



THE
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.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

A 92/32

An Ordinance to restrict the immigration into Ceylon of members of Indian criminal tribes.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Indian Criminal Tribes Immigration Ordinance, No. of 1936, and shall come into operation on such date as the Governor shall appoint by proclamation in the Gazette.

Short title and commencement.

2 The Governor may by notification in the Gazette direct that any Indian tribe, or any gang or class of persons born in India, which has been declared under the provisions of any law for the time being in force in any part of India to be a criminal tribe for the purposes of such law, shall be a criminal tribe for the purposes of this Ordinance.

Notification of a criminal tribe for the purposes of the Ordinance.

3 No member of a criminal tribe shall enter Ceylon unless he has in his possession a written permit to enter the Island issued to him under this Ordinance not more than six months prior to the date of such entry.

Prohibition of entry into Ceylon without permit.

Offences.

4 Any member of a criminal tribe—

- (a) who enters Ceylon in contravention of the provisions of section 3 ; or
- (b) who, having entered Ceylon in conformity with the provisions of section 3, violates any restriction or condition attached to the permit authorising his entry ; or
- (c) who contravenes any regulation made under this Ordinance,

shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to imprisonment of either description for a term not exceeding six months.

Removal from Ceylon.

5 (1) Where it is proved to the satisfaction of a Police Magistrate at any time that a member of a criminal tribe has been convicted of an offence under this Ordinance or has, after the date of the coming into operation of this Ordinance, been convicted in Ceylon of any offence punishable with imprisonment under any law in force in the Island, the Magistrate may make order directing that member to be removed from Ceylon.

(2) For the purpose of enforcing an order made under this section for the removal of any person, any officer of the Government shall have and exercise all powers necessary for effecting such removal ; and any term of imprisonment which such person may be serving at the time shall cease for the purpose of such removal.

Penalty for abetting contravention of provisions of Ordinance.

6 Any person who abets a member of a criminal tribe to enter Ceylon in contravention of the provisions of section 3 shall be guilty of an offence and shall be liable on conviction after summary trial before a Police Magistrate to a fine of five hundred rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Powers of arrest.

7 Any peace officer not below the rank of sergeant, udaiyar, korala, or vidane arachchi may arrest without a warrant any person who contravenes or attempts to contravene the provisions of section 3 and any person who abets such contravention or attempted contravention ; and such officer shall take or send the person arrested before a Police Magistrate in accordance with the provisions of section 37 of the Criminal Procedure Code, 1898.

Proof of finger print impressions taken in India.

8 Every document which purports to be a true copy of the record of the finger impressions of a member of a criminal tribe taken and preserved under any law for the time being in force in any part of India shall, if accompanied by a certificate by the Inspector-General of Police to the effect that such copy was received by him from the authority responsible for the preservation of such record, be sufficient evidence in any court of law of the facts stated in such document, without any further proof whatsoever regarding the authenticity of such document and its contents and the circumstances in which such document and the original record of such finger impressions were made.

Regulations.

9 (1) The Chief Secretary may make regulations—

- (a) providing for the grant of permits authorising the entry into Ceylon of members of criminal tribes and prescribing the authority by whom such permits will be issued ;
- (b) prescribing the restrictions and conditions subject to which members of criminal tribes may enter Ceylon ;
- (c) prohibiting members of criminal tribes from entering Ceylon ;
- (d) requiring members of criminal tribes to reside in or remain in any defined locality ;
- (e) requiring members of criminal tribes not to enter any defined locality ;
- (f) requiring the registration of members of criminal tribes and the taking and preservation of their finger impressions ;
- (g) providing for the exemption of any person or class of persons from the provisions of this Ordinance.

(2) A regulation made under sub-section (1) shall not come into operation unless it has been approved by the State Council and ratified by the Governor, nor until notification of such approval and ratification has been published in the Gazette.

(3) A regulation made under sub-section (1) shall, when approved by the State Council, ratified by the Governor and published in the Gazette, be as valid and effectual as if it were herein enacted.

10 In this Ordinance, unless the context otherwise requires— Interpretation.

“ abet ” has the same meaning as in the Ceylon Penal Code ;

“ criminal tribe ” means a tribe, gang, or class of persons in respect of which a notification under section 2 has been issued, and “ member of a criminal tribe ” means a person registered in India as a member of a criminal tribe under the provisions of any law for the time being in force in any part of India ;

“ India ” means “ India ” as defined in the Government of India Act, 1935, of the Imperial Parliament and includes “ Burma ” as defined in that Act ;

“ Inspector-General of Police ” includes a Deputy Inspector-General of Police ;

“ peace officer ” includes a police officer and a headman appointed by a Government Agent in writing to perform police duties ;

“ prescribed ” means prescribed by this Ordinance or by regulations made thereunder.

Objects and Reasons.

The object of this Bill is to regulate and control the entry into Ceylon of members of Indian criminal tribes.

2. A “ criminal tribe ” for the purposes of this Bill means an Indian tribe or any gang or class of persons born in India which has been declared under any law in force in India to be a criminal tribe and which has been notified in Ceylon by the Governor to be a criminal tribe.

3. Members of Indian criminal tribes who are registered and kept under surveillance in India emigrate to Ceylon because there is no local legislation under which they can be effectively controlled. At present, they can be dealt with only under the powers conferred by the Destitute Immigrants Regulation Ordinance, 1907 ; but, not infrequently, members of criminal tribes who enter Ceylon are not destitute within the meaning of that Ordinance.

4. The Bill is modelled on the Hyderabad Criminal Tribes Act and takes power to deal with Indian criminal tribes by measures similar to those which experience has proved to be necessary in India.

Chief Secretary's Office,
Colombo, September 29, 1936.

F. G. TYRRELL,
Chief Secretary.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to amend the Road Ordinance, 1861.

No. 10 of 1861.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Road Amendment Ordinance, No. of 1936.

Short title.

2 Section 19 of the Road Ordinance, 1861, is hereby amended by the substitution for the words “ expenses necessary for the management ”, of the words “ expenses necessary for the management and advertisement ”.

Amendment of
section 19 of
Ordinance
No. 10 of 1816.

Objects and Reasons.

Section 19 of the Road Ordinance, 1861, vests in the Provincial Committee of each province of the Island the charge of all public resthouses in the province and authorizes the Committee to defray the cost of managing the resthouses out of the income derived from them. In order to make resthouses better known to the public and to attract custom, it is necessary that the Provincial Committee should be given the power, which they do not have at present, to incur expenditure in advertising resthouses.

The object of this Bill is to confer the necessary power and Clause 2 sets out the amendment which is to be made in section 19 of the principal Ordinance for this purpose.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, October 2, 1936.