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Conciliation Boards Act, No. 10 of 1958

Date of Assent : March 12, 1958

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF CONCILIATION BOARDS IN VILLAGE AREAS AND IN SUCH OTHER AREAS AS MAY BE DETERMINED BY THE MINISTER OF JUSTICE, TO DEFINE THE POWERS AND DUTIES OF SUCH BOARDS, AND TO MAKE PROVISION FOR MATTERS CONSEQUENTIAL OR INCIDENTAL THERETO.

[Date of Assent: March 12, 1958]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Conciliation Boards Act, No. 10 of 1958. Short title.

2. (1) This Act shall be in operation in every village area and in such other areas as may be determined by the Minister of Justice by Order published in the *Gazette*. Operation of this Act.

(2) This Act shall be in operation in any area determined by the Minister of Justice under sub-section (1) subject to such modifications of its provisions as may be set out in the Order by which such determination is made.

3. (1) For the purposes of this Act the Minister of Justice may from time to time, by Order published in the *Gazette*, appoint for any village area a Panel of Conciliators of not less than twelve persons from which Conciliation Boards for that village area shall be constituted as hereinafter provided. Panel of Conciliators.

(2) Where a Panel of Conciliators is to be constituted for any village area, the Minister of Justice shall, by notice published in the *Gazette* and in such other manner as may be determined by him, notify that it is intended to constitute such Panel and that recommendations under sub-section (3) may be made to him in writing within such time as shall be specified in the notice in regard to the persons who are to be appointed to such Panel.

(3) The Village Committee of any village area for which a Panel of Conciliators is to be constituted, every Rural Development Society and every Praja Mandalaya in that village area, and every such Co-operative Society in that village area as is registered

under the Co-operative Societies Ordinance may within the time allowed therefor by the notice under sub-section (2), recommend in writing to the Minister of Justice such persons as are in the opinion of the recommending body fit to be members of such Panel.

(4) Any person resident in a village area and any public officer engaged in any work in that village area may be appointed as a member of the Panel of Conciliators for that village area.

(5) The Minister of Justice shall take into consideration such recommendations as may be made under sub-section (3) in appointing the members of a Panel of Conciliators.

(6) A member of a Panel of Conciliators may resign office by letter addressed to the Minister of Justice.

(7) The Minister of Justice may, without assigning any reason, remove from office any member of a Panel of Conciliators.

(8) Every member of a Panel of Conciliators shall, unless he earlier vacates or is removed from office, hold office for such period not exceeding three years as the Minister of Justice may determine at the time of the appointment of such member. Any member of a Panel of Conciliators vacating office by effluxion of time shall be eligible for reappointment.

Chairman of
Panel of
Conciliators.

4. (1) The Minister of Justice shall appoint one of the members of the Panel of Conciliators constituted for any village area to be the Chairman of such Panel.

(2) The Chairman of a Panel of Conciliators may resign office by letter addressed to the Minister of Justice.

(3) The Minister of Justice may, without assigning any reason, remove from office the Chairman of a Panel of Conciliators.

Constitution
of Conciliation
Boards.

5. (1) For the purpose of constituting a Conciliation Board for any village area, the Chairman of the Panel of Conciliators constituted for that village area shall select from such Panel not less than three persons.

(2) Where the Chairman of the Panel of Conciliators constituted for any village area is a member of a Conciliation Board constituted for that village area, then, he, or, where he is not a member of that Board, then such member of that Board as may be nominated by such Chairman, shall be the President of that Board.

(3) Any number of Conciliation Boards may be constituted in a village area for which a Panel of Conciliators has been constituted.

6. The Chairman of the Panel of Conciliators constituted for any village area may, and shall upon application made to him in that behalf, refer for inquiry to Conciliation Boards constituted out of that Panel the following disputes and offences:—

Civil disputes and offences that may be referred to Conciliation Boards.

- (a) any dispute in respect of any movable property that is kept, or any immovable property that is wholly or partly situate, in that village area;
- (b) any dispute in respect of any matter that may be a cause of action arising in that village area for the purpose of the institution of an action in a civil court;
- (c) any dispute in respect of a contract made in that village area;
- (d) such offences specified in the Schedule to this Act as are alleged to have been committed in that village area.

7. A Conciliation Board shall, in respect of any dispute or offence referred to it for inquiry, have the following powers:—

Powers of a Conciliation Board.

- (a) to procure and receive all such written or oral evidence, and to examine all such witnesses, as the Board may think it necessary or desirable to procure or examine;
- (b) to require the written or oral evidence of a witness to be given on oath or affirmation, such oath or affirmation to be that which could be required of the witness if he were giving evidence in a court of law, and to administer or cause to be administered by an officer authorised in that behalf by the Board an oath or affirmation of such witness;
- (c) to summon any person residing in Ceylon to attend any meeting of the Board to give evidence or produce any document or other thing in his possession, and to examine him as a witness or require him to produce any document or other thing in his possession;

- (d) notwithstanding any of the provisions of the Evidence Ordinance, to admit any written or oral evidence which might be inadmissible in civil or criminal proceedings.

Summons.

8. (1) Every summons issued by a Conciliation Board shall be under the hand of the President of the Board.

(2) Any summons issued by a Conciliation Board may be served by delivering it to the person named therein, or, if that is not practicable, by leaving it at the last known place of abode of that person.

(3) Every person on whom a summons issued by a Conciliation Board is served shall attend before the Board at the time and place mentioned therein, and shall give evidence or produce such documents or other things as are required of him and are in his possession or power, according to the tenor of the summons.

(4) If any person upon whom a summons issued by a Conciliation Board is served—

(a) fails without cause, which in the opinion of the Board is reasonable, to appear before the Board at the time and place mentioned in such summons, or

(b) refuses to make an oath or affirmation as a witness, or, having made such oath or affirmation, refuses or fails without cause, which in the opinion of the Board is reasonable, to answer any question put to him regarding the matters that are being inquired into by the Board, or

(c) refuses or fails without cause, which in the opinion of the Board is reasonable, to produce and show to the Board any document or other thing which is in his possession or power and which is in the opinion of the Board necessary for arriving at the truth of the matters that are being inquired into by the Board,

such person shall be guilty of an offence punishable with a fine not exceeding one hundred rupees.

No stamp duty
on summons.

9. No stamp duty shall be payable for any summons issued by a Conciliation Board.

10. Every summons issued by a Conciliation Board shall be served by the Fiscal or by any police officer specified therein.

Service of
summons.

7.

11. Every person who gives evidence before a Conciliation Board shall, in respect of such evidence, be entitled to all the privileges to which a witness giving evidence before a court of law is entitled in respect of evidence given by him before such court.

Privileges of
witnesses.

12. (1) Where any dispute is referred to a Conciliation Board under this Act for inquiry, it shall be the duty of the Board to summon the parties to such dispute to appear before the Board and after inquiring into such dispute make every effort to induce such parties to settle such dispute, and, where such parties agree to a settlement, record such settlement and issue a copy thereof signed by the President of the Board to each such party.

Duties of a
Conciliation
Board.

(2) Where any offence is referred to a Conciliation Board under this Act for inquiry, it shall be the duty of the Board to summon the alleged offender or offenders and the party or parties against whom such offence is alleged to have been committed to appear before the Board and to inquire into the allegation of such offence. If after such inquiry the Board is satisfied that such offence has been committed, the Board shall make every effort to induce such offender or offenders and such party or parties to agree to compound such offence, and, where such offender or offenders and such party or parties so agree, then—

(a) if such offence is an offence specified in Part I of the Schedule to this Act, the Board shall make a record of the compounding of such offence and issue a copy thereof signed by the President of the Board to each such offender and each such party, and

(b) if such offence is an offence specified in Part II of the Schedule to this Act, the Board shall make a written recommendation to the Attorney-General that the Attorney-General's consent may be given to the compounding of such offence.

13. Any party to a civil dispute which is settled by a Conciliation Board in any village area may in writing notify to the Chairman of the Panel of Conciliators constituted for such village area that,

Repudiation of
settlement of a
civil dispute
made by a
Conciliation
Board.

with effect from such date as shall be specified in the notification, the settlement effected by such Board will be repudiated by him for the reasons stated in the notification, and, where such notification is made with such reasons stated therein such settlement shall cease to be in force from the date specified in such notification.

Provision
in regard to
institution
of certain
civil actions
or prosecution
for certain
offences.

14. (1) Where a Panel of Conciliators has been constituted for any village area,—

- (a) no proceedings in respect of any dispute referred to in paragraphs (a), (b) and (c) of section 6 shall be instituted in, or be entertained by, a civil court unless the person instituting such proceedings produces a certificate from the Chairman of such Panel that such dispute has been inquired into by a Conciliation Board and it has not been possible to effect a settlement of such dispute by the Board, or that a settlement of such dispute made by a Conciliation Board has been repudiated by all or any of the parties to such settlement in accordance with the provisions of section 13;
- (b) no prosecution for any such offence specified in Part I of the Schedule to this Act as is alleged to have been committed in such village area shall be instituted in, or be entertained by, any court unless the person instituting such prosecution produces a certificate from the Chairman of such Panel that the alleged offence has been inquired into by a Conciliation Board and has not been compounded; and
- (c) no prosecution for any such offence specified in Part II of the Schedule to this Act as is alleged to have been committed in such village area shall be instituted in, or be entertained by, any court unless the person instituting such prosecution produces a certificate from the Chairman of such Panel that the alleged offence has been inquired into by a Conciliation Board and the Board has or has not recommended to the Attorney-General that the Attorney-General's consent may be given to the compounding of such offence.

(2) It shall be the duty of the Chairman of every Panel of Conciliators to issue the certificates required for the purposes of sub-section (1) upon application made to him in that behalf.

15. In computing the period of prescription in regard to any cause of action or offence, the time taken by the proceedings before a Conciliation Board in regard to that cause of action or offence or the time during which a settlement made by a Conciliation Board in regard to that cause of action has been in force shall not be taken into consideration notwithstanding anything to the contrary in any other written law.

Prescription.

16. The members of a Conciliation Board shall, so long as they are acting as such members, be deemed to be public servants within the meaning of the Penal Code, and every proceeding before such Board shall be deemed to be a judicial proceeding within the meaning of that Code.

Members of Conciliation Board deemed to be public servants, and proceedings before such Board deemed to be judicial proceedings, within the meaning of the Penal Code.

17. (1) The Minister of Justice may make regulations to give effect to the principles and provisions of this Act.

Regulations.

(2) No regulation made under sub-section (1) shall have effect until it is approved by the Senate and the House of Representatives and notice of such approval is published in the *Gazette*.

18. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law.

This Act to prevail over other written law.

19. The Minister of Justice may, by Order published in the *Gazette*, amend the Schedule to this Act.

Amendment of the Schedule to this Act.

20. In this Act, the expression "village area" has the same meaning as in the Village Communities Ordinance.

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