

## No. 10 of 1958

## CONCILIATION BOARDS

Acts  
Nos. 10 of 1958  
12 of 1963.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF CONCILIATION BOARDS IN VILLAGE AREAS AND IN SUCH OTHER AREAS AS MAY BE DETERMINED BY THE MINISTER OF JUSTICE, TO DEFINE THE POWERS AND DUTIES OF SUCH BOARDS, AND TO MAKE PROVISION FOR MATTERS CONSEQUENTIAL OR INCIDENTAL THERETO.

[Act No. 10 of 1958—12th March, 1958.]

[Act No. 12 of 1963—24th December, 1963.]

Short title.

1. This Act may be cited as the Conciliation Boards Act, No. 10 of 1958.

Operation of  
this Act.

2. (1) This Act shall be in operation in every village area and in such other areas as may be determined by the Minister of Justice by Order published in the Gazette.

(2) This Act shall be in operation in any area determined by the Minister of Justice under subsection (1) subject to such modifications of its provisions as may be set out in the Order by which such determination is made.

[§ 2, 12 of 1963.]

(3) In subsection (1), the expression "village area" has the same meaning as in the Village Councils Ordinance.

Panel of  
Conciliators.  
[§ 3, 12 of 1963.]

3. (1) For the purposes of this Act, the Minister of Justice may from time to time by Order published in the Gazette, constitute for any area in which the Act is in operation, or for any part of such area, such area or part thereof being hereinafter referred to as a "Conciliation Board area", a Panel of Conciliators of not less than twelve persons from which Conciliation Boards for that Conciliation Board area shall be constituted as hereinafter provided.

(2) Where a Panel of Conciliators is to be constituted for any Conciliation Board area, the Minister of Justice shall, by notice published in the Gazette and in such other manner as may be determined by him, notify that it is intended to constitute such Panel and that recommendations under subsection (3) may be made to him in writing within such time as shall be specified in the notice in regard to the persons who are to be appointed to such Panel.

[§ 4, 12 of 1963.]

(3) Where the area of administrative authority or activity, as the case may be, of any local authority, Rural Development Society, Praja Mandalaya or Co-operative Society which is registered under the Co-operative Societies Ordinance or of any Divisional Revenue Officer or Grama Sevaka, is situated, in whole or part, within any Conciliation Board area for which a Panel of Conciliators is to be constituted, then each such body or person may, within the time allowed therefor by the notice under subsection (2), recommend in writing to the Minister of Justice such persons as are, in the opinion of the recommending body or person, fit to be members of such Panel.

[§ 3, 12 of 1963.]

Cap. 124.

(4) Any person resident in a Conciliation Board area and any public officer engaged in any work in that Conciliation Board area may be appointed as a member of the Panel of Conciliators for that Conciliation Board area.

[§ 4, 12 of 1963.]

(5) The Minister of Justice shall take into consideration such recommendations as may be made under subsection (3) in appointing the members of a Panel of Conciliators.

(6) A member of a Panel of Conciliators may resign office by letter addressed to the Minister of Justice.

(7) The Minister of Justice may, without assigning any reason, remove from office any member of a Panel of Conciliators.

(8) Every member of a Panel of Conciliators shall, unless he earlier vacates or is removed from office, hold office for such period not exceeding three years as the Minister of Justice may determine at the time of the

appointment of such member. Any member of a Panel of Conciliators vacating office by effluxion of time shall be eligible for reappointment.

[§ 3, 12 of 1963.]

(9) In subsection (3), the expression "local authority" means any Municipal Council, Urban Council, Town Council or Village Council.

Chairman of  
Panel of  
Conciliators.  
[§ 4, 12 of 1963.]

4. (1) The Minister of Justice shall appoint one of the members of the Panel of Conciliators constituted for any Conciliation Board area to be the Chairman of such Panel.

(2) The Chairman of a Panel of Conciliators may resign office by letter addressed to the Minister of Justice.

(3) The Minister of Justice may, without assigning any reason, remove from office the Chairman of a Panel of Conciliators.

Constitution  
of Concilia-  
tion Boards.  
[§ 4, 12 of 1963.]

5. (1) For the purpose of constituting a Conciliation Board for any Conciliation Board area, the Chairman of the Panel of Conciliators constituted for that Conciliation Board area shall select from such Panel not less than three persons.

[§ 4, 12 of 1963.]

(2) Where the Chairman of the Panel of Conciliators constituted for any Conciliation Board area is a member of a Conciliation Board constituted for that Conciliation Board area, then, he, or, where he is not a member of that Board, then such member of that Board as may be nominated in writing by such Chairman, shall be the President of that Board.

[§ 4, 12 of 1963.]

[§ 5, 12 of 1963.]

[§ 4, 12 of 1963.]

(3) Any number of Conciliation Boards may be constituted in a Conciliation Board area for which a Panel of Conciliators has been constituted.

Civil disputes  
and offences  
that may be  
referred to  
Conciliation  
Boards.  
[§ 4, 12 of 1963.]

6. The Chairman of the Panel of Conciliators constituted for any Conciliation Board area may, and shall upon application made to him in that behalf, refer for inquiry to Conciliation Boards constituted out of that Panel the following disputes and offences :—

(a) any dispute in respect of any movable property that is kept, or any immovable property that is wholly or partly situate, in that Conciliation Board area ;

- (b) any dispute in respect of any matter that may be a cause of action arising in that Conciliation Board area for the purpose of the institution of an action in a civil court ;
- (c) any dispute in respect of a contract made in that Conciliation Board area ;
- (d) such offences specified in the Schedule to this Act as are alleged to have been committed in that Conciliation Board area.

7. A Conciliation Board shall, in respect of any dispute or offence referred to it for inquiry, have the following powers :—

Powers of a Conciliation Board.

- (a) to procure and receive all such written or oral evidence, and to examine all such witnesses, as the Board may think it necessary or desirable to procure or examine ;
- (b) to summon any person residing in Ceylon to attend any meeting of the Board to give evidence or produce any document or other thing in his possession, and to examine him as a witness or require him to produce any document or other thing in his possession ;
- (c) notwithstanding any of the provisions of the Evidence Ordinance, to admit any written or oral evidence which might be inadmissible in civil or criminal proceedings.

[§ 6, 12 of 1963.]

[§ 6, 12 of 1963.]

Cap. 14.

8. (1) Every summons issued by a Conciliation Board shall be under the hand of the President of the Board.

Summons.

(2) Any summons issued by a Conciliation Board may be served by delivering it to the person named therein, or, if that is not practicable, by leaving it at the last known place of abode of that person.

(3) Every person on whom a summons issued by a Conciliation Board is served shall attend before the Board at the time and place mentioned therein, and shall give evidence or produce such documents or other things as are required of him and are in his possession or power, according to the tenor of the summons.

(4) If any person upon whom a summons issued by a Conciliation Board is served—

(a) fails without cause, which in the opinion of the Board is reasonable, to appear before the Board at the time and place mentioned in such summons, or

[§ 7, 12 of 1963.]

(b) refuses or fails without cause, which in the opinion of the Board is reasonable, to produce and show to the Board any document or other thing which is in his possession or power and which is in the opinion of the Board necessary for arriving at the truth of the matters that are being inquired into by the Board,

[§ 7, 12 of 1963.]

such person shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees.

No stamp  
duty on  
summons.

9. No stamp duty shall be payable for any summons issued by a Conciliation Board.

Service of  
summons.  
[§ 8, 12 of 1963.]

10. Every summons issued by a Conciliation Board shall be served by the Fiscal or by any police officer or Grama Sevaka specified therein.

Privileges of  
witnesses.

11. Every person who gives evidence before a Conciliation Board shall, in respect of such evidence, be entitled to all the privileges to which a witness giving evidence before a court of law is entitled in respect of evidence given by him before such court.

Duties of a  
Conciliation  
Board.

12. (1) Where any dispute is referred to a Conciliation Board under this Act for inquiry, it shall be the duty of the Board to summon the parties to such dispute to appear before the Board and after inquiring into such dispute make every effort to induce such parties to settle such dispute, and, where such parties agree to a settlement, record such settlement and issue a copy thereof signed by the President of the Board to each such party.

(2) Where any offence is referred to a Conciliation Board under this Act for inquiry, it shall be the duty of the Board to summon the alleged offender or

offenders and the party or parties against whom such offence is alleged to have been committed to appear before the Board and to inquire into the allegation of such offence. If after such inquiry the Board is satisfied that such offence has been committed, the Board shall make every effort to induce such offender or offenders and such party or parties to agree to compound such offence, and, where such offender or offenders and such party or parties so agree, then—

(a) if such offence is an offence specified in Part I of the Schedule to this Act, the Board shall make a record of the compounding of such offence and issue a copy thereof signed by the President of the Board to each such offender and each such party, and

(b) if such offence is an offence specified in Part II of the Schedule to this Act, the Chairman of the Panel of Conciliators shall make a written recommendation to the Attorney-General that the Attorney-General's consent may be given to the compounding of such offence.

[§ 9, 12 of 1963.]

13. (1) Any party to a civil dispute which is settled by a Conciliation Board in any Conciliation Board area may, within thirty days after the date of settlement of such dispute, in writing notify to the Chairman of the Panel of Conciliators constituted for such Conciliation Board area that, with effect from such date as shall be specified in the notification, the settlement effected by such Board will be repudiated by him for the reasons stated in the notification, and, where such notification is made with such reasons stated therein, such settlement shall cease to be in force from the date specified in such notification.

Repudiation of settlement of a civil dispute made by a Conciliation Board and steps to be taken up on non-repudiation.

[§ 4, 12 of 1963.]  
[§ 10, 12 of 1963.]

(2) Where the written notification referred to in subsection (1) is not received by such Chairman within thirty days after the date of settlement of such dispute, such Chairman shall forthwith transmit to the District Court or the Court of Requests or the Rural Court, as the case may be, having jurisdiction to hear and adjudicate upon such dispute, a copy of the settlement recorded by that Board. Such copy shall be signed and certified by the President of that Board.

[§ 10, 12 of 1963.]

[§ 10, 12 of 1963.] (3) (a) Immediately upon the receipt by the District Court or the Court of Requests, as the case may be, of the copy of the settlement referred to in subsection (2), the District Judge or the Commissioner of Requests of that court shall cause such copy to be filed of record in such court. Such settlement shall, with effect from the date of such filing, be deemed to be a decree of that court, and such of the provisions of the Civil Procedure Code as relate to the execution of decrees shall, as far as may be practicable, apply *mutatis mutandis* to and in relation to such settlement which is deemed to be a decree.

Cap. 101.

(b) Immediately upon the receipt by the Rural Court of the copy of the settlement referred to in subsection (2), it shall be the duty of the President of such court to file such copy in the records of such court. Such settlement shall, with effect from the date of such filing, be deemed to be a judgment of such court, and such of the provisions of the rules made under section 52 of the Rural Courts Ordinance as relate to the execution of judgments shall, as far as may be practicable, apply *mutatis mutandis* to and in relation to such settlement which is deemed to be a judgment.

Cap. 8.

Provision  
in regard to  
institution  
of certain  
civil actions  
or prosecution  
for certain  
offences.

[§ 4, 12 of 1963.]

14. (1) Where a Panel of Conciliators has been constituted for any Conciliation Board area,—

(a) no proceedings in respect of any dispute referred to in paragraphs (a), (b) and (c) of section 6 shall be instituted in, or be entertained by, a civil court unless the person instituting such proceedings produces a certificate from the Chairman of such Panel that such dispute has been inquired into by a Conciliation Board and it has not been possible to effect a settlement of such dispute by the Board, or that a settlement of such dispute made by a Conciliation Board has been repudiated by all or any of the parties to such settlement in accordance with the provisions of section 13 ;

(b) no prosecution for any such offence specified in Part I of the Schedule to this Act as is alleged to have been committed in such Conciliation Board area shall be instituted in, or be entertained by, any court unless the person instituting such prosecution produces a certificate from the Chairman of such Panel that the alleged offence has been inquired into by a Conciliation Board and has not been compounded; and

[§ 4, 12 of 1963.]

(c) no prosecution for any such offence specified in Part II of the Schedule to this Act as is alleged to have been committed in such Conciliation Board area shall be instituted in, or be entertained by, any court unless the person instituting such prosecution produces a certificate from the Chairman of such Panel that the alleged offence has been inquired into by a Conciliation Board and the Board has or has not recommended to the Attorney-General that the Attorney-General's consent may be given to the compounding of such offence.

[§ 4, 12 of 1963.]

(2) It shall be the duty of the Chairman of every Panel of Conciliators to issue the certificates required for the purposes of subsection (1) upon application made to him in that behalf.

15. In computing the period of prescription in regard to any cause of action or offence, the time taken by the proceedings before a Conciliation Board in regard to that cause of action or offence or the time during which a settlement made by a Conciliation Board in regard to that cause of action has been in force shall not be taken into consideration notwithstanding anything to the contrary in any other written law.

Prescription.



Members of Conciliation Board deemed to be public servants, and proceedings before such Board deemed to be judicial proceedings, within the meaning of the Penal Code. Cap. 19.

Regulations.

This Act to prevail over other written law.

Amendment of the Schedule to this Act.

[§ 11, 12 of 1963.]

[13,931/24.1.1964.]

16. The members of a Conciliation Board shall, so long as they are acting as such members, be deemed to be public servants within the meaning of the Penal Code, and every proceeding before such Board shall be deemed to be a judicial proceeding within the meaning of that Code.

17. (1) The Minister of Justice may make regulations to give effect to the principles and provisions of this Act.

(2) No regulation made under subsection (1) shall have effect until it is approved by the Senate and the House of Representatives and notice of such approval is published in the Gazette.

18. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law.

19. The Minister of Justice may, by Order published in the Gazette, amend the Schedule to this Act.

20. Repealed.

#### SCHEDULE

##### PART I

<i>Offence</i>	<i>Section of Penal Code, applicable.</i>
1. Voluntarily causing hurt	.. 314
2. Voluntarily causing hurt on provocation	.. 325
3. Wrongful restraint	.. 332
4. Wrongful confinement	.. 333
5. Using criminal force otherwise than on grave and sudden provocation	.. 343
5A. Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation	.. 346
*6. Assaulting or using criminal force on grave and sudden provocation	.. 349
*7. Committing mischief	.. 409

\* Original items 7 and 8 renumbered as items 6 and 7—  
Vide Gazette No. 11,914 of October 23, 1959.

SCHEDULE

PART I

<i>Offence</i>	<i>Section of Penal Code, applicable.</i>	
* 8. Committing mischief and thereby causing damage to the amount of fifty rupees .. ..	410	
8A. Mischief by killing or maiming any animal of the value of ten rupees ..	411	[13,931/24.1.1964.]
8B. Mischief by killing or maiming cattle, etc., or any animal of the value of fifty rupees .. ..	412	[13,931/24.1.1964.]
* 9. Criminal trespass .. ..	433	
*10. House trespass .. ..	434	
* 11. International insult with intent to provoke a breach of the peace .. ..	484	
*12. Criminal intimidation .. ..	486	

<i>Offence</i>	<i>Section of Cattle Trespass Ordinance †Applicable.</i>
*13. Unlawful removal of any cattle from custody of person entitled to keep or detain such cattle .. ..	12A
*14. Causing animals to trespass .. ..	13 and 13A

PART II ††

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\* Original items 6, 12, 13 and 14 omitted. Original items 9, 10, 11, 15, 16, 17 and 18 renumbered as items 8, 9, 10, 11, 12, 13 and 14—*Vide* Gazette No. 11,914 of October 23, 1959.

† Repealed by section 27 of the Animals Act, No. 29 of 1958.

†† The items appearing under Part II have been omitted—*Vide* Gazettes Nos. 11,914 of October 23, 1959 and 13,931 of January 24, 1964.