g) promptly to obey and execute all orders and warrants lawfully issued and directed to him by the Ombudsman or any court or authority empowered by law in that behalf;
- (h) to obey and faithfully carry out all directions given and orders made by a Judge of the Supreme Court, a Commissioner of Assize, a District Judge or a Magistrate or by the Ombudsman or by any other authority empowered by law to give directions or make any orders binding on the member of the Police Service;
- (i) to observe and adhere to the terms of his Oath of Office: and
- (j) to faithfully observe and comply with all disciplinary rules and rules of conduct.

Superintendent of Police to await on Judge on Circuit and attend to his needs.

137. It shall be the duty of the Superintendent of Police of the area within which a Criminal Sessions of the Supreme Court is held—

- (a) to call on the Judge presiding over the Criminal Sessions and ascertain from him whether the arrangements made by him for maintaining order at the Criminal Sessions are satisfactory and attend to any directions given by the Judge in that behalf;
- (b) to provide the Judge with a Police motor escort when travelling to the Court from his residence and back and on other occasions whenever required by the Judge to do so;
- (c) to provide sentries for duty at the Judge's residence at all hours;
- (d) to see that the area outside the Court in which the sessions are held is adequately policed;
- (e) to enforce silence within the area surrounding the Court-house and to ensure that the Court proceedings are not disturbed;
- (f) to provide sufficient police personnel to maintain order within the precincts of the Court and outside

Members of the Police Service subject to all rules regulations and orders

138. (1) members of the Police Service when on leave, other than leave preparatory to retirement, shall be subject to every departmental order, rule or regulation and general instruction, and every rule made by the Commission or continued in force by this Act and shall be liable to be called on to act, and to the consequences of any breach of discipline or good order, as if they were on duty.

(2) It shall be the duty of members of the Police Service to report any cases of misconduct, breach of discipline or good order or violation of departmental orders, rules or regulations coming under their notice on the part of members on leave

Member of Police Service has power throughout Ceylon.

139. Every member of the Police Service shall have the powers of a police officer in every part of Ceylon.

Member of Police Service who has not been granted leave should be ready to turn up for duty at any time.

140. (1) Every member of the Police Service who has not been granted sick leave or leave of absence from his station or district, must be ready to turn out for duty at any moment on receipt of a call of message.

(2) When a member of the Police Service leaves the Police Station for any purpose whatsoever he shall leave with the officer for the time being in charge of the Information Book instructions in writing as to where he may be found in case he is wanted.

Police Officers to have authority to execute warrants in all parts of Ceylon.

141. Every member of the Police Service to whom any warrant, summons or other process shall have been addressed for execution shall execute any such warrant, summons or other process in any and every part of Ceylon:

Provided, however, that nothing in this section shall justify any police officer executing any warrant or process illegally issued or entrusted to him for service, or shall relieve him of any penalty or liability incurred in respect of the execution of any warrant improperly illegally issued, or in respect of any neglect of duty or abuse of the powers hereby conferred.

Arrest how made.

142. (1) In making an arrest he is empowered by law to make without a warrant; the Police Officer doing so shall inform the person of the offence of which he is accused and that he is placed under arrest for that offence. If there is no submission to the arrest by word or action or conduct the officer shall if the offender is within reach touch his shoulder and inform him that he has been taken into custody and restrict his freedom of movement and take him to the Police Station.

(2) Where the arrest is made under a warrant the Police officer making the arrest shall inform the person named in the warrant of that fact and if he demands that the warrant be shown to him show him the warrant and place him under arrest by touching his shoulder and take him into custody.

(3) If such person as is referred to in subsections (1) and (2) forcibly resist the endeavour to arrest him or attempt to escape, flee or evade the arrest, the person making the arrest may use all means necessary to effect the arrest including such force as may be necessary in the circumstances of the case.

(4) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death.

Persons arrested without warrant to be taken to police station until brought before Magistrate or bailed.

143. (i) Every person arrested in any place which is not a police station, for any offence for which a police officer is by law empowered to arrest without a warrant, shall be taken immediately by the shortest possible route and the speediest means of transport available to the nearest police station, where the police officer who makes the arrest shall make a statement to the officer for the then being in charge of the Information Book of the Police Station. In such statement he shall state the date and time and place of such arrest and the

offence for which each person was arrested and any other relevant facts and circumstances concerning the arrest and whether he had to use force to effect such arrest.

(2) The officer-in-charge of the Information Book shall immediately record the statement of the officer making the arrest and of the arrested person if he desires to make a statement. If there are any visible injuries on the accused he shall record that fact and the site and nature of such injuries. The arrested person shall immediately thereafter be taken by the speediest means of transport available in the place to the nearest Magistrate who shall either remand such person into the custody of the Fiscal or give him bail with or without sureties and make such other order as he may in law make having regard to the circumstances of the case

Maximum period for which a person arrested without a warrant may be detained.

144. No person arrested without a warrant shall be detained in police custody for more than twenty-four hours from the time of such arrest.

Police Officer may requisition vehicle for transport of person arrested without warrant.

145. (1) For the purpose of transporting an offender arrested without a it shall be lawful for the police officer making the arrest to requisition the nearest motor vehicle if he has no means of transport provided by the Government.

(2) The owner of any motor vehicle so requisitioned shall be bound to obey the order of requisition.

(3) The owner of the motor vehicle so requisitioned shall be entitled to be remunerated by the Government at the rates prevailing in the area for the hire such vehicles.

Person arrested not to be forced to go from place to place.

146. No person arrested without a warrant—

- (a) shall be taken from the place of arrest to any place other than a police station, or
- (b) shall be forced to go from place to place to assist the police in the investigation of the offence.

Person arrested within Police Station how dealt with.

147. Where a person is arrested without a warrant within the precincts of a Police Station, Police Post or Police Guard Room the procedure as to the records to be made at the: Police Station, Police Post or Police Guard Room and the obligation to take the person arrested to the nearest Magistrate as speedily as possible but not later than the prescribed time shall be the same as in the case of a person arrested outside a police station.

148. Any police officer contravening the provisions of sections 143, 144, 145 and 146 shall be guilty of an offence and shall upon summary trial be liable to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Officer in charge of police station may take recognizance for appearance of prosecutor or witness.

149. It shall be lawful for any officer in charge of a station or in his absence for the next senior officer on duty to bind by personal bond without sureties any person to appear as prosecutor or as a witness before the Magistrate by whom any charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such personal bond without sureties it shall be competent to such officer to send the person in custody to the proper court, without delay.

Condition of recognizance.

150. Every recognizance so taken shall be without fee or reward and shall be conditioned for the appearance of the person thereby bound before any Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand rupees, shall be specified in the said recognizance, or in the condition thereof; and the officer taking the recognizance shall return the same forthwith to the Magistrate before whom the party is bound to appear

Members of the Police Service to act courteously to the Public

151. (1) All members of the Police Service shall act courteously to the members of the public on all occasion and shall not address them in rude or unseemly or unbecoming language or use any violence on them without an excuse which is justifiable in law.

(2) Any member of the Police Service who commits a breach of subsection (1) shall be guilty of an offence and upon summary conviction shall be liable to a fine of one hundred rupees or to rigorous imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Police Officer not to use violence on public.

152. A member of the Police Service - shall not except in the exercise of the rights granted by the Penal Code or the Criminal Procedure Code or by this Act or any other law use violence on any person or cause bodily harm or pain to any person at a police station, police post, police guard room or elsewhere.

Police officer who uses violence on any member of the public guilty of offence.

153. Any member of the Police Service who commits a breach of Section 152 shall in addition to any other offence of which he may be guilty in consequence of the use of such violence be guilty of the offence of using violence and shall upon summary conviction be liable to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Forcing confession punishable.

154. Any police officer who threatens to inflict or inflicts bodily harm or threatens to use or uses force on any person whether in custody or not in order to induce of force him to make a confession shall upon summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

CHAPTER XIII

Commissioner of Police Deputies and Superintendants to powers of inquiries under Criminal Procedure Code.

155. (1) The Commissioner of Police, every Deputy Commissioner of Police, every Superintendent and Assistant Superintendent of Police shall have all the power of an Inquirer under the Criminal Procedure Code.

(2) Each of the abovenamed officer of the Police Service shall maintain an information Book for the purpose of recording complaints made to him orally.

(3) Each such officer shall also record or cause to be recorded therein the statements made to him in the course of any investigation made by him or under his direction.

Police officer to receive complaints of offences.

156. (1) At every police station there shall be a book called " The Information Book" and it shall be kept in the manner hereinafter provided.

(2) There shall be always on duty, both day and night a police officer not below the rank of Sergeant to be called the " Reserve Officer" whose duty it shall be to record in the Information Book any complaint made by any person of any offence trivial or grave or of any invasion or denial of his civil rights even though such invasion does not constitute an offence.

(3) The Information Book shall not be taken out of the police station except upon an order of Court communicated in writing that the Information Book be produced in the Court making the order.

(4) In the case of any Court other than the Supreme Court the order to produce the Information Book shall be signed by the Judge of such Court and in the case of the Supreme Court it shall be signed by the officiating Registrar or Clerk of Assize on the directive of the presiding Judge or Commissioner of Assize.

(5) When the information Book is taken out of the police station to be produced in a Court of Law on the order of the Court requiring its production there shall be used a substitute Information Book to be called " The Substitute Information Book " (till the Information Book is brought back to the police station).

(6) Whenever an order of Court requiring the production of the Information Book is received the Reserve Office shall record that fact in the Information Book before it is taken out of the police station and shall before commencing to use the Substitute Information Book make a record therein of the fact that the Information Book has been removed for production in a Court of Law (naming the Court) on the orders of the Judge of the Court .

(7) It shall be the duty of the Reserve Officer to record every complaint faithfully, and where he understands the language of the person making the complaint, in the very words of the person making the complaint, and to read over the statement to the person making it and, after he has acknowledged its correctness, to require him to sign the statement. The Reserve Officer shall before he require the complainant to sign the statement certify, under his hand that he has read over to the person making the complaint his statement.

(8) Where the Reserve Officer does not understand the language of the person making, the complaint he shall call in the aid of an officer or a member of the public unconnected with the matter of the complaint who understands the language of the person making the complaint and who is capable of interpreting the complaint to the Reserve Officer.

(9) Where the services of an interpreter are called in aid the Reserve Officer shall in addition to obtaining the signature of the person making, the statement, require the interpreter to sign the statement below the signature of the person making it with a certificate that he has faithfully and truly interpreted the statements. The Reserve Officer shall before he requires the person making the statement to sign it certify under his hand the fact that he has read over the statement to the person making it and that it has been interpreted in his presence by the interpreter who certifies his interpretation.

(10) It shall be the duty of the officer-in-charge of a police station to produce or cause to be produced the Information Books kept under this Act upon receiving a written order to

that effect signed by the Judge of such Court in the case of all Courts other than the Supreme Court signed by the Officiating Registrar or Clerk; of Assize.

(11) The Information Book shall also contain a record of—

- (i) the time an accused person is brought to or comes to the police station and the time he is released, permitted to leave or taken out of the police station;
- (ii) All occurrences at the police station including the visits of the Judges of the Supreme Court, District Judges, Magistrates, the Ombudsman or his Deputy of all purpose, police officers or others for any purposes whatsoever.

(12) In this section the expression Information Book; shall include the Substitute Information Book where the Information Book has been produced in a Court and detained therein.

Refusal to record statement in Information Book punishable

157 A Reserve Officer who refuses to record a statement a person wishes to make respecting the commission of an offence or any denial or invasion of his civil rights shall be guilty of an offence and shall upon summary conviction be liable to a fine not exceeding five hundred rupees or to rigorous imprisonment not exceeding a period of twelve months or to both such fine and imprisonment.

Entries in Information Book confidential.

158. All entries in the Information Book or the Substitute Information Book shall be confidential and shall not be disclosed to anyone except where such disclosure is permitted by this Act or the Criminal Procedure Code.

Copy of Information Book entry not to be issued except on orders of Court.

159. No copy certified or otherwise of any entry in the Information Book or the Substitute Information Book shall be issued to anyone except on the orders of a Judge of the Supreme Court, a Commissioner of Assize, a District Judge or a Magistrate.

Procedure for applying for copy of entry in Information Book

160. Any person may apply by petition supported by an affidavit for a certified copy of an entry made in the Information Book or the Substitute Information Book to a Judge of the Supreme Court, a Commissioner of Assize, a District Judge or Magistrate.

(2) In such petition and affidavit the grounds on which and the purpose for which the certified copy of the entry in question is required shall be stated and sufficient particulars

relating to the entry shall be stated in order to enable the entry in question to be identified.

(3) Upon the receipt of every such petition the Court shall issue notice on the Attorney-General in order that he may be represented if he wishes to be heard.

(4) Every such petition shall be heard in the same way as any other application to the Court and upon such hearing the petitioner or his pleaded may appear in support of the petition and in case the Attorney-General wishes to be heard he may appear in person or by such deputy as he may choose.

(5) Upon the receipt of the order of the Court the officer in-charge of the police station shall make a true copy of the entry and certify it under his hand and deliver it to the petitioner or to the Court which made the order according to the directions in such order.

(6) The expenses of copying and certifying shall be paid by the person seeking the copy except where the court orders that the copy should be issued free of charge owing to the poverty of the petitioner.

(7), The Judge to whom application for a certified copy of an entry in the Information Book or the Substitute Information

Book is made may order the issue of a certified copy in every case in which he is satisfied that if such certified copy is not issued—

- (a) the interests of the Petitioner would suffer, or
- (b) the interests of justice would suffer.

(8) For the purpose of deciding an application for a certified copy of an entry in the Information Book, or the Substitute Information Book the Judge may send for and examine the entry as well as any person who in his opinion is able to give material evidence.

161. The contents of the Information Book or the Substitute Information Book shall not be divulged by an Inquirer or police officer bound to maintain such book or by the officer-in-charge of a police station or any of his subordinate officers at the police station or the Reserve Officer except—

- (a) On the orders of a Judge of the Supreme Court, Commissioner of Assize, District Judge or Magistrate;
- (b) to a Judge of any Court;
- (c) to the Attorney-General, Solicitor-General, Deputy Solicitor-General, Senior Crown Counsel, Crown Counsel or an Advocate or Proctor prosecuting on behalf of the Crown with the authority of the Attorney-General or Solicitor-General;
- (d) to the Permanent Secretary to the Ministry of Justice;
- (e) to the Commission;

- (f) to the Police Ombudsman or any Deputy Ombudsman or any Board or Tribunal established by or under this Act;
- (g) to the Commissioner of Police, any Deputy Commissioner of Police, Superintendent, or Assistant Superintendent of Police in charge of the Police station at which the information Book or the Substitute Information Book containing the entry is kept.

162. An Information Book or Substitute Information Book when it is fully written shall be preserved in a Strong Box under lock and key so that no person other than the officer-in-charge of the Strong Box shall have access to it.

163. Every Information Book and every Substitute Information Book shall after completion be reserved for five years and shall thereafter be destroyed in the presence of an officer not below the rank of an Assistant Superintendent of Police if the matter of any entry therein is no longer relevant—

- (a) to any case pending in the courts, or
- (b) to a charge under investigation by the Ombudsman.

Pages of Information Book to be serially numbered.

164. The pages of the Information Book and the Substitute Information Book shall be serially numbered and such Information Book shall not contain more than five hundred pages and shall be securely bound in leather or any other not less durable material with strong board covers and provided with a thief-proof secure device for locking the book when not actually in use. The key of such lock shall be in the charge of the officer for the time being on Reserve Duty.

Offence to mutilate Information Book

165. It shall be an offence to tear, mutilate, efface, or extract any page of the Information Book or the Substitute Information Book.

Illegal to erase or alter entry in Information Book

166. It shall be an offence to alter, erase, or make any unauthorized interpolation in the Information Book or the Substitute Information Book.

Punishment for mutilating Information Book

167. Any person who commits any of the acts specified in Sections 165 or 166 shall upon summary conviction be punished with a fine not exceeding five hundred rupees or with rigorous imprisonment for a period not exceeding twelve months or with both such fine and imprisonment.

The different kinds of Information Books that should be maintained.

168. (1) In addition to the Information Book and the Substitute Information Book there shall be maintained at each police station the following other Information Books .—

- (a) the Traffic Information Book,
- (b) the Routine Information Book,
- (c) the Message Information Book, and such other books as may be prescribed by the Minister from time to time.

(2) The provisions of this Act which apply to the Information Book and the Substitute Information Book shall apply to all such Information Books.

CHAPTER XIV

Police Officer's may lay information etc.

169. It shall be lawful for any police officer to institute proceedings in any Magistrate 's Court, in the manner prescribed in the Criminal Procedure Code, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person

- (a) committing any offence under the Penal Code or any other penal enactment,
- (b) committing an offence against any law for the protection of revenue,
- (c) committing any public nuisance
- (d) failing to remove a public nuisance or unlawful obstruction.
- (e) keeping a brothel, or place of unlawful gaming,
- (f) for any offence under the betting on Horse-Racing Ordinance,
- (g) for any offence under the Excise Ordinance,
- (h) harbouring thieves or persons against whom a warrant of arrest has been issued.
- (i) abetting or harbouring illicit immigrants,
- (j) disturbing the public peace,
- (k) obstructing the due course of Justice,
- (l) for any other act or omission which is an offence and for which proceedings may be instituted in a Magistrate s Court.

Appeal to Magistrate from refusal to record complaint.

170. (1) When a Reserve Officer or any Inquirer or person having the powers of an Inquirer or any Police Officer who is required to maintain the Information Book refuses to record a complaint in the Information Book or the Substitute Information Book any person aggrieved by such refusal may appeal by way of petition to the Magistrate of the division in which such Inquirer or person having the powers of an Inquirer or any Police

Officer required to maintain an Information Book is resident or stationed naming the person who refused to record the complaint as respondent to the petition.

(2) The Magistrate shall inquire into the matter of such petition and if he is satisfied that the complaint is one that should be recorded shall direct the respondent to record such complaint or cause such complaint to be recorded by the proper officer.

Aggrieved person may file prosecution.

171. Where upon a complaint of an offence made at police station a prosecution is not instituted within a reasonable time it shall be lawful for the aggrieved person to inform by petition the Magistrate of the Magistrate's Court of division in which the alleged offence was committed of the fact that he made a complaint which was recorded and that no prosecution has been instituted although there are witnesses to support his complaint.

(2) The Magistrate shall upon receiving such petition summon and examine the Officer-in-Charge of the police station and the records in the Information Book or Substitute information Book and any witnesses the complainant may produce and if he is satisfied that there is sufficient material for instituting a prosecution in respect of the complaint direct such officer-in-charge to institute proceedings against the persons against whom an offence is disclosed.

(3) Where upon the examination of the Officer-in-Charge of the police station, the records in the Information Book and the Substitute Information Book the complainant, and of such of the witnesses as he may produce, the Magistrate is satisfied that there is no ground for instituting proceedings against the alleged offender he shall dismiss the petition.

(4) From any order made by a Magistrate under this section there shall be an appeal to the Supreme Court within the time and in the manner prescribed by the Criminal Procedure Code for appeals from a Magistrate's Court.

CHAPTER XV

Complaints of civil disputes may be made at Police Station.

172. (1) When a complaint made at a police station discloses a civil dispute in regard to any movable or immovable property the Officer-in-Charge of the police station shall forthwith inquire or cause inquiries to be made into such complaint and after adopting the course prescribed in subsection (2) and should it be necessary to do so report the matter to the nearest Magistrate in the form in Schedule III hereto.

Police officer inquiring into civil dispute may give directions to parties

(2) Where the Officer-in-Charge of a police station investigates or causes investigations to be made into a civil dispute in consequence of a complaint made and he deems it necessary for the prevention of an offence or any violent clash between the parties to such dispute or for the preservation of the public peace to give any directions to the parties in order to prevent an offence or prevent a violent clash between the parties or to prevent a breach of the peace, he shall give such directions in writing under his hand and deliver a copy signed by him to each of the parties.

(3) Such direction shall remain in force till the Magistrate makes an order under Section 174.

(4) Any person who disobeys or violates or fails to comply with any direction given under subsection (1) shall be ~guilty of an offence punishable upon summary conviction with a fine not exceeding five hundred rupees or with rigorous imprisonment for a period not exceeding one year or with both such fine and imprisonment.

Proceedings on report of officer in charge of police stations.

173. (I) Upon the receipt of a report under the preceding section the Magistrate shall forthwith issue summons on the parties named in the report ordering~ them to appear before him on a date and at a time specified in such summons.

(2) When the dispute relates to land the Magistrate shall at the same time direct the Fiscal to affix on some prominent place or object in the land a notice calling upon all those interested in the land to appear before such Magistrate \\with their witnesses on the date on which he proposes to inquire into the matter.

Proceedings on appearance of parties before the Magistrate

174. (1) When the parties appeal, in obedience to the summons issued by the Magistrate or in response to the notice given by him he shall examine the parties on oath in order to ascertain the nature of the dispute. He shall also examine any witnesses who are brought by the parties, make an order that seems to him just and fair~ in the circumstances disclosed by the evidence before him, and direct the parties to institute an action in a competent court of civil jurisdiction so that the parties may have their respective rights decided by that court.

(2) Until a Civil Court adjudicates upon the matter in dispute the order made by the Magistrate shall endure.

Contempt of Court to disobey order of Magistrate.

175. (1) It shall be a contempt of the Magistrates Court for any person to disobey an order made by the Magistrate under the preceding provision until the final adjudication: of the dispute by a court of competent jurisdiction.

(2) The Magistrate who made the order or any other~ Magistrate for the time being officiating as Magistrate in the Magistrate's Court in which the order was made shall try summarily the matter of contempt.

Punishment for contempt of Magistrate's order.

176. (1) Any person found guilty of the offence of contempt shall upon summary conviction be punished with a fine not exceeding one thousand rupees or with rigorous imprisonment for a period not exceeding one year or with both such fine and imprisonment.

(2) A Magistrate who finds a person guilty of the offence of contempt shall order the person \who committed the contempt to take such action as the Magistrate may direct in regard to the property in respect of which the contempt was committed.

(3) Should such person fail to carry out such order the Magistrate shall order the Fiscal to take such steps as he may direct in regard to the property in respect of which the contempt \was committed.

Receiver may be appointed to receive the produce, proceeds or profits of property in dispute.

177. (1) The Officer-in-Charge of a police station or a Magistrate when exercising their respective powers under the aforesaid provisions may \where it is necessary to do so appoint any person or body of persons to take charge of any property, gather the produce thereof or the proceeds therefore or receive the profits thereof and account for them when called upon to do so by a Court of competent civil jurisdiction.

(2) Such person or body of persons shall be entitled to such remuneration as may be determined by the Court of competent civil jurisdiction making the ultimate order in regard to the matter in dispute.

CHAPTER XVI

Police Officer to have right of audience.

178. A police officer not below the rank of Sergeant who has made a report under Section 148 (1) (b) or 148 (1) (d) of the Criminal Procedure Code shall have the right of

audience in a Magistrate's Court where the prosecution is not represented by the Attorney-General, Solicitor-General or Deputy Solicitor-General, or Senior Crown Counsel or Crown Counsel, or an Advocate or Proctor.

Injured party may appear by Counsel.

179. In any proceedings instituted under Section 148 (1) (h) or 148 (1) (d) of the Criminal Procedure Code the injured party shall be entitled to appear by Advocate or Proctor and such Advocate or Proctor shall be entitled to be heard on all matters affecting such injured party and shall have the right to put questions to the witnesses who give evidence.

Penalties for neglect of duty, etc.

180. Every member of the Police Service—

- (a) who shall be guilty of—
 - (i) any breach or neglect of duty;
 - (ii) disobedience to lawful orders;
 - (iii) breach of any regulation made under this Act: or
- (b) who shall—
 - (i) cease to perform the duties of his office without leave, or without having~ given six months' notice, as provided by this Act, or
 - (ii) engage without authority in any employment other than the duties of his office; or
- (c) who shall be guilty of prevarication in any judicial trial; or
- (d) who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or
- (e) who shall knowingly and wilfully, and \\with evil intent, exceed his powers; or
- (f) who shall be guilty of any wilful or culpable neglect of duty in not bringing any person in his custody without a warrant before a magisterial officer as hereinbefore provided; or
- (g) who shall allow any person in custody to escape; or
- (h) who shall offer any unwarrantable personal violence to any person in custody; or
- (i) who shall outrage or threaten to outrage the modesty of any woman who comes to the police station as a complainant, witness or accused; or
- (j) who shall take undue advantage of a woman or young person who comes to the police station as a complainant, witness or accused; or
- (k) who shall demand from any person who comes to the police station as a complainant, witness or accused any money, fee or reward or any property or any benefit to himself; or
- (l) who shall appropriate to himself any property which belongs to any other person whether he is an accused, a complainant, a witness whom he has examined or any other person whatsoever; or

- (m) who shall torture or use undue force or administer any drug to a person who is in the custody or comes to the police station for the purpose of making a complaint or statement or to any person who accompanies such person; or
- (m) Who shall threaten any person with harm or violence or torture or any act of cruelty with a view to forcing such person to make a confession; or
- (o) who shall threaten any person with violence or torture or any act of cruelty in order to prevent him from making a statement as to any matter as to which he wishes to make a statement;

shall upon summary conviction be liable to a fine not exceeding five hundred rupees, or to rigorous imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

Police officers not to take part in elections.

181. No member of the Police Service shall take part in any election of a member of the House of Representatives or of a member of a local authority whether as a candidate or in any other manner otherwise than by casting his vote.

Police officer not to influence voter at election.

182. No member of the Police Service shall directly or indirectly seek to or attempt to influence a voter at any election, either while on duty or off duty:

Provided that nothing in this section shall apply to the discharge by any police officer of his duty at or concerning such election.

Influencing or attempting to influence voter punishable.

183. Any member of the Police Service who directly or indirectly influences or attempts to influence a voter at any election shall upon Summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Creating disloyalty in Police Service an offence.

184. Any person who incites or influences or attempts directly or indirectly to incite or influence a police officer not to perform his duty or to be disloyal to the State or to refrain from performing his duty shall be guilty of an offence, and shall upon summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Bribery of Police Officers.

185. Any member of the Police Service who directly or indirectly takes any bribe, pecuniary or otherwise, to refrain from performing his duty as a member of the Police Service shall, in addition to any other punishment for such offence to which he may be liable, be guilty of an offence and shall upon summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Offering a bribe to a police officer an offence.

186. Any person who directly or indirectly offers any bribe, pecuniary or otherwise, to any member of the Police Service shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Causing disaffection in the Police Service.

187. Any person who causes or attempts to cause or does any act calculated to cause disaffection among the members of the Police Service or induces or attempts to induce or does any act calculated to induce any member of the Police Service to withhold his services or to commit breaches of discipline shall be guilty of an offence and upon summary conviction shall be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding two years or to both such fine and imprisonment.

No Person shall directly or indirectly influence a Police Officer in the discharge of his duty.

188. (1) No person shall directly or indirectly influence or seek to influence a member of the Police Service in the discharge of his duty.

(2) Subsection (1) shall not preclude any superior officer from making such orders as he may make or giving such directions as he may give to his subordinates in the due performance of his duties as such superior officer.

(3) Any person who commits a breach of subsection (1) shall be guilty of an offence summarily triable and punishable with a fine not exceeding five hundred rupees or with rigorous imprisonment for a period not exceeding one year or with both such fine and imprisonment.

Penalty for cowardice.

189. Any member of the Police Service who shall be guilty of cowardice shall be liable upon summary conviction to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Use of Government vehicle or property for purpose unconnected with duty an offence.

190. (1) It shall be an offence for any member of the Police Service to use any Government vehicle or any other Government property for any purpose unconnected with his duty.

(2) Any member of the Police Service who commits an offence under subsection (1) shall upon summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(3) Any member of the Police Service or person who abets the commission of an offence under subsection (1) shall also be liable to the same punishment as the principal offender.

Unlawful assumption of police functions, personation of police, etc.

191. Every person not being, or having ceased to be, a duly enrolled member of the Police Service, who shall unlawfully assume any function or power belonging to the police, shall be guilty of an offence.

Failure to surrender uniform an offence.

192. Every person who having ceased to be a duly enrolled member of the Police Service, shall not forthwith deliver up all the clothing, accoutrements and appointments and other necessities which may have been supplied to him for use in the execution of his duty, shall be guilty of an offence.

Wilfully injuring uniform an offence.

193. Every person who shall wilfully injure any such clothing or other article referred to in Section 192 so as to render the same of less value, shall be guilty of an offence.

Possession of uniform without being able to account for it an offence.

194. Every person who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by a member of the Police Service, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any member of the Police Service, or any dress designed to represent it or to be taken for it; or who shall otherwise personate the character or act the part of any member of the Police Service for any purpose whatever, shall be guilty of an offence.

(2) Punishment of a person for an offence under this section shall be no bar to his prosecution, conviction and punishment for any other offence committed under the assumed character.

Persons guilty of offences under Sections 191, 192, 193 and 194 punishable on summary conviction.

195. Every person guilty of an offence under Sections 191, 192, 193 and 194 shall Upon summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Meaning of possession for purposes of Section 194.

196. For the purposes of Section 194 an article shall be deemed to be in the possession of a person if he knowingly as it in the actual possession of any other person, or in any house, building, lodging, apartment. field, or place, open or enclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit or for the use or benefit of another.

Penalty on traffic in Government property.

197. (1) Every person who—

- (a) buys, exchanges, takes in pawn retains, or receives from any member of the Police Service or any person acting on his behalf, on any pretence whatever; or
- (b) solicits or entices any member of the Police Service to sell, exchange, pawn, or give away; or
- (c) assists or acts for a member of the Police Service in selling, exchanging, pawning, or making away with, any Government property shall, unless he proves either—
 - (i) that he acted in ignorance of the same being Government property or of the person with whom he dealt being or acting for a member of the Police Service; or
 - (ii) that the same was sold by order of the Government or some competent authority;

shall upon summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment not exceeding one year or to both such fine and imprisonment.

(2) A person found committing an offence against this section may be apprehended without a warrant, and it shall be lawful for any member of the Police Service authorised in writing in that behalf by a Superintendent or Assistant Superintendent of Police, to search without a warrant any place where he has reasonable cause to suspect there is any property with respect to which such an offence has been committed.

'CHAPTER P XVII

Police Officers to act in ports of Ceylon.

198. Every member of the Police Service empowered to act as such within any town or place adjacent to any port shall within the limits of such port have all such powers, protections, and privileges, and be liable to all such duties and responsibilities as by law he has and is liable to within such town or place.

Commissioner of Police may make regulations regarding police in ports.

199. It shall be lawful for the Commissioner of Police from time to time to make, and when made to revoke, alter, or amend rules—

- (a) for regulating the number, distribution, and particular service of the several officers who shall be on duty in any port, and the number and description of boats to be provided for their service;
- (b) for determining at what times and in what rotation. the police boats shall be employed in rowing guard in the said port;

Police officers to obey lawful orders of Master Attendant and Customs Officer.

200. Every member of the Police Service, when acting as such within any port, shall obey and execute any lawful order which may be issued to him by the Master Attendant or the Principal Officer of Customs of such port in all matters relating thereto, and to offences and offenders therein.

Penalties.

201. Any member of the Police Service committing a breach of any rule made under Section 199, or refusing to obey or execute any lawful order issued to him under section 200, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees, or to simple imprisonment for a period not exceeding six months.

CHAPTER XVIII

Court to direct payment of share of fine to Police Reward Fund.

202. A court, before which an offender is convicted of an offence under any of the enactments specified in the Schedule to the Informers' Reward Ordinance or under any of the enactments to which the provisions of Section 2 of the Informers' Reward Ordinance have been extended, may, in respect of any fine imposed for such offence, direct that a

sum not exceeding one-half of such fine or one-half of such amount as may be actually recovered from such offender, be paid to the Police Reward Fund established under this Act:

Provided, however, that where the court has directed or intends to direct that any other payments be made out of such fine, the total amount of the payments that the court shall direct to be made out of such fine shall not exceed the aforesaid sum.

Police Reward Fund.

203. (1) A Fund to be called the Police Reward Fund (hereinafter referred to in this section as " the Fund "). is hereby established.

(2) There shall be paid into the Fund

- (a) all sums directed to be paid thereto by a court or a judge thereof under this Act or under any other written law or by a judge in his discretion;
- (6) donations by private individuals to the Fund; and
- (c) prescribed payments.

(3) There shall be paid out of the Fund— .

- (a) all payments given as rewards to such members of the Police Service and in accordance with such rules and regulations, as may be prescribed; and
- (b) the expenses incurred in the administration of the Fund.

(4) The Minister may make regulations as to the administration of the Fund.

(5) The Commission may make rules as to the mode of assessment of rewards.

Rewards Committee

204. There shall be a Rewards Committee constituted as hereinafter provided whose duty it shall be to make awards to those entitled to rewards.

Functions of the Rewards Committee.

205. The Rewards Committee shall be responsible—

- (a) for the award of rewards,
- (b) for the administration of the Fund.

Accounts of Rewards Fund to be audited.

206. The accounts of the Fund shall be audited annually by the Auditor-General.

207. (1) The Rewards Committee shall consist of—

- (a) a representative elected by the Officers' Mess;

- (b) a representative elected by the Inspectors' Association;
- (c) a representative elected by the Sergeants' Association;
- (d) a representative elected by the Constables' Association;
- (e) two persons of standing nominated by the Commission one of whom shall be a person who has held Judicial office.

(2) The Commission shall appoint as Chairman of the Rewards Committee a person who has held Judicial office.

(3) There shall be a Secretary to the Rewards Committee He shall not be a member of the Police Service.

(4) The Secretary shall be appointed by the Commission and shall be paid such remuneration as the Commission shall determine in consultation with the Head of the Treasury

(5) The Rewards Committee shall transact all its business and make its decisions at a duly constituted meeting of the Committee. The decision of the majority shall be taken as the decision of the Committee.

(6) A meeting shall not be duly constituted unless at least four members are present.

(7) The Rewards Committee shall meet as often as necessary; and shall meet at least once a month.

(8) The Secretary shall summon meetings of the Committee by notice in writing addressed to all the members and delivered at their addresses.

(9) The Chairman shall also have the power to summon a meeting whenever he deems it necessary to do so. He shall summon such meeting himself or through the Secretary acting under his direction.

(10) The Secretary shall keep a record of the proceedings of every meeting and of the decisions made.

(11) All decisions of the Rewards Committee shall be communicated in writing under the hand of the Secretary.

(12) The Commission may prescribe the form in which an application for a reward may be made.

(13) Every application for a reward shall be made direct to the Committee and shall be addressed to the Secretary to the Committee.

(14) The Secretary shall submit every application for a reward to the Committee after verifying the statements made in the application.

Terms of office of Rewards Committee.

208. The Rewards Committee shall hold office for five years. The members shall not be eligible for re-appointment.

Rewards Committee members who are not public servants to be reumnerated.

209. The members of the Rewards Committee shall if they are not public servants be entitled to such remuneration as may be prescribed by rules made by the Commission

Purposes for which the Fund may be used.

210. The Fund shall be utilised solely for the purpose of rewarding members of the Police Service—

(i) who have done especially good work—

- (a) in the detection of an offence;
- (b) in the investigation of an offence resulting in the conviction of the offender;
- (c) in obtaining information or finding property leading to the conviction of an offender;
- (d) in the arrest of an absconder;
- (e) in preventing a breach of the peace, or riot or civil commotion;
- (f) in putting out a fire.

(ii) Who have—

- (a) shown special zeal in the prevention of serious offences by energetic and timely action;
- (b) shown bravery in effecting an arrest or in saving a person from being drowned;
- (c) done some outstanding work in averting a clash of persons which may result in bloodshed;
- (d) prevented or participated in the prevention of an armed burglary, robbery, or an attack; on some person or persons;
- (e) rendered successful first aid;
- (f) handled a police dog which has helped in the successful investigation of an offence;
- (g) arrested deserters and absconders belonging to any unit of the Ceylon Forces under especially commendable circumstances;
- (h) detected and arrested illicit immigrants;
- (i) detected dynamiting or poisoning of fish;
- (j) done good work in the delousing of bombs; and

- (k) done any other outstanding work which in the opinion of the majority of the Reward Committee merits a reward.

CHAPTER P XIX

211. (1) A Fund to be called the Police Welfare Fund (hereinafter referred to as the "Welfare Fund ") is hereby established.

(2) The objects of the Welfare Fund are—

- (a) to provide the members of the Police Service with amenities the cost of which cannot be met either from funds voted by Government or from other departmental funds;
- (b) to grant financial relief in times of distress due to illness or other unforeseen cause;
- (c) to meet the cost of essential drugs recommended for the treatment of members of the Police Service if such drugs are not available at the Police Hospital or any other Government Medical Institution where a member of the Police Service is being treated;
- (d) to provide financial assistance (by loan or grant) in case of prolonged illness or in case of misfortune or calamity in cases in which the Welfare Board is of opinion that assistance should be given;
- (e) to grant free legal aid to members of the Police Service charged before a Court of Law, or before the Ombudsman or an disciplinary tribunal;
- (f) to provide recreational facilities for the members of the Police Service.
- (g) to help members in their convalescence after illness;
- (h) to provide and maintain holiday homes for members in Nuwara Eliya, Bandarawela or any other salubrious place or places;
- (i) to help the families of deceased member of the Police Service by contributing to the funeral expenses.

(3) The Welfare Board shall be administered by a Board known as the Welfare Board.

(4) The Welfare Board shall consist of eleven members appointed by the Commission from among the following:—

- (a) one from among the Deputy Commissioners of Police;
- (b) one from among the Superintendents of Police;
- (c) one from among the Assistant Superintendents of Police;
- (d) two from among the Inspectors of Police;
- (e) two from among the Sub-Inspectors of Police;
- (f) two from among the Sergeants; and
- (g) two from among the Constables.

- (5) The Commission shall nominate one of the members to the Chairman of the Board.
- (6) A meeting of the Welfare Board shall not be properly constituted unless nine members are present.
- (7) The Commission shall appoint as Secretary to the Welfare Board a person who is not a member of the Police Service.
- (8) The Secretary to the Welfare Board shall be paid a salary according to a scale approved by the Commission.
- (9) The Secretary shall be provided with an office and with such number of assistants, office staff and office equipment as shall be necessary.
- (10) The Commission is hereby empowered to make such rules as may be necessary for the administration of the fund and for the payment of grants or loans therefrom.
- (11) On the date on which this Act Comes into operation all money lying, to the credit of the Barrack Fund, the Compassionate Fund, the Recreation Fund, the Amenities Fund and any other fund established or created by or for police officers shall be vested in the Welfare Board and become part and parcel of the Welfare Fund.

Nature of contributions to Welfare Fund.

212. (1) Every member of the Police Service regardless of rank shall pay to the Welfare Fund 2 per cent of his basic salary.

(2) The Commission is hereby empowered to vary from time to time the rate of contribution having regard to the needs of the Fund.

(3) Every paying officer is hereby empowered to deduct 2 per cent from the basic salary of every member of the Police Service whose salary he is authorised to pay and transmit the total amount so deducted to the Secretary' to the Welfare Fund.

Government to make contribution to Welfare Fund.

213. At the commencement of each Financial Year the Government shall make a monetary grant to the Welfare Fund of a sum not less than the amount of the total contributions made by the members of the Police Service to the Welfare Fund in the immediately preceding Financial year.

Auditor-General to audit accounts of Fund.

214. The accounts of the Welfare Fund shall be audited by the Auditor-General or an auditor nominated by him.

Welfare Board to keep proper accounts.

215. The Welfare Board shall cause proper accounts of the Welfare Fund to be kept in accordance with the directions of the Auditor-General.

Commission to appoint accountant and necessary staff.

216. The Commission shall appoint an Accountant and such other personnel as may be necessary to keep proper accounts of the Fund.

Salaries of the Secretary, Accountant and other staff to be paid by Government.

217. The salaries of the Secretary, the Accountant and other officers and staff necessary for the efficient management of the Welfare Fund and the carrying out of its objects shall be paid by the Government.

CHAPTER XX

Power to give directions prohibiting or regulating processions

218. (1) For the purpose of enabling the Officer-in- Charge of a police station to take such measures as may be necessary to maintain order in the streets and safeguard the public peace and preserve order, every person taking out or holding a procession in any public place in any urban area shall at least six hours before the time of commencement of such procession give notice to the Officer-in-Charge of the police station nearest to the place at which the procession is to commence:

Provided that nothing in the preceding provisions of this subsection shall apply in the case of any procession of any such description as may) be exempted from those provisions by Order made by the Minister and published in the Gazette.

In this subsection, " urban area " means any area within the administrative limits of any Municipal Council. Urban Council or Town Council.

(2) Where any procession is taken out or held in contravention of the provisions of subsection (1), every persons organizing that procession or doing any act in furtherance of the organization or assembling of that procession shall be guilty of an offence, and shall be liable to a fine of fifty rupees

(3) Notwithstanding anything in any other law, an officer of police of a rank not below the grade of Assistant Superintendent, if he considers it expedient so to do in the interests of the preservation of public order, may give directions (whether orally or in writing) prohibiting the taking out of any procession, or imposing upon the person or persons organizing or taking part in the procession such conditions as appear to him to be necessary, including conditions prohibiting or restricting the display of flags, banners or emblems.

(4) Any person who organizes or takes part in any procession which is prohibited by directions given under subsection (3) or otherwise acts in contravention of any such directions, shall upon summary conviction be liable to a fine of five hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(5) Any person dissatisfied with an order made under subsection (3) shall be entitled to appeal against such order to the Magistrate having jurisdiction over the place where the procession is to commence or has commenced.

(6) Such appeal shall be made in writing signed by the person organizing the procession or his Proctor.

(7) The officer making the order under subsection (3) shall be named as respondent to such appeal.

(8) Such appeal shall be heard immediately upon being received by the Magistrate notwithstanding that the appeal is received outside the usual hours during which the Magistrate sits.

Officers not below the rank of Sub-Inspector to regulate assemblies and processions.

219. Officers of Police not below the rank of Sub-Inspector may as occasion requires—

- (a) direct the conduct of all assemblies and processions in any public place;
- (b) specify the routes by which and the times at which such processions may pass;
- (c) direct all crowds of three or more persons to disperse when such officers have reason to apprehend any breach of the peace.

All officers of Police shall regulate crowds and traffic in the streets.

220. All officers of Police shall—

- (a) keep order in all public places;
- (b) regulate the use of music in the public streets, public places or places of public resort, or the neighbourhood of the Courts of Justice while the Courts are sitting and of places of worship during the time of public worship;

- (c) prevent obstruction and regulate both vehicular and pedestrian traffic—
 - (i) on the occasions of public assemblies and public processions;
 - (ii) in the neighbourhood of places of worship during the time of public worship;
 - (iii) in the neighbourhood of Courts of Justice while the Courts are sitting;
 - (iv) in the neighbourhood of the Houses of Parliament while Parliament is sitting;
- (d) enforce the observance of silence—
 - (i) in the neighbourhood of the Courts of Justice while the Courts are sitting;
 - (ii) in the neighbourhood of the Houses of Parliament while Parliament is sitting; and
 - (iii) in the neighbourhood of places of worship during the time of public worship.
- (e) in any case when the roads, streets, or thoroughfares, or landing places, may be thronged, or may be liable to be obstructed, prevent obstructions, regulate traffic both vehicular and pedestrian and enforce silence;
- (f) regulate the use of music in the streets for the purpose of preserving Law and order and safeguarding the public peace.

Licence for assembly.

221. Every person opposing or not obeying orders given under Sections 219 and 220 aforesaid, violating the conditions of any permission granted for the use of music or for the assembling of any such body of persons, shall upon summary conviction be liable to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Possession of dangerous weapons at public meetings and processions and use of words or behaviour tending to cause breach of the peace.

222. (1) Notwithstanding anything in any other law, any person who, while present at any public meeting or on the occasion of any procession, has with him any offensive or dangerous weapon referred to in Section 315 of the Penal Code, otherwise than in pursuance of lawful authority, shall be guilty of an offence under this section.

For the purposes of this subsection, a person shall not be deemed to be acting in pursuance of lawful authority, unless he is acting in his capacity as a police officer or as a member of Her Majesty's forces or otherwise as servant of Her Majesty.

(2) Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour which is intended to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence under this section.

(3) Any person who is guilty of an offence under this section shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding one year, or to both such fine and imprisonment.

(4) Every offence under this section shall be a cognizable offence within the meaning and for the purposes of the Criminal Procedure Code.

(5) In the case of an offence under subsection (1) the magistrate shall upon conviction order the forfeiture of the offensive or dangerous weapon.

C H A P T E R X X I

regulation of use in or near public places of instruments producing sound.

223. (1) No person shall, unless he has been authorized so to do by a permit issued by any officer of police of a rank not below the grade of Assistant Superintendent, , or otherwise than in accordance with such condition as may be attached to such permit, use or operate or cause or permit any other person to use or operate any gramophone, loudspeaker, megaphone, amplifier or other instrument automatically, mechanically or electrically producing, reproducing or amplifying sound—

- (a) in any public place, or
- (b) in any other place in such manner or circumstances that the sound so produced, reproduced or amplified is audible in any public place:

Provided, however, that no permit under the preceding provisions of this subsection shall be required for the use or operation within any building, not being a public place, of any gramophone or wireless receiving set reproducing any music, speech or other sound which has either been recorded or is broadcast from a wireless transmitting station, notwithstanding that the sound reproduced thereby may be audible in a public place.

(2) Any person who acts in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable, on conviction after Summary trial before a Magistrate, to a fine not exceeding two hundred rupees; and in the case of a continuing offence, to a fine not exceeding fifty rupees in respect of each day on which the offence continues.

(3) Where any instrument referred to in subsection (1) is being used or operated in a public place or so as to be audible in a public place, and a police officer of a rank not below the grade of Sub-Inspector is of opinion that such sound is excessive or is otherwise likely to cause a nuisance to the public, such police officer may, by order

(whether oral or written) addressed to the person for the time being in charge or control of the instrument, require the abatement of such sound; and any such order may be made notwithstanding that a permit may have been granted under subsection (1) authorizing the use or operation of the instrument or that the instrument is used or operated in the circumstances mentioned in the proviso to that subsection.

(4) In any case where any order made under subsections (3) is not forthwith complied with, or where any instrument the use or operation of which has been authorized by a permit issued under subsection (1), is used or operated in such manner or such circumstances as to contravene any of the conditions specified in the permit, any police officer of a rank not below the grade of Sub-Inspector may, by order (whether oral or written) addressed to the person for the time being in charge of the instrument, require him to discontinue the use or operation thereof; and if such order is not complied with forthwith, it shall be lawful for that police officer and for any other police officer acting under his authority to seize and detain the instrument.

(5) Nothing in the preceding provisions of this section shall apply to, or in relation to, the use or operation of any instrument by any police officer, or by any member of Her Majesty's forces acting in the course of his duty as such.

(6) The preceding provisions of this section shall be in addition to, and not in substitution for, the provisions of any other written law relating to the use or operation of the instruments referred to therein.

Appeal to Magistrate against refusal to grant permit to operate sound amplifier.

224. (1) Any person who is dissatisfied with—

- a) a refusal to grant a permit to use or operate any of, the instruments referred to in subsection (1) of Section 223 in any public place or in any other place; or
- (b) the withdrawal or the cancellation of any permit granted under Section 223; or
- (c) with any conditions imposed in granting a permit under that section, may appeal within ten days of such refusal or imposition of the conditions to the Magistrate having jurisdiction over the place where the applicant resides by petition addressed to him and signed by such person or his Proctor.

(2) Such petition shall be heard and disposed of by the Magistrate as soon as it is received. He shall give the highest priority to such petitions and shall take them up before the other business of the Court.

(3) An appeal to the Supreme Court by any aggrieved party shall lie against any decision of the Magistrate under subsection (2).

(4) Such appeals shall be regulated by the provisions of the Criminal Procedure Code governing the procedure for filing such appeals and the time within which they may be lodged.

Penalty on Person forming part of procession or assembly carrying sword or other offensive weapons.

225. If any person forming part of any procession or of any assembly of more than three persons, except under military regulation or some regulation of police, which shall take place or be collected for some particular purpose anywhere, shall have about him or have placed anywhere near him so as to be capable of being used by him while forming part of such procession or of such assembly any gun, pistol, sword, creese, club, or other offensive weapon, every such person shall be guilty of an offence, and be liable upon summary conviction to a fine not exceeding five hundred rupees, or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonments; and every person who shall have formed part of any such procession or assembly, and who it shall be proved to the satisfaction of the court before whom he shall be brought was aware that any such offensive weapon was carried or placed near any person forming part of such procession or assembly as aforesaid, and did not give information thereof, to some officer of police, shall be guilty of an offence, and be liable upon summary conviction to a fine not exceeding five hundred rupees, or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment

(2) The Magistrate shall upon the conviction of a person under subsection (1) order the forfeiture of the gun, pistol, sword, creese, club or other offensive weapon for the possession of which the offender was convicted.

Beating of tom-tom, etc., forbidden.

226. (1) All persons who shall, except in a place of religious worship or unless they shall have obtained a licence from the Officer-in-Charge of the police station of the area who is hereby authorized to grant the same when it shall to him appear expedient, at any time within any town and limits—

- (a) either within or without any house or building, beat drums, or tom-toms, or have or use any other music which has the effect of being a nuisance to the neighbours and of disturbing their repose at night, or
- (b) make any noise in the night so as to disturb the repose of the inhabitants, or
- (c) at any time discharge firearms, crackers, or fire works or release any fire balloon or other combustible or explosive contrivance or article which is likely to cause injury to person or property, or
- (d) play at any games in or near any street, road, or thoroughfare, or fly any kite, or throw any stone or other missile, or wilfully or negligently make any noise, or do any act or thing in a manner calculated to terrify or injure any passenger, horse, or cattle or to injure any property, shall be guilty of

an offence, and be liable upon summary conviction to a fine not exceeding two hundred rupees, or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(2) In this section " town " means the area administered by a Municipal Council, Urban Council or Town Council.

Appeal against refusal of, conditions in or withdrawal of, licence.

227. (1) Any person (hereinafter referred to as the " appellant " to whom a licence or permit under the provisions of this Act—

- (a) has been refused; or
- (b) has been granted subject to conditions to all or any of which he objects; or
- (c) having been granted, has subsequently been withdrawn by the authority granting the same;

may within five days of such refusal, grant. or \withdrawal, appeal to the Magistrate of the Magistrate's Court which has jurisdiction over the place at which such person resides.

(2) Such appeal shall be entertained by the Magistrate at any time of the day notwithstanding that it is tendered outside the hours during which the Court normally sits.

(3) Such appeal shall have priority over all other business of the Court.

(4) The Magistrate, after hearing the appellant and his witnesses and such other persons as to him may seem fit, may make an order—

- (a) confirming the refusal or withdrawal of the licence to, or from the appellant; or
- (b) directing the issue of a licence, or permit, or revoking the withdrawal of a licence or permit or confirming, modifying, striking out, or adding to, the conditions contained in any licence or permit which has been issued to the applicant, or inserting conditions in any licence or permit which is ordered to be issued in the place of any licence or permit withdrawn.

(5) (a) Any applicant who is dissatisfied with the order of a Magistrate under this section may appeal to the Supreme Court, which may make such order; as to it may seem fit.

- (b) Every such appeal shall be by petition which shall be liable to a stamp duty of five rupees, and shall be preferred within ten days of the order being made by a Magistrate, and shall be heard with all expedition after it is so preferred and shall have priority over all other business, and be determined by such Court.

- (c) Notice in writing of an appeal under this subsection shall be given to the Attorney-General, who may attend or be represented at the hearing of the appeal.

CHAPTER XXII

Certain duties of police officers Obstructions and nuisances on roads.

228. (1) Any person who in any thoroughfare within the limits of any town commits any of the acts hereinafter specified shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees, or to rigorous imprisonment for a period not exceeding six months, or to both such fine and imprisonments and it shall be lawful for any police officer to take into custody without a warrant any person who within his view commits any such offence:—

Slaughtering cattle, furious riding, etc.

- (a) any person who shall slaughter any cattle, or clean any carcass in any thoroughfare;
- (b) any person driving any cattle carelessly, recklessly, and furiously, or training or breaking any horse or cattle on or near any thoroughfares to the danger of the passers by;

Cruelty to animals.

- (c) any person who wantonly or cruelly beats, abuses, or tortures any animal;
- (d) any person who shall keep any cattle or conveyance of any kind in any thoroughfare longer than is required for loading or unloading goods, or for taking up or setting down passengers ;
- (e) any person who shall Leave any cattle or conveyance in such a manner as to cause inconvenience or danger to the public.:

Exposing goods on thoroughfare.

- (f) any person exposing any article or thing on any thoroughfare, and which may obstruct passengers or vehicles;

Throwing dirt into street.

- (g) any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials in any thoroughfare;
- (h) any person who constructs any cow shed, stable, or the like, within the bounds of any thoroughfare;
- (i) any person who causes any offensive matter to run from any house, factory, dung heap, or the like, into any thoroughfare;

Indecent exposure of person.

- (j) any person who wilfully and indecently exposes his person or any offensive deformity or disease in any thoroughfare or public place;
- (k) any person who commits nuisance—
 - (i) by easing himself in or by the side of or near any thoroughfare; or
 - (ii) by bathing or washing in any place not set apart for that purpose;

Neglect to protect dangerous places.

- (l) any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

Driving cart, etc., without lanterns.

- (m) any person who drives or leads any conveyance or cart after dark and before daylight, without lighted lanterns.

(2) In this section "thoroughfare" includes road, street, passage, footpath or bridge, over which the public have a right of way, path, canals, drains, and embankments.

Power of Police to seize straying cattle, etc.

229. (1) It shall be lawful for any police officer to seize any ox, horse, sheep, goat, or other animal which he may find tied, tethered, straying, improperly driven, or tended upon any thoroughfare, or upon any line of railway, or upon any land appertaining thereto, or to cause the same to be seized, unless such animal shall belong to any cart to which it is tied or tethered whilst the same is being loaded or unloaded.

(2) Every such animal seized as aforesaid shall be delivered into the custody of an officer of police in charge of the nearest police station, and every such officer receiving such animal shall forthwith report such seizure to the nearest Magistrate's Court or Rural Court, and such court shall, if at the time of such report no claim be made to such animal, direct the officer to take the necessary steps for the safe custody and maintenance of such animal, and to publish such seizure by affixing a notice thereof in some conspicuous place at the police station and at the Court to which such seizure was reported.

(3) No such animal seized as aforesaid shall be delivered to the owner thereof except upon payment into such court of the sum of fifty rupees, any part of which the Magistrate or President, as the case may be, may direct to be paid to the Police Reward Fund, and of a further sum not exceeding five rupees for each day or part thereof during which the animal shall have been in the custody of and maintained by the officer to whom it was entrusted, or the use of such officer; and if no person shall claim such animal or pay such dues as aforesaid within seven days after the order of the Court for safe custody and maintenance of such animal as aforesaid, the police officer to whom the animal was entrusted shall sell it by public auction, and after payment to himself of a sum calculated at the rate aforesaid for the custody and maintenance of the animal, shall pay the balance.

if any, to the Court, and the Magistrate or President as the case may be may make such order With regard to such sum as he may think fit.

(4) In this section the word " thoroughfare " shall have the same meaning as in the preceding section.

Police Officer may enter drinking shops, &c., without a warrant.

230. It shall be lawful for any police officer without a warrant to enter and inspect all drinking shops, gaming houses, and other resorts of loose and disorderly characters, all premises of persons suspected of receiving, stolen property, and any locality, vessel, boat, or conveyance in any part where of he shall have just cause to believe an offence has been or is about to be committed or which he reasonably suspects to contain stolen property, and then and there to take all necessary measures for the effectual prevention and detection of offences, and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the of offence supposed to have been committed, and to take charge of all unclaimed property.

Penalty on persons found drunk and incapable.

231. (1) Every person found drunk and incapable of taking care of himself in any thoroughfare or public place, whether a building or not, or on any licensed premises or tavern, and any person who shall be guilty of violent, quarrelsome, noisy, disorderly, or riotous conduct in or about such premises or tavern, shall be liable upon summary trial to a fine not exceeding two hundred rupees, or to rigorous imprisonment for a period not exceeding six,; months and on a second conviction within a period of twelve months shall be liable to a fine not exceeding five hundred rupees, or to rigorous imprisonment for a period not exceeding twelve months and on a third or; subsequent Conviction within such period of twelve months be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding two years.

(2) Every person who in any thoroughfare or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge of any vehicle, elephant, horse, or cattle, or who is drunk when in possession of any loaded firearm, may be apprehended without a warrant, and kept in custody until he gets sober, and shall be liable, in addition, after summary trial to a fine not exceeding two hundred rupees, or to rigorous imprisonment for any period not exceeding six months or to both such fine and imprisonment.

(3) Every police officer on the demand of the keeper of a tavern or other licensed premises, or of his agent or servant, shall expel or assist in expelling from such premises any person who is a habitual. drunkard, or a drunken, violent, quarrelsome, or disorderly person, and any person whose presence on the premises would subject the keeper thereof to a penalty, and may use such force as may be required for that purpose.

(4} Where a fine is imposed under this section on the prosecution of a police officer, the court may direct that a portion not exceeding one-half of the fine actually recovered shall be paid into the Police Reward Fund.

In case of fire, etc., Police officers to repair to the spot.

232. In all cases of fire or other calamity occurring within the area for which a Police Station has been established police officers shall repair to the place where the same has occurred for the protection of such persons and property as may be endangered thereby, and shall be authorized to call upon all persons to aid and assist them in that behalf; and every person so called upon who shall refuse or neglect to give such aid and assistance without good and sufficient excuse shall be guilty of an offence, and liable on summary conviction to a fine not exceeding five hundred rupees or to rigorous imprisonment for a term not exceeding one year or to both such fine and imprisonment.

C H A P T E R X X I I I

Householder to give lists of inmates when required.

233. Every householder within any town and limit shall furnish a police officer of his division, when require so to do by such officer under an order received to that effect from any Magistrate having jurisdiction within such town and limits, or from the Commissioner of Police, with a list of all the inmates of his house, distinguishing the members of his family from the servants or others resident therein; and he shall also, if it shall be so directed in the order of the Commissioner of Police or Magistrate, report any increase or diminution, or change in the same; and he shall not, having received such notice under such order, harbour a stranger without giving such notice thereof to the Officer-in-Charge of the police station within the area of which he resides, and every person failing in any duty imposed upon him by this section shall be guilty of an offence, and liable upon summary conviction to any fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Nuisances how to be removed and abated.

234. It shall be lawful for any officer of Police not below the grade of Sub-Inspector to give order either orally or by notice in writing to any person causing any public nuisance mentioned in this Ordinance to abate and remove the same; and if any person to whom such order or notice shall have been given shall refuse or neglect to comply with the same in a reasonable time, or if there be any doubt as to who is the proper person to whom such order or notice should be given, it shall be lawful for such officer to cause any such public

nuisance to be forthwith abated or removed, and for the purpose it shall be lawful for him, where necessary, to enter into or upon any house, garden, enclosure, land, or other premises, and to cause to enter therein or thereupon such person, instruments, and things as may be necessary, and to proceed to do or cause to be done therein or thereupon all such things as may be necessary for such abatement or removal; and upon the officer certifying to the proper Magistrate the costs which have been bona fide incurred in effecting such abatement or removal, such Magistrate shall summon the party or parties on account of whose non-compliance with any such order or notice such costs were incurred to appear before him on a certain day, then and there to make payment of such costs, where it shall appear after due investigation that such costs were properly incurred; and if such party or parties shall refuse or fall to make such payment, the Magistrate shall proceed to recover such payment in such and the same manner as he would proceed to recover any fine or penalty incurred under any sentence of the court in which he presides:

Provided always that nothing in thus Act contained shall be construed to limit or interfere with in any way the common law right of any individual to abate any nuisance.

No cart to remain in the street, etc. except for loading and unloading.

235. No cart of any description whatsoever shall be left or permitted to remain in any street, way, or avenue upon any pretence whatsoever without the permission of the Officer-in-Charge of the police station of the area where the street, way or avenue is situated, except for such time as shall be necessary for the purposes only of loading or unloading, or except in such places as shall at any time be appointed and notified by such officer; and any owner or person in charge of any cart so left or permitted to remain as aforesaid shall be guilty of an offence, and upon summary conviction be liable to a fine not exceeding two hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

No carriage to obstruct any street.

236. In no case shall any description of vehicle be permitted to obstruct the passage of any street, way, or avenue, nor any two or more vehicles of any description to stand abreast in any street, way, or avenue; and the owner or person driving, loading or in charge of any such vehicle not removing the same immediately when ordered or requested so to do by any officer of police or by any private person shall be guilty of an offence, and be liable upon summary conviction to a fine not exceeding two hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Penalty on furious or careless riding or driving.

237. All persons who shall drive or conduct any vehicle in a careless, reckless, or violent manner, or who shall ride: upon any vehicle drawn by horses, bullocks, or other cattle at a pace other than a walk unless the animal driven be so harnessed and bitted as to be

perfectly under the control of the driver, or some person on foot able to guide and control the same, or who shall furiously ride or drive, or carelessly lead or let loose, any horse, bullock, or other animal in any street, to the danger of vehicles and danger or terror of passengers, or shall employ any incompetent person to drive or conduct any vehicle or to lead any horse or cattle, shall be guilty of an offence, and be liable upon summary conviction to a fine not exceeding two hundred rupees, or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Elephants not to pass a long the streets except at certain times.

238. (1) No elephant shall be permitted to pass along any street, road, or thoroughfare within any town and limits except between the hours of two and eight in the morning; and every person riding, driving, leading or conducting any elephant, or causing any elephant to be ridden, driven led or conducted along such street, road or thoroughfare, except between such hours as aforesaid, shall be guilty of an offence, and shall upon summary conviction be liable to a fine not exceeding two hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment:

Provided always that nothing in this section contained shall apply to the conducting or the riding of any elephants or their employment in any town or limits under a written licence granted by the Officer-in-Charge of the police station of such town.

(2) The Officer-in-Charge of the police station of any town is hereby empowered to grant licences for the conducting or the riding of elephants or their employment in any town subject to such conditions as he may impose in order to ensure the safety of the public.

(3) Such licence as is provided for in subsection (2) shall be free of any charge.

(4) In this section " town " means any area administered by a Municipal Council, Urban Council or Town Council.

Persons offending against Sections 235, 236, 237 and 238 may be seized.

239. It shall be lawful for any person within whose view any of the offences specified in Sections 235, 236, 237 and 238, shall have been committed, to seize and take the party having so offended to the nearest officer of police to be dealt with according to law, if such party shall refuse to give to such person on demand full information respecting his name, occupation, and residence, and where such offender cannot be so seized or traced, but the vehicle or animal in respect of which the offence in question was committed can be identified, it shall be lawful for any competent court to issue a warrant for the seizure of such vehicle, or animal, together with a summons to the owner thereof to appear before such court on a certain day to be mentioned in such summons; and if such owner shall fail to attend in pursuance thereof without good and sufficient excuse, or if attending and not being himself the offender he shall refuse to give all information in his power respecting the party by whom such offence was committed, such owner shall be guilty of an offence,

and be liable to the same punishment to which the party so having offended as aforesaid would have been liable on conviction thereof.

Persons having informations as to the commission of an offence or knowledge of the facts and circumstances regarding a crime bound to disclose.

240. (1) Every person having information as to the commission of an offence and every person having knowledge of any of the facts or circumstances constituting an offence shall be bound to disclose such information or knowledge to any Inquirer or Police Officer entitled in law to investigate such offence.

(2) Refusal to disclose such information or knowledge shall be an offence punishable upon summary trial with a fine not exceeding five hundred rupees or with rigorous imprisonment for a period not exceeding one year or with both such fine and imprisonment.

False reports to alarm people and create a panic.

241. Any person who shall spread false reports with a view to alarming the inhabitants of any place within Ceylon and creating a panic shall be guilty of an offence and shall upon summary conviction be liable to a fine not exceeding one thousand rupees or to rigorous imprisonment for a period not exceeding two years, or to both such fine and imprisonment; and if he shall be convicted a second time, or shall persist in the offence after warning to desist, he shall be liable to corporal punishment not exceeding twenty lashes.

Persons to keep the space opposite their houses clean.

242. No filth, or dirt, or dead or disabled animal shall be cast or allowed to remain in any street, road, canal, or other thoroughfare within any such town and limits, and every inhabitant within any such town and limits shall keep the space and street or road, and all surface drains, ditches and gutters before his house clean, and the owners or occupiers of all private avenues, passages, yards, and ways, and all slaughter-houses shall keep the same clean, and shall remove the offal to such place as the Officer-in-Charge of the police station of the area may print out; and any person wilfully offending against this section shall be guilty of an offence, and upon summary conviction be liable to a fine not exceeding two hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Common nuisance.

243. It shall be lawful for the officer of a police station

with the concurrence of the local authority of the area to notify from time to time in as public a manner as he conveniently can, the place or places in any such area within which

persons shall not be allowed to ease themselves under the penalty hereinafter mentioned; and every person who shall, after such notification shall have been given, ease himself in any place comprehended in such notification, except in some house, outhouse, or enclosed place, with the leave of the occupant thereof, shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees or to rigorous imprisonment for a period not exceeding six months or to both such fine and imprisonment:

Provided always that nothing in this section contained shall be construed into a declaration that persons cannot commit a nuisance by easing themselves in such places as are not comprehended in such notification as aforesaid.

244. (1) The Officer-in-Charge of a police station shall maintain a register of the makers of and dealers in knives in his area.

(2) No person shall without a permit in that behalf from the Officer-in-Charge of the police station of the area in which he resides make any prohibited knife ".

(3) No person shall except with a permit in that behalf from the Officer-in-Charge of the police station of the area in which he resides carry or wear or possess a " prohibited knife"

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(4) No person shall except with a permit in that behalf from the Officer-in-Charge of the police station of the area in which he resides sell or offer for sale or exhibit for sale any " prohibited knife".

(5) The Officer-in-Charge of a police station may grant a permit to any applicant residing within the area of his police station under subsections (2), (3) or (4) for doing within the area of his police station any of the acts prohibited therein, if it is proved to his satisfaction that a knife of the type that is prohibited is necessary for earning the livelihood of the applicant for such permit and that the applicant has not been convicted at any time of an offence involving the use of a knife

(6) A person who commits a breach of subsections (2), (3) or (4) shall be guilty of an offence and shall upon summary conviction be punished with a fine not exceeding one thousand rupees or to rigorous imprisonment not exceeding one year or to both such fine and imprisonment.

(7) Any person aggrieved by a refusal to grant a permit under this section may appeal by petition to the Magistrate of the Magistrate's Court exercising jurisdiction over the area in which he resides.

(8) Such appeal shall be made within thirty days of such refusal.

(9) " Prohibited knife " means any knife, whether a clasp knife or otherwise, the blade of which is ;more than two inches in length, and is not so rounded or blunted at the point as

to be incapable of being used as a stabbing instrument, and includes any sword, dagger, kris or similar weapon capable of being used as a stabbing instrument.

Houses to be surrounded with walls or fences, and gardens kept clean.

245. All houses and gardens wilting such parts of any such towns and limits as the Minister shall from time to time direct by order to be for that purpose published in the Gazette shall, within six months after such order shall have been so published, be surrounded with walls or good fences, and be cleared and kept clean of brush and underwood; and every person neglecting within such time so to surround his house and garden, or to clear and to keep the same clear of brush and underwood, shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees or to rigorous imprisonment for a period not exceeding six months or to both such fine and imprisonment:

Provided always that the proprietors of adjoining lands which shall require to be fenced or walled under the provisions of this section shall be liable to make and keep in repair each one-half of such fence or wall, except where by any law or customs such liability shall be otherwise determined.

CHAPTER XXII

Minister to prescribe where no special authority is mentioned.

246. Where any matter is required by~ this 'Act to be prescribed and the authority empowered to prescribe such matter is not mentioned it shall be lawful for the Minister to prescribe such matter by making regulations in that behalf.

Commissioner of Police may make departmental orders with the approval of the Commission.

247. (1) With the prior approval of the Commission it shall be lawful for the Commissioner of Police to make such Departmental Orders as may be necessary for the efficient administration of the Police Service and the Police Department.

(2) All such Departmental Orders shall be published in the Police Gazette.

(3) All Departmental Orders now in force shall continue until they are repealed under this Act or amended, varied or replaced thereunder.

(4) The Commission is hereby empowered to repeal all existing Departmental Orders which are not approved by it.

Member of Police Service not to act where he is not empowered by law.

248. No member of the Police Service shall perform an act or take any action or exercise any of his powers as a member of the Police Service where he is not empowered to do so by this Act or any other enactment or law.

Regulations made under this Act to be approved by both Houses.

249. No regulation made under this Act shall have effect until that regulation has been published in the Gazette. Every regulation so published shall be as valid and effectual as if it were herein enacted.

Plea that act was done under a warrant.

250. When any action, prosecution, or proceeding shall be brought against any police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a magisterial officer; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such magisterial officer; and the defendant shall thereupon be entitled to judgement in his favour, notwithstanding any defect of jurisdiction in such magisterial officer, and no proof of the signature of such official shall be necessary, unless the court shall see reason to doubt its being genuine:

Provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

Limitation of action.

251. All actions and prosecutions against any person which may be lawfully brought for anything done or intended or be done under the provisions of this Act, or under the general police powers hereby given, shall be commenced within one year after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the Superintendent of Police of the district in which the act was committed. One month at least before the commencement of the action; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant.

Cases may be tried before Magistrates, Courts, though otherwise out of their jurisdiction.

252. All offences under this Act shall, whether it is so expressly stated in the penal provision or not be triable summarily by a Magistrate.

Power to prosecute not affected.

253. Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable by this Act, or to prevent any person from being liable under any other law to any other or higher penalty or punishment than is provided for such offence by his Act:

Provided always that no person shall be punished twice for the same offence.

Wells to be surrounded with wall two and a half feet high.

254. All persons who shall make or cause to be made or have in rent or possession any well, and shall not surround the same with a wall two and a half feet at least in height and keep such wall at that height and in good and sufficient repair, shall upon summary trial be guilty of an offence and be liable to a fine not exceeding five hundred rupees or to rigorous imprisonment for a period not exceeding one year or to both such fine and imprisonment.

255. (1) There shall be Police Gazette in which shall be published -

- (a) all rules made by the Commission,
- (b) all other rules and regulations made under this Act,
- (c) all departmental orders made by the Commissioner Police, and all rules made by him,
- (d) all information which the Commissioner of Police wishes to communicate to the members of the Police Service.
- (e) all information which the Commission wishes to communicate to the members of the Police Service
- (f) all other matters which the Commission may authorize the Commissioner of Police to publish therein,
- (g) all information and matters of interest to the members of the Police Service.

(2) The Police Gazette shall be a public document which any member of the public may inspect.

(3) It shall be the duty of every member of the Police Service to familiarize himself with the information in the Police Gazette.

Powers of arrest without warrant

256. (1) In addition to the powers of arrest without warrant conferred by this Act, the Criminal Procedure Code or any other Enactment the offences for which a police officer may arrest a person without a warrant are enumerated in Schedule IV hereto.

(2) The Schedule may be amended from time to time by the Minister.

Interpretation

257. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

" cattle " shall, besides horned cattle and buffaloes, include horses, asses, mules, sheep, goats, and swine;

" Commissioner " means the Commissioner of Police appointed under this Act;

" Commission " means the Police Service Commission appointed under this Act;

" Deputy Commissioner " means a Deputy Commissioner of Police appointed under this Act;

" Deputy Ombudsman " means the Deputy Police Ombudsman;

" Government Agent " shall include an Assistant Government Agent;

" Gazette " means the Government Gazette;

" Local authority " means a Municipal Council, and Urban Council, a Town council or a Village Council;

"Local government election " means an election held for the purpose of electing a member or members for a Municipal Council, Urban Council, Town Council, or Village Council and includes a by election held for electing a member to any of these bodies;

Ombudsman " means the Police Ombudsman;

"person" shall include any person, institution, firm or body incorporated by law;

"Police officer " means a member of the Police Service and includes all persons enlisted under this Act or under any enactment repealed by this Act;

"Pleader " means an advocate or proctor of the Supreme Court;

"Police Station " includes Police Post and Police Guard Room;

“Parliamentary election ” means an election held for the purpose of electing a member or members for the House, of Representatives and includes a by-election for electing a member to that body;

“port ” includes all harbours, roadsteads, and places of anchorage in Ceylon; and where the limits of any port have been or may hereafter be defined by the Minister under Section 2 of the Masters Attendant Ordinance, those limits shall be taken to .apply such port for the purpose of the said sections;

“public place ” means any highway, public park or garden any sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which, for the time being, the public or any section thereof have or are permitted to have access, whether on payment or otherwise;

“public meeting ” means any meeting in a public c place and any meeting (irrespective of the place at which it is held) which the public or any section thereof are permitted to attend whether on payment or otherwise.

SCHEDULE I

Table Showing the Basis of Computation of Compensation for Permanent Total Disablement

Rank	Basis of Computation
I. In the case of a constable or police driver who has, in the grade in which he was serving at the time he received the injury which resulted in his disablement, earned—	
(a) five increments or less than five increments	his last monthly salary multiplied by seventy-two
(b) more than five increments, but not more than fifteen increments	his last monthly salary multiplied by sixty-six,
(c) more than fifteen increments	his last monthly salary multiplied by sixty.
2. In the case of a Sergeant who has, in the grade in	

which he was serving at the time he received the injury ``which resulted in his disablement-, earned—

(a) ten increments or less than ten increments	his last monthly salary multiplied by sixty,
(b) more than ten increments	his last monthly salary multiplied by fifty-four.
3, In the case of a Sub-Inspector, Inspector or Chief Inspector	his last monthly salary multiplied by fifty-four.
4. In the case of an Assistant Superintendent, Superintendent, Deputy Commissioner of Police or the Commissioner of Police	rupees twenty-three thousand five hundred and seventy-five—
Rs. 23,575.	

For the purposes of computation of compensation under this Schedule, " monthly salary " shall include the cost of living allowance and the special living allowance , but no other allowance.

List of Injuries deemed to result in Permanent Partial Disablement

Injury	Percentage of the Amount of compensation for Permanent Total Disablement
Loss of right arm above or at the elbow	70
Loss of left a arm above or at the elbow	60
Loss of right arm below the elbow	60
Loss of leg at or above the knee	60
Loss of left arm below the elbow	50
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30

Lots of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger '	10
Loss of great toe	10
Loss of any finger, other than index finger	5

Note- complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of any limb or member.

SCHEDULE II

- (a) Reduction in rank.
- (b) Stoppage of increments for a specified period not exceeding five years.
- (c) Censure
- (d) Fine not exceeding Rs. 100.
- (e) Black mark.

SCHEDULE III

Report under Section 172 of the Police Act

IN THE MAGISTRATE S COURT OF :
this day
of

I Officer-in-Charge
of Police Station at

hereby state:

- (a) That a complaint of a civil dispute has been lodged at this Police Station.
- (b) A certified copy of the entry/entries in the Information Book and the Substitute Information Book relating to the said dispute are annexed hereto.

(c) The names and addresses of the parties to the said dispute are
(here state the names and addresses of the parties)

(d) The dispute relates to..... (here give a brief account of the nature of the dispute)

(e) I have under Section 172 (2) of the Police Act given written directions to the parties a certified copy of which is annexed.

2. I pray

(a) that summons be issued on the above-named persons;

(b) that the dispute be adjudicated upon;

(c) that an effective order be made till the dispute is decided by a civil court; and

(d) that the parties be directed to institute an action in a court of competent civil jurisdiction and warned not to commit a breach of the order of this Court on pain of punishment for contempt.

..... (Signed) Officer-in-Charge of the Police Station
of

SCHEDULE IV

CRIMINAL PROCEDURE CODE Offences for which a Police Officer may arrest a Person without a Warrant

Section	Offence
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182	Abetting mutiny, or attempting to seduce an of officer, sailor, soldier, or airman from his allegiance or duty.
-----	---

129	Abetment of mutiny, is mutiny is committed in consequence thereof.
-----	--

130	Abetment of an assault by an officer, sailor, soldier, or airman, on his superior officer, when in the execution of his office.
-----	---

131	Abetment of such assault, if the assault is committed.
-----	--

132	Abetment of the desertion of an officer, sailor, soldier, or airman.
-----	--

133	Harbouring such an officer, sailor, soldier, or airman who has deserted.
-----	--

135	Abetment of act of insubordination by an officer, sailor, soldier, or airman, if the offence be committed in consequence.
-----	---

137 Wearing the dress or carrying any token used by sailor, soldier or airman with intent that it may be believed that he is such sailor, soldier or airman.
140 Being a member of an unlawful assembly.
141 Joining an unlawful assembly, armed with any deadly weapon.
142 Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.
144 Rioting.
145 Rioting, armed with a deadly weapon.
147 Hiring, engaging, or employing persons to take part in an unlawful assembly.
148 Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.
149 Assaulting or obstructing public servant when suppressing riot, etc.
150 Wantonly giving provocation with intent to cause riot, if rioting be committed.
if not committed
154 Harboursing persons hired for an unlawful assembly.
155 Being hired to take part in an unlawful assembly or riot. or to go armed.
157 Committing affray.
166 Fraud by public servant in Posts and Telecommunications Department.
167 Injury to messages, etc., committed by public servants in Posts and Telecommunication Department.
168 Personating a public servant.
169 Wearing garb or carrying token used by public servant with fraudulent intent.
209 Harboursing an offender, if the offence be capital.If punishable with imprisonment for ten years.
213 Harboursing an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.
219 Resistance or obstruction by a person to his lawful apprehension.

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220 Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.

220a Resistance, obstruction to lawful apprehension in cases not otherwise provided for.

221 Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.

226 Counterfeiting or performing any part of the process of counterfeiting coin.

227 Counterfeiting or performing any part of the process of counterfeiting current coin.

228 Making, buying, or selling instrument for the purpose of counterfeiting coin.

229 Making, buying, or selling instrument' for the purpose of counterfeiting current coin.

230 Possession of instrument or material for the purpose of using the same for counterfeiting coin. if current coin.

231 Abetting in Ceylon the counterfeiting out of Ceylon of coin.

232 Import or export of counterfeit coin, knowing the same to be counterfeit.

233 Import or export of counterfeits of current coin, knowing the same to be counterfeit,

234 Having any counterfeit coin, known to be such when it came into possession and delivering, etc., the same to any person.

235 Having any counterfeit current coin, known to be such when it came into possession and delivering, etc., the same to any person.

236 Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.

237 Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

238 Possession of current coin by a person who knew it to be counterfeit when he became possessed thereof.

239 Fraudulently diminishing the weight or altering the composition of any coin.

240 Fraudulently diminishing the weight or altering The composition of current coin.

241 Altering appearance of any coin with intent that it shall pass as a coin of a different description.

242 Altering appearance of current coin with intent that is shall pass as a coin of a different description.

243 Delivery to another of coin possessed with the knowledge that it is altered.

244 Delivery of current coin possessed with the knowledge that it is altered.

245 Possession of altered coin by a person who know it to be altered when he became possessed thereof.

246 Possession of current coin by a person who knew it to be altered when he became possessed thereof.

247 Delivery to another of coin as genuine which when first possessed the deliverer did not know to be altered.

248* Counterfeiting a Government Stamp.

249* Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.

250* Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.

251 * Sale of counterfeit Government stamp.

252* Having possession of a counterfeit Government stamp.

253* Using as genuine a Government stamp known to be counterfeit.

254* Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government.

255* Using a Government stamp known to have been before used.

256* Erasure of mark denoting that stamp has been used.

262 Negligently doing any act known to be likely to spread infection of any disease dangerous to life.

263 Maliciously doing any act known to be likely to spread infections of any disease dangerous to life.

264 Knowingly disobeying any quarantine rule.

270 Defiling the water of a public spring or reservoir.

272 Driving or riding on a public way so rashly or negligently as to endanger human life, etc.

273 Navigating any vessel so rashly or negligently as to endanger human life, etc.

274 Exhibition of a false light, mark or buoy.

275 Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.

276 Causing danger, obstruction, or injury in any public way or public line of navigation.

278 Dealing with fire, or any combustible matter, so as to endanger human life, etc.

279 Dealing with any explosive substance so as to endanger human life, etc.

282 A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.

284 Continuance of nuisance after injunction to discontinue.

285 Sale, etc., of obscene books, etc.

286 Having in possession obscene books, etc., for sale or exhibition.

287 Obscene songs.

290 Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.

290a Doing any act in or upon or in the vicinity of a place of worship or a sacred or venerated object, with intent to insult the religion or any class of persons.

291 Causing a disturbance to an assembly engaged in religious worship.

292 Trespassing in place of worship or sepulchre, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.

296 Murder.

297 Culpable homicide, not amounting to murder if act by which the death is caused is done with intention of causing death etc.

If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.

298 Causing death by rash or negligent act.

299 Abetment of suicide.

300 Attempt to murder.

301 Attempt to commit culpable homicide.

302 Attempt to commit suicide.

308 Exposure of a child under twelve years of age by parent or person having care of it. with intention of wholly abandoning it.

309 Concealment of birth by secret disposal of dead body.

314 Voluntarily causing hurt.

315 Voluntarily causing hurt; by dangerous weapons or means.

316 Voluntarily causing grievous hurt.

317 Voluntarily causing grievous hurt by dangerous weapons or means.

318 Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.

319 Administering stupefying drug with intent to cause hurt, etc.

320 Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.

321 Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.

322 Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc., .

323 Voluntarily causing hurt to deter public servant from his duty.

324 Voluntarily causing grievous hurt to deter public servant from his duty.

326 Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.

327 Doing any act rashly or negligently which endangers human life or the personal safety of others.

328 Causing hurt by doing an act rashly or negligently which endangers human life, etc.

329 Causing grievous hurt by doing an act rashly or negligently which endangers human life, etc.

332 Wrongfully restraining any person.

333 Wrongfully confining any person.

344 Wrongfully confining for three or more days.

335 Wrongfully confining g for ten or more days.

337 Wrongful confinement in secret.

338 Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.

339 Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.,

344 Assault or use of criminal force to deter a public servant from discharge of his duty.

345 Assault or use of criminal force to a woman with intent to outrage her modesty.

347 Assault or use of criminal force in attempt to commit theft of property worn or carried by a person.

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348 Assault or use of criminal force in attempt wrongfully to confine a person.

354 Kidnapping.

355 Kidnapping or abducting with intent scarcely and wrongfully to confine a person.

357 Kidnapping or abducting a woman to compel a marriage, or to cause her defilement, etc.

358 Kidnapping or abducting in order to subject a person to grievous hurt, Slavery, etc.

359 Concealing or keeping in confinement a kidnapped person.

360 Kidnapping or abducting a child with intent to take property from the person of such child.

362 Habitual dealing in slaves.

364 Rape.

364a Carnal knowledge of any girl of or above the age of twelve years and under the age of fourteen years.

365 Unnatural offences.

365a Act of gross indecency by one male person with another.

367 Theft.

368 Theft of cattle or praedial produce.

369 Theft in a dwelling house, etc.,

370 Theft by clerk or servant of property in possession of master or employer.

371 Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it.

380 Robbery. If committed on the highway between sunset and sunrise.

381 Attempt to commit robbery.

382 Person voluntarily causing hurt in committing or attempting to commit robbery or any other person jointly concerned in such robbery.

383 Robbery with attempt to cause death or grievous hurt.

384 Attempt to commit robbery when armed with deadly weapon.

385 Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.

389 Criminal breach of trust.

390 Criminal breach of trust by a carrier, wharfinger, etc.

391 Criminal breach of trust by a clerk or servant.

394 Dishonestly receiving stolen property knowing it to be stolen.

395 Habitually dealing in stolen property.

396 Assisting in concealment or disposal of stolen property, knowing it to be stolen.

397 Receiving stolen cattle or praedial products.

411 Mischief by killing, poisoning maiming, or rendering useless any animal of the value of ten rupees or upwards.

412 Mischief by killing, poisoning, maiming, or rendering useless any elephant, camel, horse, etc., whatever may be its value, or any other animal of the value of fifty rupees or upwards.

413 Mischief by causing a diminution of supply of water for agricultural purpose, etc.,

414 Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.

415 Mischief by causing inundation or obstruction to public drainage, attended with damage.

416 Mischief by destroying or moving, or rendering less useful, a lighthouse or seamark or by exhibiting false lights.

418 Mischief by fire or explosive substance, with intent to cause damage to the amount of one hundred rupees or upwards.

419 Mischief by fire or explosive substance, with intent to destroy a house, etc.

420 Mischief with intent to destroy or make unsafe a decked vessel or a vessel of twenty tons burden.

421 The mischiefs described in the last section, when committed by fire or any explosive substance.

422 -, Running vessel ashore, with intent to commit theft, etc.

423 Impeding the saving of a vessel.

424 Removing or secreting wreck.

425 Taking wreck into foreign port.

426 Mischief committed after preparation made for causing death or hurt, etc.

433 Criminal trespass.

434 House-trespass.

435 House-trespass in order to the commission of an offence punishable with death

436 House-trespass in order to the commission of an offence punishable with imprisonment for ten years.

437 House-trespass in order to the commission of an offence punishable with imprisonment for less than ten years.

If the offence is theft.

433 House-trespass, having made preparation for causing hurt, assault, etc.

439 Lurking house-trespass or house-breaking.

440 Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.

If the offence is theft.

441 Lurking house trespass or house- breaking, after preparation made for causing hurt assault, etc.

442 Lurking house-trespass or house-breaking by night.

443 Lurking house-trespass or house-breaking by night in order to the commission of offence punishable with imprisonment.

If the offence is theft

444 Lurking house- trespass or house-breaking by night after preparation made for causing hurt, etc.

445 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

446 Death or grievous hurt caused by one of several persons jointly concerned in housebreaking by night, etc.

447 Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.

448 Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same-.

449 Possession of house-breaking implements or offensive weapons.

450 Being found in building for unlawful purpose.

451 Loitering about by reputed thief.

478a Counterfeiting currency notes or bank notes.

478b Using as genuine forged or counterfeit currency notes or bank notes.

478c Possession of forged or counterfeit currency notes or bank notes.

478d Making, or possessing instrument or materials for forging or counterfeiting currency notes or bank notes.

488 Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person.

490 Attempting to commit offence punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.

If punishable with death or imprisonment- for seven years or upwards.

If punishable with imprisonment for three years and upwards, but less than seven.

POLICE ORDINANCE

Offences for ~which a Police Officer may arrest a Person without Warrant

63 Any person who in any street or road, thoroughfare, or Passage:, within the limits of any town, commits any of the following offences, shall be liable to a fine not exceeding fifty rupees, or to imprisonments not exceeding three months, and it shall be lawful for any police officer to take into custody without a warrant any person who within his view commits any such offence:—

- (a) any person who shall slaughter any cattle, or clean any carcase in the streets;
- (b) any person riding any cattle carelessly, recklessly, and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers by;
- (c) any person who wantonly or cruelly beats, abuses, or tortures any animal;
- (d) any person who shall keep any cattle or conveyance of any kind in any road or street longer than is required for loading or unloading goods, or for taking up or selling down passengers;
- (e) any person who shall leave any cattle or conveyance in such a manner as to cause

inconvenience or danger to the public;

(f) any person exposing any article or thing on the roads or streets, and which may obstruct passengers or frighten horses;

(g) any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials;

(li) any person who constructs any cow shed, stable or the like, within the bounds of any thoroughfare;

(i) any person who causes any offensive- matter to run from any house, factory, dung heap, or the like. into the street;

(j) any person who wilfully and indecently exposes his person or any offensive deformity or disease;

(k) any person who commits nuisance—

(i) by easing himself in or by the side of or near any public street or thoroughfare,

(ii) by bathing or washing in any place not set apart for the purpose;

(1) any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

(m) any person who drives or leads any conveyance or cart after dark and before daylight without lighted lanterns.

69 (2) Every person who in any thoroughfare or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge on any thoroughfares or other public place of any vehicle, horse, or cattle, or who is drunk when in possession of any loaded firearm, may be apprehended without a warrant, and kept in custody until he gets sober, and shall be liable, in addition, to a fine not exceeding twenty rupees, or to simple or rigorous imprisonment for any term not exceeding one month.

EXCISE ORDINANCE

Offences for which a Police Officer may arrest a Person without Warrant

35. (1) Any officer of the Excise, Police, Customs, or Revenue Departments, not below such rank and subject to such restrictions as the Minister may prescribe, and any other person duly empowered, may arrest without warrant any person found committing, in any place other than a dwelling house, an offence punishable under Section 46 or Section 47; and may seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Ordinance or other law for the time being in force relating to excise revenue; and may search any person upon whom. and any vessel, vehicle, animal, package, receptacle, or covering in or upon which he may have

reasonable cause to suspect any such article to be and for the purposes of such search, may stop any such person, vessel, vehicle or animal

(2) The driver of any vehicle or vessel who fails or refuses to stop or to halt such vehicle or vessel when directed to do so either verbally or by signal by an excise officer not below the rank of Inspector wearing his uniform and acting in execution of his duty, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding fifty rupees or in default of payment of such fine to simple imprisonment for a term which may extend to six weeks

(3) In this section " vehicle " includes any carriage, coach, cart, motor car, motor cycle, omnibus, lorry, bicycle, or other mechanically propelled vehicle and the " driver" of a vehicle includes the rider of a motor cycle or of a bicycle; an " signal " includes one or more blasts of a whistle.

Part III

APPENDICES

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APPENDIX I

LIST OF WITNESSES WHO GAVE EVIDENCE BEFORE THE COMMISSION

1. Mr. John Attygalle	Retired I.G.P
2. Mr.G.V.P.Samarasinghe	Permanent Secretary,
Ministry of Defence and External Affairs	
3.Mr.D.B.I.P.S.Siriwardena	Ex D.I.G.(Administration)
4.Mr.T.B.Werapitiya	S.P.Headquarters
5.Mr.N.G.C.Senaviratna	Director,Police Training
School	
6.Mr.M.W.F.Abeykoon	Retired I.G.P.
7.Mr.S.G.de Zoysa	Retired D.I.G.
8.Mr.S.W.Osmund de Silva	Retired I.G.P.
9.Mr.S.A.Dissanayake	Retired I.G.P.
10.Mr.A.C.Dep	D.I.G.
11.Sir Richard Aluwihare	Retired I.G.P.
12.Major L.V.Gooneratne	Dehiwela
13.Mr.L.W.Kuruppu	Panadura
14.Mr.J.W.P.de Silva	Ambalangoda
15.Mr.Bandula Sri Gunawardena	Vidyodaya University

16.Mr.C.A.J.Darmagunaratne	Katana
17.Mr.K.Chandradasa Tissera	Kolonnawa
18.Mr.S.B.W.Jayasekera Bandara	Bandaragama
19.Mr.W.J.R.de Fonseka &Co.Ltd.	Carson Cumberbatch
20.Mr.H.A.C.Padmaperuma	Maharagama
21.Mr.M.S.P.de Silva Union	President Ex-Govt.Officers
22.Mr.A.C.St.V.Thuraiarah Offiser,P.W.D.	Administrative
23.Mr.J.N.C.Jayanetti	Boralesgamuwa
24.Dr.W.F.Jayasuriya	Colombo 5
25.Mr.A.R.Goonewardena	Baddegama
26.Mr.H.L.Wimalasuriya Examination	Commissioner of
27.Colombo Division Committee Representative of All Ranks	
28.Police Inspectors' Association	
29.Dr.T.R.Jansen	Retired Eye Surgeon
30.Mr.S.D.E.S.Gunawardena Training School	Assistant Director,Police
31.Mr.O.L.Tirimanne	Nuggegodra
32.Mr.T.N.Amsa	Hambantota
33.Mr.C.A.K.Gunaratne-P.D.491	
34.Mr.R.A.F.Perera	Police Radio Technician
35.Mr.K.M.Perera-P.C.4088	
36.Mr.P.M.Jayasundera-P.C.2557	
37.MR.A.R.Vairamuttu	Jodo Instructor
38.MR.Malcom Victor Attapattu Y.M.C.A.	Jodo Instructor at the
39.Mr.Gaminie Gurugalle-P.C.6263	
40.Mr.K.Sambanthapillai	Colombo 10
41.Mr.G.A.K.Rockwood	Retired D.I.G.
42.Mr.K.Subramaniam	Surveyor-Generals Office
43.MR.D.E.S.P.R.Senanayake	S.P.(now D.I.G.)
44.Deputation of Civilian Wireless Operators of Police Department	
45.Deputation of Police Constable Wireless Operators	
46.MR.N.A.A.Weerakkodi	O.I.C.Radio Section
47.Deputation of Police Central Garage Personnel	
48.Deputation from the Police Driving School	
49.Deputation of Police Constable Mechanics	
50.Deputation of Police Drivers	
51.Mr.D.S.S.Jayatillake	A.S.P.(Traffic)
52.Deputation of Staff Officers of the Governmant Analyst Dept.	
53.Mr.S.Y.Chandrasoma	A.S.P.(Technical Branch)

54.Mr.T.A.Fareed
55.Miss C.Herath-W/P.S 7
56.MR.Abeygunawardena
57.Mr.S.H.P.Samarasinghe
58.Mr.M.A.Enas-P.C.2145
59.Mr.L.V.Somadasa-P.C.1088
60.Mr.G.H.Mudiyanse-P.C.6234
61.Mr.D.M.Wijeratne-P.C.5526
62.Mr.N.A.D.Carthelis-P.C.70
63.Mr.Albert Wijenayake-P.C.1955
64.Mr.R.P.L.J.Rajapakse-P.C.8433
65.Mr.K.L.D.Goonetilake-P.C.6436
66.Mr.M.D.J.Perera-P.C.596
67.Mr.P.M.S.Godakumbura-P.C.5640
68.Mr.D.P.L.Atukorala-P.C.5842
69.Mr.G.A.de Aloysius-P.C.5483
70.Mr.S.M.B.Randeniya-P.C.5504
71.Mr.Y.M.Jayatilleke-P.C.5432
72.Mr.W.Kongolla-P.C.1248
73.Mr.K.Somapala-P.C.6667
74.Mr.Dharmadasa de soysa-P.C.8158
75.Mr.D.J.Hapuarachchi-P.C.3897
76.Mr.B.W.Perera-P.C.6774
77.Mrs.P.Divakara-W/P.C.28
78.Mr.W.J.Perera-P.C.3651
79.Mr.Abrew Rajapakse-P.S.3473
80.Mr.P.Charles Dias Fernando-P.S.3270
81.Mr.E.K.A.Wijewardena-P.S.687
82.Mr.S.M.M.Rauf-P.S.4201
83.Mr.B.S.Hewamana-P.S.5007

84.Mr.K.B.P.Wijekoon-P.S.3187
85.Mr.C.Wijeratne-P.S.6224
86.Mr.P.S.Silva-P.C.6412
87.Mr.C.Gajanayake-P.S.4965
88.Mr.M.E.Jayatilake-P.C.7551
89.Mr.M.W.Jayawardena-P.C.6658
90.Mr.S.S.W.A.Rodrigo-P.C.1477
91.Mr.K.J.P.Perera-P.C.6493
92.Mr.P.A.Amarasuriya-P.C.3197
93.Mr.R.D.Jayaratna-P.C.4000
94.Mr.E.R.M.Premadasa-P.C.7633
95.Mr.M.D.J.Joseph-P.C.535
96.Mr.N.M.Fernando-P.C.2360
97.Mr.M.P.I.Peris-P.C.403

Inspector of Police

I.G.P.

A.S.P.(Harbour)

98.Mr.S.B.W.de Silva-Inspector of Police

99.Mr.T.D.H.de Alwis

100.Mr.K.B.H.Ranaweera

101.Mr.T.G.A.Ferdinandez

102.Mr.H.A.D.Kalidasa

103.Mr.V.Nandopana

104.Mr.P.B.Weerasekara

105.Mr.M.G.Methiyas

106.Mr.T.B.Dullewa

107.Mr.W.A.M.P.Appuhamy

108.Mr.H.K.Rupasinghe

109.Mr.M.M.R.Senaratna

110.Mr.K.H.Eric Silva

111.Mr.L.W.Walter Perera

112.Mr.K.A.D.Premaratna

113.Mr.E.Harrison Perera

114.Mr.M.Ariyasena Silva

115.Mr.M.B.Dissanayake

116.Mr.Arthur Jayasundera

117.Mr.G.Suriyaarachchi

118.Mr.M.A.F.Sirinaga

119.Mr.R.J.Paul-P.C.4585

120.Mr.S.Pasenthiran-P.C.3129

121.Mr.B.M.A.Ponnudurai-P.C.4862

122.Mr.D.S.Anandarajah-P.C.5989

123.Mr.N.Siverajah-P.C.6280

124.Mr.S.M.Thana-P.S.4417

125.Mr.W.L.Rodrigo-P.C.5554

126.Mr.L.D.Y.Mutukumarana-P.C.1725

127.Mr.M.A.Chandrawansa-P.C.1856

128.Mr.M.K.D.Cyril-P.C.121

129.Mr.V.C.C.M.Senanayake-P.C.7129

130.Mr.K.M.Irithelis Singho

131.Mr.J.D.A.Jayasekara

132.Mr.M.M.Ukku Banda

133.Rev.Welletota Pagnnadassi Thero

134.Mr.Dharmasena Boralugoda

135.Mr.M.C.L.Mendis

Municiple Council

136.Mr.S.A.Fernandopulle

Corporation

137.Mrs.Devi Kuruppu

138.Mr.E.John Silva

Maradana

Teldeniya

Kirindigalla

Waga

Polgampola

Dambulla

Ambalangoda

Matale

Kuliyapitiya

Horana

Kegalle

Kuliyapitiya

Pasysla

Ettala

Pannipitiya

Wadduwa

Hidogama

Gonapinuwala

Labugama

Kesbewa

Udahamulla

Talgaswela

Welimada

Thihagoda

Trincomalee

Hansard Branch,Colombo

National Small Industries

Borella

Negombo

139.Comd.A.Samarasinghe General,R.Cy.Navy	Judge-Advocate
140.Mr.W.W.Jayasinghe Association of Ceylon	Precident,Rent Payers
141.Mr.J.G.Samarasinghe Maha Vidyalaya	Principle,Devinuwara
142.Mr.M.Dharmasiriwardena	Beliatta
143.Rev.Madampe Dheerananda thero	Galle
144.Rajaye Podu Sevaka Kamkaru Sangamaya	
145.Mr.A.R.Asirwathan	Nuwara Eliya
146.Mr.K.J.Perera	Peliyagoda
147.Mr.S.A.R.Kalubanda	Kotahena
148.Rev.Keselhenawa Somarama Thero	Govinna
149.Mr.Dhrmapriya Lokuhewa	Nugedoda
150.Mr.S.D.Chandrasinghe,S.P. ,W.P.(South)	
151.Mr.A.E.Wickremasinghe	Wariyapola
152.Dr,J.D.C.Jayakody,D.M.O.	Polonnaruwa
153.Miss.M.Lalani Perera	Panadura

APPENDIX 11

LIST OF PERSONS WHO SENT MEMORANDA TO THE POLICE CIMMISSION

1.Mr.R.Wanigasekera	Telwatte
2.Mr.S.vaithilingam	Colombo
3.Mr.D.A.W.Karunatillake	Gurutalawa
4.Mr.E.C.Raddalgoda	Kotte
5.Mr.Kamal Wijithasiri	Kelaniya
6.Secretary,Pallekada R.D.S. and U.C.C.	Ayagama
7.Mr.K.Nallaperuma	Colombo 12
8.Mr.Charles Gandara	Colombo 10
9.Mr.S.M.D.J.Perera	Wellawatte
10.Mr.P.M.Perera	Haltota
11.Mr.S.Warnakulasooriya	Hatton
12.Police Driver 496	Batticaloa
13.Mr.G.de S.Haegoda	Galle
14.Mr.T.S.Bangasajayah	Kandy
15.Mr.Lesley Sugathadasa	Matale
16.Mr.K.M.Perera-P.C.4088	Grandpass
17.Mr.Chandradasa Tissera	Kolonnawa
18.Mr.K.Wimaladasa	Kurunegala
19.Mr.Reggie Senaratne	Bandaragama
20.Mr.Wimalasena de Silva	Tebuwana
21.Chairman,T.C.	Chankanai
22.Mr.S.Rajarathnam	Wellawatta

23.Mr.K.D.Premaratna	Weliweriya
24.Mr.S.W.Somasundara	Habaraduwa
25.Mr.Bandula Sri Gunawardena	Colombo 5
26.Mr.J.A.Wijesinghe	Kandy
27.Rev,Keselhenewe Somarama Thero	Govinna
28.Mr.R.C.E.I.Ekanayake	Nugegoda
29.Mr.H.T.N.Jainudeen	Badulla
30.Mr.A.B.Deheragoda	Eheliyagoda
31.Mr.K.A.Karanaratna	Giriulla
32.Dr.W.F.Jayasuriya	Colombo 5
33.Mr.N.H.Sumathipala	Kegalle
34.Mr.S.Sinnathamby	Kopay
35.Mr.D.A.W.Dissanayake	Nugegoda
36.Mr.H.A.D.Kalidasa	Waga
37.President,The All Cey.Ex.Govt. Off.Assn.	Pallewela
38.Mr.A.E.Wickramasinghe	Wariyapola
39.Mr.S.Kathirawelu	Puttir
40.Mr.L.K.Fernando	Kurunegala
41.Mr.Jayasooriya,P.C.52	Kankasanturei
42.Rev.K.Siripawara Thero	Kandy
43.Secretary,Masjidur-Rahma Progressive Movment	Dharga Town
44.Mr.W.S.Perera,Police Driver 138	Narahenpita
45.Mr.H.M.H.Banda,Police Driver78	Kandy
46.MR.A.G.W.Abeywickrama	Akurassa
47.Mr.D.M.A.Ranatunga	Angoda
48.Mr.H.D.Bennedict Appuhamy	Lunuwila
49.Mr.N.L.de Souza	Colombo 6
50.Mr.R.K.D.Ariyasena,Police driver265	Cinnaman Gardens
51.Commodore R.Kadiragamar	Royal Ceylon Navy
52.Mr.Sethappa Pasenthiram,P.C.3129	Nawaiapitiya
53.MR.M.K.D.Nanayakkara	Colombo
54.Mr.A.L.Henry Perera	Ja-Ela
55.Secretary,Assn.Of Pub.Officers displased under the sinhala Jaffna Only Act	
56.Mr.V.David	Homagama
57.Mr.G.M.Mudiyanse,P.C.6234	Pettha
58.Inspector Genral Of Police	
59.Mr.T.G.D.Amarasinghe	Dehiwala
60.Mr.R.M.Ukku Banda	Welimada
61.Mr.H.M.G.Seniviratne	Kurunegala
62.Mr.Dingiri Banda	Rikiligaskade
63.Mr.T.N.Amsa	Hambantota
64.Mr.T.Nagalingam	Colombo
65.Mr.Ananda Dassanayake	Gampola
66.Mr.M.G.Methiyas	Ambalangoda

67.Mr.W.D.C.Kottearachchie	Matara
68.Mr.S.M.Manuel Singho	Ampara
69.Mr.T.Kathiramalai	Chilaw
70.Mr.M.Migel Appu	Wahakotte
71.Mr.Walter C. Pinto	Badulla
72.Mr.E.K.A.Wijewardena,P.S.687	Moratuwa
73.Mr.D.S.Kiruppu	Panadura
74.Mr.S.R.Samy	Chilaw
75.Mr.E.E.B.Perera,A.S.P.	Colombo(West)
76.Mr.F.G.Stephen	Colombo
77.Mr.A.Rajapaksa,P.S.3473	Moratuwa
78.Mr.H.A.Wahid	Mawanella
79.Rev.Wellethota Pagnnadassi Thero	Thihagoda
80.Mr.S.H.Saaris Silva	Colombo 8
81.Mr.D.M.Fernando	Kotahena
82.Dr.C.H.S.Jayawardena	Peradeniya
83.Mr.J.W.P.de Silva	Ambalangoda
84.Mr.J.W.P.de Gunawardena	Wattala
85.Mr.T.Perinpanayagm,S.I.	Mt.Laviniya
86.Mr.Elmo Jayasekara	Nugegoda
87.MR.S.Chelliah,Wireless Operator,Police Radio Control Room	
88.Mr.S.Chelliah and 47 others of Police Radio Control Room	
89.Chairman,Police Inceptors Association	Bambalapitiya
90.O.I.C.,Police Central Garage	
91.O.I.C.Police Motor Driving School	
92.O.I.C.Police Radio Station	
93.Mr.S.G.de Soysa	Colombo 5
94.Mr.T.M.Jayasundara,P.C.2557	Pettah
95.Mr.T.H.Rahim,Inspector of Police	Colombo
96.Registrar of Finger Prints	
97.Mr.R.P.K.S.Wickremaratne,P.S.6236,Police RadioControl Room	
98.Mr.A.C.Dep,D.I.G.	
99.MR.S.B.W.de Silva,Inspector of Police	Grandpass
100.Mr.Dharmadasa de zoysa,P.C.8158	Mullativu
101.Mr.Milton Aloysius Enas,P.C.2145	
Avissawella	
102.Mr.Clen o.Buyser	Mt.Lavinia
103.Mr.D.S.SEnadhira,P.C.4961	Narahenpita
104.Mr.F.H.de Hoedt,Inspector of Police	Fort
105.Mr.G.A.D.Alosius,P.C.5483	Hatton
106.Mr.L.V.Somadasa,P.C.1088	Wellawatta
107.Mr.M.Selledurai,P.C.3589	Police Garage
108.Mr.D.S.Anandarajah,P.C.5989	Diyatalawa
109.Mr.C.A.W.Edwards	Kopay

110.Mr.S.Thurairasa P.C.6216	Moratuwa
111.MR.B.George Perera,S.I.	C.I.D.
112.Mr.W.A.Samarawickrama,I.P.	Kotahena
113.MR.P.N.D.Jilla	Colombo 5
114.Mr.R.B.Herath,P.C.6755	Kandy
115.Mr.NAwaratnam,A.S.P.	Nuwara Eliya
116.Mr.K.Somapala,P.C.6667	Moratuwa
117.Mr.K.G.T.Silva,S.I.	Amparai
118.Mr.R.A.F.Perera,Police Radio Technician	Anuradapura
119.Mr.D.J.Hapuarachchi,P.C.3897	Medawachchiya
120.Mr.V.Nandopana	Polgampola
121.Mr.K.B.P.Wijekoon,P.S.3187	Amparai
122.Mr.Lionel Kulatunga	Kandy
123.Mr.K.Sambanthapillai	Colombo 10
124.Mr.A.H.C.de Silva,Q.C.	Colombo 3
125.Mr.E.John Silva	Negambo
126.Mr.W.G.Perera,P.C.3651	Anuradapura
127.Mr.W.D.Robert,Police Transport Division	Narahenpita
128.Mr.G.Charles Dias Fernando,P.S.3270	Moratuwa
129.Mr.K.P.Senanayake	Kegalle
130.Mr.Dharmapriya Lokuhewa	Nugegoda
131.Mr.C.V.Pathipala	Walasmulla
132.Mr.R.K.Covis Singho	Ja-Ela
133.Mr.J.A.U.B.Jayasinghe	Aranayake
134.Mr.K.H.W.Dharmasena	Tissamaharama
135.Mr.H.T.Sirisena	Walahanduw
136.Mr.R.A.Jayasinghe	Veyangoda
137.Mr.M.V.Saravanamuttu	Munneswaram
138.Mr.M.V.Murigesu	Jaffna
139.Mr.M.Thambipillai	Colombo
140.Mr.A.R.Gunawardena	Bandaragama
141.Mr.K.G.P.Appuhamy	Padaviya
142.Mr.W.L.D.Sethan Appu	Thittapattara
143.Mr.R.G.Ratnayake	Gampola
144.Mr.J.N.J.Jayanetti	Boralesgamuwa
145.Mr.Auther Wijesundera	Gonapinuwala
146.Mr.K.M.Fernando	Galaha
147.Mr.L.Jayaratne	Veyangoda
148.Mr.D.W.P.Jayaardene	Mt lavinia
149.Mr.S.P.H.Abeydira	Colombo 7
150.Mr.D.S.S.Patabendige	Haburugala
151. Government Analyst	
152. Governmen Analyst Department Staff Officers' Association	
153. Mr. W. G. G. de Silva	Demodera

154. Mr. S. B. W. Jayasekera Bandara	Bandaragama
155. Mr. D. M. G. S. Wijeyaurusinghe	Welipenna
156. Mr. C. H. Liyanage	Genemulla
157. Dr. Douglas de Alwis	Kandy
158. Mr. G. G. Premadasa	Alawwa
159. Mr. C.S. Murukumara	Wellawatte
160. Mr. H. de S. Hettigoda	Imaduwa
161. Mr. S. M. V. Manuel	Chadiyantallawa
162. Mr. L. W. Kuruppu	Panadura
163. Mr. A. C. St. V. Thurairajah	Colombo
164.. Mr. S. Surage	Kotahena
165. Maj. L. V. Gooneratne	Dehiwala
166. Mr. L. O. H. Wanigasekera	Kiribathdumbura
167. Mr. I. Q. W. Guneratne	Akuressa.
168. Rev. Maragoda Saddannda Thero	Dehiwala
169. Mr. C. A. J. Dharmagunaratne	Katana
170. Mr. M. P. Baddewala	Kandy
171. Mr. A. M. Ibralebbe	Akkaraipattu
172. Mr. V. Thilairajah	Narahenpita
173. Mr. U. B. Ratnayake	Kurunegala
174. Mr. W. D. Epa	Morawaka
175. Mr. S. T. D. L. de Silva	Kalawana
176. Secretary, U.N.P. Branch	Baddegama
177. Secretary, U. N. P. Branch	Maharagama
178. Mr. M. D. Abraham	Haburugala
179. President, U. N. P. Branch	Gonapinuwala
180. Secretary, Methodist Central College	Batticaloa
181. Mr. D. P. Atulamudali	Hali-Ela
182. Miss. M. Lalanic perera	Panadura
183. Mr. Matthes Dabarera	Kammala South
184. Mr. A. R. Arsirwatham	Nuwar Eliya
185. Mr. E. P. P. Jayasooriya	Wellawatta
186. Mr. T, Sangarapillai	Kokuvil
187. Mr. W. C. A. de Silva , P. D. 173	Elpitiya
188. Mr. D. H. Wanasinghe, I. P.	Anuradhapura
189. Mr. R. H. Kularatne	Veyangoda
190. Mr. D .Charles Silva	Rambukkana
191. Mr. P. L. D. Richard	Kalutara
192. Mr. M. M. Rajapaksa	Dodanduwa
193. Mr. K. D .Jayatissa	Gampaha
194. Mr. A. G. Gunaratne	Wahakotte
195. Mr. D. M. Wickramasinghe	Nikaweratiya
196. Mr. K. Visuvalingam, Adm. Asst., Police Headquarters	
197. Mr. S. D. E. S. Gunawardena Asst., Dir. Police Training School	

198. Mr. C. H. de A Seneviratne	Welipenna
199. Mr. A. Kanagasabai	Karainagar
200. Mr. B. M. Dayaratna, P. S. 3359 and other	Agalawatte
201. Mr. M. M. R. Senaratne, Prisoner	Kandy Prison
202. Secretary, Crime Prevent on Society	Colombo
203. Mr. W. J. R. de Fonseka	Colombo
204. Mr. D. M. Wijeratne, P.C. 5526	Kahatuduwa
205. Mr. Darrel Pieris	Colombo
206. Mr. H. A. Jamis Singho	Angoda
207. Mr. H. A. Nandasena	Colombo
208. Mrs. S. S. W. Punniyawathie	Batuwatte
209. Mr. J. G. Samarasinghe	Devinuwara
210. Mr. W. W. Jayasuriya	Colombo 14
211. Mr. Ariyasena Iddamalgodu	Kuruwita
212. Mr. A. A. Charles	Nikadalupotha
213. Mr. Y. M. Jayatilake, P. C. 5432	Kurunegala
214. Mr. P. M. S. Godakumbura, P. C. 5640	Uppuveli
215. Mr. D. P. L. Atukorala, P. C. 5842	Trincomalee
216. Mr. K. B. D. Silva	Rakwana
217. Mr. N. K. M. Thilakaratne	Nagoda
218. Mr. D. C. S. D. Wickramaratne	Baddegama
219. Mr. N. K. M. Sirisena	Galle
220. Mr. G. B. S. Fernando	Colombo 5
221. Mr. D. E. Perera	Badulla
222. Mr. B. Norbert Perera	Mr. Lavinia
223. Mr. K. L. D. Goonetilleka	Hanwella
224. Mr. C. A. K. Gunaratne, P. D. 491	Matara
225. Mr. P. M. Ratnayake	Rambukkana
226. Mr. R. P. W. Kongolla, P. C. 1248	Bulathkohupitiya
227. Mr. M. D. Wickramatillake	Waduramba
228. Mr. P. P. Wickramarachchie	Gampaha
229. Mr. W. A. Sugathapala	Colombo 13
230. Mr. Anthony Marcellus	Colombo 15
231. Mr. B. S. Hewamana, P. S. 5007	Trincomalee
232. Mr. Ananda Senerath Meddegoda	Mawanella
233. Mr. D. J. R. J. Jayakodi	Pamumugama
234. Mr. D. M. Kumarasinghe	Weada
235. Mr. J. Edirisinghe	Matara
236. Mr. K. Pillainar	Colombo
237. Mr. D. S. Wimalasena, Hony. Secretary. U.N.P. Youth	Gonapola
238. Mr. D. S. P. Vitharana	Wadduwa
239. Mr. H. Dayaratne	Pokunuwita
240. Mr. H. P. Susiripala	Kadawatha
241. Mr. L. G. Siriwardena	Ratnapura

242. Mr. H. K. Rupasinghe	Horana
243. Mr. Dharmasena Boralugoda	Pannipitya
244. Mr. Senaratna Balasooriya	Tittapattara
245. Mr. K. G. H. Nandias Silva	Passara
246. Mr. E. V. L. Dharmaratne	Meegoda
247. Mr. S. M. M. Rauf, P. S. 4201	Ambalangoda
248. Mr. B. L. P. Fernando	Ragama
249. Mr. K. Nakandala	Colombo 5
250. Mr. D. L. N. A. Rahub	Colombo 1
251. Mr. W. G. Gunawardene	Ruwanwella
252. Mr. T. W. Titie	Borella
253. Mr. J. N. K. Tissa	Katugastota
254. Mr. M. P. Weerasena, I. P.	Welipenna
255. Rev. M. Sri Sumana Thero	Hatton
256. Mr. N. A. D. Karhelis, P. C. 70	Kekirawa
257. Mr. P. B. Weerasekera	Konganawela
258. Mr. C. Tharmarajah, I. P.	Peliyagoda
259. Mr. K. A. Premaratne	Wellampitiya
260. Rev. Kadigamuwe Rewathe Thero	Veyangoda
261. M.W. Hanifone	261. Mr. M. W. Colombo 10
262. Mr. D. B. Wijesekera	Anoda
263. Mr. R. E. J. Amarasekera	Boralesgamuwa
264. Mr. L. S. A. T. Vincent	Wattaia
265. Rev. Uduwara Suddassi Thero	Hali-Ela
266. Mr. W. G. G. Heengurunanse	Haldummulla
267. Mr. D. M. Punchibanda	Metigahatenna
268. Rev. K. Bhaddiya Thero	Dodanduwa
269. Mr. S. A. R. Kalubanda	Kotahena
270. Mr. M. Jayawardena	Angoda
271. Mrs. G. P. A. Birdie	Galle
272. Mr. A. G. Kiribanda	Madawala
273. Mr. J. A. Fernando	Wennappuwa
274. Mr. W. J. Atukorala, Vice President, U. N. P. League	Boralesgamuwa
275. Rev. Goiyapane Saranankara Thero	Colombo 14
276. Mr. R. M. Ukkubanda	Belihuloya
277. Mr. K. P. Ranbanda, Secretary, G. O. D. B. Workers Union	Amparai
278. Mr. D. C. A. Suraweera	Gothatuwa
279. Mr. W. P. Dias Gunaratne	Maggona
280. Mr. A. K. Perera	Angoda
281. Colombo Division Committee Representative of All Ranks	
282. Mr. K. G. Piyadasa	Kurunegala
283. Mr. J. M. Francis Perera	Nuwra - Eliya
284. Mr. L. H. S. de Silva	Habaraduwa
285. Mr. M. R. P. Alpenis	Kumbukwewa
286. Mr. B. R. Fernando	Wattala

287. Mr. I. K. Wijewardena	Panadura
288. Mr. Gaminie Gurugalla, P. C. 6263	Galenbindunuwewa
289. Mr. D. C. Hewa	Wellampitiya
290. Mr. D. P. Kotalawala	Piliyandala
291. Mr. M. Palany	Egodagama
292. Secretary, U. N. P. Branch	Wellampitiya
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313. General Secretary, Government Survey Labourers Union	Colombo 5
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396. Mr. W. M. Jayawardna, P.C. 6658	Moratuwa
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414. Mr. P. Ratnavake	Rambukkans
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