



POLICE (AMENDMENT) LAW,

No. 3 OF 1974

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 19th February, 1974]

Printed on the Orders of Government

Police (Amendment) Law, No. 3 of 1974

L. D.—O. 24/72.

A LAW TO AMEND THE POLICE ORDINANCE

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Police Short title.
(Amendment) Law, No. 3 of 1974.

2. Sections 24, 25 and 26 of the Police Ordinance Replacement of sections 24, 25 and 26 of Chapter 53.
(hereinafter referred to as the “principal enactment”) are hereby repealed and the following new sections substituted therefor:—

“ Establishment of police reserve.

24. There shall be established a police reserve to assist the police force in the exercise of its powers and the performance of its duties.

Appointment of Commandant and Deputy Commandant.

25. (1) For the purposes of this Ordinance, there shall be appointed a Commandant who shall be in command of the police reserve and be responsible for its general administration in accordance with the provisions of this Ordinance and the regulations made hereunder.

(2) There shall be appointed an officer of the police force not below the rank of Superintendent of Police to be Deputy Commandant who shall, in the absence of the Commandant, exercise and perform all his powers and duties.

Enrolling of reservists.

26. (1) The Commandant shall, in accordance with the regulations made in that behalf, appoint to the police reserve such number of Reserve Superintendents, Reserve Assistant Superintendents, Reserve Chief Inspectors, Reserve Inspectors, Reserve Sub-Inspectors, Reserve Sergeants-Major, Reserve Sergeants and Reserve Constables as may be determined by the Inspector-General of Police.

(2) Every appointment to the rank of Reserve Superintendent and Reserve Assistant Superintendent shall be made with the prior written approval of the Inspector-General of Police.”

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Insertion of
new sections
26A, 26B, 26C, 26D,
26E, 26F, 26G
and 26H in the
principal
enactment.

3. The following new sections are hereby inserted immediately after section 26, and shall have effect as sections 26A, 26B, 26C, 26D, 26E, 26F, 26G and 26H of the principal enactment:—

Identity
cards.

26A. An identity card issued to any person duly authenticated by the Commandant shall be conclusive proof of the appointment under this Ordinance of the holder thereof to the rank in the police reserve specified therein.

Mobilization.

26B. (1) The Commandant shall, on the directions of the Inspector-General of Police, mobilize such officers of the police reserve as are required to assist the police force in the exercise of its powers and performance of its duties. No such officer shall be de-mobilized by the Commandant except on the directions of the Inspector-General of Police.

(2) The notification of mobilization may be conveyed to any member of the police reserve orally or in writing or by an announcement made over the radio or by publication in a newspaper.

Officers to
serve in any
part of the
Republic.

26C. An officer of the police reserve shall be required to serve in any part of the Republic and within its territorial waters.

Powers,
responsibilities
&c., of officers.

26D. On mobilization an officer of any rank in the police reserve shall have the same powers, duties, obligations and responsibilities and enjoy the same immunities as an officer of that rank in the police force.

Penalty for
refusal to serve
when
mobilized.

26E. (1) Any officer of the police reserve who, having been mobilized for service, fails without reasonable cause to report for service, or neglects or refuses to serve as such, shall be guilty of an offence and shall be liable on conviction after trial before a Magistrate to a fine not exceeding one thousand rupees or to rigorous imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) Any officer of the police reserve who, having been mobilized for service, fails without reasonable cause to carry out any lawful order, instruction or direction given for the performance of his duties by the Commandant or an officer of the police reserve duly authorized by the Commandant or any officer of the police force duly authorized by the Inspector-General of Police, shall be guilty of an offence and be liable on conviction after trial before a Magistrate to a fine not exceeding five hundred rupees or to simple imprisonment not exceeding three months, or to both such fine and imprisonment.

Obligations
of employers.

26F. (1) It shall be the duty of every employer to give all proper facilities for enabling any person in his employ to become or to be a member of the police reserve and any such person who is a member of that reserve to undergo and render such training and service as he may be required to undergo and render by or under this Ordinance.

(2) Any employer who—

(a) fails to give the facilities referred to in subsection (1) of this section; or

(b) by dismissing an employee or by reducing his wages or in any other manner penalizes him for undergoing or rendering any training or service referred to in that subsection,

shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to simple or rigorous imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

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(3) Where an employer guilty of an offence under this section—

(a) is a body corporate, every person who, at the time of the commission of the offence, was a director, manager or secretary of such body; and

(b) is a firm, every partner of such firm,

shall be deemed to be guilty of such offence unless such director, manager, secretary or partner, as the case may be, proves that such offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of such offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

Unauthorized
use of
uniforms.

26G. Any officer of the police reserve who—

(a) when not mobilized and without lawful authority uses or wears the uniform or any part of the uniform of an officer of the police reserve or any imitation thereof which is calculated to deceive, or

(b) without lawful authority supplies to a person who is not an officer of the police reserve, any such uniform or part of such uniform,

shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine not exceeding two hundred rupees or to rigorous imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Framing of rules.

26H. It shall be lawful for the Inspector-General of Police, with the approval of the Minister, to make rules in respect of all or any of the following matters relating to the police reserve:—

- (a) the personnel and cadre of the police reserve;
- (b) the recruitment of officers and their conditions of service;
- (c) the duties and responsibilities of officers under mobilization;
- (d) the training of officers;
- (e) the arming of the police reserve;
- (f) the discipline of officers;
- (g) the mobilization and de-mobilization of officers;
- (h) the award of rewards or decorations in recognition of meritorious service;
- (i) the establishment and administration of a Police Reserve Amenity Fund; and
- (j) any other matter connected with the exercise of the powers and the performance of the duties by officers.”.

4. Section 28A of the principal enactment (inserted by Act No. 15 of 1962 and amended by Act No. 3 of 1972) is hereby further amended by the substitution, for subsection (1) of that section, of the following new subsection:—

Amendment of section 28A of the principal enactment.

“(1) The Minister may, with the concurrence of the Minister in charge of the subject of Finance, make regulations providing for the establishment and operation of a scheme for the grant of compensation to any police officer who is permanently, totally or partially disabled, or to the legal heir or heirs of any police officer who is dead, in any case where such disablement or death, as the case may be, is due to any injury—

- (a) received by such officer while on duty, or

(b) received by such officer while on a direct journey—

(i) from his place of residence to his place of work to report for duty, or

(ii) from his place of work to his place of residence after duty, or

(c) received by such officer while not on duty in the performance of some act which is within the scope of his ordinary duties, or

(d) received by such officer in consequence of any act performed in the execution of his duties, or

(e) received by such officer as a result of any act of reprisal occasioned by or arising out of any action taken by him in the execution of his duties.

Such regulations may provide for the principles, exceptions, restrictions and conditions according, and subject, to which such compensation will be granted and for all other matters necessary or expedient for the establishment and operation of such scheme. Such regulations may make different provisions in respect of police officers who are members of the police reserve and police officers who are not such members.”