

CHAPTER 143

CENSUS

AN ORDINANCE TO PROVIDE FOR THE TAKING OF A CENSUS
FROM TIME TO TIME.

Ordinances

Nos. 9 of 1900,
6 of 1945.

Act

No. 22 of 1955.

[30th October, 1900.]

1. This Ordinance may be cited as the Census Ordinance.

Short title.

2. It shall be lawful for the Minister¹ from time to time by Order¹ published in the Gazette, to direct that a census be taken of the population, agriculture (including animal husbandry), trade, labour, industry or commerce or such other matters as he may deem necessary for ascertaining the social, civil or economic condition of the inhabitants of Ceylon.

Minister to
direct taking
of census.
[§ 2, 6 of 1945.]

3.^a To superintend the taking of any census, there shall be appointed an officer to be called "the Superintendent of Census".

Appointment
of Superin-
tendent of
Census.

4. (1) There may also be appointed for the purposes of the Ordinance such number of Deputy or Assistant Superintendents of Census and other officers and servants as the Minister^a may deem necessary.

Appointment
of Deputy and
Assistant
Superin-
tendents of
Census, and
of officers and
servants.

(2) A Deputy or Assistant Superintendent of Census may be appointed by name or by office, and shall in the exercise of his powers and the performance of his duties, be subject to the general direction and control of the Superintendent of Census.

[§ 3, 6 of 1945.]

5. (1) The Minister¹ may for the carrying out of the purposes of this Ordinance from time to time, make rules consistent with the provisions of this Ordinance, and rescind, revoke, amend, alter, or add to such rules.

Rules by the
Minister.

(2) The rules may prescribe—

- (a) the duties of census officers ;
- (b) the particulars regarding which, the persons from whom, and the mode in which, information shall be obtained for the purposes of the census ;
- (c) the forms of schedules to be prepared by the Superintendent of Census for the purpose of being filled up with the particulars so prescribed.

[§ 4, 6 of 1945.]

(3) The rules shall be published in two issues of the Gazette in the English language, and shall from the date of the last of such publications be as legal, valid, and effectual as if the same had been enacted in this Ordinance and shall be judicially noticed.

(4) Any person committing any breach of any such rule shall be liable on conviction to simple or rigorous imprisonment for a term not exceeding one month, or to a fine not exceeding one hundred rupees, or to both.

Government Agent, and Mayor or Chairman of Municipality, 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 or Chairman of every Municipality, Urban Council, and Town Council shall be Commissioner of Census for the local area of such Municipality, Urban Council, or Town Council :

Provided that the Minister^a may appoint any other person as Commissioner for such district or Municipality, or Urban Council, or Town Council.

Appointment of Assistant Commissioners of Census.
[§ 5, 6 of 1945.]

7. The Minister^a may appoint for any specified area an Assistant Commissioner of Census to assist the Commissioner of that area in the taking of a census under the provisions of this Ordinance.

Appointment of enumerators and supervisors.

8. A Commissioner may in writing appoint any person as enumerator or supervisor to take or aid in taking or supervise the taking of the census within any specified local area, and may at any time revoke such appointment.

9. The Superintendent and every Deputy Superintendent, Assistant Superintendent, Commissioner, Assistant Commissioner, enumerator and supervisor, 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 servant within the meaning of the Penal Code.

Who are
census
officers.
[§ 6, 6 of 1945.]

10. Every person occupying any land, 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.

Occupier to
allow access
and permit
affixing of
numbers.

11. Every census officer may ask all such questions of all persons within the limits of his local area as by rule made in this behalf by the Minister¹ he may be directed to ask.

Asking of
questions by
census
officers.

12. Every person of whom any question is asked under section 11 shall be bound to answer such question to the best of his knowledge and belief.

Obligation to
answer
questions.

13. (1) Subject to such rules as the Minister¹ may make in this behalf, any census officer may leave or cause to be left a schedule, in the form prescribed by the Minister,¹ at any dwelling house within the local area of such census officer, for the purpose of its being filled up by the occupier of such house or of any specified part thereof.

Schedules to
be left at
dwelling
houses and
filled up by
the house-
holders.

(2) When any such schedule has been so left, the occupier of the house 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, so far as regards the inmates of such house or part, as the case may be, at the time of the taking of census, and shall sign his name thereto,

and when so required shall deliver the schedule so filled up and signed to the enumerator or supervisor appointed for the local area within which the house is situated or to such other person as the Commissioner may direct.

Schedule to be delivered to and filled up by persons in command or in charge of institutions.
[§ 7, 6 of 1945.]

14. (1) Subject to such rules as the Minister¹ may make, any census officer of any area may, if so required by the Commissioner, deliver or cause to be delivered to—

- (a) the person in command or in charge of any agricultural, labour, or fire-service corps which is quartered in any barracks, station, or premises, or of the staff and labourers serving in any residential state farm, in that area ;
- (b) the person in charge of any public or private hospital, sanatorium, convalescent or nursing home, mental hospital, workhouse, or any public, charitable, religious or educational institution, in that area ;
- (c) the person in charge of any prison, police station, reformatory, lock-up, or other place of detention, in that area ;
- (d) the keeper, secretary, or manager, or other person in charge of any hotel, boarding-house, lodging-house or club, or other similar residential establishment, in that area,

a schedule or schedules in the prescribed form and require him to enter therein the particulars relating to the persons who at the time of the taking of the census are under his command or charge, or are inmates of such residential establishment.

(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, 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.

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 Ordinance or by the rules made by the Minister¹ with respect to—

Enumeration of naval, military, or air forces, and voyagers, travellers, &c.

- (a) any body of men belonging to Her Majesty's naval, military 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 ship-board, or for any other reason were not abiding in any house, of which account is to be taken by the census officers as aforesaid,

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

16. (1) It shall be the duty of every Commissioner to make or cause to be made a list of all estates of the extent of twenty acres or more in his district, upon which there are ten or more resident labourers, with the approximate number of residents on each such estate and of the acreage under cultivation, and to cause to be delivered to the superintendent or person in charge, being resident on such estate, schedules in the prescribed form to be filled up by such superintendent or person in charge with the particulars required in such schedules.

Schedules to be delivered to superintendents of estates and filled up by them.

(2) Every such superintendent or person in charge shall furnish the Commissioner with such information as he may require for the preparation of the list mentioned in the preceding subsection, and shall sign and deliver to the person from whom he shall receive the schedules mentioned in the said subsection a receipt therefor to be provided for that purpose, and shall fill up the said schedules to the best of his knowledge and belief as to all persons being on the estate under his superintendence or charge at the time of the taking of census, and shall within forty-eight hours from such time transmit such schedules to the kachcheri of the district or to the nearest post office addressed to the

Commissioner, together with a certificate signed by him that the said schedules have been truly and faithfully filled up by him, and that to the best of his knowledge and belief the same are correct.

Duty of
employers
of labour to
make
returns.

[§ 8, 6 of 1945.]

17. (1) It shall be the duty of every employer or person in charge of ten or more employees who reside upon any mining property, or in any factory, workshop or other commercial or industrial establishment, to make a declaration in the prescribed form to the Commissioner of the district within which such mining 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 property, factory, workshop or other commercial or industrial establishment ten or more resident 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 Commissioner of the district or area calling for such declaration to be made.

(2) It shall be the duty of every Commissioner 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 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 property, factory, workshop or other commercial or industrial establishment is situated or to such other person as the Commissioner may direct.

18. Every enumerator shall deliver to the supervisor all schedules and all such returns as may be required by the Superintendent of Census on a day to be appointed for the purpose by the Commissioner, and it shall be the duty of such supervisor to verify them and to transmit them forthwith to the Commissioner.

Enumerator to deliver schedules and returns to the supervisor.

19. The Commissioner shall upon the receipt of such schedules and returns forthwith forward the same to the Superintendent of Census.

Commissioner to forward them to Superintendent.

20. The Superintendent of Census shall, upon receipt of the schedules and returns, cause an abstract to be made of the same and forward the said abstract to the Minister¹ within such time as may be appointed by the Minister,¹ and the same shall be printed and published for general information.

Abstract to be made and forwarded to the Minister, and published.

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—

Penalties.
[§ 9, 6 of 1945.]

- (a) without sufficient cause, refuses or neglects to comply with any instructions or directions given to him by 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 of Government any payment or reward,

[§ 9, 6 of 1945.]

shall be guilty of an offence, and liable on conviction to imprisonment of either description for a term not exceeding one month or to a fine not exceeding one hundred rupees, or to both.

(2) Any person who—

[§ 9, 6 of 1945.]

(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) makes, signs, delivers, or causes to be made, signed, or delivered any wilfully false or incorrect schedule, statement, or return ; or

[§ 9, 6 of 1945.]

(c) refuses to allow a census officer such reasonable access to a land, house, enclosure, vessel, or other place as he is required by this Ordinance to allow ; or

(d) removes, obliterates, 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

(e) refuses or neglects to comply with any provision of this Ordinance, or of any rule made thereunder,

shall be guilty of an offence, and liable on conviction to imprisonment of either description for a term not exceeding one month or to a fine not exceeding one hundred rupees, or to both.

No prosecution without Attorney-General's authority.

22. No prosecution shall be instituted under this Ordinance except on the written authority of the Attorney-General.

Record or entry made by census officer admissible in evidence only in a prosecution under this Ordinance.

23. No entry in any book, register, or record made by a census officer or by any other person in the discharge of his duty under this Ordinance shall be admissible as evidence in any civil or in any criminal proceeding, save and except a prosecution instituted under this Ordinance, in respect of such entry against the person who made, signed, or delivered the same, or caused the same to be made, signed, or delivered, anything in any enactment contained to the contrary notwithstanding.