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1st Session 1970-71



Prevention of Social Disabilities (Amendment) Act, No. 18 of 1971

Date of Assent : March 24, 1971

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Prevention of Social Disabilities (Amendment)
Act, No. 18 of 1971

L. D.—O. 52/70.

AN ACT TO AMEND THE PREVENTION OF SOCIAL
DISABILITIES ACT, NO. 21 OF 1957.

[Date of Assent: March 24, 1971]

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 Prevention of Social Disabilities (Amendment) Act, No. 18 of 1971.

Short title.

2. Section 2 of the Prevention of Social Disabilities Act, No. 21 of 1957, hereinafter referred to as the "principal Act", is hereby amended as follows:—

Amendment of
section 2 of
Act No. 21 of
1957.

(1) by the renumbering of that section as sub-section (1) of that section;

(2) in the renumbered sub-section (1), by the substitution, for the words "not exceeding six months or to a fine not exceeding one hundred rupees.", of the words "not exceeding three years with or without a fine not exceeding three thousand rupees."; and

(3) by the insertion, immediately after the renumbered sub-section (1), of the following sub-sections:—

"(2) Where an offence under this Act is committed on, or in relation to, any premises where any business is carried on under the authority of a licence and the person who is the proprietor or the manager of such business is convicted of such offence, the court by which such person is convicted may, in addition to any other punishment it may lawfully impose for that offence, cancel such licence:

Provided, however, that upon the conviction of the manager of such business an order cancelling such licence shall not be made unless the proprietor of such business by notice in writing has been given an opportunity of showing cause, within such period as may be specified in the notice, why such order should not be made and unless such proprietor has failed to show cause within such period or has failed to show sufficient cause.

(3) Where the licence of a person carrying on any business is cancelled under sub-section (2), such person shall not carry on such business for a period of three years from the date of cancellation and any person who in contravention of the preceding provisions of this sub-section carries on such business shall be guilty of an offence under this Act and shall be liable to imprisonment of either description for a term not less than one month and not exceeding two years or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(4) In any prosecution under this Act it shall be presumed that a social disability was imposed on any person by reason of such person's caste and the burden of proving that the social disability was imposed on that person for any other reason shall lie on the person charged.

(5) Notwithstanding anything in the First Schedule to the Criminal Procedure Code an offence under this Act shall be a cognizable offence within the meaning of that Code."

Amendment of
section 3 of the
principal Act.

3. Section 3 of the principal Act is hereby amended as follows:—

(a) in sub-paragraph (vi) of paragraph (a) of that section, by the substitution, for the words "public hairdressing saloon", of the words "hairdressing saloon";

(b) in paragraph (b) of that section, by the substitution, for the words " any place of worship to which followers of that religion have access, or ", of the words " any place of worship, or any portion thereof, to which followers of that religion have or have had access, or ";

(c) in paragraph (d) of that section, by the substitution for the words " any discrimination.", of the words " any discrimination, or "; and

(d) by the addition, at the end of that section, of the following paragraphs:—

" (e) if he corrupts or fouls the water of any public well, spring, tank or reservoir so as to make it less fit or unfit for the purpose for which it is ordinarily used by such other person; or

(f) if he prevents or obstructs such other person, being a teacher or a student or an employee in any educational institution, from or in obtaining or using water from any well, spring, tank, reservoir or water-pipe in that institution or in the precincts of that institution, or

(g) if he prevents or obstructs such other person, being a teacher or a student or an employee in any educational institution, from or in participating in any activity in that institution. "

4. The following new section is hereby inserted immediately after section 3, and shall have effect as section 4, of the principal Act:—

Insertion of
new section 4
in the
principal Act.

" Powers
conferred on
police officers
to prevent the
imposition of
social
disabilities on
persons by
reason of
their caste.

4. (1) A police officer may—

(a) remove, or cause to be removed, any barricade or obstruction erected or placed in any place if such police officer has reasonable ground to believe that the barricade or obstruction was so erected or placed in order to be used for the purpose of committing an offence under this Act; or

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(b) open or cause to be opened any gate or door if such police officer has reasonable ground to believe that such gate or door was closed for the purpose of committing an offence under this Act.

(2) Whenever a police officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer in charge of a police station who may either release the person arrested on his executing a bond with or without a surety for his appearance before a Magistrate's Court or within twenty-four hours after the arrest, take or cause to be taken the person arrested before a Magistrate.

(3) When any person appears before a Magistrate in compliance with a bond executed by him under sub-section (2) or is brought before a Magistrate under that sub-section, the Magistrate may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period not exceeding three years as the Magistrate thinks fit. If after due inquiry the Magistrate is satisfied that such person should execute a bond with or without sureties, the Magistrate shall make an order accordingly and the provisions of sections 89A to 98 (both inclusive) of the Criminal Procedure Code shall apply to or in relation to all orders to furnish security made under this sub-section."