



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**CENSUS (AMENDMENT)
ACT, No. 16 OF 1981**

[Certified on 12th March, 1981]

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Census (Amendment) Act, No. 16 of 1981

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L. D.—O. 80/79

AN ACT TO AMEND THE CENSUS ORDINANCE.

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

1. This Act may be cited as the Census (Amendment) Act, No. 16 of 1981.

Short title.

2. Sections 2 and 3 of the Census Ordinance (hereinafter referred to as the "principal enactment") are hereby repealed and the following sections substituted therefor:—

Replacement of sections 2 and 3 of Chapter 143.

Minister to direct taking of census.

2. It shall be lawful for the Minister from time to time by Order published in the Gazette, to direct that a census be taken of the population, housing, agriculture, live-stock, trade, labour, industry or commerce or such other matters as he may deem necessary for ascertaining the demographic, social or economic condition of the inhabitants of Sri Lanka.

Appointment of Superintendent of Census.

3. To superintend the taking of any census, there shall be appointed an officer to be called "the Superintendent of Census". If an appointment to the office of the Superintendent of Census is not made the Director of Statistics appointed under the Statistics Ordinance shall be deemed to be the Superintendent of Census and shall exercise, perform and discharge all such powers, duties and functions conferred or imposed on or vested in the Superintendent of Census by this Ordinance.

3. Section 5 of the principal enactment is hereby amended by the repeal of subsections (3) and (4) of that section, and the substitution therefor of the following subsections:—

Amendment of section 5 of the principal enactment

(3) The rules shall be published in two issues of the Gazette and shall come into effect from the date of the last of such publications and shall be judicially noticed.

(4) Any person committing any breach of any such rule shall, on conviction before a Magistrate, be liable to imprisonment of either description for a term not exceeding one month or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Replacement
of section 6
of the principal
enactment.

4. Section 6 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Government Agent and Mayor, Chairman or Special Commissioner of Municipal Council, Urban Council or Town Council to be Commissioners,

6. The Government Agent of an administrative district shall be Commissioner of Census for his district, and the Mayor, Chairman or Special Commissioner, where any local authority is administered by a Special Commissioner, of every Municipal Council, Urban Council and Town Council shall be Commissioner of Census for the local area, of such Municipal Council, Urban Council or Town Council:

Provided that any other person may be appointed as Commissioner for such district or Municipal Council or Urban Council or Town Council.

Replacement
of sections
8, 9 and
10 of the
principal
enactment.

5. Sections 8, 9 and 10 of the principal enactment are hereby repealed and the following sections substituted therefor:—

"Engagement of enumerators, supervisors and chief supervisors.

8. A Commissioner may in writing engage any person to be an enumerator, supervisor or chief supervisor, as the case may be, to take or aid in taking or supervise the taking of the census within any specified local area and may at any time discharge such person.

Who are
census
officers.

9. The Superintendent and every Deputy Superintendent, Assistant Superintendent, Commissioner, Assistant Commissioner, chief supervisor, supervisor and enumerator referred to in the preceding provisions of this Ordinance shall be a census officer within the meaning of this Ordinance, and shall be deemed a public officer within the meaning of the Penal Code.

Occupier
to allow
access and
permit
affixing of
numbers.

10. Every person occupying any land, building, house, enclosure, vessel, or other place shall allow any census officer such access thereto as he may require for the purpose of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow him to paint, mark, or affix on or to the property in the occupation of such person such letters, marks, or numbers as may be necessary for the purposes of the census."

6. Section 13 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement
of section
13 of the
principal
enactment.

"Schedules
to be left
at dwelling
houses
or establish-
ments and
filled up by
the chief occu-
pier or person
in charge.

13. (1) Subject to such rules as the Minister may make in this behalf, any census officer may leave or cause to be left a schedule in the form prescribed by the Minister at any dwelling house or any establishment within the local area of such census officer for the purpose of its being filled up by the chief occupier or person in charge or in his absence by any responsible member of such house or establishment or of any specified part thereof.

(2) Where any such schedule has been so left, the chief occupier of the house or person in charge of the establishment or part to which it relates shall fill it up or cause it to be filled up to the best of his knowledge and belief and sign his name thereto in such place if provided and when so required shall deliver the schedule so filled up and signed to the supervisor or enumerator appointed for the local area within which the house or establishment is situated or such other person as the Commissioner may direct."

7. Section 14 of the principal enactment is amended by the repeal of subsection (2) thereof and the substitution therefor of the following subsection:—

Amendment
of section
14 of the
principal
enactment.

"(2) The person to whom the schedule or schedules is or are delivered under subsection (1) shall cause the schedule or schedules to be filled up with the particulars required by that subsection, to the best of his knowledge and belief, and shall sign his name thereto, in such place if provided and when so required shall deliver the schedule or schedules so filled up and signed to the enumerator or supervisor appointed for that area, or to such other person as the Commissioner for that area may direct or in a manner directed by the Superintendent of Census or Commissioner for that area."

Replacement
of section
15 of the
principal
enactment.

8. Section 15 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Enumera-
tion of
naval, army
or air
forces
and voyagers,
travellers
&c.

15. The Superintendent of Census shall obtain by such ways and means as shall appear to him best adapted for the purpose the information required by this Act or by the rules made by the Minister with respect to—

- (a) any body of men belonging to the Sri Lanka naval, army or air forces or to any vessel of war; and
- (b) all persons who during the time appointed for taking any census were travelling or on shipboard, or for any other reason were not abiding in any house, of which account is to be taken by the census officer as aforesaid,

and shall include such information in the abstract to be made by him as hereinafter provided."

Replacement
of section
17 of the
principal
enactment.

9. Section 17 of the principal enactment is hereby repealed and the following section substituted therefor:—

"Duty of
employers
of labour
to make
returns.

17. (1) It shall be the duty of every employer or person in charge of five or more employees on any mining or quarrying property, or in any factory, workshop or other commercial or industrial establishment, to make a declaration in the prescribed form to the Superintendent of Census or the Commissioner of the district within which such mining or quarrying property, factory, workshop or other commercial or industrial establishment is situated, stating that he has under his employ or in his charge upon such mining or quarrying property, factory, workshop or other commercial or industrial establishment five or more employees. Such declaration shall be made within fourteen days of the publication, in the Gazette and in one or more newspapers, of a notice by the Superintendent of Census or the Commissioner of the district or area calling for such declaration to be made.

(2) It shall be the duty of the Superintendent of Census or every Commissioner, as the case may be, to deliver or cause to be delivered, to every person making the declaration required by subsection (1) a schedule or schedules in the prescribed form to be filled up by such person with the required particulars.

(3) Every person to whom any schedule is delivered under subsection (2) shall sign and return to the person from whom he shall receive the schedule such receipt therefor as may be provided for that purpose, and shall fill up the schedule or schedules, to the best of his knowledge and belief, with the particulars relating to all persons who are on the mining or quarrying property, factory, workshop, or other commercial or industrial establishment under his charge at the time of the taking of the census, and shall sign his name thereto, and when so required shall deliver the schedule or schedules so filled up and signed to the enumerator or supervisor appointed for the local area within which the mining or quarrying property, factory, workshop or other commercial or industrial establishment is situated to such other person as the Superintendent of Census or the Commissioner may direct or in any other manner directed by the Superintendent of Census or the Commissioner."

10. The following new section is hereby inserted immediately after section 20, and shall have effect as section 20A of the principal enactment:—

"How information supplied under this Ordinance to be published &c.

20A. (1) Notwithstanding anything in section 20 no publication prepared under this Ordinance shall disclose or facilitate the identification of any particulars as being particulars relating to any individual person.

(2) Every person engaged in the collection and preparation of statistics under this Ordinance shall make a declaration in the prescribed form that he will not except for the purpose of this Ordinance, disclose or make use of any information supplied under this Ordinance."

Insertion of new section 20A in the principal enactment.

Replacement of section 21 of the principal enactment.

11. Section 21 of the principal enactment is hereby repealed and the following section substituted therefor :—

"Penalties.

21. (1) Any census officer or any other person employed by the Superintendent of Census or a Commissioner of Census for the purposes of any census under this Ordinance, who—

- (a) without sufficient cause, refuses or neglects to comply with any instructions or directions given to him by the Superintendent or Commissioner or by any other census officer on behalf of the Superintendent or Commissioner or fails to use reasonable diligence and care in performing any duty imposed on him ; or
- (b) wilfully puts an offensive or improper question or knowingly makes any false return ; or
- (c) asks, receives, or takes from any person other than an authorized officer or Government any payment or reward,

shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding five thousand rupees, or to both such imprisonment and fine notwithstanding that such fine is in excess of the ordinary jurisdiction of such Magistrate.

(2) Any person who—

- (a) refuses to answer to the best of his knowledge and belief any question asked of him by a census officer which he is legally bound so to answer, or wilfully makes a false answer thereto ; or
- (b) refuses to fill the particulars required on the schedule delivered to him by a census officer which he is legally bound to fill ; or

- (c) makes, signs, delivers, or causes to be made, signed, or delivered any willfully false or incorrect schedule, statement or return ; or
- (d) refuses to allow a census officer such reasonable access to a land, building, house, enclosure, vessel, or other place as he is required by this Ordinance to allow ; or
- (e) removes, obliterated, alters, or injures, before the expiry of four weeks from the time of the taking of census, letters, marks, or numbers which have been painted, marked or affixed for the purposes of the census ; or
- (f) refuses or neglects to comply with any provision of this Ordinance, or of any rule made thereunder,

shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding five thousand rupees, or to both such imprisonment and fine notwithstanding that such fine is in excess of the ordinary jurisdiction of such Magistrate.

(3) Any person who—

- (a) knowingly acts in contravention of a declaration made by him under section 20A ; or
- (b) being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of section 20A publishes or communicates that information to any other person,

shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding five thousand rupees, or to both such imprisonment and fine notwithstanding that such fine is in excess of the ordinary jurisdiction of such Magistrate.”

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