



Ceylon Government Gazette

EXTRAORDINARY.

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Part II.—Legal.

Separate paging is given to each Part in order that it may be filed separately.

PASSED ORDINANCE.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 43 of 1921.

An Ordinance relating to Contracts for Hire and Service.

W. H. MANNING.

WHEREAS it is expedient to repeal certain provisions of Ordinance No. 11 of 1865 and of Ordinance No. 13 of 1889, which render servants, labourers, journeymen, artificers, employees, and employers liable to criminal proceedings in respect of failure to carry out the terms of contract for hire and service :

Preamble.

And whereas it is also expedient to make provision against the issue and use of documents, commonly known as *tundus*, in respect of such labourers as aforesaid :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

1 This Ordinance may be cited as "The Labour Ordinance, No. 43 of 1921."

Short title.

2 Section 24 of Ordinance No. 13 of 1889 shall be repealed, and the following section shall be inserted in its place :

Repeal of section 24 of Ordinance No. 13 of 1889 and insertion of new section in its place.

24. (1) Whenever any labourer quits the service of any employer, having given or received the notice or warning required by law, it shall be the duty of the employer to prepare a discharge certificate as nearly as material in the form III. in schedule C, and to give the same to the labourer at the time of his quitting such service as aforesaid.

Duty of employer to issue discharge certificate and penalty for default.

(2) Any employer who refuses or neglects to give a discharge certificate to any labourer as required by this section shall be guilty of an offence, and shall be liable on conviction thereof to a fine which may extend to one hundred rupees, and a further fine not exceeding five rupees for every day during which such default shall continue.

Repeal of section 25 of Ordinance No. 13 of 1889 and substitution of new section.
Issue of certificates from Mandapam and other depôts.

3 Section 25 of Ordinance No. 13 of 1889 is hereby repealed, and the following section shall be inserted in its place :

25. The Superintendent of the Cooly Depôt at Mandapam Camp or of any other depôt established by the Governor or such other officer as may be authorized by the Governor for the purpose shall prepare certificates substantially in the form IV. in schedule C, and any person in respect of whom such certificate shall have been issued shall, on acceptance of a permit substantially in the form V. in the said schedule, after arrival in Ceylon, be deemed to have entered into a contract of hire and service with the superintendent of the estate mentioned in the said certificate for the period of one month, renewable and determinable in the manner provided in section 5 of this Ordinance.

4 Forms II., III., IV., V., VI., VII., and VIII. in schedule C of Ordinance No. 13 of 1889 are hereby struck out, and there shall be inserted in lieu thereof the following forms :

Form II.
(Section 22.)

Register of Labourers.

Number : —.
Name : —.
Approximate age : —.
Sex : —.
Race and caste : —.
Village : —.
Taluk : —.
District : —.
Father's name : —.
Mother's name : —.
Height, viz., tall, short, or medium : —.
Colour, viz., dark, light, or medium : —.
Distinguishing marks (if any) : —.
General appearance : —.
Kangani's name : —.
Date of engagement : —.
Estate where last employed : —.
Whether employed permanently, or on contract work, or on both : —.
Number of Depôt certificate (if any) : —.

Form III.
(Section 24.)

Discharge Certificate.

In pursuance of section 24 of Ordinance No. 13 of 1889, this is to certify that the labourer whose name and description are appended entered my service on — day of —, 19—, and was duly discharged on the — day of —, 19—.

The reason for his discharge is —.

Description of Labourer.

Number on Estate Registrar : —.
Name : —.
Approximate age : —.
Sex : —.
Race and caste : —.
Village : —.
Taluk : —.
District : —.
Father's name : —.
Mother's name : —.
Name of kangani : —.
Height, viz., tall, short, or medium : —.
Colour, viz., dark, light, or medium : —.
Distinguishing marks (if any) : —.
General appearance : —.
Date of engagement : —.
Estate where last employed : —.
Whether employed permanently, or on contract work, or both : —.
Number of Depôt certificate (if any) : —.

Superintendent.
____ Estate, ____ District.

Date : —, 19—.

Substitution of new forms for forms II., III., IV., V., VI., VII., and VIII. in schedule C of Ordinance No. 13 of 1889.

Form IV.

(Section 25.)

No. of Certificate : —.

Depôt Certificate.

I hereby certify that the labourer whose name and description are appended was despatched from the depôt at — to — Estate on the — day of —, 19—.

Name and Description of Labourer.

Number on Estate Register : —.

Name : —.

Approximate age : —.

Sex : —.

Race and caste : —.

Village : —.

Taluk : —.

District : —.

Father's name : —.

Mother's name : —.

Name of kangani : —.

Height, viz., tall, short or medium : —.

Colour, viz., dark, light or medium : —.

Distinguishing marks (if any) : —.

General appearance : —.

Date of engagement : —.

Estate where last employed : —.

Whether employed permanently, or on contract work, or both : —.

Number of — Depôt certificate (if any) : —.

(Signed) —,
Superintendent.

Date : —, 19—.

Form V.

(Section 25.)

Ceylon Government Railway.	
Date :	No. :
Cooly Railway Permit.	
Talaimannar Pier.	

5 (1) Any person who after the commencement of this Ordinance—

- (a) Issues or causes or permits to be issued a *tundu*; or
- (b) Accepts or agrees to accept any *tundu* or any obligation arising thereunder or intended to be imposed thereby; or
- (c) Gives or enters into any undertaking, express or implied, with regard to any *tundu*; or
- (d) Enters into or takes any part in any transaction for the transfer of any indebtedness heretofore effected by means of a *tundu*;

Penalties for
issuing, &c.,
tundus.

to or in respect of any labourers as defined in section 3 of Ordinance No. 13 of 1889, shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding twenty thousand rupees, or to imprisonment of either description for any period not exceeding two years, or to both.

(2) For the purposes of this section the expression "*tundu*" means the document commonly called a *tundu*, and in use, at the time of the commencement of this Ordinance, under the provisions of Ordinance No. 13 of 1889; it also includes any document, whatever its form may be, whereby the objects attained by a *tundu* at the time of the commencement of this Ordinance are sought to be attained after such commencement.

Repeals.

6 Sections 11, 12, 14, 19, 20, 21, 23, and 24 of Ordinance No. 11 of 1865, sections 4A, 7, 23, 26, and 27 of Ordinance No. 13 of 1889, and "The Indian Coolies (Amendment) Ordinance, No. 3 of 1914," are hereby, repealed.

Passed in Council the Tenth day of December, One thousand Nine hundred and Twenty-one.

M. A. YOUNG,
Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of December, One thousand Nine hundred and Twenty-one.

GRAEME THOMSON,
Colonial Secretary.