

CHAPTER 173

DOMESTIC SERVANTS

Ordinances Nos. 28 of 1871, 18 of 1936.

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF DOMESTIC SERVANTS.

[29 th December. 1871.]

Short title. 1. This Ordinance may be cited as the Registration of Domestic Servants Ordinance.

him with information as regards his age, country, previous service, and such other particulars as the Registrar may require.

Operation of Ordinance. 2. (1) This Ordinance shall come into operation in such towns or districts of Ceylon or Sri Lanka, and from such date or dates, as may from time to time be prescribed by the Minister by Order published in the Gazette.

6. The Registrar shall, on such servant so attending, hand to him a pocket register, in which shall be entered the particulars of his or her present engagement and such memorandum of previous service or antecedents of the applicant as he or she may desire to have recorded in the register:

Registrar to supply pocket register.

(2) The word " district" in this section includes any area the limits of which the Government Agent has defined under the provisions of section 13* of the Police Ordinance, for the purpose of establishing a police force therein.

Provided that the Registrar shall not make any such antecedent entry without satisfying himself of the credibility of the statements tendered to him for entry.

Minister may appoint Registrar, who shall be under supervision of the Inspector-General of Police.

3. It shall be lawful for the Minister, from time to time as occasion may require, to appoint for Sri Lanka, or for any town or district in which this Ordinance may be brought into operation, a Registrar of Domestic Servants, who shall be under the general supervision and control of the Inspector-General of Police.

7. If any servant, returned by any master to the Registrar as provided for in section 4, shall leave the service of such master within three months of the coming into operation of this Ordinance and before obtaining his pocket register, such master shall transmit to the said Registrar a memorandum of date and cause of such servant quitting his employment.

Servants quitting employment before pocket registers supplied.

EXISTING SERVANTS

Masters to cause servants to be registered.

4. Within one month of this Ordinance coming into operation in any town or district, it shall be the duty of every employer of domestic servants to cause such servants in his employment to be registered in the register of servants for such town or district, and for this purpose he shall furnish to the Registrar in writing a list showing the names, capacity in which employed, and date of engagement of each of his servants.

To supply lists to Registrar.

Servants to attend personally.

5. It shall be the duty of every servant to attend personally within three months after the coming into operation of this Ordinance, before the Registrar, and furnish

INTENDING SERVANTS

8. It shall be the duty of the Registrar to receive applications from persons desirous to enter domestic service. He shall satisfy himself that there are reasonable grounds to believe such applicants to be fit and proper persons to enter domestic service ; and if so satisfied, shall register them in the general registry, recording what he has been able to learn respecting their antecedents, and the names of any persons who certify to their respectability. And he shall thereupon issue pocket registers to such applicants, which shall contain the particulars of the record in the general registry.

Applicants for domestic service.

* Section 13 of the Police Ordinance has since been repealed by Act No. 2 of 1968.

Registrar may grant provisional registration.

9. If the applicant can produce no sufficient evidence as to his fitness for domestic service, the Registrar may grant provisional registration, to be thereafter converted into confirmed registration according to the result of subsequent service.

Provided that if for any reason he be unwilling to give the servant a character, or to state the cause of discharge, he may decline to do so; but in that case he shall furnish to the Registrar in writing his reasons for so refusing;

Registrar may refuse, but must report refusal to Inspector-General of Police.

10. If the Registrar be satisfied that the applicant is not a fit and proper person, he may withhold registration altogether; but it shall be his duty in such case to submit the same to the Inspector-General of Police for his approval.

Provided further that if the master be unable to enter the cessation of the engagement through failure of servant to produce pocket register, he shall report the fact to the Registrar.

Registration to be refused to convicted offenders, &c.

11. The Registrar shall not grant registration to any convicted thief or associate of thieves, or to any person known to the police to be leading a disorderly or disreputable life, or who shall have been convicted of any infamous crime :

15. Every servant shall, within fifteen days after the date of any entry in his pocket register, attend personally at the office of the Registrar of Servants, for the purpose of having such entry recorded in the general registry.

Servant to attend at office of Registrar for pocket register entries to be transferred to general registry.

Provided that the Registrar may grant registration to any person from whom it may have been so withheld, on application of any householder who may be willing to give such person a trial; provided that the Registrar is satisfied of the respectability of such householder, and that the intention to engage such person as a domestic servant is a bona fide one.

16. Where a servant has at any time been convicted by a court of any offence specified in the Schedule, it shall be lawful for the Registrar to enter particulars of such conviction in the pocket register of that servant. Every entry so made shall be authenticated by the signature of the Registrar who may, if he thinks fit, draw attention to such entry by one or more endorsements made in that pocket register in writing or by means of a rubber or other stamp.

Registrar authorized to enter convictions in pocket register of servants.

GENERAL REGULATIONS

Master shall not engage unregistered servant.

12. After the coming into operation of this Ordinance in any town or district, no master resident therein shall engage a servant who shall fail to produce his pocket register in evidence of his being registered, or whose pocket register shall not record the termination of his last previous service, if any.

17. It shall be the duty of every registered servant to produce his pocket register when called upon to do so by the police.

Servants to exhibit pocket registers to police.

Master to enter engagement in pocket register.

13. On engaging a servant, every master shall forthwith enter in the pocket register the date and capacity in which such servant is engaged, and shall cause the servant to attend personally at the Registrar's office, to have the entry inserted in the general registry.

18. Every servant registered under the provisions of this Ordinance shall, if he subsequently enter service in any place not under its operation, attend personally at the nearest police station on his entering or leaving such service, and produce his pocket register to the principal officer of police at such station; and the said officer of police shall record such commencement or termination of service, and communicate the same to the Registrar of Servants for the town or district in which such servant was originally registered.

Registered servants entering service in places not brought under Ordinance.

Master to enter discharge,

14. Every master who shall discharge a servant shall thereupon insert in the pocket register the date and cause of discharge and the character of the servant:

19. It shall be the duty of any employer of domestic servants not resident in any town or district under the operation of this Ordinance, who shall engage or discharge a

Masters in places not under Ordinance.

registered servant, forthwith to enter the engagement or discharge of such servant in the pocket register, in the manner prescribed in sections 13 and 14, relating to the engagement or discharge of servants in places brought within the operation of this Ordinance.

Duplicate pocket registers.

20. It shall be lawful to the Registrar to issue duplicate pocket registers to replace the originals, which may have become worn out, or which may have been lost or destroyed.

PENALTIES

Penalties.

21. The following penalties are hereby imposed for any of the following acts :—

As respects Officers of the Registration Department:

Carelessly injuring documents.

(1) Any officer of the registration department carelessly losing or injuring, or allowing to be lost or injured, any register book or other document while in his keeping, shall be held to be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

Corruptly injuring documents.

(2) Any officer of the registration department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding three years, or to a fine not exceeding one thousand rupees, or to both :—

(a) wilfully destroying or injuring any register book or other document, or wilfully permitting or causing any such book to be destroyed or injured;

(b) falsely making or counterfeiting, or permitting or causing to be falsely made or counterfeited, any part of a register book or document;

(c) wilfully inserting or permitting, or causing to be inserted in any register book, or certified copy thereof, or document, any false entry;

(d) wilfully giving a false certified copy of a register book or document, or permitting or causing such false certified copy to be given;

(e) certifying any writing to be a copy or extract from a servant's register book, knowing the said portion so copied or extracted to be false in any part thereof.

As respects such Officers and others:

(3) Any officer of the registration department who shall on any pretext or under any circumstance, directly or indirectly collect or receive, and any person who shall offer or pay to such officer, any fee, gratuity, allowance, or recompense, other than he may be duly authorized to collect or receive, shall be held to be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

Registration officers who take unauthorized fees, and persons who offer such fees.

As respects Masters:

(4) Any master committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding twenty rupees:—

Master not fulfilling any duty or obligation imposed on him by this Ordinance.

(a) failing to furnish to the Registrar, within one month after this Ordinance shall have come into operation in any town or district, the list specified in section 4;

(b) failing to transmit to the Registrar a memorandum of the date of a servant quitting his employ, as required by section 7 •

- (c) engaging a servant, after this Ordinance shall have come into operation, who shall fail to produce his pocket register, or whose pocket register shall not record the termination of the last previous service, if any, as provided by section 12;
- (d) failing to enter in the pocket register the date and capacity in which a servant is engaged, as required by section 13;
- (e) failing to insert in such pocket register the date of a servant being discharged, and the cause of such discharge, as required by section 14;
- (f) declining to give his servant a character, and failing to furnish to the Registrar his reasons for so refusing;
- (g) engaging or discharging a registered servant in any town or district not under the operation of this Ordinance, without entering such engagement or discharge in the pocket register, as required by section 19.

As respects Servants:

- (5) Any servant committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding twenty rupees:—
 - (a) failing to attend the Registrar and furnish him with the information required by section 5;
 - (b) failing to produce his pocket register when requested to do so;
 - (c) having been once registered under the provisions of this Ordinance, and yet entering or leaving service thereafter in any place not under the operation of this Ordinance,

without having attended at the nearest police station, and producing his pocket register, as required by section 18.

- (6) Any servant who shall give false information on any matter in which he is required by this Ordinance to give information to the Registrar of Servants, or to any other person, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour, for any term not exceeding three months.

Servants giving false information.

As respects Others:

- (7) Any person unconnected with the registration department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding one year, or a fine not exceeding five hundred rupees, or both:—
 - (a) wilfully destroying or injuring any register book or document, or causing any such book or document to be destroyed or injured;
 - (b) falsely making or counterfeiting, or causing to be falsely made or counterfeited, any part of a register book or document;
 - (c) wilfully inserting or causing to be inserted in any register book or document, or certified copy thereof, any false entry;
 - (d) wilfully giving a false certified copy of a register book, or causing such certified copy to be given.

Other persons for injuring registration documents.

Servants not fulfilling any duty or obligation imposed upon them by this Ordinance.

FEEES

22. The following fees shall be levied under this Ordinance; such fees to be paid by masters or servants, or intending servants

Fees.

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in stamps, to be attached to the pocket register :—

Fee payable by master on causing an existing servant to be registered	Rs. c. 0 25
" by master on engaging a new servant	0 25
" by intending servant on provisional registration	0 25
" by intending servant on registration being confirmed	0 25
by servant for the registration of previous service or antecedents . .	0 25
" by servant for a duplicate pocket register . .	1 0

informers, and the remainder to a fund which shall be called "The Domestic Servants Registration Fund "; the said fund to be regulated in manner as the Minister, from time to time, shall direct.

24. The following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

" master" shall include every person having servants in his employ;

" servant" shall mean domestic servants, hired by the month or receiving monthly wages, and shall include head and under servants, female servants, cooks, coachmen, horse-keepers, and house and garden servants.

Appropriation of fines,

23. It shall be lawful for the court awarding a fine to direct that any sum not exceeding half thereof shall be paid to the

SCHEDULE

[Section 16.]

<i>Enactment</i>	<i>Section</i>	<i>Nature of Offence</i>
The Penal Code	.. From 226 to 256 (inclusive)	• . Offences relating to Coin and Government Stamps
Do.	.. 296,297,300,301	.. Culpable homicide, Ac.
Do.	.. From 315 to 324 (inclusive)	.. Voluntarily causing hurt by dangerous weapons, &c.
Do.	.. 345	Use of criminal force to a woman with intent to outrage her modesty
Do.	.. From 354 to 360 (inclusive)	Kidnapping
Do.	.. 360A	Procuration
Do.	.. 364, 364A	Rape
Do.	.. 365	Unnatural offence
Do.	.. From 367 to 371 (inclusive)	Theft, theft of cattle, &c.
Do.	.. From 373 to 378 (inclusive)	Extortion, &c.
Do.	.. From 380 to 385 (inclusive)	Robbery, &c.
Do.	.. 386 and 387	Criminal misappropriation
Do.	.. From 389 to 392 (inclusive) but excluding 392A and 392B	Criminal breach of trust
Do.	.. From 394 to 397 (inclusive)	.. Dishonestly receiving stolen property
Do.	.. From 400 to 403 (inclusive)	.. Cheating
Do.	.. From 418 to 426 (inclusive)	.. Mischief, &c.
Do.	.. From 435 to 451 (inclusive)	.. House trespass, house-breaking, &c.

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<i>Enactment</i>	<i>Section</i>	<i>Nature of Offence</i>
The Penal Code	.. From 452 to 466 (inclusive)	.. Forgery, &c.
Do.	.. 467	.. Falsification of accounts
Do.	- . From 478A to 478D (inclusive)	.. Offences relating to counterfeiting currency notes or bank naira
Do.	. . 486	.. Criminal intimidation
Do.	.. 488	.. Misconduct in public by drunken person
Do.	.. 490	.. Attempting the breach of any of the sections above specified
Do.	.. 101, 113Aand 113B	., Abetting or conspiring to commit any of the offences hereinbefore specified
The Vagrancy Ordinance	All offences under the Ordinance.	