



PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

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POOR RELIEF

ACT, No. 32 OF 1985

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[Certified on 14th August, 1985]

*Printed on the Orders of Government*

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L. D.—O. 27/85.

AN ACT TO MAKE PROVISION FOR THE BETTER REGULATION AND ADMINISTRATION OF POOR RELIEF; 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 Poor Relief Act, No. 32 of 1985.

Short title.

2. (1) (a) There may be appointed, by name or by office, for the purposes of this Act, a Commissioner of Poor Relief (hereinafter referred to as the "Commissioner").

Appointment of officers and servants.

(b) Until and unless a Commissioner is appointed under paragraph (a), the Director of Social Services shall exercise, perform and discharge, the powers, duties and functions, conferred or imposed on, or assigned to, the Commissioner by this Act.

(2) There shall be appointed, by name or by office such number of Deputy Commissioners and Assistant Commissioners of Poor Relief 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 discharge 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 for 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.

3. (1) Every Deputy Commissioner and Assistant Commissioner of Poor Relief 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 of Poor Relief 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 on, imposed upon or assigned to, the Commissioner by, or under, this Act.

Application of this Act.

4. Every person who has applied for, or is in receipt of, poor 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.

5. It shall be lawful for the Commissioner to require every person to whom this Act applies to make a declaration in such form and in such manner as 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 poor relief under the regulations made under this Act.

Power of Commissioner to call for information.

6. 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 5, and it shall be the duty of such person to comply with such requirement.

Power of Commissioner to discontinue poor relief.

7. Where the Commissioner is satisfied that any statement contained in any declaration made to him under section 5 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 poor relief under the regulations made under this Act, the Commissioner shall, without prejudice to the provisions of section 11(1), forthwith discontinue the grant of poor relief to such person and by a notice in writing, require him to pay the value of any poor relief granted to him in accordance with the regulations made under this Act, within such period as is specified in such notice.

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

Commissioner to communicate his decision.

(2) Every decision made by the Commissioner under section 7 shall, subject to the provisions of section 9, be final.

9. (1) Any person who is aggrieved by the decision of the Commissioner made under section 7, may, within fourteen days of the communication of such decision to him, prefer an appeal against such decision to the Secretary to the Ministry of the Minister (hereinafter referred to as the "Secretary").

Appeals.

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

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

10. (1) Where any person required by a notice under section 7 to pay the amount of any poor 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.

Provisions regarding recovery of amounts required to be paid under section 7.

(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) 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.

Offences.

11. (1) Any person who makes any statement relating to his assets and liabilities or those of his spouse, children or dependents, which to his knowledge is false or incorrect in any declaration made by him under section 5 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 to a term not exceeding one year or to both such fine and imprisonment.

(2) Any person who—

(a) fails to comply with the requirements of a notice sent to him under section 6 ;

(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.

(3) 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.

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

- (a) all matters required or authorized in this Act to be prescribed ;
- (b) conditions of eligibility for the grant of poor relief to any individual or family ;
- (c) the manner in which application for poor relief shall be made to the Commissioner ;
- (d) the conditions to be complied with by persons who apply for the grant of poor relief ;
- (e) the form of all notices and declarations required to be issued or made for the purposes of this Act ;
- (f) the publications, from time to time, of lists of persons who are provisionally selected for the grant of poor relief under this Act ;
- (g) provision 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, as 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 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*.

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