



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

JANASAVIYA

ACT, No. 4 OF 1989

[Certified on 10th May, 1989]

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L. D.—O. 8/89

**AN ACT TO MAKE PROVISION FOR THE ADMINISTRATION OF RELIEF
UNDER THE JANASAVIYA PROGRAMME WITH A VIEW TO
MAXIMIZING THE UTILIZATION OF HUMAN RESOURCES, PRO-
MOTING SOCIAL STABILITY AND ALLEVIATING POVERTY ; AND
FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO**

**BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :—**

1. This Act may be cited as the Janasaviya Act, No. 4 Short title.

2. For the avoidance of doubts, it is hereby declared Tax
exemption.
**that a donation, in money or otherwise, to the Fund estab-
lished at the General Treasury, under section 25 of the**
Finance Act, No. 38 of 1971, in respect of the Janasaviya
Programme, is, for the purposes of the application of the
Inland Revenue Act, No. 28 of 1979, a donation made in
money or otherwise to a Fund established by the
Government.

3. (1) There may be appointed by name or by office, for Appointment
of officers
and servants.
the purposes of this Act, a Commissioner.

(2) There shall be appointed, by name or by office, such
**number of Deputy Commissioners and Assistant Commis-
sioners as may be necessary for the purposes of this Act.**

(3) Every Government Agent may in relation to the
administrative district to which his appointment relates,
exercise, perform and discharge, the powers, duties and
functions, conferred or imposed on, or assigned to, a Deputy
Commissioner by this Act. Every Assistant Government
Agent may, in relation to the administrative division to
**which his appointment relates, exercise, perform and dis-
charge the powers, duties and functions conferred or**
imposed on, or assigned to, an Assistant Commissioner by
this Act.

(4) Subject to subsection (3), any Deputy Commissioner
or Assistant Commissioner may be appointed for the whole
of Sri Lanka or any part thereof.

(5) There may also be appointed such clerical and minor
staff as may be necessary to assist the aforesaid officers in
the administration of this Act.

Powers
and duties
of officers.

4. (1) Every Deputy Commissioner and Assistant Commissioner shall, in the exercise of his powers, the performance of his duties or the discharge of his functions, be subject to the general direction and control of the Commissioner.

(2) Every Deputy Commissioner or Assistant Commissioner may, subject to the general direction and control of the Commissioner, within the area of his appointment, exercise, perform or discharge all or any of the powers, duties or functions conferred or, imposed upon or assigned to the Commissioner by, or under, this Act.

Relief
exempt
from
income tax.

5. Any relief received by any person in accordance with regulations made under this Act, in cash or otherwise, shall be exempt from income tax or any other tax imposed under the Inland Revenue Act, No. 28 of 1979.

Application
of
this Act.

6. Every person who has applied for, or is in receipt of, relief in accordance with the regulations made under this Act, is hereinafter in this Act referred to as a "person to whom this Act applies".

Declaration
by
person
to whom
this Act
applies.

7. It shall be lawful for the Commissioner to require every person to whom this Act applies to make declaration in such form and in such manner may be prescribed, of the assets and liabilities of such person, his spouse, children and other dependants and such other information as may be required for the purpose of ascertaining whether he is eligible for the grant of relief under regulations made under this Act.

Powers of
Commissioner to
call for
information.

8. The Commissioner may, by notice in writing, require any person to furnish him, within such time as may be specified in the notice such information as may be necessary to ascertain the accuracy of any statement contained in any declaration made to him under section 7, and it shall be the duty of such person to comply with such requirement.

9. Where the Commissioner is satisfied that any statement contained in any declaration made to him under section 7 by any person to whom this Act applies, is wholly or partly false or incorrect and that such person is not entitled to the grant of relief under regulations made under this Act, the Commissioner shall, without prejudice to the provisions of section 15(1), forthwith discontinue the grant of relief to such person and by a notice in writing, require him to pay the value of any relief granted to him in accordance with the regulations made under this Act, within such period as is specified in such notice.

Power of
Commiss-
sioner to
discontinue
relief.

10. It shall be the duty of every person who has made a declaration under section 7 and in receipt of relief under regulations made under this Act to notify the Commissioner, of any material change in the particulars furnished by him in such declaration with respect to his assets and liabilities or those of his spouse, children or other dependants, within a period of two months from the date of such change.

Commis-
sioner to be
given
notice of
any
changes in
assets
and liabili-
ties.

11. (1) Where the Commissioner decides to discontinue the relief granted to a person to whom this Act applies, he shall communicate his decision in writing, to such person.

Commis-
sioner to
communicate
his decision.

(2) Every decision made by the Commissioner under section 9 shall, subject to the provisions of section 13 be final.

12. (1) There shall be established for every Assistant Government Agents' Division, an Appeals Board for the purposes of this Act, consisting of not less than ten persons, one of whom shall be appointed, as Chairman of such Appeals Board.

Appeals
Board.

(2) There shall be appointed a Secretary to every Appeals Board established under subsection (1).

(3) The Secretary to every Appeals Board established under subsection (1) shall convene meetings of such Appeals Board. The quorum for any meeting thereof shall be three.

(4) The Chairman of every Appeals Board established under subsection (1) shall preside at every meeting of such Appeals Board. In the absence of the Chairman from any meeting, the members present at such meeting shall choose from among themselves, a Chairman for the meeting.

(5) The decision made at a meeting of an Appeals Board established under subsection (1) on an appeal heard at that meeting shall be deemed to be the decision of such Appeals Board on such Appeal.

(6) Subject to the preceding provisions of this section, an Appeals Board established under subsection (1) shall determine the procedure to be followed at its meetings.

Appeals.

13. (1) Any person who is aggrieved by the decision of the Commissioner made under section 9, may, within twenty-eight days of the communication of such decision to him, prefer an appeal against such decision to the Appeals Board established for the Assistant Government Agent's division in which such person resides.

(2) Every appeal shall be preferred by a petition in writing addressed to such Appeals Board and shall set out the grounds of such appeal.

(3) An Appeals Board may in dealing with any appeal preferred to it under subsection (1), affirm, vary, or set aside the decision of the Commissioner against which the appeal has been preferred.

(4) The decision of an Appeals Board on an appeal made to it under subsection (1) shall be communicated to the Commissioner and to the appellant within twenty-eight days of such decision.

Provision regarding recovery of amounts required to be paid under section 9.

14. (1) Where any person required by a notice under section 9 to pay the amount of the value of any relief granted to him under this Act fails to pay such amount within the period specified in such notice, or where an appeal has been preferred against the decision requiring him to pay such amount, fails to pay such amount within thirty days of the dismissal of such appeal, the amount specified in the notice shall be deemed to be in default and the person by whom such amount is payable shall be deemed to be a defaulter for the purposes of this Act.

(2) (a) Where any amount is in default, the Commissioner may issue a certificate to a Magistrate's Court having jurisdiction in any division where the defaulter resides or

in which any movable property owned by the defaulter is situated, containing particulars of the amount in default and the name of the defaulter by whom the amount is payable.

(b) The correctness of any statement in a certificate issued by the Commissioner under paragraph (a) as to the value of any relief granted to the defaulter under this Act, shall not be called in question in any court.

(c) Upon receipt of a certificate under paragraph (a) of this subsection, the Magistrate shall summon the defaulter before him to show cause why further proceedings for the recovery of the amount specified in the certificate should not be taken against him and in default of sufficient cause being shown, that amount shall be deemed to be a fine imposed by a sentence of the Magistrate on such defaulter for an offence punishable with fine only and not punishable with imprisonment and the provisions of subsection (1) of section 291 of the Code of Criminal Procedure Act, No. 15 of 1979, (except paragraphs (a), (b) and (i) of subsection (1) of that section) relating to the default of payment of a fine imposed for such an offence shall thereupon apply and the Magistrate may make any direction which by the provisions of that subsection, he could have made at the time of imposing such sentence.

(3) Whenever the Commissioner issues a certificate under this section, he shall forthwith issue to the defaulter a notification thereof by personal service or registered letter sent through the post or telegraph, but non-receipt of such notification by the defaulter shall not invalidate proceedings taken under this section.

15. (1) Any person who makes any statement relating to Offences. his assets and liabilities or those of his spouse, children or dependants, which to his knowledge is false or incorrect in any declaration made by him under section 7 shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) Any person who, being a person who has made a declaration under section 7 and is in receipt of relief under this Act omits, without reasonable cause, to notify the Commissioner, any material change in the particulars furnished by him in such declaration with respect to—

- (a) his assets and liabilities ; or
- (b) the assets and liabilities of his spouse, children or other dependants,

within a period of two months from the date of such change, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Any person who—

- (a) fails to comply with the requirement of a notice sent to him under section 8 ;
- (b) knowingly furnishes any false or incorrect information in compliance with the requirements of any such notice,

shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two thousand rupees.

(4) Any person who—

- (a) resists or obstructs, interferes with, or attempts to interfere with, or influence, any officer in the discharge of his functions under this Act, or
- (b) instigates, or attempts to instigate, any person to make a false declaration under this Act,

shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(5) Any person who contravenes any regulation made under this Act shall be guilty of an offence under this Act and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees.

16. (1) The Minister may make regulations in respect of all or any of the following matters :—

- (a) all matters required or authorized in this Act to be prescribed ;
- (b) conditions of eligibility for the grant of relief under the *Janasaviya* programme to any individual or family ;
- (c) the manner in which applications for such relief shall be made to the Commissioner, and the Officers to whom such applications shall be made ;
- (d) the conditions to be complied with by persons who apply for the grant of such relief and the purposes for which such relief may be applied ;
- (e) the form and manner in which relief is to be granted to persons eligible for relief under the *Janasaviya* programme ;
- (f) conditions subject to which such relief shall be granted (including conditions as to the deposit of the whole or part of such relief in a prescribed banking institution, the period within, and the purposes for, which such deposits may be withdrawn) ;
- (g) the form of all notices and declarations required to be issued or made for the purposes of this Act ;
- (h) the publication, from time to time, of lists of persons who are provisionally identified for the grant of such relief ;
- (i) provisions for the making of objections to the inclusion of the name of any person in any such list.

(2) Every regulation made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made under subsection (1) shall, soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any such regulation which is not so approved shall be deemed to be rescinded.

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from the date of disapproval but without prejudice to anything previously done thereunder. Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

Sinhala
text to
prevail in
case of
inconsistency.

17. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.