

PARLIAMENT OF CEYLON

2nd Session 1971-72



Indo-Ceylon Agreement Implementation (Amendment) Act, No. 43 of 1971

Date of Assent: October 28, 1971

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*Indo-Ceylon Agreement Implementation
(Amendment) Act, No. 43 of 1971*

L. D.—O. 27/70.

AN ACT TO AMEND THE INDO-CEYLON AGREEMENT
(IMPLEMENTATION) ACT, No. 14 OF 1967.

[Date of Assent: October 28, 1971]

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of 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 Indo-Ceylon Agreement Implementation (Amendment) Act, No. 43 of 1971. Short title.

2. Section 8 of the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967, hereinafter referred to as the "principal Act", is hereby amended in sub-section (3) of that section— Amendment of section 8 of Act No. 14 of 1967.

(a) by the substitution, for the words and figures "who have been or are recognized as citizens of India after October 30, 1964, ", of the words "who have been repatriated to India under the Indo-Ceylon Agreement,"; and

(b) by the substitution in paragraph (a) of that sub-section, for the words "so recognized ", of the words "so repatriated ".

3. The following new section is hereby inserted immediately after section 15, and shall have effect as section 15A, of the principal Act:—

Insertion of new section 15A in the principal Act

" Prohibition of employment of persons liable to removal to India from Ceylon.

15A. (1) Any person who employs any other person who is liable to removal to India from Ceylon under section 15 shall be guilty of an offence under this Act, and shall, on conviction, be liable to imprisonment of either description for a term of not less than two years and not more than five years.

(2) For the purposes of every prosecution for an offence under sub-section (1), a person liable to removal to India from Ceylon, who is employed on an estate shall be deemed to be so employed by the owner, superintendent or assistant superintendent of that estate, or the person in charge of that estate by whatsoever name or designation called, unless such owner, superintendent, assistant superintendent, or the person in charge, as the case may be, proves that, having regard to the nature of his functions and to all the circumstances, such person was employed without his knowledge.

(3) For the purposes of every prosecution for an offence under sub-section (1), a person liable to removal to India from Ceylon—

(a) who is in the service of a body of persons (not being a business referred to in paragraph (b) of this sub-section) shall,—

(i) where such body is a body corporate, be deemed to be employed by the manager, secretary and every director of such body; or

(ii) where such body is a firm, be deemed to be employed by every partner of that firm,

unless such manager, secretary, director or partner, as the case may be, proves that, having regard to the nature of his functions and to all the circumstances, such person was employed without his knowledge; or

(b) who is in the service of a business registered under the Business Names Ordinance, shall, as regards every individual, every firm and every body corporate registered under that Ordinance in respect of that business, be deemed to be employed by such individual, every partner of the firm, and every manager, secretary and director of such body corporate, unless such individual, partner, manager, secretary or director, as the case may be, proves that, having regard to the nature of his functions and to all the circumstances, such person was employed without his knowledge.

(4) No prosecution for an offence under sub-section (1) shall be instituted except by, or with the written sanction of, the Commissioner.”.