

No. 28.—1871.

No. 28.—1871.

An Ordinance to provide for the Registration of Domestic Servants.

Preamble.

WHEREAS it is expedient to provide for the Registration of Domestic Servants,
IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the
advice and consent of the Legislative Council thereof, as follows:—

Commencement of Ordinance.

1. **THIS** Ordinance shall come into operation in such towns or districts of the Island, and from such date or dates, as may from time to time be prescribed by the Governor, by Proclamation published in the *Government Gazette*.

2. 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.

No. 28.—1871.

Interpretation clause.

“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, horsekeepers, and house and garden coolies.

3. IT shall be lawful for the Governor, from time to time as occasion may require, to appoint for the Island of Ceylon, 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.

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

Existing Servants.

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 shewing the names, capacity in which employed, and date of engagement of each of his servants.

Masters to cause Servants to be registered.

To supply lists to Registrar.

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

Servants to attend personally.

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. 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.

To procure Pocket register.

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.

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.

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.

Registrar may grant provisional registration.

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.

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

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. 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 *bonâ fide* one.

Registration to be refused to convicted offenders, &c.

Proviso.

No. 28.—1871.

General Regulations.

Master shall not engage un-registered 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.

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.

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. 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. 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.

Proviso.

Servants to attend at Office of Registrar for Pocket register entries to be transferred to General registry.

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.

Servants to exhibit Pocket registers to Police.

16. IT shall be the duty of every registered servant to produce his Pocket register when called upon to do so by the Police.

Registered servants entering service in places not brought under Ordinance.

17. 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.

Masters in places not under Ordinance.

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

Duplicate Pocket registers.

19. 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.

20. THE following penalties are hereby imposed for any of the following acts:—

As respects Officers of the Registration Department.

Registrar and his establishment for 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.

Registrar and his establishment for 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 on persons who offer such.

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.
 - (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 18.

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

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 17.

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

No. 28.—1871.

Servants giving false information.

- (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.

As respects others.

Other persons for injuring Registration documents.

- (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.

Fees.

Fees.

21. THE following fees shall be levied under this Ordinance; such fees to be paid by masters or servants, or intending servants, in stamps, to be attached to the Pocket register :—

Fee payable by Master on causing an existing servant to be registered	...	Twenty-five Cents.
" " on engaging a new servant	...	" "
" Intending Servant on provisional registration	...	" "
" " " on registration being confirmed	...	" "
" Servant for the registration of previous service or antecedents	...	" "
" " for a duplicate Pocket register...		One Rupee.

Appropriation of fines.

22. IT shall be lawful for the Court awarding a fine, to direct that any sum not exceeding half thereof shall be paid to the informer, 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 Governor, with the advice of the Executive Council, from time to time, shall direct.

Passed in Council, the Twenty-ninth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-ninth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.