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THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

අංක 12,748 — 1961 නොවැම්බර 11 වැනි සෙනසුරාදා — 11.11.1961

No. 12,748—SATURDAY, NOVEMBER 11, 1961

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PART I: SECTION (I)—GENERAL

Government Notifications

G-G. O. No. W. 64/61 (8).

THE PUBLIC SECURITY ORDINANCE, No. 25 OF 1947

REGULATIONS made by the Governor-General under section 5 of the Public Security Ordinance, No. 25 of 1947, upon the recommendation of the Prime Minister.

Governor-General's Office,
Colombo, November 11, 1961.

O. E. GOONETILLEKE,
Governor-General.

Regulations

1. These regulations may be cited as the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 8 of 1961. Short title.
2. (1) In any emergency regulation, unless any other definition is expressly provided therein or unless it is otherwise expressly provided therein or the context otherwise requires—
“Attorney-General”, in relation to any emergency regulation, includes the Solicitor-General, any Deputy Solicitor-General, or any Crown Counsel, being a Crown Counsel authorised by the Attorney-General in that behalf for the purpose of such regulation ;
“competent authority”, in relation to any emergency regulation, means any person appointed, by name or by office, by the Prime Minister to be a competent authority for the purpose of such regulation ;
“emergency regulation” means any of these regulations or any other regulation made under the Public Security Ordinance, No. 25 of 1947, and which is for the time being in force ;
“essential service” means any service which is declared by order of the Governor-General to be of public utility or to be essential for the public safety or to the life of the community, and includes any Department of Government or branch thereof which is so declared to be such a service ;
“explosive” has the same meaning as in the Explosives Act, No. 21 of 1956 ;
“land” includes land covered with water and parts of houses or buildings ;
“requisitioning” means, in relation to any property, the taking possession of the property or requiring the property to be placed at the disposal of the requisitioning authority, and its grammatical variations or cognate expressions shall be construed accordingly. Interpretation of emergency regulations.

(2) The Interpretation Ordinance shall apply to the interpretation of an emergency regulation, and of any orders or rules made thereunder, as it applies to the interpretation of an Act or Ordinance.

(3) Any reference in any document or any other written law to any emergency regulation shall, unless the contrary intention appears, be construed as a reference to that regulation, as amended by any subsequent regulation made under the Public Security Ordinance, No. 25 of 1947, and which is for the time being in force.

(4) Any order made by the Governor-General under paragraph (1) of this regulation declaring any service to be of public utility or to be essential for the public safety or to the life of the community may be made generally for the whole Island or for any area or place specified in such order.

Competent authority.

3. (1) The appointment of any person as a competent authority for the purposes of any emergency regulation may be made generally for the whole Island or for any area or place specified in the writing by which such person is appointed, and may be limited to such of those purposes as may be specified in that writing :

Provided that nothing in the preceding provisions of this paragraph shall be deemed to preclude the appointment of two or more persons to be competent authorities for any of the purposes of any such regulation or for any specified area or place.

(2) Where the holder of a designated office has been appointed to be a competent authority then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Requisitioning of vehicles.

4. (1) If a competent authority is of opinion that it is necessary or expedient so to do in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community, he may requisition any vehicle in Ceylon and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisitioning.

(2) Where a competent authority requisitions any vehicle under paragraph (1) of this regulation, the competent authority may use or deal with, or authorise the use of or dealing with, the vehicle for such purpose and in such manner as the competent authority thinks expedient in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community.

(3) If a competent authority is of opinion that it is necessary for the effectual exercise of the powers conferred by paragraph (1) of this regulation so to do, he may, by order made as respects the whole of Ceylon or any specified area thereof, direct that no person who, at the time when the order takes effect, has in his possession or under his control at any premises in the area to which the order relates, any such vehicle as may be described in the order, shall remove the vehicle, or cause or permit it to be removed, from the premises until the removal of the vehicle therefrom is permitted by such person or authority as may be specified in the order.

(4) Any officer of police and any other officer of Government shall, upon being requested to do so, aid and assist any person in the exercise of powers conferred on that person by the preceding provisions of this regulation.

(5) For the purposes of this regulation, "competent authority" means the Commander of the Army, the Captain of the Navy, the Commander of the Air Force, or the Inspector-General of Police.

False statements.

5. If any person—

(a) in answer to any request made in pursuance of any emergency regulation or any order made under any such regulation, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by any emergency regulation or by order under any emergency regulation to make,

he shall be guilty of an offence.

Power to obtain information or examine article.

6. (1) Without prejudice to any special provisions contained in these regulations, any person shall, on being requested so to do by or on behalf of a competent authority, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the authority or person making the request is of opinion that it is necessary or expedient to obtain or examine in the interest of the public safety or the maintenance of public order, or for the purposes of any emergency regulation ; and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this regulation, he shall be guilty of an offence.

(2) In this regulation, "article" includes any books, account or document.

Powers of search, seizure, arrest, and detention.

7. (1) Any officer of police, any member of the Ceylon Army, Royal Ceylon Navy or Royal Ceylon Air Force, or the Commissioner of Prisons or any Superintendent, Assistant Superintendent or Probationary Superintendent of a Prison, or any Jailor or Deputy Jailor, or any Prison Guard, or Prison Overseer, or any other person authorised by the Prime Minister to act under this regulation, may search, detain for purposes of such search, or arrest without warrant, any person who is committing or has committed or whom he has reasonable ground for suspecting to be committing or to have committed an offence under any emergency regulation, and may seize, remove and detain any vehicle, vessel, article, substance or thing whatsoever used in or in connection with the Commission of the offence.

(2) The Prime Minister may in writing authorise any person—

(a) to enter and search any premises, place, vehicle or vessel, and

(b) to search, and to detain for purposes of search, any person,

and to seize and remove any article, substance or thing whatsoever which is found during such search and which, in the opinion of the person conducting the search, is necessary to be examined or taken charge of in the interests of the public safety or the maintenance of public order or for the purposes of any emergency regulation.

(3) Any person conducting a search under paragraph (2) of this regulation may question any other person present in the premises, place, vehicle or vessel searched, or the person who is searched, in regard to any matter connected with or relating to the purpose of the search.

(4) Every person who is questioned under paragraph (3) of this regulation shall furnish such information as is within his knowledge in regard to the matter on which he is questioned.

(5) The person residing in or in charge of any premises, place, vehicle or vessel which is to be searched under this regulation shall, on demand of the person conducting the search, allow him free ingress thereto and afford all reasonable facilities for a search therein.

(6) A person conducting a search under this regulation may, in order to effect an entrance into the premises, place, vehicle or vessel to be searched, open, or break open any outer or inner door or window.

(7) Whenever it is necessary to cause a female to be searched, the search shall be made by another female.

(8) (a) Any person arrested under this regulation may be removed from the place of arrest to any other place situated anywhere in Ceylon and detained in custody.

(b) Any person who is authorised by paragraph (1) of this regulation to make an arrest shall have the right to exercise the power conferred by sub-paragraph (a) of this paragraph and to use all such force, including armed force, as may be necessary for the purpose.

(c) Any person detained in pursuance of the provisions of sub-paragraph (a) of this paragraph shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Inspector-General of Police and in accordance with instructions issued by him, and where such place is a prison established under the Prisons Ordinance, it shall be the duty of the officer-in-charge of that prison to receive such person and to keep him in detention.

8. Without prejudice to any special provisions contained in any emergency regulation, a notice to be served on any person for the purpose of any emergency regulation may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Service of notices.

9. Any power conferred by any emergency regulation to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Revocation and variation of Orders, &c.

10. Save as otherwise expressly provided, the powers conferred by any emergency regulation shall be in addition to, and not in derogation of, any other rights or powers which by law are vested in or conferred on the Governor-General, or any other authority or person.

Powers of the Governor-General.

11. (1) The Prime Minister may, by order, prohibit the holding of public processions or public meetings, or of any class of such processions or meetings, in any area in Ceylon specified in that order for such period as may be so specified, subject to such exemptions as may be made by that order or by any subsequent order made under this regulation.

Prohibition of processions and meetings.

(2) The Prime Minister may give directions prohibiting the holding of any procession or meeting in any area in Ceylon the holding of which would be likely to cause a disturbance of public order or to promote disaffection.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this regulation.

12. (1) Where any service is declared by order made by the Governor-General under regulation 2 to be an essential service—

Maintenance, obstruction, etc., of essential services.

(a) any person who, on the day immediately preceding the date of publication of that order in the *Gazette*, was engaged or employed, or who, after that day, is engaged or employed, on any work in connection with that service, fails or refuses to attend at his place of work or employment or at such other place as may from time to time be designated by his employer or a person acting under the authority of his employer, or who fails or refuses to perform such work as he may be directed by his employer or by a person acting under the authority of his employer to perform ; or

(b) any person who, in any manner whatsoever—

- (i) impedes, obstructs, delays or restricts the carrying on of that service,
- (ii) impedes, obstructs, prevents, or encourages, any other person employed in or in connection with the carrying on of that service from attending at his place of work, or
- (iii) compels, incites, induces or encourages the establishment or maintenance of any other service in lieu of, or parallel with, that service, being a Government Department or Branch thereof or
- (iv) compels, incites, induces or encourages any other person employed in or in connection with the carrying on of that service to surrender or depart from his employment (whether or not such other person does so surrender or depart in consequence) or

(v) prevents any other person from offering or accepting employment in or in connection with the carrying on of that service, or

(c) any person who, by any physical act or by any speech or writing incites, induces or encourages any other person to commit any act specified in sub-paragraph (b) of this paragraph (whether or not such other person commits in consequence any act so specified),

shall be guilty of an offence.

(2) Where any person is convicted by any Court of any offence against this regulation, then, in addition to any other penalty that the Court shall impose for such offence,
 (a) all property, movable or immovable, of that person shall, by virtue of such conviction, be deemed to be forfeited to Her Majesty ; and
 (b) any alienation or other disposal of such property effected by such person after the date of the coming into force of these regulations shall be deemed to have been, and to be, null and void.

Illegal entry into Ceylon.

13. (1) Any person who—
 (a) enters Ceylon in contravention of any provision of the Immigrants and Emigrants Act, No. 20 of 1948, or of any Order or regulation made thereunder ; or
 (b) brings any other person into Ceylon by any means whatsoever in contravention of any provision of that Act or such Order or regulation,
 shall be guilty of an offence.

(2) If in any prosecution of any person for any offence under sub-paragraph (a) of paragraph (1) of this regulation there is produced a certificate, issued by a police officer of a rank not below that of Assistant Superintendent, to the effect that he believes such person to be a person who has entered Ceylon in contravention of any provision of the Immigrants and Emigrants Act, No. 20 of 1948, or of an Order or regulation made thereunder, it shall be presumed that such person entered Ceylon in contravention of such provision, unless it is proved by such person—

- (a) that he is a person to whom Part III of that Act does not apply ; or
- (b) that he entered Ceylon in conformity with such provision ; or
- (c) that he was in Ceylon prior to the appointed date within the meaning of that Act and did not thereafter leave Ceylon ; or
- (d) that he was born in Ceylon on or after such date and did not thereafter leave Ceylon.

(3) If in any prosecution for any offence under sub-paragraph (b) of paragraph (1) of this regulation there is produced a certificate, issued by a police officer of a rank not below that of Assistant Superintendent, to the effect that he believes any person named in the certificate to be a person who has entered Ceylon in contravention of any provision of the Immigrants and Emigrants Act, No. 20 of 1948, or of an Order or regulation made thereunder, it shall be presumed that the person so named entered Ceylon in contravention of such provision, unless it is proved by the accused that the person so named—

- (a) is a person to whom Part III of that Act does not apply ; or
- (b) entered Ceylon in conformity with such provision ; or
- (c) was in Ceylon prior to the appointed date within the meaning of that Act and did not thereafter leave Ceylon ; or
- (d) was born in Ceylon on or after such date and did not thereafter leave Ceylon.

(4) The preceding provisions of this regulation shall be in addition to and not in derogation of the provisions of the Immigrants and Emigrants Act, No. 20 of 1948.

Requisitioning of personal services.

14. The Prime Minister may by order under her hand require, or may delegate to any one or more authorities or officers specified in that behalf the power in like manner to require, any person to do any work or render any personal service in aid of, or in connection with, the maintenance of the public safety or the maintenance of essential services.

Prevention of disaffection.

15. No person shall—
 (a) endeavour to cause disaffection among persons who are—
 (i) public servants ; or
 (ii) engaged in Her Majesty's Service ; or
 (iii) engaged in the performance of essential services ; or
 (b) endeavour to induce any person referred to in paragraph (a) to do or omit to do anything in breach of his duty as a public servant or as a person so engaged, as the case may be ; or
 (c) with intent to contravene, or to aid, abet, or counsel a contravention of sub-paragraph (a) or sub-paragraph (b), have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

Sedition and incitement.

16. Any person who by words, whether spoken or written, or by signs or visible representations, or by conduct, or by any other act—
 (a) brings or attempts to bring the Sovereign or the Government into hatred or contempt, or excites or incites or attempts to excite or incite feelings of disaffection to, or hatred or contempt of, the Sovereign or the Government ; or
 (b) brings or attempts to bring the Constitution of Ceylon or the administration of justice into hatred or contempt, or excites or incites or attempts to excite or incite feelings of hatred or contempt of the Constitution of Ceylon or the administration of justice ; or
 (c) excites or incites or attempts to excite or incite the inhabitants of Ceylon or any section, class or group of them to procure, otherwise than by lawful means, the alteration of any matter by law established ; or
 (d) raises or creates or attempts to raise or create discontent or disaffection among the inhabitants of Ceylon or any section, class or group of them ; or

- (e) promotes or fosters or attempts to promote or foster feelings of hatred or hostility between different sections, classes or groups of the inhabitants of Ceylon ; or
- (f) excites or incites or attempts to excite or incite the inhabitants of Ceylon, or any section, class or group of them to the use of any form of physical force or violence, breaches of the peace, disobedience of the law or obstruction of the execution of the law for the purpose thereby of inducing or compelling Parliament or the Government to alter any matter by law established or to do or forbear from doing any act or thing ; or
- (g) assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of or the show or threat of physical force, or attempts so to overawe the Governor-General, or any member of the Senate or the House of Representatives, or any public servant, intending thereby to induce or compel him to exercise or forbear to exercise any of his lawful powers or functions ; or
- (h) excites or incites or attempts to excite or incite the inhabitants of Ceylon, or any section, class or group of them to do or omit to do any act or thing which constitutes a breach of any emergency regulation,

shall be guilty of an offence and punished with rigorous imprisonment which shall extend to at least three months but shall not extend to more than twenty years and may also be liable to a fine.

17. (1) A competent authority may take such measures and give such directions as he may consider necessary for preventing or restricting the publication in Ceylon or any specified area in Ceylon or the transmission from Ceylon to places outside Ceylon, of matter which would or might be prejudicial to the interests of public security or the preservation of public order or the maintenance of supplies and services essential to the life of the community or of matter inciting or encouraging persons to take any action calculated to coerce the Government either directly or by inflicting hardship upon the public or any section thereof, and directions under this paragraph may contain such incidental and supplementary provisions as appear to the competent authority to be necessary or expedient, including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to the competent authority.

Control of publications.

(2) Every person who contravenes the provisions of any directions given under paragraph (1) of this regulation shall be guilty of an offence ; and if any person is convicted of such an offence by reason of his having published a newspaper, the Prime Minister may by order direct that, during such period as may be specified in that order, that person shall not publish any newspaper in Ceylon.

(3) If a competent authority is of opinion that there is or has been in any newspaper publication of matter which is, in his opinion, calculated to be prejudicial to the interests of public security or the preservation of public order or the maintenance of supplies and services essential to the life of the community, or matter inciting or encouraging persons to take action calculated to coerce the Government either directly or by inflicting hardship upon the public or any section thereof, he may by order apply the provisions of this regulation to that newspaper.

(4) Where a competent authority has, by order, applied the provisions of this regulation to any newspaper specified by name in the order, such provisions shall apply not only to any newspaper published under that name, but also to any newspapers published under any other name if the publication thereof is in any respects in continuation of, or in substitution for, the publication of the newspapers specified in the order.

(5) No person shall print, publish or distribute or be in any way concerned in the printing, publication or distribution of any newspaper to which this regulation applies.

(6) At any time after an order has been made under this regulation, the Prime Minister may direct that the operation of the order be suspended, subject to such conditions as the Prime Minister thinks fit, and may at any time revoke such direction.

(7) If a competent authority is of opinion that any printing press, or a printing press under the control of any person, has been or is likely to be used for the production of any document containing matter which is in his opinion calculated to prejudice the interests of the public safety or the preservation of public order or the maintenance of essential services and supplies, or matter inciting or encouraging persons to take any action calculated to coerce the Government either directly or by inflicting hardship upon the public or any section thereof, the competent authority may by order direct that the printing press, or all or any of the printing presses under the control of that person, as the case may be, shall not be used so long as the order is in force ; and any such order may authorise any persons specified therein to take such steps (including the taking possession of any printing press with respect to which the order is made or of any premises in which it is contained or of any part of such printing press or premises) as appear to the persons so authorised to be necessary for securing compliance with the order.

(8) For the purposes of paragraphs (3) and (7) of this regulation, there shall be one or more Advisory Committees consisting of person appointed by the Prime Minister and any person dissatisfied with any order made under either of those paragraphs may make his objections in respect thereof to the appropriate Advisory Committee.

(9) It shall be the duty of the competent authority to secure that, in any case where an order is made under paragraph (3) or paragraph (7) of this regulation, the proprietor of the newspaper or the owner of the printing press affected thereby is informed that he may make representations to the Prime Minister in writing with respect to that order and that he may, whether or not such representations are made, make objections to the appropriate Advisory Committee.

(10) Any meeting of an Advisory Committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Prime Minister, and it shall be the duty of the chairman to afford to the objector an opportunity of making representations in person in support of his objections.

(11) The report of an Advisory Committee upon any such objections as aforesaid shall be submitted to the Prime Minister, who may after consideration thereof revoke the order to which the objections relate.

(12) Where any newspaper is printed, published or distributed in contravention of any provision of this regulation or of any condition attached to a direction given under paragraph (6) of this regulation, the proprietor, the manager, the editor and the publisher of that newspaper shall, whether or not the direction is revoked in consequence of the contravention, be severally guilty of an offence.

(13) In this regulation—

- (a) “cinematograph films” includes a sound-track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film ;
- (b) “publication” means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproductions of any sounds in connection with the exhibition of the film as aforesaid ;
- (c) “newspaper” includes any journal, magazine, pamphlet or other publication ; and
- (d) “printing press” includes any machinery, apparatus or plant capable of being used for printing, lithography, photography, or other mode of representing or reproducing words in a visible form, or any type or other article belonging to such machinery, apparatus or plant.

Proscribed organisations.

18. (1) Where the Prime Minister is of opinion with respect to any organisation that there is a danger of action by, or of the utilisation of, the organisation or its members or adherents—

- (a) for purposes prejudicial to the public safety, the maintenance of public order, or the maintenance of essential services ; or
- (b) for any of the purposes referred to in sub-paragraphs (a) to (h) of regulation 16 of these regulations, or sub-paragraphs (b) or (c) of paragraph (1) of regulation 12 of these regulations,

the Prime Minister may, by order published in the *Gazette*, declare that organisation to be a proscribed organisation.

(2) Where any organisation has been declared under paragraph (1) of this regulation to be a proscribed organisation, then this regulation shall also apply to every other organisation and every person or body or group of persons engaged in activities substantially similar to those carried on or formerly carried on by the proscribed organisation in like manner as though it or he or they were also a proscribed organisation.

(3) No person shall—

- (a) make, print, or distribute, or be in any way concerned in the making, printing or distribution of, any written or printed matter which is published or purports to be published by a proscribed organisation or by any member or manager thereof ; or
- (b) communicate or attempt to communicate to any other person, in any manner, any order, decision, declaration or exhortation made or purporting to have been made by the organisation or any manager thereof or any information relating thereto ; or
- (c) summon or attend any meeting of the organisation or of any members or managers thereof ; or
- (d) invite or exhort any other person to join or support the organisation ; or
- (e) invite or collect contributions in money or otherwise for the purposes of the organisation or make any such contribution as aforesaid ; or
- (f) do or attempt to do any act or thing in his capacity as a manager or member of the organisation or in such circumstances as are likely to lead any other person to believe that he is acting in such capacity.

(4) If, upon application being made by the Attorney-General, or by any member or creditor of the organisation, it appears to the Supreme Court that any organisation is an organisation to which this regulation applies, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the organisation, and may direct an inquiry and report to be made as to any such property as aforesaid, and as to the affairs of the organisation, and make such further orders as appear to the Court to be just and equitable for the winding up and dissolving of the organisation and for the application of any such property as aforesaid in or towards any costs incurred in connection with any such inquiry and report and the winding up and dissolving of the organisation and in or towards the discharge of the liabilities of the organisation lawfully incurred before the date of the application or since that date with the approval of the Court, and shall order that any such property which is not directed by the Court to be so applied as aforesaid shall be forfeited to Her Majesty.

(5) In this regulation, “manager”, in relation to any organisation, means any officer of the organisation and any person taking part in the management or control of the organisation or holding or purporting to hold a position of management or control therein.

19. (1) Where the Permanent Secretary to the Ministry of Defence and External Affairs is of opinion with respect to any particular person that, with a view to preventing that person—

Supervision
of suspected
persons.

(a) from acting in any manner prejudicial to the public safety, or to the maintenance of public order, or to the maintenance of essential services ; or

(b) from acting in any manner contrary to any of the provisions of sub-paragraph (b) or sub-paragraph (c) of paragraph (1) of regulation 12 or regulation 16, or paragraph (3) of regulation 18, of these regulations,

it is necessary so to do, the Permanent Secretary to the Ministry of Defence and External Affairs may make an order for all or any of the following purposes :—

- (i) for securing that, except in so far as he may be permitted by the order, or by such authority or persons as may be specified in the order, that person shall not be in any such area in Ceylon as may be so specified ;
- (ii) for requiring him to notify his movements in such manner, at such times, and to such authority or person as may be specified in the order.

(2) If any person is in any area in contravention of an order made under this regulation, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that area by any officer of police or by any other person authorised in that behalf by the Permanent Secretary to the Ministry of Defence and External Affairs.

20. Where the Permanent Secretary to the Ministry of Defence and External Affairs is of opinion with respect to any particular person that, with a view to preventing that person—

Restriction
orders.

(a) from acting in any manner prejudicial to the public safety, or to the maintenance of public order, or to the maintenance of essential services ; or

(b) from acting in any manner contrary to any of the provisions of sub-paragraph (b) or sub-paragraph (c) of paragraph (1) of regulation 12, or regulation 16, or paragraph (3) of regulation 18, of these regulations.

it is necessary so to do, the Permanent Secretary may make an order—

- (i) prohibiting that person from leaving his residence without the permission of the officer in charge of the nearest police station, and prohibiting any other person from entering or leaving such residence except in such circumstances as may be specified in the order or be determined by such officer ;
- (ii) prohibiting or restricting the possession or use by that person of any specified articles ; and
- (iii) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons and in respect of his activities in relation to the dissemination of news or the propagation of opinions.

21. (1) Any person who, in any area in Ceylon specified by the Prime Minister by order, without lawful authority or reasonable excuse, the proof whereof shall lie on him, has in his possession or under his control any offensive weapon or any offensive substance shall be guilty of an offence.

Offensive
weapons and
offensive
substances.

(2) A police officer, a member of the Ceylon Army of a rank not below that of Corporal, a member of the Royal Ceylon Navy of a rank not below that of Leading Seaman, or a member of the Royal Ceylon Air Force of a rank not below that of Corporal, may remove any offensive weapon or any offensive substance which is in the possession or under the control of any person whom he has reasonable cause to believe to be committing an offence under this regulation.

(3) In this regulation—

- “ offensive substance ” means any inflammable, corrosive or volatile substance ; and
- “ offensive weapon ” means a bomb or grenade or any other device or contrivance made or intended for a use or purpose similar to that of a bomb or grenade, or any article capable of being used for causing injury to the person.

(4) Notwithstanding anything in the Firearms Ordinance, any person who is convicted of an offence against that Ordinance by reason of the contravention of the provisions of section 22 of that Ordinance relating to the custody or possession or use of unlicensed guns, in any area in Ceylon specified by the Prime Minister by order, shall be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

22. (1) If a competent authority is of opinion that special precautions should be taken to prevent the entry of unauthorised persons into any area, place or premises wholly or mainly occupied or used for the maintenance of essential services, that competent authority may by order provide that no person shall, subject to such exemptions as may be specified in the order, enter or remain upon that area or place or those premises without the permission of such authority or person as may be specified in the order.

Restricted
places.

(2) If any person is in any area, place or premises in contravention of an order made under this regulation, then, without prejudice to any other proceedings that may be taken against him, he may be removed therefrom by any officer of police or any member of the Ceylon Army, Royal Ceylon Navy, or Royal Ceylon Air Force or by any other person authorised in that behalf by a competent authority.

(3) In this regulation, "essential service" has the same meaning as in paragraph (1) of regulation 2.

(4) In this regulation, "competent authority", in relation to any essential service, means any person appointed, by name or by office, to be a competent authority for the purpose of that service by the Prime Minister.

Detention of persons.

23. (1) Where the Permanent Secretary to the Ministry of Defence and External Affairs is of opinion with respect to any person that, with a view to preventing such person—

(a) from acting in any manner prejudicial to the public safety, or to the maintenance of public order, or to the maintenance of essential services ; or

(b) from acting in any manner contrary to any of the provisions of sub-paragraph (b) or sub-paragraph (c) of paragraph 1 of regulation 12, or paragraph (1) of regulation 16, or paragraph (3) of regulation 18, of these regulations,

it is necessary so to do, the Permanent Secretary may make order that such person be taken into custody and detained in custody.

(2) Any police officer or member of the Ceylon Army, Royal Ceylon Navy or Royal Ceylon Air Force shall have the right to carry into effect any order made under paragraph (1) of this regulation and to use all such force as may be necessary for the purpose.

(3) Any person detained in pursuance of an order under paragraph (1) of this regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Inspector-General of Police and in accordance with instructions issued by him ; and where any such person is so detained in a prison established under the Prisons Ordinance, the provisions of the Prisons Ordinance and the rules made thereunder shall, subject as hereinafter provided, apply to that person as though he were a civil prisoner within the meaning of that Ordinance :

Provided that the Permanent Secretary to the Ministry of Defence and External Affairs may direct that any such rule shall not apply or shall apply subject to such amendments or modifications as may be specified in such direction.

(4) For the purpose of this regulation, there shall be one or more Advisory Committees consisting of persons appointed by the Governor-General, and any person aggrieved by an order made against him under this regulation may make his objections to such a Committee.

(5) It shall be the duty of the Permanent Secretary to the Ministry of Defence and External Affairs to secure that any person against whom an order is made under this regulation shall be afforded the earliest practicable opportunity of making to the Prime Minister representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an Advisory Committee as aforesaid. Rules may be made by the Governor-General in relation to the hearing and disposal of such objections.

(6) Any meeting of an Advisory Committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Governor-General and it shall be the duty of the chairman to inform the objector of the grounds on which the order under this regulation has been made against him and to furnish him with such particulars as are in the opinion of the chairman sufficient to enable him to present his case.

(7) Where an Advisory Committee consists of three persons, the quorum for any meeting thereof shall be two, and where an Advisory Committee consists of more than three persons, the quorum shall be three.

(8) The report of an Advisory Committee with respect to any such objections as aforesaid shall be submitted to the Permanent Secretary to the Ministry of Defence and External Affairs who may, after consideration thereof, revoke the order to which the objections relate.

(9) Where the Permanent Secretary to the Ministry of Defence and External Affairs certifies in writing that any person in respect of whom an order under paragraph (1) of this regulation is made is suspected by him to be or to have been a member of an organisation proscribed under regulation 18 of these regulations, the provisions of paragraphs (4), (5), (6), (7) and (8) of this regulation shall not apply in regard to that person.

(10) Section 45 of the Courts Ordinance shall not apply in regard to any person detained in pursuance of an order made under paragraph (1) of this regulation.

(11) An order under paragraph (1) of this regulation or a certificate under paragraph (9) of this regulation shall not be called in question in any court on any ground whatsoever.

Requisitioning and acquisition of property.

24. (1) Subject as hereinafter provided, a competent authority, if he is of opinion that it is necessary or expedient so to do in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community, may requisition any article in Ceylon (including any vessel or aircraft which is owned by any person resident in Ceylon or which is in Ceylon or in any port of Ceylon), and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisitioning.

(2) Where a competent authority requisitions any property under paragraph (1) of this regulation or any property (other than land) is in the possession or at the disposal of a competent authority by reason of the exercise of any power exercisable by virtue of the prerogative of the Crown or of any power conferred by section 7 of the Telecommunications Ordinance, No. 50 of

1944, or by section 7 of the Air Navigation Act, No. 15 of 1950, the competent authority may use or deal with, or authorise the use of or dealing with, the property for such purpose and in such manner as the competent authority thinks expedient in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if the competent authority were the owner thereof and as if the property were free from any mortgage, pledge, lien or other charge, and, in a case where the property requisitioned is a vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery, may acquire it by serving on the owner of the vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery a notice stating that the competent authority has acquired it in pursuance of this regulation.

(3) Where a notice of acquisition is served under paragraph (2) of this regulation on the owner of any vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery, then, at the beginning of the day on which the notice is served,—

- (a) the vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery shall vest in the competent authority free from any mortgage, pledge, lien or other charge, and
- (b) the period of the requisition thereof shall end.

(4) A competent authority, if he is of opinion that it is necessary for the effectual exercise of the powers conferred by paragraph (1) of this regulation so to do, may, by order made as respects the whole of Ceylon or any specified area thereof,—

- (a) direct that no person who, at the time when the order takes effect, has in his possession or under his control at any premises in the area to which the order relates, any such article as may be described in the order, shall remove the article, or cause or permit it to be removed, from the premises until the removal of the article therefrom is permitted by such person or authority as may be specified in the order ;
- (b) require the owner or occupier of any premises in the said area to send to such person or authority as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such article as aforesaid was or will be on the premises, and if so, the number or quantity of such article which was or will be on the premises on that date, according as the order may direct ; or
- (c) require persons who may from time to time own, or have in their possession or custody, or under their possession or custody, or under their control, any such vehicle within the said area as may be described in the order to furnish in writing to such authority or person as may be specified in the order, such information relating to the vehicle and its parts (including spare parts) and accessories as may be so specified.

(5) The powers conferred by the preceding provisions of this regulation shall not be exercisable in relation to currency, gold, securities or negotiable instruments.

(6) Any reference in this regulation to articles shall be construed as including a reference to substances, vehicles, or animals.

(7) The Permanent Secretary to the Ministry of Defence and External Affairs may, if he is of opinion that it is necessary or expedient so to do in the interests of public security or the preservation of public order or for the maintenance of supplies and services essential to the life of the community, requisition any immovable property in Ceylon and give such directions as appear to him to be necessary or expedient in connection with the requisitioning.

(8) Where any immovable property is requisitioned under paragraph (7) of this regulation, the Permanent Secretary to the Ministry of Defence and External Affairs may use or deal with, or authorise the use of or dealing with, that property for such purpose and in such manner as he thinks expedient in the interests of public security or the preservation of public order or for the maintenance of supplies and services essential to the life of the community.

(9) Any officer of police and any other officer of Government shall, upon being requested to do so, aid and assist any person in the exercise of powers conferred on that person by the preceding provisions of this regulation.

(10) For the purposes of this regulation, “competent authority”—

- (a) in relation to the requisitioning of vehicles (including spare parts) which are required for the operation of passenger transport services and the requisitioning of vessels which are required in the interests of public security or the preservation of public order or for the maintenance of supplies and services essential to the life of the community, means a person or each person appointed as such, by name or by office, by the Prime Minister ;
- (b) in relation to the requisitioning of vehicles (including spare parts) which are required for the transport of food, means a person or each person appointed as such, by name or by office, by the Prime Minister ;
- (c) in relation to the requisitioning of articles (including vehicles) which are required for the provision of health and medical services, means a person or each person appointed as such, by name or by office, by the Prime Minister ;
- (d) in relation to the requisitioning of vehicles which are required for the preservation of public order, means the Commander of the Army, the Captain of the Navy, the Commander of the Air Force, or the Inspector-General of Police ;

- (e) in relation to the requisitioning of articles which are required for the purposes of agriculture, means a person or each person appointed as such, by name or by office, by the Prime Minister ;
- (f) in relation to the requisitioning of any other article, means a person or each person appointed as such, by name or by office, by the Prime Minister.

(11) For the purpose of this regulation, the term " article " includes petroleum or any product or bye-product of petroleum.

Publication of rumours and false statements.

25. No person shall publish any rumour or false statement which is likely to cause public alarm.

Speeches in public places.

26. (1) No person shall, in any public place situated in any area in Ceylon specified by the Prime Minister by order, make a speech which is likely to cause a breach of the public peace.

(2) In this regulation, " public place " means any highway, public park or garden, sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which for the time being the public have or are permitted to have access, whether on payment or otherwise.

Distribution of leaflets, &c.

27. (1) No person shall, in any area in Ceylon specified by the Prime Minister by order, without the permission of the Inspector-General of Police or of any police officer authorised in that behalf by the Inspector-General of Police, affix in any place visible to the public or distribute among the public any posters, handbills or leaflets.

(2) In any proceedings in respect of an offence alleged to have been committed by a person under paragraph (1) of this regulation, a certificate signed by the Inspector-General of Police and stating that such person had no permission from the Inspector-General of Police, or from any police officer authorised in that behalf by the Inspector-General of Police, to affix in any place visible to the public or distribute among the public any posters, handbills or leaflets, shall be admissible in evidence without proof of the signature of the Inspector-General of Police and shall be *prima facie* evidence of the facts stated in such certificate.

Obstruction of or damage to, roads, railways, &c.

28. No person shall, in any area in Ceylon specified by the Prime Minister by order, without lawful authority, cause any obstruction or damage to any public road, bridge or culvert, or to any railway, or any public road transport vehicle.

Prevention of intimidation, &c.

29. (1) No person shall, in any area in Ceylon specified by the Prime Minister by order, attend at or near a house or place where any other person resides or works or carries on business or happens to be, in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace.

(2) In this regulation, the expression " intimidate " means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property, and the expression " injury " includes injury to a person in respect of his business, occupation, employment or other source of income, and include any actionable wrong.

Guns and explosives.

30. (1) The Inspector-General of Police may, in any area in Ceylon specified by the Prime Minister by order, with a view to ensuring the public safety and the maintenance of public order, direct that any gun or explosive in the possession of any person shall be removed and kept in such custody as he may determine.

(1A) Any person specified in that behalf, by name or by office, in any direction issued by the Inspector-General of Police under paragraph (1) of this regulation may carry out such direction. For the purpose of carrying out such direction, such person may be assisted by any other person or persons and may enter any premises or place and open or break open any outer or inner door or window for the purpose of entering such premises or place, and any receptacle or repository wherein any gun or explosive is suspected by such person to be kept.

(1B) No person shall conceal any gun or explosive to which a directive issued by the Inspector-General of Police under paragraph (1) of this regulation relates or do any other act with a view to preventing or hindering the carrying out of such direction.

(2) During the continuance in force of this regulation in any area referred to in paragraph (1)—

(a) no Government Agent or Assistant Government Agent, and no delegate appointed under section 49 of the Firearms Ordinance by any such Agent, shall be a licensing authority for the purposes of that Ordinance, and the licensing authority for the purposes of that Ordinance shall be the Permanent Secretary ; and

(b) no Government Agent, Additional Government Agent, Assistant Government Agent or Additional Assistant Government Agent, and no public officer authorised in writing in that behalf under section 6 of the Explosives Act, No. 21 of 1956, by any such Agent, shall be a licensing authority for the purposes of that Act, and the licensing authority for the purposes of that Act shall be the Permanent Secretary.

Provided that the provisions of sub-paragraph (a) of this paragraph shall not be deemed to prevent the Permanent Secretary as licensing authority under the Firearms Ordinance from appointing any Government Agent or Assistant Government Agent as his delegate under section 49 of that Ordinance.

And provided further that the provisions of sub-paragraph (b) of this paragraph shall not be deemed to prevent the Permanent Secretary as licensing authority under the Explosives Act, No. 21 of 1956, from appointing any public officer as his delegate under section 6 of that Act.

(3) The Permanent Secretary may order the seizure of any guns imported into, or exposed or kept for sale anywhere in, Ceylon by any dealer in guns who is licensed in that behalf under the Firearms Ordinance, and their removal to, and retention in, any such place as may be determined by the Permanent Secretary.

(4) No person shall conceal the arms to which an order issued by the Permanent Secretary under paragraph (3) of this regulation relates or do any other act with a view to prevent the execution of such order.

(5) The Permanent Secretary may order the seizure of any explosives which are imported into, or manufactured or exposed or kept for sale in, Ceylon by any person who is licensed in that behalf under the Explosives Act, No. 21 of 1956, or which are in the possession of any person who is licensed under that Act to carry on the business of a manufacturer of explosives, and their removal to, and retention in, any such place as may be determined by the Permanent Secretary.

(6) No person shall conceal the explosives to which an order issued by the Permanent Secretary under paragraph (5) of this regulation relates or do any other act with a view to prevent the execution of such order.

(7) Any person specified in that behalf in any order issued by the Permanent Secretary under paragraph (3) or paragraph (5) of this regulation may execute such order. For the purpose of executing such order, such person may be assisted by any other person or persons and may enter the premises or place specified in such order and open or break open any outer or inner door or window for the purpose of entering such premises or place, and any receptacle or repository wherein any guns or explosives are suspected by such person to be kept.

(8) During the continuance in force of this regulation, in any of the following areas, namely, the area within the Administrative District of Jaffna, the area within the Administrative District of Trincomalee, the area within the Administrative District of Batticaloa, the area within the Administrative District of Vavuniya, and the area within the Administrative District of Mannar, no licence issued under the Explosives Act, No. 21 of 1956, and authorising the carrying on of the business of a manufacturer of explosives shall be in force in any such area, and no person shall manufacture any explosives in any such area.

(9) Every person—

- (a) who is a dealer in guns under the authority of a licence issued under the Firearms Ordinance, or
- (b) who is an importer or a manufacturer, vendor or supplier of explosives under the authority of a licence issued under the Explosives Act, No. 21 of 1956, or
- (c) who is the holder of a permit granted under the Explosives Act, No. 21 of 1956,

shall, within such time as may be specified by the Permanent Secretary, furnish to the Permanent Secretary such returns as the Permanent Secretary may from time to time require.

(10) During the continuance in force of this regulation, in any area referred to in paragraph (1), section 25 of the Firearms Ordinance and sections 10 and 22 of the Explosives Act, No. 21 of 1956, shall not be in force in that area.

(11) In this regulation—

- “explosives” shall have the same meaning as in the Explosives Act, No. 21 of 1956 ;
- “gun” shall have the same meaning as in the Firearms Ordinance ; and
- “Permanent Secretary” in relation to the Firearms Ordinance means the Permanent Secretary to the Ministry of Industries, Home and Cultural Affairs, and in relation to the Explosives Act, No. 21 of 1956, means the Permanent Secretary to the Ministry of Defence and External Affairs.

31. No person shall, in any area in Ceylon specified by the Prime Minister by order, throw anything or substance at any engine, tender, carriage or truck upon any railway, or any vehicle upon any public road, in such manner as to endanger the safety of any person who is in or upon such engine, tender, carriage, truck or vehicle.

Throwing missiles.

32. (1) No person shall, in any area in Ceylon specified by the Prime Minister by order, without lawful excuse, point at any other person any gun, whether loaded or unloaded.

Pointing of gun.

(2) In this regulation, the expression “gun” has the same meaning as in the Firearms Ordinance.

33. (1) No person shall, in any area specified by the Prime Minister by order, do all or any of the following acts :—

Interference, etc., with railway, postal and road transport services.

- (a) travel on any railway maintained by the Government without having a pass authorising him to do so or having first paid his fare and obtained a ticket ; or
- (b) obstruct, or interfere with, in any manner whatsoever, the working of that railway ; or
- (c) obstruct, or interfere with, in any manner whatsoever, the postal services maintained by the Government ; or
- (d) travel on any public road transport vehicle without first having paid his fare and obtained a ticket ; or
- (e) obstruct, or interfere with, in any manner whatsoever, the working of any such vehicle.

(2) A person shall be deemed not to have contravened the provisions of sub-paragraph (a) or sub-paragraph (d) of paragraph (1) of this regulation by reason only of the fact that he travelled on a railway maintained by the Government without a pass authorising him to do so or without having first paid his fare and obtained a ticket, or that he travelled on a public road transport vehicle without first having paid his fare and obtained a ticket, if but only if he was entitled to do so by virtue of his employment or otherwise.

Delegation of powers, duties and functions under Emergency Regulations.

34. Any power, duty or function conferred or imposed on the Prime Minister by any emergency regulation may be exercised or performed by any other Minister who is authorised in that behalf by the Prime Minister.

Resistance to, or obstruction of, persons in authority.

35. No person shall resist or obstruct any other person in the exercise or discharge of any power or duty conferred or imposed on that other person by or under any emergency regulation.

Penalties.

36. (1) If any person contravenes or fails to comply with any emergency regulation, or any order or rule made under any such regulation or any direction given or requirement imposed under any such regulation, he shall be guilty of an offence, and, subject to any special provisions contained in such regulation, shall, on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not less than three months and not exceeding five years and to a fine of not less than five hundred rupees and not exceeding five thousand rupees.

(2) Where no punishment is prescribed in any emergency regulation for an offence under that regulation, a person guilty of such offence shall, on conviction after summary trial before a Magistrate, be liable to the same punishment as that specified in paragraph (1) of this regulation.

(3) Section 15B of the Criminal Procedure Code and section 6 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938, shall not apply to any person convicted of an offence under any emergency regulation.

Attempts to commit offences and assisting offenders.

37. (1) Any person who attempts to commit, or does any act preparatory to the commission of, any offence under any emergency regulation, shall be deemed to be guilty of an offence under that regulation.

(2) No person knowing or having reasonable cause to believe that any other person is guilty of an offence under any emergency regulation, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Offences by bodies of persons.

38. Where an offence under any emergency regulation is committed by a body of persons then—

(a) if that body is a body corporate, every director of that body corporate, and

(b) if that body is a firm, every partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Bail.

39. (1) Notwithstanding anything in any law and subject to the provisions of paragraph (2) of this regulation, no court shall release on bail any person accused of any offence under Chapter VI, Chapter VII or Chapter VIII of the Penal Code, committed in any area in Ceylon specified by the Prime Minister by order, or any offence under any emergency regulation, unless the Attorney-General has consented in writing to the release of that person on bail, or a police officer of a rank not below that of Assistant Superintendent informs the court orally or in writing that he does not object to the release of that person on bail.

(2) Where any person who is accused of an offence under any emergency regulation has been on remand for fourteen days or more, the court shall, if the prosecuting officer consents, release him on bail or on his executing a bond without sureties for his appearance in court, and the amount of the bail bond or of the bond without sureties shall—

(a) where that offence is under regulation 16, be a reasonable amount not exceeding one thousand rupees, and

(b) where that offence is under any other emergency regulation, be a reasonable amount not exceeding five hundred rupees.

Modifications of the Criminal Procedure Code

40. (1) During the continuance in force of this regulation in any area in Ceylon specified by the Prime Minister by order—

(a) sections 99, 100, 101, 102 and 103 of the Criminal Procedure Code (which relate to the power to disperse unlawful assemblies) shall cease to be in force ; and

(b) any police officer of a rank not below that of a Sergeant, any member of the Ceylon Army of a rank not below that of a Corporal, any member of the Royal Ceylon Navy of a rank not below that of a Leading Seaman, or any member of the Royal Ceylon Air Force of a rank not below that of a Corporal, may order any person or persons in or about any public road, railway, public park, public recreation ground or other public ground, seashore, or in or about, or in the vicinity of, the premises of any public building or Government Department, to remove himself or themselves from that place, and it shall be the duty of such person, or each such person, as the case may be, to comply with such order.

(2) If, upon the issue of an order under sub-paragraph (b) of paragraph (1) of this regulation by any officer empowered to issue such order, any person does not comply with the order or conducts himself in such a manner as to show a determination not to comply with the order, such officer, with such assistance as may be necessary, may proceed to give effect to such order by force, including armed force, and may cause such person to be removed or arrested and confined.

(3) During the continuance in force of this regulation, section 325 of the Criminal Procedure Code shall not apply to or in relation to any person who is charged with, or is convicted of, any offence under any emergency regulation.

41. The proceedings in any court in respect of an offence alleged to have been committed by a person under any emergency regulation shall be taken up before any other business of that court.

Priority for proceedings in respect of offences under emergency regulations.

42. (1) The Prime Minister may, by order, appoint any person, by name or by office, to be the Co-ordinating Officer for any area in Ceylon specified in the order.

Powers, duties or functions of a Government Agent may be exercised or performed by a Co-ordinating Officer.

(2) Where a Co-ordinating Officer is appointed by the Prime Minister by order for any area in Ceylon, such Officer shall exercise, perform or discharge in that area all the powers, duties or functions conferred or imposed on a Government Agent under any written law or otherwise, and for that purpose every reference to a Government Agent in such written law shall, in its application in the case of that area, be construed as a reference to such Co-ordinating Officer.

43. (1) Save as otherwise herein provided and notwithstanding any other written law, the proceedings in respect of an offence alleged to have been committed by a person under any emergency regulation may be taken before the appropriate court in Ceylon having jurisdiction in the place where that person is for the time being.

Legal proceedings, sittings of courts, etc.

(2) The Attorney-General may decide in which court—

(a) offences alleged to have been committed by persons under the emergency regulations ;
or

(b) offences alleged to have been committed by persons under any other written law where the acts or omissions constituting such offences were consequent on, or arose out of, or were done or omitted to be done in, whether directly or indirectly, the exercise or performance, or the supposed exercise or performance, of any power or duty under such regulations,

shall be inquired into or tried. Such court shall be a court which would have had jurisdiction to inquire into or try such offences, if such offences had been committed within the local limits of the jurisdiction of such court.

(3) Where the Attorney-General decides, under paragraph (2) of this regulation, the court by which any offence shall be inquired into or tried, he shall by his fiat in writing designate such court as the court by which such offence shall be inquired into or tried, and accordingly such inquiry or trial shall be held by such court on the authority of such fiat, which shall be filed of record with the proceedings of such inquiry or trial.

(4) A decision of the Attorney-General under paragraph (2) of this regulation may be made applicable to—

(a) all offences alleged to have been committed by persons under the emergency regulations either throughout Ceylon or in any particular area in Ceylon ; or

(b) all such offences alleged to have been so committed by persons of any particular class or description either throughout Ceylon or in any particular area in Ceylon ;
or

(c) all such offences of any particular class or description alleged to have been so committed by persons either throughout Ceylon or in any particular area in Ceylon ; or

(d) all such offences of any particular class or description alleged to have been committed by persons of any particular class or description, or any particular person, either throughout Ceylon or in any particular area of Ceylon ; or

(e) any particular offence alleged to have been committed by any particular person either throughout Ceylon or in any particular area in Ceylon.

(5) During the continuance in force of this regulation, section 43 of the Courts Ordinance which empowers the Attorney-General to transfer any inquiry into or trial of any criminal offence from any court or place to any other court or place shall have effect as if the proviso to that section were not in force.

(6) If the Prime Minister deems it expedient so to do, the Prime Minister may, by Order published in the *Gazette*, make provision for all or any of the following matters :—

- (a) The suspension or termination of the holding of the Criminal Sessions of the Supreme Court in any Province.
- (b) The transfer of all or any of the cases ready for trial at any such Criminal Sessions of the Supreme Court in any Province as are suspended to any Criminal Session of the Supreme Court in any other Province.
- (c) The suspension of the sittings of all or any of the District Courts, Magistrates' Courts and Rural Courts in any Province, and the transfer of all or any of the cases ready for inquiry or trial at such sittings of any such courts as are so suspended to the District Courts, Magistrates' Courts and Rural Courts in any other Province.
- (d) Other matters in respect of which provision is necessary to be made for the purpose of giving full force and effect to the Order.

(7) An order made by the Prime Minister under paragraph (6) of this regulation shall have the force of law notwithstanding anything in any other written law.

Special provisions regarding persons arrested and detained under regulation 7.

44. (1) The provisions of sections 36, 37 and 38 of the Criminal Procedure Code shall not apply in relation to persons arrested under regulation 7 of these regulations.

(2) Any person detained in pursuance of the provisions of regulation 7 of these regulations in a place authorised by the Inspector-General of Police may be so detained for a period not exceeding fifteen days reckoned from the date of his arrest under that regulation, and shall at the end of that period be released by the officer in charge of that place unless such person has been produced by such officer before the expiry of that period before a court of competent jurisdiction.

(3) Where a person who has been arrested and detained in pursuance of the provisions of regulation 7 of these regulations is produced by the officer referred to in paragraph (2) of this regulation before a court of competent jurisdiction, such court shall deal with such person in all respects and in like manner as though he had been so produced in accordance with the provisions of sections 36 and 37 of the Criminal Procedure Code.

Sanction of Attorney-General.

45. (1) No prosecution—

- (a) for an offence against any emergency regulation ; or
- (b) for an offence against any other written law where the act or omission constituting such offence was consequent on, or arose out of, or was done or omitted to be done in, whether directly or indirectly, the exercise or performance, or the supposed exercise or performance, of any power or duty under such regulation,

shall be instituted except by, or with the written sanction of, the Attorney-General.

(2) The Prime Minister may, by Order, declare that the provisions of paragraph (1) of this regulation shall not apply in respect of any offence against any such emergency regulation as may be specified in the Order, and accordingly, so long as such Order remains in force, that paragraph shall not apply to any such offence.

Inquiries under the Criminal Procedure Code.

46. (1) The Attorney-General may decide in which court all inquiries, or inquiries of any particular description, or any particular inquiry, under the Criminal Procedure Code shall be held. Such court shall be a court which would have had jurisdiction to hold such inquiries or inquiry, if the events or acts or things, or the event or act or thing, which constitutes the subject matters or subject matter of such inquiries or inquiry had occurred or been done within the local limits of the jurisdiction of such court.

(2) Where the Attorney-General decides, under paragraph (1) of this regulation, the court in which any inquiries or inquiry under the Criminal Procedure Code shall be held, he shall by his fiat in writing designate such court as the court by which such inquiries or inquiry shall be held, and accordingly such inquiries or inquiry shall be held by such court on the authority of such fiat, and no other court shall have jurisdiction to hold such inquiries or inquiry.

(3) In this regulation, the expression " inquiry " includes every inquiry, and every inquest, conducted under the Criminal Procedure Code, before a Magistrate's Court or by an inquirer, and the expression " inquiries " shall be construed accordingly.

(4) The provisions of this regulation shall have effect notwithstanding anything to the contrary in any other written law.

Custody and Bail.

47. (1) In the case of any member of the Police, the Ceylon Army, the Royal Ceylon Navy, or the Royal Ceylon Air Force—

- (a) a court, where it would otherwise have been entitled to commit or remand such member to custody, or make order requiring such member to furnish bail ; or
- (b) the Fiscal, if such member is being detained in his custody in pursuance of an order made by a court prior to the date of the coming into force of these regulations.

shall, upon the production by an authorised officer of the appropriate certificate, deliver him to such officer.

(2) Where any member of the Police, the Ceylon Army, the Royal Ceylon Navy, or the Royal Ceylon Air Force is committed or remanded to custody, or kept in custody, in contravention of this regulation, such member shall be deemed, for all purposes, to be unlawfully detained.

(3) It shall be the duty of an authorised officer to whom any person is delivered by a court under this regulation to produce such person before the court whenever required so to do by the court.

(4) A certificate purporting to be issued by an authorised officer under this regulation shall be conclusive proof of the facts stated therein and his authority to issue such certificate.

(5) For the purposes of this regulation, the expressions—

“ appropriate certificate ”, in relation to any person, means a certificate issued by an authorised officer to the effect that such person is a member of the Police, or the Ceylon Army, or the Royal Ceylon Navy, or the Royal Ceylon Air Force ; and

“ authorised officer ” means,—

- (a) in relation to any member of the Police, the Inspector-General of Police or any police officer authorised by him in writing in that behalf to act under these regulations ;
- (b) in relation to any member of the Ceylon Army, the Commander of the Army or any officer of that Army authorised by him in writing in that behalf to act under these regulations ;
- (c) in relation to any member of the Royal Ceylon Navy, the Captain of the Navy or any officer of that Navy authorised by him in writing in that behalf to act under these regulations ;
- (d) in relation to any member of the Royal Ceylon Air Force, the Commander of that Force or any officer of that Force authorised by him in writing in that behalf to act under these regulations.

(6) The provisions of these regulations shall have effect notwithstanding anything to the contrary in any other written law.

48. (1) Where a case has been or is decided on appeal by the Supreme Court under Chapter XXX of the Criminal Procedure Code, the Attorney-General may determine that all or any such orders, and all or any such amendments of the record of the case, as are required to be made under sub-section (2) of section 350 of that Code in order to conform and accord with the order of the Supreme Court on that appeal shall be made, not by the court to which the order on that appeal was certified by the Supreme Court, but by any other court to which the Supreme Court would have been required by that Code to certify its order on that appeal if that appeal had been from a judgment or order of such other court.

Power of Attorney-General in respect of certain matters arising out of the decision of the Supreme Court on appeal.

(2) Where, in any case decided on appeal by the Supreme Court, the Attorney-General determines, under paragraph (1) of this regulation, the court by which the orders and amendments referred to in that paragraph shall be made in that case, he shall by his fiat in writing designate that court as the court by which such orders and amendments shall be made, and thereupon—

- (a) the court to which the order of the Supreme Court on that appeal was certified shall transmit that order as so certified together with the record of that case, the petition of appeal and a copy of the reasons (if any) given by the Supreme Court for that order as so certified to the court so designated ; and
- (b) such orders and amendments shall, after the receipt by the court so designated of that order as so certified and such record and copy (if any), be made by the court so designated on the authority of that fiat, and not by the court to which the order of the Supreme Court on that appeal was certified.

That fiat shall be filed of record with the proceedings of such case. All such orders and amendments made by the court so designated on the authority of that fiat, and, all acts or things whatsoever done in consequence of such orders, shall be deemed to be valid and effectual for all purposes.

(3) The preceding provisions of this regulation shall have effect notwithstanding anything to the contrary in the provisions of the Criminal Procedure Code or any other law.

49. (1) The nomination of candidates for the purpose of the election to be held to fill a vacancy caused by the death of the First Member for the Electoral District of Mutur in the House of Representatives shall not take place for so long, and so long only, as Part II of the Public Security Ordinance, No. 25 of 1947, is in operation in the area comprising that Electoral District or any part thereof, and accordingly the notice published in *Gazette Extraordinary* No. 12,371 of April 19, 1961, fixing the date and place of nomination of candidates for such election shall be deemed for all purposes to be of no effect.

Special provisions relating to certain Parliamentary by-elections.

(2) The nomination of candidates for the purpose of the election to be held to fill the vacancy in the seat of the Member for the Electoral District of Welimada in the House of Representatives shall not take place for so long, and so long only, as Part II of the Public Security Ordinance, No. 25 of 1947, is in operation in the area comprising that Electoral District or any part thereof, and accordingly the notice published in *Gazette Extraordinary* No. 12,666 of September 20, 1961, fixing the date and place of nomination of candidates for such election shall be deemed for all purposes to be of no effect.

50. Every member of the Regular Force of the Ceylon Army, the Royal Ceylon Navy or the Royal Ceylon Air Force—

Employment of members of the Forces as Customs Officers.

- (a) shall be employed on the services of the Customs for the purposes of section 116, section 123, section 124, section 125, section 132, and section 138A of the Customs Ordinance, and shall, for those purposes, exercise the powers vested in officers of the Customs by the aforesaid sections ; and

(b) shall be deemed to be an authorised officer within the meaning and for the purposes of the Immigrants and Emigrants Act, No. 20 of 1948, and accordingly shall exercise, perform or discharge the powers, duties or functions vested in or imposed on authorised officers by or under that Act.

Arson, looting
and trespass.

51. (1) Any person who, in any area in Ceylon specified by the Prime Minister by order—
- (a) does, with fire or any combustible matter or any explosive or corrosive substance or with any missile, weapon or instrument of any description, any act which causes the destruction of or damage to property, whether movable or immovable, or any such change in any such property as destroys or diminishes its value or utility, whether it be property of the Government or any local authority or any individual or body of persons ; or
 - (b) commits theft of any article in any premises which have been left vacant or unprotected ; or
 - (c) does any act intending or knowing or having reasonable cause to believe that such act is likely to impair the efficiency or to impede the working of any vehicle, machinery, apparatus, or other thing used or intended to be used in the performance of essential services, or to impair the usefulness of any work, structure or premises used or intended to be used as aforesaid ; or
 - (d) commits any offence under any of the sections 427 to 446 of the Penal Code or illegally removes or attempts to remove any goods or articles from any premises ; or
 - (e) is a member of an unlawful assembly as defined in section 138 of the Penal Code the object of which assembly is to do any act referred to in any of the preceding sub-paragraphs,

shall be guilty of an offence and, notwithstanding anything in the Penal Code or in these regulations, shall, on conviction thereof before the Supreme Court, be liable to suffer death or imprisonment of either description for life.

(2) Section 96 of the Penal Code (which relates to the right of private defence of property and prescribes the circumstances in which death or other harm can be caused to a wrongdoer in the exercise of such right) shall have effect as though there were added at the end of that section the following :—

“ Fifthly—Any offence under regulation 51 of the Emergency (Miscellaneous Provisions and Powers) Regulations.”

(3) The written sanction of the Attorney-General under regulation 45 of these regulations for a prosecution for any offence under this regulation may be granted if he is satisfied that the offence was committed in furtherance of, or in connection with or in the course of, civil disturbance prevailing at or about the time of the commission.