

AN ACT TO GIVE EFFECT TO THE UNITED NATIONS CONVENTION AGAINST CORRUPTION AND OTHER INTERNATIONALLY RECOGNIZED NORMS, STANDARDS, AND BEST PRACTICES; TO PROVIDE FOR THE ESTABLISHMENT OF AN INDEPENDENT PERMANENT COMMISSION TO DETECT AND INVESTIGATE ALLEGATIONS OF BRIBERY, CORRUPTION AND OFFENCES RELATED TO THE DECLARATION OF ASSETS AND LIABILITIES OR ASSOCIATED OFFENCES, AND TO DIRECT THE INSTITUTION OF AND INSTITUTE PROSECUTIONS FOR OFFENCES OF BRIBERY, CORRUPTION AND OFFENCES RELATED TO THE DECLARATION OF ASSETS AND LIABILITIES AND OTHER ASSOCIATED OFFENCES; TO PROMOTE AND ADVANCE THE PREVENTION OF CORRUPT PRACTICES; TO EDUCATE AND RAISE AWARENESS AMONGST THE PUBLIC TO COMBAT CORRUPTION; TO REPEAL THE BRIBERY ACT, NO. 11 OF 1954, THE COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR CORRUPTION ACT, NO. 19 OF 1994 AND THE DECLARATION OF ASSETS AND LIABILITIES LAW, NO. 1 OF 1975 AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

1. (1) This Act may be cited as the Anti-Corruption Act, No., of 2019.

(2) The provisions of this Act, shall come into operation on such date or dates as the Minister may appoint by Order published in the Gazette. Different dates may be appointed by the Minister for the coming into operation of different Parts of this Act.

(3) The provisions of subsection (2) shall come into force on the date the certificate of the Speaker is Endorsed in terms of Article 79 of the Constitution.

Objects and
purposes of this
Act

2. (1) The objects and purposes of this Act shall be to-

- (a) enhance transparency in governance;
- (b) strengthen integrity of governance and increase accountability;
- (c) enhance public confidence in government and strengthen public participation;

- (d) establish an independent Commission, protected from undue influence, with adequate powers, training, and resources to carry out its responsibilities under the Act;
- (e) mandate the Commission to conduct investigations into and prosecutions relating to offences of bribery and corruption as well as to conduct prevention, coordination, and educational activities on anti-corruption;
- (f) prevent illicit enrichment of public officials and conflicts of interest through the implementation of a system of declaration of assets;
- (g) criminalize certain identified conduct in relation to the offences of bribery, corruption, the declaration of assets and liabilities, and other associated offences;
- (h) strengthen existing sanctions and provide for further proportionate and dissuasive sanctions for the effective enforcement of the law on prevention of bribery and corruption;
- (i) to promote inter-agency cooperation and international collaboration in addressing bribery and corruption;
- (j) give effect to obligations incurred under the United Nations Convention Against Corruption (UNCAC), other international agreements, and accepted international norms, standards, and best practices in order to establish a culture of integrity in Sri Lanka.

Provided however, certain Parts of this Act may contain objects and purposes relevant to that Part **only** for the better manifestation of the provisions therein.

(2) For the purposes of this section, “governance” includes systems and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment and broad-based participation in the administration of the government.

PART I

CHAPTER I

ESTABLISHMENT OF THE COMMISSION

Establishment of
the Independent
Commission
Against
Corruption

3. (1) There shall be established, for the purposes of this Act, a Commission which shall be known as the Independent Commission Against Corruption (hereinafter referred to as "the Commission").

(2) The Commission shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

(3) The Commission shall have powers as spatulated in Part of this Chapter for the accomplishment of the objects of this Act and fulfillment of the purposes thereof and shall be exercised by the Commissioners appointed under section 4 and the Director General appointed under section 16 of the Act.

Constitution of
the Commission

*Who appoints
the Commission?*

4. (1) **The Commission shall consist of the following three members: -**

~~(a) a retired Judge of the Supreme Court or the Court of Appeal;~~

~~(b) a retired judge of the High Court; and~~

~~(c) a person with wide experience in prosecution.~~

(a) a Judge of the Court of Appeal or a Judge of the High Court;

(b) an Officer of the Attorney General's Department not below the rank of a Deputy Solicitor General; and

(c) a person qualified in one of the following fields: -

(i) accounting;

(ii) auditing;

(iii) management; or

(iv) public administration.

(2) Every member of the Commission shall -

(a) be a citizen of Sri Lanka;

(b) be not more than sixty eight years of age as at the date of appointment;

(c) be physically and mentally fit;

(d) be competent, honest, of high moral integrity, and is of good repute;

(e) have relinquished all other remunerated offices while being a member of the Commission:

Provided however, a person holding any remunerated office may be considered for appointment as a **member of the Commission** if such person relinquishes all remunerated offices prior to assuming office **as such member**;

(f) not pursue other professional commitments while being a **member of the Commission**; and

(g) publicize his assets and liabilities according to the prevailing written laws before assuming office as such **member**.

Disqualifications
from being a
Commissioner

5. A Person shall be disqualified from being appointed, or continuing as a **member of the Commission**, if such person –

(a) has been convicted of a criminal offence other than an offence punishable with only a fine; or

(b) is adjudged an insolvent by a court of competent jurisdiction; or

(c) is, or has been an elected representative to any political office;
or

(d) holds or has held any post or membership in any political party recognized for the purposes of presidential elections, parliamentary elections, provincial council elections, or any local government elections conducted under the prevailing laws.

Removal of a
member of the
Commission

6. (1) A **member of the Commission** shall not be removed from office except by an order of the President made after an address of Parliament on a resolution **for such an address**, supported by a majority of the total number of Members of Parliament (including those not present) has been presented for such removal on the ground of proved misconduct or physical, mental or other incapacity of a permanent nature:

Provided that no resolution for the presentation of such an address shall be entertained by the Speaker or placed on the Order Paper of Parliament,

unless notice of such resolution is signed by not less than one-third of the total number of Members of Parliament and sets out full particulars of the alleged misconduct or incapacity.

(2) The procedure for the presentation and passing of an address of Parliament for the removal of a Judge of the Supreme Court or the Court of Appeal shall apply in all respects to the presentation and passing of an address of Parliament for the removal of a **member of the Commission**.

Resignation of a
Commissioner

7. (1) A **member of the Commission** may at any time resign from his office by a letter addressed to the President in that behalf and such resignation shall take effect upon it being accepted by the President in writing.

(2) The President shall appoint a new **member** in place of the **member** who resigned, within three months of the resignation of such **member**.

Term of office of
the **members of**
the Commission

8. (1) Subject to the provisions of section 143, every **member of the Commission** shall, unless such **member** earlier vacates office by death, resignation or removal, hold office for a period of three years and shall not be eligible for reappointment.

(2) Every **member of the Commission** vacating office at the expiration of the period of office shall continue to function in his capacity as **such member** until a new **member** is appointed **in his place**.

Remuneration of
the **members of**
the Commission

9. The salaries of the **members of the Commission** shall be-

- (a) determined by Parliament;
- (b) charged on the Consolidated Fund and shall not be diminished during their terms of office; and
- (c) commensurate to the salaries of the Judges of the Supreme Court.

* Chairman of the
Commission

10. The President shall appoint as Chairman of the Commission, the **member who is a retired Judge of the Supreme Court or of the Court of Appeal.**

Member of the

11. (1) A **member of the Commission** shall submit a general disclosure of

Commission to disclose any interest

his interests as at the date of such appointment to the Constitutional Council upon nomination as **such member**:

(2) A **member of the Commission** who is directly or indirectly interested in any matter that is to be taken up before the Commission shall disclose the nature of such interest **to the Commission** and shall not take part in any deliberation or decision of the Commission with regard to that matter.

Acts not invalidated by reason of a vacancy

12. No act or decision or proceeding of the Commission shall be invalidated by reason only of the existence of a vacancy among **the members** or of any defect in the appointment of a **member** thereof.

Seal of the Commission

13. (1) The seal of the Commission shall be in the custody of the Chairman of the Commission.

(2) The seal of the Commission may be altered in such manner as may be determined by the Commission.

(3) The seal of the Commission shall not be affixed to any instrument or document except in the presence of a **member** of the Commission and the Director-General of the Commission or in the absence of the Director-General, in the presence of any two **members** of the Commission, who shall sign the instrument in token of their presence.

Commission to be answerable to Parliament

14. The Commission shall be responsible and answerable to Parliament in accordance with the provisions of the Standing Orders of Parliament for the discharge of its functions and shall forward to Parliament in each calendar year a report of its activities during such year.

Powers, Duties and functions of the Commission

15. (1) It shall be the duty of the Commission on receipt of any allegation relating to the commission of an offence under the Act, –

(a) to hold a preliminary inquiry or **conduct** an investigation as the case may be, **regarding** the alleged offence; and

(b) **direct the Director-General** to institute persecution against the person or persons alleged to have committed such offence,

if there are grounds to substantiate, in his opinion, the commission of the alleged offence.

(2) The quorum to hold the above mention inquiry or investigation shall be two **members**:

Provided however, where the urgency of any investigation or inquiry demands, any one **member** may carry out such functions and such act shall be deemed to be **an** act of the Commission.

(3) Any power or function vested in the Commission may be exercised by any Commissioner sitting separately and such Act shall be deemed to be the act of the Commission.

CHAPTER II

DIRECTOR-GENERAL AND THE STAFF OF THE COMMISSION

Appointment of
the Director-
General

16. (1) The President shall on the recommendation of the Constitutional Council appoint a Director-General (in this Act referred to as the "Director-General") to the Commission to carry out the functions assigned to him under this Act.

(2) The Director General shall submit a general disclosure of interests to the Constitutional Council upon making such recommendation, before making such appointment of the Director-General as the Director General.

Provided however, the Director General who is directly or indirectly interested in any matter that is to be taken up before the Commission shall disclose the nature of such interest and shall not take part in any deliberation or decision of the Commission with regard to that matter.

Functions of the
Director-General

17. The Director General shall –

- (a) be the indicting authority of the Commission;
- (b) be the Chief Executive Officer of the Commission;
- (c) be the Chief Finance Officer of the Commission; and
- (d) carry out all such other **duties** and functions necessary to realize the objects and purposes of this Act.

Qualifications
and
disqualifications
to be appointed
as the Director-
General

18. (1) A person appointed as the Director-General shall –

- (a) be a citizen of Sri Lanka;
- (b) be physically and mentally fit;
- (c) be an Attorney-at-Law with at least twenty years experience in conducting criminal prosecutions;
- (d) be competent, of high moral integrity, and is of good repute;
- (e) relinquish all other paid offices while holding office as **Director-General**; and
- (f) have publicized his assets and liabilities under the prevailing written law before being appointed as such Director- General.

(2) A Person shall be disqualified from being appointed, or continuing as the Director-General if such person –

- (a) has been convicted of a criminal offence other than **any** offence punishable with only a fine; or
- (b) is adjudged an insolvent by a court of competent jurisdiction; or
- (c) is or becomes of unsound mind or incapable of carrying out his duties under the Act; or
- (d) is guilty of serious misconduct in relation to such person's duties; or
- (e) fails to comply with his obligations under the provisions of this Act; or
- (f) is, or has been within three years prior to such person's nomination for such appointment, a member of Parliament; or
- (g) is a member of a Provincial Council or any local authority; or
- (h) holds any post in any political party recognized for the purposes of parliamentary elections.

Resignation of
the Director-
General

19. The Director-General may resign from his office at any time by letter in that behalf addressed to the President.

Removal of the
Director-General

20. The President may for cause assigned and with the approval of the Constitutional Council, remove the Director-General from office after giving the Director-General an opportunity to be heard in person or by representative.

Death,
resignation or
removal of the
Director
General

21. The President shall appoint a new Director General within three months of the death, resignation or removal as the case may be, of the Director General, having regard to the provisions of section 16 of the Act.

Term of office of
the Director-
General

22. (1) The Director-General shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of five years and shall not be eligible for reappointment.

(2) The Director-General on vacating office at the expiration of the period of office shall continue to function in his capacity as Director-General until a new Director-General is appointed.

Remuneration of
the Director-
General

23. The remuneration of the Director-General appointed under section 16 shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during his period of service with the Commission.

Director General
may delegate
powers

24. (1) The Director General may delegate to any other competent officer appointed to assist the Commission any power, function, or duty of the Director-General except the power of delegation conferred on him by this section and such other officer may exercise those powers and perform such functions and discharge such duties subject to the control and supervision of the Director General.

(2) In the event the office of the Director -General becomes vacant due to death, resignation, removal or dismissal, the powers, functions, or duties of the Director-General shall be delegated to any other competent officer appointed to assist the Commission until a new appointment is made within three months of such vacancy **under section 21 of the Act.**

Staff of the
Commission

25. (1) The Commission may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions.

(2) The officers and employees appointed under subsection (1) shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Commission and the

remuneration shall be charged on the Fund of the Commission.

(3) The professionals, consultants, experts, or investigators whose services are retained on fixed term **contracts** under section 31 shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Commission and the remuneration shall be charged on the Fund of the Commission.

(4) At the request of the Commission any member of the Local Government Service constituted under Local Government Service Law, No. 16 of 1974 or any other officer or official of a local authority, may, with the consent of such member or officer and the Local Government Service Commission established by section 3 of the Local Government Service Law, No. 16 of 1974, or the local authority, as the case may be, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent or be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Commission and the Local Government Service Commission or that local authority as the case may be.

(5) At the request of the Commission any officer in the public service may, with the consent of such officer and the Secretary to the Ministry of the Minister assigned with the subject of Public Administration be temporarily appointed to the Commission for such period as may be determined by the Commission with like consent, or be permanently appointed to such staff.

(6) Where any officer in the Public Service is temporarily appointed to the staff as the Commission, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis* apply to and in relation to such officer.

(7) Where any officer in the Public Service is permanently appointed to the staff of the Commission, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis* apply to and in relation to such officer.

(9) At the request of the Commission any officer or employee of a public corporation may, with the consent of such officer or employee and the governing board of such corporation, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent or be permanently appointed to the staff of the Commission on

such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Commission and the governing board of such corporation.

(10) At the request of the Commission any member of the Sri Lanka State Audit Service established under section 30 of the National Audit Act, No. 19 of 2018, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent or be permanently appointed to the staff of the Commission on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Commission and the National Audit Office established under section 29 of the National Audit Act, No. 19 of 2018.

Declaration to be
signed before
entering upon
duties

26. (1) Any member of the Commission, the Director-General or any employee of the Commission shall not disclose any information received by him, or coming to his knowledge, in the exercise and the discharge of his powers and functions under this Act, except for the purpose of giving effect to the provisions of this Act or where provision has been made under this Act to share information.

(2) Every Commissioner, the Director-General and every employee of the Commission shall, before entering upon the duties of his office, sign a declaration to the effect that he will not disclose any information received by him, or coming to his knowledge, in the exercise and the discharge of his powers and functions under this Act, except for the purpose of giving effect to the provisions of this Act.

(3) Notwithstanding the provisions of subsection (1), the Director-General may disclose, for the purposes of publication in the press, such information as he considers necessary in the public interest.

Members of the
Commission
deemed to be
public official &
c.

27. (1) The members of the Commission, and the Director General and officers' and employees, appointed to assist the Commission shall be deemed to be public officials within the meaning of the Penal Code (Chapter 19) and every investigation conducted under this Act shall be deemed to be a judicial proceeding within the meaning of that Code.

(2) The Director-General and every officer appointed to assist the Commission shall be deemed to be peace officers within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

Protection for actions

28. (1) No proceedings, civil or criminal, shall be instituted against a **member of the** Commission, the Director-General or any **officer or** employee of the Commission, or any person whose service is retained under section 31 or against any other person assisting the Commission in any way, other than for contempt for any act which is done or omitted to be done, in good faith by him as such **member of the** Commission, Director-General, officer, employee, a person hired or retained under section 31 or any other person.

(2) A **member of the** Commission or the Director-General or any **officer or** employee appointed to assist the Commission or any person hired or retained under section 31 shall not be required to produce in any court, any document received by, or to disclose to any court, any matter or thing, coming to the notice of the Commission in the course of any investigation conducted by the Commission under this Act, except as may be necessary for the purposes of proceedings before a court of laws for contempt or for an offence under this Act or for an offence under Chapter XI of the Penal Code (Chapter 19) or the Prevention of Money Laundering Act, No. 5 of 2006.

(3) No proceedings, civil or criminal, shall be instituted in any court against any **member of the** Commission in respect of any report made by the Commission under this Act or against any other person in respect of the publication by such person of a substantially true account of such report.

CHAPTER III

FINANCE

The Commission to submit annual budget estimates for incorporation in the national budget

29. (1) The Commission shall prepare the annual budget estimates of the Commission within the period as specified by the Minister assigned the subject of Finance. The said estimates shall be submitted to the Speaker on such date as may be decided by the Speaker after consultation with the said Minister of Finance and the Commission. The Speaker shall table the said estimates in Parliament for its review with the observations of the Minister assigned the subject of Finance, who shall provide his observations to the Speaker within ten

working days from its receipt of such annual budget estimates from the Speaker. The Parliament shall after having reviewed the annual budget estimates of the Commission forward the estimates to the Minister assigned the subject of Finance for incorporation in the national budget with such modifications, if any, as Parliament thinks fit.

(2) The Commission shall have its own Fund.

(a) There shall be paid into the Fund –

(i) all such sums of money as may be voted upon from time to time by Parliament for the use of the Commission; and

Conflict of interest? (ii) all such sums of money as may be received by the Commission by way of donations, ^{*}gifts, bequests, or grants from any source whatsoever, whether within or outside Sri Lanka, subject to the approval of the Minister assigned the subject of Finance.

Grants - procedure? (b) There shall be paid out of the Fund all such sums of money required to defray the expenditure incurred by the Commission in the exercise, discharge and performance of its powers and functions.

(3) If the decision of Parliament on the national budget is delayed, Parliament shall provide the Commission with an interim fund, which shall be, at least, equivalent to the previous year's budget on current expenses.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, Parliament shall ensure availability of funding for urgent and complex investigations conducted by the Commission, in accordance with the budgetary process if there is a deficit in the approved budget.

CHAPTER IV

POWERS AND FUNCTIONS OF THE COMMISSION

appointment,
promotion, etc of
the officers etc.
of the
Commission

30. The appointment, promotion, disciplinary control, and dismissal of the officers and other employees of the Commission shall be vested in the Commission and shall be carried out in the manner as may be determined by the Commission.

who are the investigation officers?

Retain services
of other
personnel

31. (1) The Commission may retain the services of such other officers and employees on fixed-term contracts as it considers necessary for the proper and effective performance of its powers and functions.

(2) The Commission may implement internships, apprenticeships, and volunteer schemes as it considers necessary for the proper and effective performance of its powers and functions subject to such conditions of service as may be determined by the Commission.

(3) The Commission may where it considers it expedient to do so, hire or retain **on fixed term contracts** the services of such professionals, consultants, experts, or investigators as may be necessary for the proper and effective performance of its powers and functions.

Receiving funds

32. The Commission may receive all such sums of money as are credited to the Fund of the Commission under the provisions of section 29.

Education and
dissemination

33. The Commission shall educate and disseminate information to the public on detrimental effects of corrupt conduct practised by categories of persons to whom this Act applies and enlist and foster public support in combating such corrupt conduct.

Monitoring the
implementation
of anti-corruption
policies

34. The Commission shall monitor the implementation of effective, coordinated anti-corruption policies and practices of the Government.

Examination of
laws, etc to
discover acts of
corruption

35. The Commission shall examine the laws, practices, and procedures of any public body in order to discover acts of corruption and methods of work or procedures which, in its opinion, may be conducive to corruption.

Advice and
provide
assistance to
public bodies

36. The Commission shall advise and assist any public body on ways and means in which acts of corruption may be eliminated and how to promote the integrity and good repute of public administration.

Provide
recommendations
to the
Government for

37. The Commission may make recommendations to the Government for future legislative reforms as it considers necessary to minimize corruption and, the adoption and ratification of international anti-corruption instruments.

legislative
reforms to
minimize
corruption

Measures to
prevent
corruption

38. (1) The Commission may, -

- (1) liaise with any public authority to facilitate the promotion of the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability;
- (2) liaise with the Government to review the relevant institutional, legal and procedural provisions to implement a coherent and coordinated anti-corruption strategy;
- (3) advise heads of Government Departments or of public bodies, of changes in practices or procedures compatible with the effective discharge of the duties of such Departments or public bodies which the Commission thinks necessary to reduce the likelihood of the occurrence of corrupt practices;
- (4) monitor the implementation of such anti-corruption measures by public agencies and may require such public agencies to report to it on its implementation status;
- (5) provide consultation, guidance, and advice to any institution public or private on prevention strategies or measures to eradicate corruption;
- (6) instruct, advice and assist any person on ways in which corruption may be eliminated by such person;
- (7) take measures to educate the public against corruption; and
- (8) take measures to enlist and foster public support against corruption.

(2) The Commission shall take any measures other than the measures specified under subsection (1) as may be necessary to prevent and combat corruption.

Investigations

39. Subject to the provisions of this Act, the Commission shall investigate allegations contained in any **information or complaint** made to it **or any material received by it** under section 42 where any such **allegations** discloses the commission of-

- (a) an offence under this Act other than **any** offence specified in the Schedule A to this Act; or
- (b) an offence under the Prevention of Money Laundering Act, No. 5 of 2006 when the unlawful activity within the meaning of that Act is committed in the same transaction together with an offence under the provisions of this Act; or
- (c) **an** offence specified in the Schedule A to this Act where such offence **has** been committed in the same transaction together with an act which constitutes an offence in terms of this Act; or
- (d) an offence falling within two or more offences under any law in force for the time being,

and direct the institution of proceedings against such person **in respect of** such offence in the appropriate court.

Central Authority
on declarations
of assets and
liabilities

40. The Commission shall act as the central authority on declarations of assets and liabilities under Part II of this Act.

Implementation
of International
Conventions,
agreements,
obligations etc

41. The Commission shall take all necessary measures to give effect to the United Nations Convention Against Corruption and any other international obligation which Sri Lanka has undertaken to prevent corruption.

Preliminary
inquiry,
investigation, and
other measures

42. (1) The Commission may commence the conduct of a preliminary inquiry—

- (a) upon receipt of any information; or
- (b) upon receipt of a complaint; or
- (c) *Ex mero motu* by the Commission; or

(d) based on any other material received by the Commission,
in relation to the commission of any act which may disclose the commission of an offence under this Act.

(2) The purpose of conducting a preliminary inquiry shall be to determine whether there exist reasonable grounds to believe that an offence under the provisions of this Act has been committed or there has been a conspiracy, preparation, attempt, or abetment to commit an offence under the provisions of this Act.

(3) After the conduct of a preliminary inquiry, if the Commission is satisfied that an offence under the provisions of this Act has been committed or there has been a conspiracy, preparation, attempt, or abetment to commit an offence under the provisions of this Act, the Commission may direct the conduct of an investigation:

Provided however, if the Commission is satisfied that there exist reasonable grounds to believe the committing of or **existence of any** conspiracy, preparation, attempt, or abetment to commit an offence under the provisions of this Act, the Commission may authorise the conduct of an investigation without the conduct of a preliminary inquiry.

(4) The purpose of the investigation conducted by the Commission under subsection (3) is to-

- (a) determine whether an offence under the provisions of this Act or any other offence referred to in this Act has been committed;
- (b) identify and trace witnesses to **the commission of** any offence referred to in paragraph (a) and any other relevant **facts**;
- (c) trace, interview, and record the statements of persons who may be acquainted with facts and circumstances pertaining to the committing of an offence under the provisions of this Act and any other offence referred to in this Act;
- (d) collect documents and material that has the potential of being converted into evidence in criminal proceedings;
- (e) determine the identity of persons who have committed an offence under the provisions of this Act or any other offence referred to in this Act;
- (f) trace, arrest, interview, and record the statement of any person

who has committed an offence in terms of this Act or any other offence referred to in this Act;

- (g) determine whether to institute criminal proceedings or take any other lawful action against any person, under the provisions of this Act; or
- (h) take any other appropriate measure provided for in this Act.

(5) On any information or a complaint received by the Commission, or if decided *ex mero motu* by the Commission, or on any other material received by the Commission, if the Commission is satisfied of the likelihood of an offence under the provisions of this Act being committed, it may take measures as may be necessary to detect the committing of such offence and make investigations thereto.

(6) Notwithstanding anything to the contrary in this Act or any other written law, where the Commission, on a consideration of material collected in the course of an investigation or inquiry or both an investigation and inquiry as the case may be by a Commission of Inquiry appointed under the Commissions of Inquiry Act (**Chapter 393**) or by a Commission appointed under the Special Presidential Commissions of Inquiry Law, **No. 7 of 1978** are satisfied that an offence under this Act has been committed, **it may direct the Director General to institute criminal proceedings against the person or persons alleged to have committed such offence** in terms of this Act.

(7) The Commissioners may prior to the institution of proceedings under subsection (6) direct to-

- (a) conduct further investigations into the commission of any offence;
- (b) consider material that may have been collected in the course of an investigation conducted by the Commission prior to the receipt of the material referred to in subsection (6); and
- (c) consider material the Commission may have received from any other law enforcement authority.

(8) Notwithstanding anything to the contrary in this Act or any other written law, the Commission may, if it deems appropriate, forward the material collected and received under the subsections (6) and (7) to the Attorney-General or to any other authority to take any appropriate action under any other written law.

(9) The Commission shall not be required, unless it deems appropriate to, record a statement of a person who has given a statement to a Commission of Inquiry or to a Special Presidential Commission of Inquiry or has given evidence before such Commission.

Investigating
allegations of
commission of
offences

43. (1) Complaints or Information relating to the commission of an offence under the **provisions** of this Act by any person whether or not such person is holding, on the date on which the complaint is received by the Commission, the office or employment by virtue of holding which he is alleged to have committed the act constituting the offence, may be provided to the Commission orally or in writing.

(2) The complaint given orally shall be reduced to writing in the language it was given, **by any officer of the Commission as directed**, by the Commission, as soon as possible:

Provided that if it is not possible for the officer to record the complaint in the language in which it is given, the officer shall request that the complaint be given in writing. If the complainant is unable to give it in writing, the officer shall record the complaint in one of the national languages after recording the reasons for doing so and shall read over the record to the complainant or interpret it in the language such person understands.

(3) The Commission shall on its own motion or upon receipt of **any** information under subsection (1), if it is satisfied that such information is genuine and that the information discloses material facts upon which an investigation ought to be conducted, conduct such investigation as may be necessary for the purpose of deciding upon all or any of the following matters :-

(a) prosecution or other suitable action under the provisions of this

Act; or

(b) prosecution under any other law;

(4) Where the Commission decides, whether before or after the conduct of an investigation, that a communication received by it should be dealt with by any other authority, it may forward such communication to such other authority:

Provided, however, that Commission may record a statement of any witness and may conduct further investigations as the Commission deems necessary:

(5) In relation to a matter dealt with by any other authority it shall not be necessary for the Commission to record a statement of a witness who had already given a statement to any other law enforcement authority authorised to investigate a criminal offence or to any officer of a Commission appointed under Commissions of Inquiry Act (Chapter 393) or Special Presidential Commissions Act, No. 7 of 1978 or of a witness who had already given any evidence before a Commission appointed under Commissions of Inquiry Act (Chapter 393) or Special Presidential Commissions Act, No 7 of 1978 and the Commission may institute an action solely on such statements or evidence.

(6) The Commission shall have the power to investigate any matter disclosed by a communication received by it under subsection (1) whether or not such matters relate to a period prior to the appointed date and notwithstanding anything to the contrary in any other law.

Complainant
may know the
progress

44. Any person who has made a complaint under section 42 may be provided with the facts of an investigation **conducted under section 42**, upon a request **made in that behalf** in a manner which does not hinder the progress of the investigation. The Commission may communicate the basic steps taken in relation to the investigation.

Search and
seizure

45. (1) If the Commission is satisfied –

(a) that there is a reasonable ground for suspecting that an offence under this Act has been committed and that evidence of the commission of the offence is to be found at any premises or in any vessel, vehicle or aircraft or with any person; or

(b) that any book, account or other document or thing which ought to have been produced during an investigation

conducted by it under this Act and have not been so produced are to be found at such premises or in any such vehicle, vessel or aircraft or with any person,

the Commission may by written order, authorise an officer appointed to assist the Commission to enter such premises or, such vehicle, vessel or aircraft or such person as the case may be and search such premises, or such vehicle, vessel, aircraft or the person.

(2) An officer authorised by the Commission under subsection (1) may seize any article, which is found in the premises or in the vehicle, vessel or aircraft or with the person and which he has reasonable grounds for believing to be evidence of the commission of any offence under this Act, or any book, account or document or thing which he has reasonable grounds for believing, ought to have been produced at an investigation conducted by the Commission under this Act and every such article, book, account, document or thing seized by such officer in pursuance of the powers conferred on him by this section shall be produced by him before the Commission:

Provided that no female shall, in pursuance of a search under this section, be searched except by a female.

(3) Where, by virtue of this section a person has any power to enter into any premises, vessel, vehicle or aircraft, he may use such force as is reasonably necessary for the purpose of exercising that power.

(4) A list of all items seized pursuant to the preceding provisions of this section and of the places in which they are respectively found shall be prepared by the officer of the Commission effecting the seizure and be signed by him.

(5) A copy of the list referred to in the above section shall be served on the owner of such property or on the person from whom the property was seized as soon as possible.

(6) Where any movable property liable to seizure as stipulated above is in the possession, custody or control of a bank, the provisions of subsection (2) of section 47 shall apply thereto.

(7) The Director-General or an officer authorised by the Commission may with such assistance as may be necessary, enter and search any department, office or establishment of the Government to give effect to the provisions of

this section.

(8) The Director-General or any officer appointed to assist the Commission may obtain the assistance of any public employee or any other person authorized by the Commission for assistance in the exercise of his powers or the discharge of his functions under this Act.

Issuance of
warrant Cards

46. The Director-General may issue to such officers of the Commission as he thinks fit a warrant card which shall be prima facie evidence of the officer's appointment as such.

Commission may
arrest persons
without a warrant
etc

47. (1) Any authorized officer of the Commission may without an order from a Magistrate and without a warrant arrest any person suspected of committing an offence under the provisions of this Act if such person –

- (a) in his presence commits any offence under this Act;
- (b) has been concerned in any offence under this Act or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been so concerned;
- (c) obstructs an officer employed by the Commission while in the execution of his duty or has escaped or attempts to escape from lawful custody;
- (d) is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing an offence under this Act; or
- (e) has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any act committed at any place out of Sri Lanka, which if committed in Sri Lanka would have been punishable as an offence under this Act and for which he is under any law for the time being in force relating to extradition or to fugitive persons or otherwise, liable to be apprehended or detained in custody in Sri Lanka.

(2) In making an arrest under subsection (1), the officer making the same shall actually touch or confine the body of the person to be arrested unless there be a submission to the custody by word or action and shall inform the person to be arrested, of the nature of the charge or allegation upon which he is arrested and the keeping of a person in confinement or restraint without formally arresting him or under the colourable pretension that an arrest has not been made when to all intents and purposes such person is in custody, shall be deemed to be an arrest of such person.

(3) If such person forcibly resists the endeavour to arrest him or attempts to evade the arrest, the officer making the arrest may use such means as are reasonably necessary to effect the arrest.

(4) Anything in this section shall not give a right to cause the death of a person who is not accused of an offence punishable with death.

(5) If the officer making the arrest has reasons to believe that any person to be arrested has entered into or is within any place, the person residing in or in charge of such place shall on demand of such officer allow him free ingress therein and afford all reasonable facilities for a search therein.

(6) If ingress to such place cannot be obtained under the preceding subsection it shall be lawful in any case for the officer acting under a warrant or in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape, for the officer to enter such place and search therein.

(7) The officer may break open any outer or inner door or window of any place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

(8) The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

(9) Anything in this section shall not be held to interfere with or modify the operation of any enactment empowering an officer to arrest without a warrant.

Procedure after
arrest

48. (1) An officer making an arrest without warrant shall without unnecessary delay and subject to the provisions herein contained as to bail, take steps to produce the person arrested before the nearest Magistrate.

(2) Any officer shall not detain in custody or otherwise confine a person arrested without a warrant for a longer period than under all the circumstances

of the case is reasonable, and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate.

(3) If a person in lawful custody escapes or is rescued, the officer from whose custody he escaped or was rescued may immediately pursue and arrest him in any place, either within or outside the jurisdiction where he was so in custody, and deal with such person as he might have done on the original taking.

Examination of
persons when
conducting an
investigation

49. (1) The Commission may, in conducting an investigation under section 42 -

- (a) procure and receive all such evidence, written or oral, and examine all such persons as the Commission may think necessary or desirable to procure, receive or examine;
- (b) require any person to attend before the Commission for the purposes of being examined by the Commission and to answer, orally on oath or affirmation, any question put to him by the Commission relevant, in the opinion of the Commission, to the matters under investigation or require such person to state any facts relevant to the matters under investigation in the form of an affidavit;
- (c) summon any person to produce any document or other thing in his possession or control;
- (d) direct by notice in writing any bank, a non-banking financial institution, or designated non-finance business to produce, within such time as may be specified in the notice, any information in whatsoever form relating to the account of any person in respect of whom any information or complaint has been received under section 42 or of any person associated with such person, or of a company of which such person is a director, or of a trust in which such person has a beneficial interest or of a firm of which such person is a partner, or to furnish as so specified, certified copies of such information therein which is in printable form;
- (e) notwithstanding the provisions of paragraph (d), require any

bank, non-banking financial institution, or designated non-finance business to provide following information and material to the Commission subject to the provisions of the Prevention of Money Laundering Act, No. 5 of 2006 and Financial Transactions Reporting Act, No. 6 of 2006, relating to -

- (i) any financial service provided by such bank, institution or business, to any person;
 - (ii) details of any financial transaction carried out by any person;
 - (iii) details of any bank accounts, deposits, remittances, and withdrawals and financial services provided by any such bank, institution or business;
 - (iv) details in respect of securing of financial services by any person; and
 - (v) a certified statement of any account or other details pertaining to any account or transaction.
- (f) notwithstanding the provisions of paragraph (d), require from the following officers any information or document for the purpose of conducting an investigation under the provisions of this Act: -
- (i) the Secretary to any Ministry appointed under Article 52 of the Constitution;
 - (ii) Secretary General of the Parliament of Sri Lanka appointed under Article 65 of the Constitution;
 - (iii) Commissioner General of Inland Revenue appointed under section 97 of the Inland Revenue Act, No. 24 of 2017;
 - (iv) Governor of the Central Bank appointed under section 12 of the Monetary Law Act (Chapter 422);
 - (v) Auditor General appointed under Article 153 of the Constitution;
 - (vi) Head of the Department of Foreign Exchange of the Central Bank appointed under section 33 of the Monetary Law Act (Chapter 422);
 - (vii) Director of the Financial Intelligence Unit appointed in terms of the Financial Transactions Reporting Act, No. 6 of 2006;

- (viii) Director-General of the Securities and Exchange Commission of Sri Lanka appointed under section 42 of the Securities and Exchange Commission of Sri Lanka Act, No. 36 of 1987;
- (ix) Director-General of Customs appointed under section 2 of the Customs Ordinance (Chapter 235);
- (x) Controller of Immigration and Emigration appointed under section 4 of the Immigrants and Emigrants Act (Chapter 351);

- (xi) Commissioner for the Registration of Persons appointed under section 3 of the Registration of Persons Act, No. 32 of 1968;
- (xii) Controller of Imports and Exports appointed under section 2 of the Imports and Exports (Control) Act, No. 1 of 1969;
- (xiii) Registrar General of Companies appointed under section 47 of the Companies Act, No. 7 of 2007;
- (xiv) Commissioner of Land appointed under section 3 of the Land Development Ordinance (Chapter 464);
- (xv) Director-General of Intellectual Property of Sri Lanka appointed under section 2 of the Intellectual Property Act, No. 3 of the 2003;
- (xvi) Commissioner General of Motor Traffic appointed under section 204 of the Motor Traffic Act, (Chapter 203);
- (xvii) Director-General of Telecommunications appointed under section 22B of the Sri Lanka Telecommunications Act, No. 25 of 1991;
- (xviii) a Head of any Government department, public corporation, statutory body, or other Government institution; or
- (xix) Chairman of a Provincial Council or a Chairman or a Special Commissioner of a local authority;

- (g) direct any person in respect of whom a communication has been received under section 41 to furnish a sworn statement in writing -
 - (i) setting out all movable or immovable property owned or possessed at any time, or at such time as may be

specified by the Commission, by such person and by any other person associated with such person and specifying the date on which each of the properties so set out was acquired, whether by way of purchase, gift, bequest, inheritance or otherwise; and

- (ii) containing particulars of such other matters which in the opinion of the Commission are relevant to the investigation;
- (h) direct any person other than the persons specified in paragraphs (f) and (g) above to furnish a sworn statement in writing-
- (i) setting out all movable or immovable property owned or possessed at any time or at such time as may be specified by the Commission, by such person where the Commission has reasonable grounds to believe that such information can assist an investigation conducted by the Commission under section 41; and
 - (ii) containing particulars of such other matters which in the opinion of the Commission are relevant to such investigation.

(2) Where the Commission is satisfied of any information given by an officer of the Commission that any movable property, including any monetary instrument or any accretion thereto, which is the subject matter of an offence under this Act or evidence in relation to the commission of such offence, is in the possession, custody or control of a bank, the Commission may, notwithstanding anything contained in any other written law or rule of law, by order direct the bank not to part with, deal in, or otherwise dispose of such property or any part thereof until the order is revoked or varied:

Provided that, this shall include and is not limited to freezing of bank accounts or freezing of other financial deposits and accounts suspected to contain proceeds of bribery to the extent of the proceeds of bribery contained therein, subject to any condition that may be imposed by rules made in that behalf by the Commission.

(3) A bank or any agent or employee of a bank shall not, on account of such compliance envisaged in subsection (2), be liable to any prosecution under

any other law or to any proceeding or claim by any other person under any other law or under any contract, agreement, or arrangement, or otherwise.

(4) On the conclusion of any investigation conducted under this Act, the Commission may award to any person who has been in any way implicated or concerned in the matter under investigation or to any bank whose manager has complied with a notice issued in connection with such investigation by the Commission such sum of money as the Commission may consider sufficient to meet the costs and expenses which may have been reasonably incurred by such person or bank in connection with the investigation.

(5) All moneys awarded under subsection (4) shall be paid out of the Fund of the Commission.

Obtaining the assistance of Experts

50. (1) Where the Commission considers that the examination of any person by the government analyst, a government medical practitioner, or any other local or foreign expert is necessary for the conduct of an investigation, the Commission may –

(a) summon the person to be examined before the Commission, with the consent of such person, to be subject to an examination conducted by the government analyst, any other local or foreign expert, or a government medical specialist; and

(b) require in writing from any expert referred to in paragraph (a) to provide a report on a matter referred to him by the Commission.

(2) Where the person referred to in subsection (1) does not consent to being so examined, the Commission may apply to the Magistrate within whose jurisdiction the investigation is being carried out for an order authorising the expert named therein to examine such person and report thereon. Where such an order is made, the person referred to in subsection (1) shall submit himself to an examination by such expert who shall report to the Magistrate setting out the result of such examination.

Taking of finger impressions, photographs, non-intimate samples

51. (1) Where a person has been arrested under section 47 or, has been served with summons under section 49, any authorised officer of the Commission may take, or cause to be taken, photographs, finger, palm or foot impressions or impression of any part of the body and the weight and height measurements of that person.

(2) The identifying particulars of a person taken under subsection (1) may be retained by the Commission, except that if—

(a) a decision is taken not to charge the person with any offence;
or

(b) the person is charged with an offence under this Act but discharged by a court before conviction or acquitted at his trial or on appeal, the identifying particulars, together with any negatives or copies thereof, shall as soon as reasonably practicable be destroyed or, if the person prefers, delivered to that person.

(3) Notwithstanding the provisions of subsection (2), the Commission may retain the identifying particulars of a person who has been previously convicted of any offence under this Act.

(4) In any investigation in respect of an offence committed or believed to have been committed, a non-intimate sample may be taken from a person for forensic analysis only if—

(a) that person is dealt with and detained pursuant to the provisions of this Act; and

(b) an officer not below the rank of a Deputy Director-General or above (authorising officer) has authorised such taking.

(5) An authorising officer may give his authorisation as required under paragraph (b) of subsection (4) only if he has reasonable grounds —

(a) for suspecting that the person from whom the non-intimate sample is to be taken has committed an offence under this Act; and

(b) for believing that the sample will tend to confirm or disprove the commission of such offence.

(6) An authorising officer shall give his authorization in writing and in practical difficulty, may give such authorization orally and as soon as possible confirm it in writing.

(7) Where an authorisation has been given under subsection (5), officer who has been empowered with such authorization shall, before the taking of a non-intimate sample, inform the person from whom the sample is to be taken —

- (a) of the nature of the offence in which the person is suspected to have committed;
- (b) that there are reasonable grounds to believe that the sample will tend to confirm or disprove the commission of the offence by that person;
- (c) of the authorisation;
- (d) that he may or may not consent to the taking of the sample;
- (e) that if he does not consent to the taking of the sample, the Commission may apply to the Magistrate within whose jurisdiction the investigation is carried out for an order authorising the taking of a non-intimate sample; and
- (f) that the sample will be analysed and the information derived from such analysis may provide evidence that might be used in criminal proceedings for such offence or any other offence for which a person may be arrested under this Act.

(8) The person from whom a non-intimate sample was taken under subsection (4) is entitled to the results derived from the analysis of the sample.

(9) Any consent given for the taking of a non-intimate sample under this section shall be given in writing and signed by the person giving the consent.

(10) Where an order under paragraph (e) of subsection (7) is made, the results shall be reported to the Magistrate by the Commission.

(11) A non-intimate sample from a person may only be taken by a registered medical practitioner;

(12) The Commission may make regulations on the limitations on the use of non-intimate samples and results of forensic analysis and the disposal of samples and records.

Obtaining the
assistance of

52. (1) Every Magistrate to whom an application is made under section 50 shall assist the conduct of an investigation by making and issuing appropriate

Magistrates

orders and processes of court and may, in particular hold, or authorise the holding of, an identification parade for the purpose of ascertaining the identity of the offender, and may for such purpose require a suspect or other person to participate in such parade, allow a witness to make his identification from a concealed position and make or cause to be made a record of the proceedings of such parade.

(2) Confidentiality in respect of any application made to the Magistrate shall be maintained and the proceedings pertaining to the same shall be held *in-camera* if requested by the Commission subject to such considerations as necessary for the purposes of justice and not to jeopardize the integrity of any investigation in respect of which the assistance of the Magistrate is sought.

Restraining
orders

53. (1) The Commission may –

(a) prohibit, by written order (referred to as the “freezing order”), any person in respect of whom **an information or a complaint** has been received under section 42, the spouse, other family member of such person or any other person holding any property in trust for such first-mentioned person, or a company of which he is a director or a firm in which he is a partner, from transferring the ownership of, or any interest in, any movable or immovable property specified in such order, until such time such order is revoked by the Commission and to cause a copy of such written order to be served on any such authority as the Commission may think fit, including in the case of -

- (i) immovable property, the Registrar of Lands where the immovable property is situated;
- (ii) a motor vehicle, the Commissioner of Motor Traffic appointed under section 204 of the Motor Traffic Act (Chapter 203); and
- (iii) shares, stocks or debentures of any company, the Registrar-General of Companies appointed under section 471 of the Companies Act, No. 7 of 2007 and the Secretary of such company;

- (b) require, by written order, any authority on whom a copy of the freezing order made under paragraph (a) has been served, to cause such copy to be registered or filed in any register or record maintained by such authority;
- (c) require by written order the Controller of Immigration and Emigration appointed under section 4 of the Immigrants and Emigrants Act (Chapter 351) to impound the passport and other travel documents or to take all such steps as may be necessary to prevent the departure from Sri Lanka of any person in respect of whom an **information or a compliant** communication has been received under section 42 for such period not exceeding three months, as may be specified in such written order; and
- (d) require by written order, any police officer as shall be specified in that order, whether by name or by office, to take all such steps as may be necessary to prevent the departure from Sri Lanka of any person in respect of whom **any information or compliant** has been received under section 42 for such period not exceeding three months, as may be specified in such order.

(2) The Commission shall, within the seven days during which such freezing order shall be in force, make an application to the High Court seeking confirmation of such freezing order and also if the circumstances so necessitate, request an extension of the original period of seven days.

(3) Where the High Court is satisfied that there are sufficient reasons for the making of such freezing order, the High Court may confirm the freezing order and also where a application is made for the extension thereof, granted the extension for such periods as it considers necessary, subject however -

- (a) to any other orders which may be made by such Court; and
- (b) to the requirement that the maximum period of any extension so granted shall not exceed one year from the date of the obtaining of the freezing order by the Commission:

Provided that, where indictment is filed for an offence under this Act, the freezing order made under subsection (1) shall unless vacated by High Court

for reasons to be recorded, remain in force until the conclusion of the trial in respect of such offence, or where an appeal is preferred against a conviction for such offence, until the determination of the appeal.

(4) Where the High Court confirms a freezing order under subsection (2), it shall cause a notice of such order to be published in at least one newspaper circulating in the Sinhala, Tamil and English languages, in order to facilitate bona fide third parties to make application to High Court in support of their claims to the account, property or investment which is subject to the order of freezing.

(5) Where any movable property is seized under this Act, the seizure shall be effected by removing the movable property from the possession, custody or control of the person from whom it is seized and placing it under the custody of such person or authority and at such place as may be determined by an officer of the Commission.

(6) Where it is not practicable, or it is otherwise not desirable, to effect removal of any property under subsection (5), the Commission may leave it at the premises in which it is seized under the custody of an authorised officer.

(7) Notwithstanding the provisions of subsection (5), when any movable property, including any movable property referred to in subsection (10), has been seized under this Act, an authorised officer of the Commission other than the officer who effected the seizure, may —

- (a) temporarily return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized, or to such person as may be entitled thereto, subject to such terms and conditions as may be imposed, and, subject, in any case, to sufficient security being furnished to ensure that the movable property shall be surrendered on the demand being made by the officer who authorised the release and that such terms and conditions, if any, shall be complied with; or
- (b) return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized, or to such person as may be entitled thereto, with liberty for the person to whom the movable property is so

returned to dispose of the property, such return being subject to security being furnished in an amount not less than an amount which represents the open market value of such property on the date on which it is so returned.

(8) Where any person to whom movable property is temporarily returned fails to surrender such property on demand or comply with any term or condition imposed under that paragraph, -

- (a) the security furnished in respect of such property shall be forfeited; and
- (b) that person shall commit an offence punishable with imprisonment for a term not exceeding seven years and a fine not exceeding one million rupees or to both such fine and imprisonment.

(9) Where an order of forfeiture is made by the court in respect of property returned under subsection (7), such forfeiture shall be effected by forfeiting the security furnished by the person to whom the property was returned.

(10) When any movable property seized under this Act consists of money, shares, securities, stocks, debentures or any chose-in-action, in the possession or under the custody or control of any person other than the person against whom the prosecution is intended to be taken, the seizure shall be effected by an authorised officer of the Commission serving an order on such other person

- (a) prohibiting him from using, transferring, or dealing with such property; or
- (b) requiring him to surrender the property to the Commission in the manner and within the time specified in the order.

(11) Where any movable property seized is liable to speedy decay or deterioration, or which cannot be maintained without difficulty, or which is not practicable to be maintained, and which cannot be dealt with under subsection (7), an authorised officer of the Commission may sell or cause to be sold the property and shall hold the proceeds of the sale, after deducting therefrom the costs and expenses of the maintenance and sale of the property, to abide the result of any proceedings under this Act.

Prohibition of dealing with property outside Sri Lanka

54. Where the Commission is satisfied that any property is the subject matter of an offence under this Act or was used in the commission of any such offence, and such property is held or deposited outside Sri Lanka, the Commission may make an application to the High Court for an order prohibiting the person by whom the property is held or with whom it is deposited from dealing with the property.

Special investigation techniques

55. (1) The Commission may, in an investigation under section 42 of this Act, use any of the following investigation techniques: -

- (a) authorize a person who has reported to the Commission of a demand for a bribe, to directly or indirectly, give or receive it as demanded;
- (b) surveillance and observation;
- (c) undercover operations;
- (d) video recording;
- (e) using listening and bugging devices;
- (f) controlled deliveries; or
- (g) any other special investigation techniques.

(2) The Commission shall prescribe procedures to be followed on the use of special investigation techniques under this section.

(3) The Commission shall *ex parte* obtain an order from the High Court for the purposes of paragraphs (d) and (e) of subsection (1). Confidentiality in respect of any application made to the High Court shall be maintained and the proceedings pertaining to the same shall be held *in-camera*.

(4) Notwithstanding anything to the contrary in subsections (1), (2) and (3), the Director-General may authorise the Commission to intercept communications without a warrant from a Court if there is an imminent danger of evidence being destroyed in the opinion of the Commission provided that the judicial authorisation shall be obtained within twenty-four hours of the commencement of the interception.

Protection and preservation of information

56. The Commission may prescribe the criteria for the protection and preservation of information received by the Commission.

Obtaining

57. The Commission shall require any telecommunication, satellite, digital

information from
service providers

service or data service provider, to provide –

- (a) information pertaining to services provided or being provided by such service provider to any person;
- (b) information pertaining to services enjoyed by any person to whom such services have been made available;
- (c) any information, data or document or record that may be stored, archived or otherwise kept, by such service provider; and
- (d) information pertaining to the uploading or downloading of data or information, to or from any instrument through the service provided by such service provider,

where in the opinion of the Commission such information may be of use in the **investigations** conducted on any act which may amount to an offence under the Act.

Interception of
communication

58. (1) An authorised officer of the Commission may apply in writing to the High Court for a warrant authorizing the covert monitoring of any conduct and recording of any communication if such officer has reasonable grounds to suspect or believe that a person has committed, is committing or is about to commit an offence under this Act.

(2) A High Court Judge may, upon receiving a written application under subsection (1), issue a warrant after being satisfied that there are reasonable grounds for such suspicion or belief to authorize the covert monitoring and recording, by any means, of the conduct and communications, including telecommunications, of the person. Confidentiality in respect of any application made to the High Court shall be maintained and the proceedings pertaining to the same shall be held *ex parte* and *in-camera*.

(3) A warrant issued under this section may be renewed by further application made in that behalf by the authorised officer.

(4) A warrant issued under this section authorises any officer -

- (a) to overtly or covertly enter or, in the case of a renewed warrant, re-enter any place specified in the warrant, by force if necessary, for the purpose of executing the warrant; and

(b) in the case of a renewed warrant, to continue monitoring and recording pursuant to the original warrant.

(5) If the circumstances are such that a written application under subsection (1) is not reasonably practicable, an oral application may be made.

(6) The format of the application shall be prescribed by the Commission.

Unlocking of
data and
information

59. Director General may, for the purpose of—

- (a) determining the identity of a person who has committed an offence;
- (b) determining the location of a person who has committed an offence;
- (c) facilitating the conduct of an investigation into an offence;
- (d) gathering evidence against a person who has committed an offence;
- (e) determining whether one or more persons are conspiring, planning, preparing or attempting to commit an offence; or
- (f) taking measures to prevent the commission of an offence,

under this Act, make an application to a Magistrate to authorize the Commission to—

- (a) to direct any person who provides locking or encryption services pertaining to any communication or storage services or equipment of any data or information or other thing, to unlock or unencrypt the service or equipment and provide information contained therein;
- (b) to intercept, read, listen or record any postal message or electronic mail or any telephone, voice, internet, or video conversation, or conference or any communication through any other medium;
- (c) to access any analogue or digital data or information, of any exchange or transfer system.

Assistance in
investigations

60. (1) Notwithstanding anything to the contrary in any other law, the

Commissioners may, if satisfied that there are reasonable grounds for suspecting that an offence involving less than ten thousand rupees has been committed under this Act by a person other than a police officer, require any police officer not below the rank of an Assistant Superintendent of Police named in such order to make an investigation in the matter in such manner or mode as may be specified in that order. The order may authorise the investigation of any bank account, share account, purchase account, expense account or any other account, or any safe deposit box in any bank, and shall be sufficient authority for the disclosure or production by any person of all or any information or accounts or documents or articles as may be required by the officer so authorised.

(2) The Director-General may provide advice, give directions, or take over at any stage any investigation which has commenced under this section in respect of any offence and to conduct and direct such investigation.

(3) The outcome of an investigation concluded under this section shall forthwith be forwarded to the Commission enabling the Commissioners to take steps under section 63.

Joint
investigations

61. (1) If the circumstances of the specific case so justify, joint investigation teams may be formed for a specific period by an agreement between the Commission and any other investigative authority in Sri Lanka as may be determined by the Commission for the purpose of conducting an investigation into an alleged offence under this Act.

(2) The Commission may also establish joint investigation teams in relation to the following, where a request has been made by a foreign State:-

- (a) matters falling under bilateral or multilateral agreements or arrangements to which Sri Lanka and the other foreign State are parties; or
- (b) in the absence of such agreements or arrangements, on a case-by-case basis.

(3) A Joint investigation team may be established when-

(a) several parties conduct investigations on the same criminal offence, which requires coordinated and harmonized actions by the Agencies or States involved in the investigation; and

(b) for purposes of subsection (2), investigative actions have to be carried out in Sri Lanka and in another State simultaneously.

(4) Information obtained during joint investigations may be used by competent courts, where the persons who were been investigated are tried in such courts.

Sharing of
information

62. The Commission may share any information with any of the following authorities to give effect to the provisions of this Act: -

- (i) the Attorney General appointed under Article 41C of the Constitution;
- (ii) Secretary to any Ministry appointed under Article 52 of the Constitution;
- (iii) Secretary General of the Parliament of Sri Lanka appointed under Article 65 of the Constitution;
- (iv) Commissioner General of Inland Revenue appointed under section 97 of the Inland Revenue Act, No. 24 of 2017;
- (v) Governor of the Central Bank appointed under section 12 of the Monetary Law Act, (Chapter 422);
- (vi) Auditor General appointed under Article 153 of the Constitution;
- (vii) Head of the Department of Foreign Exchange of the Central Bank appointed under section 33 of the Monetary Law Act, (Chapter 422) ;
- (viii) Director of the Financial Intelligence Unit appointed in terms of the Financial Transactions Reporting Act, No. 6 of 2006;
- (ix) Director-General of the Securities and Exchange Commission of Sri Lanka appointed under section 42 of the Securities and Exchange Commission of Sri Lanka Act, No. 36 of 1987;
- (x) Director-General of Customs appointed under section 2 of the Customs Ordinance (Chapter 235);
- (xi) Controller of Immigration and Emigration appointed under section 4 of the Immigrants and Emigrants Act (Chapter 351);
- (xii) Commissioner for the Registration of Persons appointed under section 3 of the Registration of Persons Act, No. 32 of 1968;

- (xiii) Controller of Imports and Exports appointed under section 2 of the Imports and Exports (Control) Act, No. 1 of 1969;
- (xiv) Registrar General of Companies appointed under section

- 471 of the Companies Act, No. 7 of 2007;
- (xv) Commissioner of Land appointed under section 3 of the Land Development Ordinance (Chapter 464);
 - (xvi) Director-General of Intellectual Property of Sri Lanka appointed under section 2 of the Intellectual Property Act, No. 3 of 2003;
 - (xvii) Commissioner of Motor Traffic appointed under section 204 of the Motor Traffic Act (Chapter 203);
 - (xviii) Director-General of Telecommunications appointed under section 22B of the Sri Lanka Telecommunication Act, No. 25 of 1991;
 - (xix) Head of any Government department, public corporation, statutory body, or other Government institution;
 - (xx) Chairman of a Provincial Council or a Chairman or a Special Commissioner of a local authority; or
 - (xxi) any other law enforcement authority or any other body or person as the Commission may deem necessary for the purpose of giving effect to this Act;
 - (xxii) any expert assisting any investigation of the Commission under the provisions of this Act; or
 - (xxiii) any other person appointed under section 31 of this Act and authorised by the Commission to receive such information.

(2) The Commission may share information relevant to any investigation with local law enforcement authorities or any other law enforcement authority as provided under international bilateral or multilateral agreements or arrangements, or in the absence of such agreements or arrangements on a case-by-case basis.

International
cooperation

63. (1) The Commission may –

- (a) communicate with criminal investigative authorities or law enforcement authorities in foreign States on a same or connected matter when giving effect to the provisions of this Act; and
- (b) share any report or information with any institution or agency

of a foreign State or of an international organization or body or other institution or agency established by the Government of a foreign State that has powers and duties similar to those of the Commission, on such terms and conditions as are set out in any agreement or arrangement between the Commission and such institutions, agencies or bodies regarding the exchange of such information under an agreement or arrangement entered into under subsection (2).

(2) The Commission may, enter into any agreement or arrangement, in writing, with—

- (a) an institution or agency of a foreign State or an international organization or body established by the Governments of a foreign State that has powers and duties similar to those of the Commission; or
- (b) a foreign law enforcement agency or a foreign supervisory authority,

regarding the exchange of information between the Commission and such institution, agency or authority.

(3) The information exchanged under subsection (1) shall be any information that the Commission, the Institution, agency or authority has reasonable grounds to suspect would be relevant to the investigation or prosecution of an offence constituting an unlawful activity or an offence that is substantially similar to such an offence.

(4) Agreements or arrangements entered into under subsection (2) shall include the following: —

- (a) restrictions on the use of information to purposes relevant to investigating or prosecuting any act constituting an unlawful activity or an offence that is substantially similar to such offence; and
- (b) the stipulation that the information be treated in a confidential manner and not be further disclosed without the express consent of the Commission.

Summons

64. (1) Every summons issued by the Commission shall be in writing and in duplicate and signed by the Director-General and shall be in the prescribed form.

(2) The summons shall be served -

- (a) by registered post; or
- (b) by express post; or
- (c) by a Grama Seva Niladhari as may be directed by the Commission; or
- (d) in the case of a company or corporation or incorporated association of persons, on the managing director, secretary or other like officer or the person in charge of the principal place of business of such company, corporation or association; or
- (e) in the case of a person who is a government employee in a department, office or establishment on the head of the department, office or establishment; or
- (f) in the case of any person who is employed under any other person, on the employer of such person; or
- (g) by email or facsimile if available.

(3) When the person to be summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates with some adult member of such person's family or with such person's official residing with such person.

(4) If the service specified in subsections (2) and (3) cannot by the exercise of due diligence be effected, the Commission shall affix one of the duplicates of the summons in some conspicuous part of the house or homestead in which the person summoned ordinarily resides and in such case the summons shall be deemed to have been duly served.

(5) Where any summons is sent by registered post or express post, the production of the receipt issued by the relevant post office for such summons shall be presumed that such summons was received by the addressee unless such summons is returned undelivered.

(6) Every person on whom a summons is served shall attend before the Commission at the time and place mentioned therein and shall answer any question put to him by the Commission and produce such document or other things as are required of him by the summons.

65. (1) Where the material received by the Commission in the course of an investigation conducted by it under this Act, discloses the commission of an offence under the provisions of this Act by any person, the Commission may direct the Director-General to institute criminal proceedings against such person in the appropriate court and the Director-General shall institute proceedings accordingly:

Provided however, where the material received by the Commission in the course of an investigation conducted by it discloses an offence under this Act consisting of soliciting, accepting or offering, by any person, of a gratification which or the value of which does not exceed ten thousand rupees, the Commission shall direct the institution of proceedings against such person before the relevant Magistrate's Court and where such material discloses an offence under this Act consisting of soliciting, accepting, or offering, by any person of any gratification which or the value of which exceeds ten thousand rupees, the Commission shall direct the institution of proceedings against such person in the High Court by indictment. In all other instances where the gratification cannot be measured in monetary terms, proceedings shall be instituted in the relevant High Court.

(2) Notwithstanding anything to the contrary in any other written law, the Director-General shall have the power to institute proceedings in the Magistrate's Court through a charge sheet signed by the Director-general and section 136 of the Code of Criminal Procedure Act, No. 15 of 1979 shall not apply for purposes of this section.

(3) Upon an action is filed through a charge sheet under subsection (2), the magistrate shall –

- (a) cause the accused to appear or to be brought before him;
- (b) cause a copy of the charge sheet with its annexes to be served on each of the accused who **shall** be tried upon that charge

sheet; and

(c) inform the accused of the date of trial.

(4) Where proceedings are instituted in a High Court in pursuance of a direction made by the Commissioners under subsection (1) by an indictment signed by the Director-General, such High Court shall on receipt of such indictment, have jurisdiction to try the offence described in such indictment in all respects as if such indictment were an indictment presented by the Attorney-General to such court.

(5) There shall be annexed to every such indictment, in addition to the documents which are required by the Code of Criminal Procedure Act, No. 15 of 1979 to be annexed thereto, a copy of the statements, if any, made before the Commission by the accused and by every person intended to be called as a witness by the prosecution.

(6) Notwithstanding anything to the contrary in any other written law, the Commissioners shall direct-

(a) the Attorney General to conduct prosecutions in respect of offences under sections **103** and **105** of the Act unless the Commission at **its** discretion direct any officer of the Commission authorised by the Commission or any other attorney-at-law specially authorised by the Commission to conduct such prosecution; or

(b) any officer of the Commission authorised by the Commission to conduct prosecutions in respect of all other offences under this Act except the offences referred to in paragraph (a), unless the Commission at **its** discretion direct the Attorney General or any other attorney-at-law specially authorised by the Commission to

conduct such prosecutions; or

- (c) any officer of the Commission authorised by the Commission, the Attorney General, or any other attorney-at-law specially authorised by the Commission to appear on behalf of the Commission in any other litigation which may have a bearing on the Commission:

Provided that, where the Commission has authorised the Attorney-General or any other Attorney-at-Law specially authorised by the Commission to conduct the prosecution, in the absence of the Attorney General or any other Attorney-at-Law authorised by the Commission, an officer of the Commission authorised by the Commission is entitled to conduct the prosecution:

Provided further, where an officer of the Commission authorised by the Commission is conducting a prosecution, the Attorney-General may assist such officer.

Call any witness,
or use or produce
any document,
which is not
specified in the
list of witnesses
or list of
productions

66. At the trial of a person for an offence under this Act, the court or the Commission may, notwithstanding anything to the contrary in any other written law, call any such witness, or use or produce any such document, as is not specified in the list of witnesses or productions.

Withdrawal of
indictments

67. (1) If at any time before the judgement is given by the High Court against a person who has been indicted for having committed one or more offences under this Act, the Director-General may, having due regard to the facts specified in subsection (2) and subject to one or more conditions referred to in subsection (3), with the permission of the High Court, withdraw the indictment against such accused.

(2) When the Director-General withdraws the indictment under subsection

(1), he shall pay due regard to –

- (i) the State policy on prevention of bribery and corruption;
- (ii) the national interest and public interest;
- (iii) views of the victims of the offence; and
- (iv) representations that may be made by the accused person or on his behalf by his Attorney-at-Law.

(3) The Director-General may when withdrawing an indictment under subsection (1), impose on the accused one or more of the following conditions to be fulfilled within a stipulated period -

- (i) to publicly express remorse and apology before the High Court, using a text issued by the Commission;
- (ii) to provide reparation to victims of the offence, as specified by the Commission;
- (iii) to publicly undertake that he refrains from committing an offence under this Act; or
- (iv) to permanently refrain from holding public office, both elected and appointed.

(4) If such person fulfils the conditions imposed under subsection (3), during the period stipulated for fulfilling such conditions, the Director-General shall not present a fresh indictment against the accused thereafter on the same charges specified in the original indictment.

(5) If the accused fails without valid excuse to comply with the said conditions, the Director-General may file a fresh indictment against the accused on the same charges on the original indictment and proceed to prosecute the accused after the lapse of the period given for the accused to fulfil such conditions.

Appeals

68. (1) Where proceedings are instituted in the High Court by an indictment signed by the Director-General, the Director-General shall have the right to appeal against a judgment, order or sentence of such High Court in all cases in which the Attorney-General would have had the right to appeal against such judgment, order or sentence had an indictment for such offence been presented to such Court by the Attorney-General.

(2) Notwithstanding anything to the contrary in any other written law,

where proceedings are instituted in the Magistrate's Court by a charge sheet signed by the Director-General, the Director-General shall have the right to appeal against a judgment, order or sentence of such Magistrate's Court.

(3) Notwithstanding anything to the contrary in any other written law, the Commission shall direct-

- (a) the Attorney General to conduct appeals in respect of offences contained in sections **103** and **104** unless the Commission at its discretion direct any officer of the Commission authorised by the Commission or any other attorney-at-law specially authorised by the Commission to conduct such appeal;
- (b) any officer of the Commission authorised by the Commission to conduct appeals in respect of all other offences under this Act except the offences referred to in **paragraph (a)** unless the Commission at its discretion direct the Attorney General or any other attorney-at-law specially authorised by the Commission to conduct such appeals;
- (c) any officer of the Commission authorised by the Commission, the Attorney General, or any other attorney-at-law specially authorised by the Commission to appear on behalf of the Commission in the appeals of any other litigation which may have a bearing on the Commission;

Provided that, where the Commission has authorised the Attorney-General or any other Attorney-at-Law specially authorised by the Commission to conduct **any** appeal , **under this section** in the absence of the Attorney General or any other Attorney-at-Law authorised by the Commission, an officer of the Commission authorised by the Commission is

entitled to conduct the appeal:

Provided further, where an officer of the Commission authorised by the Commission is conducting an appeal, the Attorney-General may assist such officer.

Requesting the assistance of the Attorney-General

69. (1) The Commission may prior to or during an investigation or after the conclusion of an investigation, during prosecution, in an appeal or in any issue relevant to the subject matter of such investigation solicit, receive and consider the observation, view, opinion, advise or comments of the Attorney-General.

(2) It shall be lawful for the Attorney-General to render such assistance as is requested by the Commission.

(3) Notwithstanding anything to the contrary in this Act or any other written law, the Commission may, if it deems appropriate, forward the material collected and received under section 42 to the Attorney-General to take any appropriate action under any other written law.

Pardoning accomplices

70. (1) At any time before the conclusion of the trial of a person charged with bribery under the provisions of Part III of this Act, the Commission may, with the view of obtaining at the trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender, or by writing under its hand authorise any Magistrate named therein to tender, a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or as abettor in the commission thereof.

(2) The Magistrate shall record, in the manner specified in the Code of Criminal Procedure Act, No. 15 of 1979, the evidence on oath of every person accepting a pardon under subsection (1) and transmit the record to the Commission.

Deferred Prosecution Agreements (DPA)

71. (1) Notwithstanding anything to the contrary in any other written law, where the offence committed falls under sections 100, 101 and 102 of this Act, the Commission may, having due regard to the facts specified in subsection (2), and subject to one or more conditions referred to in subsection (3), suspend and

defer the institution of criminal proceedings against such person alleged to have committed an offence under such sections, for a period not less than five years and not exceeding ten years.

(2) Where the Commission suspends or defers the institution of criminal proceedings under subsection (1), it shall pay due regard to-

- (a) the State policy on prevention of bribery and corruption;
- (b) the national interest and public interest ;
- (c) views of the victims of the offence, if any; and
- (d) the representations that may be made by the accused person or, on his behalf by his Attorney-at-Law.

(3) Where the Commission decides in terms of subsection (1) to suspend or defer the institution of criminal proceedings against any person alleged to have committed an offence under this Act, it shall prefer an application to the High Court, to obtain the sanction of such Court for the imposition of one or more of the following conditions to be fulfilled within a stipulated period, on such person as consideration for the suspension and deferment of the institution of criminal proceedings against such person –

- (i) to publicly express remorse and apology before the High Court, using a text issued by the Commission;
- (ii) to provide reparation to victims of the offence, as specified by the Commission;
- (iii) to publicly undertake that such person refrains from committing an offence under this Act; or
- (iv) to permanently refrain from holding public office, either elected or appointed.

(4) The High Court shall upon consideration of the application made by the Commission under subsection (3), order the person alleged to have committed the offence to appear before the Court, and shall notify such person of the conditions imposed by the Court.

(5) If such person fulfills the conditions imposed under subsection (3) during the period stipulated for fulfilling such conditions, the Commission shall not institute criminal proceedings against such person in respect of the offence alleged to have been committed.

(6) If the person fails without valid excuse to comply with such conditions, the Commission may institute criminal proceedings against such person after the lapse of the period given to the accused to fulfill such conditions.

General power

72. The Commission may take any other appropriate steps to achieve the objectives of this Act and carry out the powers and functions vested in the Commission by this Act or any other written law.

CHAPTER V

PROTECTION OF INFORMERS, WHISTLEBLOWERS, WITNESSES, AND OTHER PERSONS ASSISTING THE COMMISSION

Protection of
informers of the
Commission

73. (1) Where the Commission receives information in confidence to the effect that an offence in terms of the provisions of this Act has been committed or suspected to have been committed, that information and the identity of the informer shall not be revealed and the informer and all matters relating to such information shall not be disclosed in any proceedings before any court, tribunal, or other authority.

(2) Where any record, written or electronic, which is given in evidence or liable for inspection in any civil, criminal or other proceedings, contains an entry relating to the informer or the information given by the informer, the relevant court, tribunal, or other authority shall cause all parts **in such record** relating to the informer or the information given, to be concealed from view so as to protect the identity of such informer.

(3) If on a trial for any offence under this Act, the court, after full inquiry into the case, is of the opinion that the informer willfully made in his complaint a material statement which he knew to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, the court may require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

(4) Any person who contravenes provisions of subsection (1) or (3) commits an offence and on conviction by a be liable to a fine of or to a term of imprisonment or to both such fine and imprisonment.

(5) For purposes of this section, an "informer" includes a whistleblower.

74. (1) Where a person-

- (a) discloses to a member of the Commission or an officer thereof that a person, public official, body corporate, or public body is or has been involved in an act of corruption; and
- (b) at the time such person makes the disclosure, believes on reasonable grounds that the information such person discloses is true and is of such a nature as to warrant an investigation under this Act,

such person shall incur no civil or criminal liability, nor subject to adverse conditions of employment, reprisal, coercion, threat, intimidation, retaliation, or harassment as a result of such disclosure.

(2) Where a public official-

- (a) discloses to his responsible officer or to a **member of the Commission** that an act of corruption may have occurred within the public body in which he is employed; and
- (b) believes on reasonable grounds that the information he disclosed is true and is of such a nature as to warrant an investigation under this Act,

such public official shall incur no civil or criminal liability nor subject to adverse conditions of employment, reprisal, coercion, threat, intimidation, retaliation, or harassment as a result of such disclosure and no disciplinary action shall be taken against him by reason only of such disclosure.

(3) A person who makes a disclosure under subsection (1) or (2) shall assist the Commission in any investigation which the Commission may make in relation to the matters disclosed by him.

(4) A person to whom a disclosure is made under subsection (1) or (2) shall not, without the consent of the person making the disclosure, divulge the identity of that person except where it is necessary to ensure that the matters to which the information relates are properly investigated.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and on conviction by a be liable to a fine or to a term of imprisonment or to or both such fine and imprisonment.

Immunity to witnesses

75. (1) A person shall, in respect of any statement made, information or answer given, or any document or any other thing produced, to or before, the Commission not be liable to any action, prosecution or other proceeding, civil or criminal, in any court.

(2) No evidence of a statement made, or answer or information given, by any person, to, or before, the Commission shall be admissible against such person in any action, prosecution or other proceeding, civil or criminal, in any court:

Provided that, nothing in the preceding provisions of this section shall –

- (i) abridge or affect, or be deemed or construed to abridge or affect the liability of any person to any action, prosecution or penalty for any offence under Chapter XI of the Penal Code (Chapter 19) read with section of this Act or for an offence under this Act;
- (ii) prohibit or be deemed or construed to prohibit the publication or disclosure of the name, or of the statement or of any part of the statement of any person for the purposes of any such action or prosecution; or
- (iii) affect the admissibility of any statement admissible under section 49.

(3) Any person who intends to initiate proceedings under subsection (1) against a person who is a witness, on a charge connected with any provision of this Act shall obtain the sanction of the Commission, prior to institution of such action.

Protection of witnesses and persons assisting the Commission

76. (1) If it appears to the Commission that, because a person is assisting the Commission the safety of the person or any other person may be prejudiced or the person or any other person may be subject to intimidation or harassment, the Commission may make such arrangements as are necessary –

- (a) to protect the safety of such person; or
- (b) to protect such person or any such other person from intimidation or harassment.

In this section, 'a person who is assisting the Commission' means a person who-

- (a) is an informer in terms of section 73 of this Act; or
- (b) has appeared, is appearing or is to appear before the Commission to give evidence or to produce a document or any other thing in an inquiry or investigation conducted or to be conducted or any other measure taken or to be taken by the Commission; or
- (c) has produced or proposes to produce a document or any other thing to the Commission in an inquiry or investigation conducted or to be conducted or any other measure taken or to be taken by the Commission under this Act; or
- (d) has assisted, is assisting or is to assist the Commission in some other manner in an inquiry or investigation conducted or to be conducted or any other measure taken or to be taken by the Commission.

(2) Any such arrangements referred to in subsection (1) may involve the Commission giving directions to the Inspector General of Police or any public authority or any public official –

- (a) to provide any protection referred to in subsection (1); or
- (b) to provide personnel assistance or facilities or both, to assist in providing such protection; or
- (c) to otherwise assist in the provision of such protection.

(3) The Inspector General of Police, or such public authority or public official, is under a duty to comply with any such direction given by the Commission as far as reasonably possible.

(4) Any such arrangements may also involve the Commission making orders applying to a specified person for the purpose of protecting the safety of a person referred to in subsection (1) or of protecting such person from intimidation or harassment. Such an order is not limited to directions of a kind

referred to in subsection (2).

(5) A person who contravenes an order applying to a **specified** person under subsection (4) without reasonable excuse, commits an offence and shall on conviction by the High Court be liable to a term of imprisonment not exceeding seven years and to a fine of fifty thousand rupees.

Provided that, the provisions hereof shall not prejudice the rights of parties under the provisions of the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015.

PART II

DECLARATION OF ASSETS AND LIABILITIES

Objects and
purposes of this
Part

77. Subject to the overall objects and purposes of this Act, the objects and purposes of this Part shall be to -

- (a) compel all public **officials** to make periodic declarations of their assets and liabilities within and outside Sri Lanka;
- (b) provide for a centralized electronic system for submission of **such** declarations;
- (c) provide for reference to be made to such declarations by appropriate authorities and for investigations to be conducted, upon the receipt of any information against a person to whom this Part applies;
- (d) provide for appropriate measures to be taken in respect of late submissions, non-declaration of assets and liabilities, and for false declarations;
- (e) prevent illicit enrichment and conflicts of interest arising in the discharge of public functions or official activities, through public scrutiny; and
- (f) provide for matters connected therewith or incidental thereto.

Application of
this Part

78. (1) The provisions of this Part shall apply to every person belonging to any one of the following classes or descriptions: -

- (a) the President;
 - (b) members of Parliament;
 - (c) Governors of provinces;
 - (d) members of Provincial Councils and staff officers of the Provincial Public Service;
 - (e) elected members and staff officers of local authorities;
 - (f) Judges and public officers appointed by the President;
 - (g) public officers appointed by the Cabinet of Ministers;
 - (h) judicial officers and scheduled public officers appointed by the Judicial Service Commission;
 - (i) staff officers in Ministries and Government Departments;
 - (j) members of the Constitutional Council appointed in terms of Article 41A (1) (e) of the Constitution, who are not members of Parliament;
 - (k) persons appointed as Chairmen or members as the case may be of any of the Commissions specified in the Schedule to Article 41B of the Constitution;
 - (l) Chairmen, Directors, members of the Boards and executive officers of any public corporation established by or under any Statute of a Provincial Council;
 - (m) private staff members of the members of Parliament, members of Provincial Councils and members of local authorities;
 - (n) office-bearers of recognized political parties for the purposes of elections under the Presidential Elections Act, No.15 of 1981, the Parliamentary Elections Act, No. 1 of 1981, the Provincial Councils Elections Act, No. 2 of 1988, Local Authorities Elections Ordinance (Chapter 262) or the Trade Unions Ordinance (Chapter 138);
 - (o) **Executives** of trade unions registered under the Trade Unions Ordinance (Chapter 138);
- (p) candidates nominated for election at elections to be held under the Presidential Elections Act, No. 15 of 1981, the Parliamentary Elections Act, No. 1 of 1981, the Provincial Councils Elections Act, No. 2 of 1988 or the

Local Authorities Elections Ordinance (Chapter 262);

- (q) Chairmen, Directors and staff officers of Companies registered under the provisions of the Companies Act, No. 7 of 2007, in which not less than twenty five per centum of shares are held by the State or by a public corporation;
- (r) Heads of Sri Lankan Diplomatic Missions;
- (s) officers appointed by the Cabinet of Ministers to Sri Lankan Diplomatic Missions;
- (t) proprietors, editors and members of the editorial staff of newspapers in respect of which declarations have been made under section 2 of the Newspaper Ordinance (Chapter 180);
- (u) proprietors, editors and members of the editorial staff of media companies licensed under section 17 of the Sri Lanka Telecommunications Act, No. 25 of 1991; and
- (v) such categories of other officers as may be specified by regulations taking into consideration the vulnerability of such officers to bribery or corruption having regard to the nature of the work they perform in their respective offices.

(2) A person to whom the provisions of this Part applies by virtue of the operation of subsection (1), is hereinafter in this Part referred to as a “person to whom this Part applies”.

Duty of persons to whom this Part applies to make declarations of assets and liabilities

79. (1) Every person to whom this Part applies shall, make a declaration, in accordance with the provisions of section 80, (hereinafter in this Part referred to as a “declaration of assets and liabilities”), of all-

- (a) his assets and liabilities;
- (b) the assets and liabilities of his spouse;
- (c) the assets and liabilities of each of his dependent children irrespective of their age;
- (d) any other persons dependent on him irrespective of their age; and
- (e) the assets and liabilities of any other person who cohabits and shares the common household with the person to whom this Part applies for at least six months prior to the date of declaration except where such person does

not share mutual rights and obligations with the person to whom this Part applies.

(2) For the purposes of this section, the "assets and liabilities" means assets, liabilities, income, expenditure, and interests which give rise to or may give rise to conflicts of interest, in and outside Sri Lanka, the details of which shall be prescribed by regulations.

When to make
declarations of
assets and
liabilities

80. (1) Every person to whom this Part applies shall, in the form as may be prescribed by regulations make declarations of assets and liabilities-

- (a) within three months of the appointed date;
- (b) annually;
- (c) fourteen days after the end of the tenure of his employment or the date of his retirement or the date of dismissal from office;
- (d) at two consecutive years from the date of his retirement, dismissal from office or the end of the tenure of his employment;
- (e) where a significant change in the value of assets and liabilities amounting to one million rupees or more than one million rupees occurs, within fourteen days from the date of such occurrence; and
- (f) when nomination papers are submitted for elections, under the Presidential Elections Act, No. 15 of 1981, the Parliamentary Elections Act, No. 1 of 1981, the Provincial Councils Elections Act, No. 2 of 1988 or the Local Authorities Elections Ordinance (Chapter 262) as the case may be.

(2) Where a person who on the appointed date is not a person to whom this Part applies, he shall, within three months of the date on which he becomes a person to whom this Part applies, make a declaration of assets and liabilities

as on the last mentioned date:

Provided that, a person to whom this Part applies as is referred to in paragraph (p) of subsection (1) of section 77 shall submit his declaration for the period up to the date of the declaration of the election.

(3) Every person who is required to make the first declaration of assets and liabilities under subsection (1) or (2) shall, unless such person ceases to be a person to whom this Part applies, by the thirtieth day of June in each year, make in the Form as may be prescribed a declaration of his assets and liabilities as at the thirty first day of March of such year and include in such declaration the assets and liabilities he held on the date on which he was first required to make a declaration of his assets and liabilities under this Part:

Provided that, where a person who is required to make a declaration of assets and liabilities under subsection (2) has made the first declaration as at any date within six months preceding the thirty first day of March in any year, he shall not be required to make another declaration for such year other than a declaration of assets and liabilities (hereinafter referred to as "ad- hoc declaration") where a significant change referred to in paragraph (e) of subsection (1) occurs in his assets and liabilities.

Submission
process of
declarations of
assets and
liabilities

81. (1) The submission and verification of declarations of assets and liabilities shall be made through the centralized electronic system administered by the Central Authority.

For the purposes of this Part, the Independent Commission Against Corruption shall be the Central Authority.

(2) Electronic assets and liabilities declarations (hereinafter referred to as electronic declaration) shall be submitted either in Sinhala, Tamil or English languages.

(3) A person who has made an electronic declaration may make alterations in such declaration-

(a) within fifteen days for first or subsequent declarations;
and

(b) within seven days for ad-hoc declarations,

and the system will automatically close after that period:

Provided however, the person to whom this Part applies may be

allowed access to the centralised electronic submission system to make alterations in his electronic declaration after fifteen days or seven days as the case may be with the special sanction of the Central Authority, where the Central Authority deems that a justifiable reason exists.

(4) Where a person to whom this Part applies makes an alteration in his declaration under subsection (3), such person shall be provided with copies of his original declaration to make the required alterations and the last copy of such person's declaration shall be regarded as the true and final declaration.

(5) Where a person to whom this Part applies seeks assistance in submitting the declaration to be submitted under subsection (2), such person may seek advice from the Anti- Corruption Agency or from the integrity officer assigned to provide such services.

(6) Manual submission of declarations of assets and liabilities shall be allowed during the transitional period until the centralised electronic submission system comes into effect or in instances in which the electronic system has collapsed due to technical failures.

Verification
process

82. (1) The Central Authority shall conduct verification of the declarations of assets and liabilities for accuracy and completeness of information in such declarations, to detect signs of illicit enrichment, and to detect conflicts of interests.

(2) Central Authority shall also conduct verification of the declarations of asset and liabilities in the following circumstances:

- (a) when such declarations are selected for verification according to the procedure prescribed by the Central Authority;
- (b) upon receipt of a complaint from any person or entity on the correctiveness of such declarations; or
- (c) when the Central Authority *ex mero motu* detects signs of possible violation from public sources or through its own investigations.

(3) The detection of illicit enrichment upon verification conducted under subsection (2) shall lead to an investigation under section 42.

Access to other records

83. Notwithstanding, the provisions of any other law, the Central Authority shall have access to records and databases of any other public authority within Sri Lanka in so far as the information accessed pertains to assets, liabilities, income, expenditure, and interests which gives rise to or may give rise to conflicts of interest for the purpose of verification of declarations of assets and liabilities.

For the purpose of this Part, public authority shall have the same meaning as in the Right to Information Act, No. 12 of 2016 and shall include the Department of Inland Revenue, Department of Motor Traffic Department of Customs and Registrar General of Lands.

Power to refer to declaration of assets and liabilities

84. (1) Any person, body or authority responsible for the appointment, promotion, transfer or secondment, of an officer or employee of a public corporation or local authority, shall for such purpose, have the right to call for and refer to any declaration of assets and liabilities of such officer or employee.

(2) The Attorney-General, the Commission, the Commissioner-General of Inland Revenue, the Head of the Department of Exchange Control, Inspector General of Police, designated officers of special police units, Director-General of Customs and designated officers of Finance Intelligence Unit shall have the right to call for and refer to any declaration of assets and liabilities.

Public Access

85. The centralized electronic system shall automatically generate redacted version of every declaration of assets and liabilities. Such redacted version shall not include:

- (a) the address of the residence of the declarant or of the persons, who's assets are declared by the declarant;
- (b) full address/es of declared real estate except information pertaining to the Ward and district in which the real estate is situated;
- (c) date of birth, National Identity Card Number, Passport Number or any other number recognized by the relevant authorities for the purpose of identification of individuals mentioned in the declaration;
- (d) Bank account numbers.

(2) The Central Authority shall, within a period of three months of the

commencement of the functions of the Central Authority, appoint an officer as the Information Officer of the Central Authority in terms of section 23 of the Right to Information Act, No. 12 of 2016 and the Head of the Central Authority shall be the Designated Officer for the purposes of the said Act.

(3) Nothing contained in the Evidence (special provisions) Act, No. 14 of 1995 shall apply to and in relation to any data, message, electronic document, electronic record or other document to which the provisions of this Act apply.

Access to
declarations of
candidates of
elections

86. (1) All the candidates of elections referred to in paragraph (p) of section 76 shall, submit a copy of the form and a summary of the declaration of assets, and liabilities, to the Commissioner of Elections together with such candidate's nomination papers.

(2) The summary of the declaration of assets and liabilities shall be available for the public.

Power of the
Commission to
call for additional
information

87. The Commission may, at any time, call for such additional information as Commission may require from –

(a) any person who has made a declaration of assets and liabilities under this Part, and utilize such information or the declaration made under this Part ; or

(b) any other person or any other document,

for the performance of its functions under Part I of this Act.

PART III

CHAPTER I

SUBSTANTIVE OFFENCES OR OFFENCES RELATING TO BRIBERY OR CORRUPTION

Bribery of Judges
of the Supreme
Court, Court of
Appeal, High
Courts, judicial
officers and
Members of
Parliament

88. A person –

(a) who offers any gratification to a Judge of the Supreme Court, Court of Appeal, High Court, judicial officer, or to a Member of Parliament, as an inducement or a reward for such Judge's or officer's or Member's doing or forbearing to do any act in his judicial capacity or in his capacity as such

Member, or

- (b) who, being a Judge of the Supreme Court, Court of Appeal, High Court, judicial officer or a Member of Parliament, solicits or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his judicial capacity or in his capacity as such Member,

commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years:

Provided, however, that it shall not be an offence under the preceding provisions of this section for any trade union or other organization to offer to a Member of Parliament, or for any such Member to accept from any trade union or other organization, any allowance or other payment solely for the purposes of his maintenance.

Accepting of gratification by Members of Parliament for interviewing public officials

89. A Member of Parliament who solicits or accepts any gratification as an inducement or a reward for –

- (a) interviewing a public **official** on behalf of any person; or
- (b) appearing on behalf of any person before a public **official** exercising judicial or quasi-judicial functions,

commits an offence of bribery under this Act and on conviction be liable to fine not exceeding hundred thousand rupees and for a term of rigorous imprisonment not exceeding seven years:

Provided however, that it shall not be an offence under the preceding provisions of this section for a Member of Parliament to appear as an attorney-at-law before a court or before a statutory tribunal of which a public **officials** is not a member.

Bribery of police officers, peace officers and other public officials

90. A person -

- (a) who offers any gratification to any police officer, peace officer, or other public **official**, employed in any capacity for the prosecution, detection or punishment of offenders, or to an officer of a court, as an inducement or a reward for such officer's or **official's** interfering with the due administration of justice, or procuring or facilitating the commission of any offence, or protecting from detection or punishment the

perpetrator of any offence, or abusing his official powers to the injury or detriment of any person; or

- (b) who, being any such officer or **official**, solicits or accepts any gratification as an inducement or a reward for such interfering, procuring, facilitating, protecting, or abusing as is referred to in paragraph (a) of this section,

commits an offence of bribery under this Act and on conviction be liable to fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

Bribery for
giving assistance
or using
influence in
regard to
contracts

91. A person -

- (a) who offers any gratification to a public **official** as an inducement or reward for such public **official's** giving assistance or using influence in the promotion of the procuring of any contract with the Government for the performance of any work, the providing of any service, the doing of anything, or the supplying of any article, material or substance, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof; or
- (b) who, being a public **official**, solicits or accepts any gratification as an inducement or a reward for his giving assistance or using influence in the promotion of the procuring of any such contract as is referred to in paragraph (a) of this section, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof,

commits of an offence and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

Bribery for
procuring
withdrawal of
tenders

92. A person -

- (a) who, with intent to obtain from the Government a contract for performing any work, providing any service, doing anything, or supplying any article, material or substance, offers any gratification to any person who has made a tender for such

contract, as an inducement or a reward for his withdrawing such tender; or

- (b) who solicits or accepts any gratification as an inducement or a reward for his withdrawing a tender made by him for such contract,

commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

Bribery in
respect of
Government
business

93. A person -

- (a) who offers any gratification to a public **official** as an inducement or a reward for that public **official's** performing or abstaining from performing any official act, or expediting, delaying, hindering or preventing the performance of any official act whether by that public **official** or by any other public **official**, or assisting, favouring, hindering or delaying any person in the transaction of any business with the Government; or
- (b) who, being a public **official**, solicits or accepts any gratification as an inducement or a reward for his performing or abstaining from performing any official act or for such expediting, delaying, hindering, preventing, assisting or favouring as is referred to in paragraph (a) of this section; or
- (c) who, being a public **official** solicits or accepts any gratification,

commits an offence of bribery under this Act and on conviction be liable to fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

Provided however, that it shall not be an offence for a public **official** to solicit or accept any gratification which he is authorised by any written law or the terms of his employment to receive:

Provided further, that section 35 of the Medical Ordinance (Chapter 105) shall not entitle a medical practitioner who is a public **official** to solicit or accept any gratification.

Bribery in
connection with

94. A person -

payment of
claims,
appointments,
employments,
grants, leases,
and other
benefits

- (a) who offers any gratification to any person as an inducement or a reward for –
- (i) his procuring from the Government the payment of the whole or a part of any claim; or
 - (ii) his procuring or furthering the appointment of the first-mentioned person or of any other person to any office; or
 - (iii) his preventing the appointment of any other person to any office; or
 - (iv) his procuring, or furthering the securing of, any employment for the first-mentioned person or for any other person in any department, office or establishment of the Government; or
 - (v) his preventing the securing of any employment for any other person in any department, office or establishment of the Government; or
 - (vi) his procuring, or furthering the securing of any grant, lease or other benefit from the Government for the first-mentioned person or for any other person; or
 - (vii) his preventing the securing of any such grant, lease or benefit for any other person; or
- (b) who solicits or accepts any gratification as an inducement or a reward for his doing any of the acts specified in subparagraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph (a) of this section,

commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

Bribery of public
officials by
persons having
dealings with the
Government

95. A person –

- (a) who, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public **official** employed in that department, office or establishment, or
- (b) who, within one year before or after his having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public **official** employed in that department, office or establishment; or

- (c) who, being a public **official**, solicits or accepts any gratification, the offer of which is an offence under this section,

commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years:

Provided, however, that such offer of a gratification to a public **official** as is referred to in paragraph (b) of this section shall not be an offence under this section if the offeror proves that the gratification was *bona fide* offered for a purpose not connected with and not relating to such dealings as are referred to in that paragraph and that when he offered the gratification he had no hope or expectation of having any such dealings or he did not intend that the gratification should be an inducement or a reward for that public **official's** doing or forbearing to do any act connected with or relating to any such dealings.

Bribery of a member of local authority, or of scheduled institution, or of governing body of scheduled institution, and bribery of **official** of a local authority or of such institution

96. A person -

- (a) who offers any gratification to any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution, as an inducement or a reward for -
- (i) such member's voting or abstaining from voting at any meeting of such local authority, scheduled institution, or governing body or of a committee thereof in favour of or against any measure, resolution or question submitted to such local authority, scheduled institution, governing body or committee; or
 - (ii) such member's performing, or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of any official act; or
 - (iii) such member's aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person; or
- (b) who offers any gratification to any officer or employee of any local authority, or of any scheduled institution, as an inducement or a reward for -

(i) such officer's or employee's performing or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act; or

(ii) such officer's or employee's procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person; or

(c) who, being such member as is referred to in paragraph (a) of this section, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in subparagraphs (i), (ii) and (iii) of that paragraph; or

(d) who, being such officer or employee as is referred to in paragraph (b) of this section, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in subparagraphs (i) and (ii) of that paragraph,

commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding hundred thousand rupees and to term of rigorous imprisonment not exceeding seven years.

Use of threats or fraud to influence vote of member of local authority, or of scheduled institution, or of governing body of scheduled institution

97. A person -

(a) who, attempts by any threat, deceit, suppression of the truth or other unlawful means to influence any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution in giving or withholding his vote in favour of or against any measure, motion, resolution or question submitted to any meeting, or in not attending any meeting, of such local authority, scheduled institution, or governing body or of any committee thereof; or

(b) who attempts by any such means as in the last preceding paragraph mentioned to influence any member or any officer or employee of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or to perform or

abstain from performing, or to aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act,

commits an offence and on conviction be liable to fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

Trading in
Influence

98. (1) A person who offers to a public official or any other person, directly or indirectly, of any gratification in order that the public official or the person abuse his influence with a view to obtaining from the government any benefit for that person or any other person commits the offence of bribery and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

(2) A public official or any other person who, directly or indirectly, solicits or accepts any gratification in order that the public official or the person abuse his influence with view to obtaining from the government any benefit as is referred to in subsection (1) commits an offence of bribery and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years.

Bribery of a
foreign public
official

99. (1) A person who offers to a foreign public official a gratification, in order-

- (a) to obtain or retain a contract, business or an advantage in the conduct of international business; and
- (b) that the foreign public official acts or refrains from acting in the exercise of such foreign public official's official duties in a manner that breaches an official duty or uses such foreign public official's or another person's position to influence any act or decision of the foreign State or public international organization concerned,

commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding one million rupees or to a term of rigorous-imprisonment not exceeding seven years or to both such fine imprisonment.

(2) For the purposes of this section, international business includes the provision of international aid.

(3) A person commits an offence under this section, irrespective of -

- (a) whether the gratification is offered for the benefit of the foreign public official who is to act or refrain from acting or act or refrain from acting for another person;
- (b) whether the gratification offered has actually influenced the foreign public official's actions or omissions; and
- (c) whether the gratification offered to the foreign public official is neither permitted nor required by the written law applicable to him to be influenced in his capacity as a foreign public official.

(4) For the purposes of Paragraph (d) of subsection (3), the written law applicable to the foreign public official is —

- (a) where the performance of the functions of the foreign public official which the person intends to influence would be subject to the laws of Sri Lanka;
- (b) where paragraph (a) does not apply and the foreign public official is an official or agent of a public international organisation, the applicable written rules of that organization:

Provided, however, where paragraphs (a) and (b) do not apply, the law of the country or territory in relation to which the foreign public official is a foreign public official so far as that law is contained in —

- (i) any written Constitution, or any provision made by or under legislation, applicable to the country or territory concerned; or
- (ii) any judicial decision which is so applicable and is evidenced in published written sources.

Bribery in the private sector

100. (1) Any person who, in the course of economic, financial or commercial activities, offers, directly or indirectly, a gratification to any person who directs or works, in any capacity, for a private sector entity, for the person himself or for another person, in order that he commits any act or refrains from committing any act in breach of his duties, commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding hundred thousand rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

(2) A person who directs or works, in any capacity, for a private sector entity, in the course of economic, financial or commercial activities, solicits or accepts, directly or indirectly an advantage, for the person himself or for another person, in order that such person does any act or refrain from doing any act in breach of such person's duties, commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding hundred thousand rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

Failure to declare
conflicts of
interest

101. (1) Where a public authority in which a public official is a member, director, or employee proposes to deal with a person, company, partnership or other undertaking in which that public official or a relative or associate of such public official has a direct or indirect interest that public official shall forthwith disclose to that authority the nature of such interest in the manner prescribed by the Commission.

(2) Where a public official or a relative or associate of such public official has a personal interest in a decision which a public body is to take regarding a person, company, partnership or other undertaking, that public official shall not vote or take part in any proceedings of that public body relating to such decision.

(3) Any public official who contravenes **the provisions of** subsection (1) or (2) commits an offence and shall on conviction be liable to a fine not exceeding hundred thousand rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

Offences relating
to sporting
events

102. Any person who, directly or indirectly-

(a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or for the benefit of that other person or of another person-

(i) in return for-

(a) engaging in any act which constitutes a threat to or undermines the integrity of any sporting event, including, in any way, influencing the run of play or the outcome of a sporting event; or

(b) not reporting the act contemplated in this section to the managing director, chief executive officer or to any other person holding a similar post in the sporting body or regulatory authority concerned or to the nearest police station; or

(ii) as a reward for acting as contemplated in subparagraph (i); or

(b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person-

(i) in return for-

(a) engaging in any act which constitutes a threat to or undermines the integrity of any sporting event, including, in any way, influencing the run of play or the outcome of a sporting event; or

(b) not reporting the act contemplated in this section to the managing director, chief executive officer or to any other person holding a similar post in the sporting body or regulatory authority concerned or to such person's nearest police station; or

(ii) as a reward for acting as contemplated in subparagraph (i); or

(c) carries into effect any scheme which constitutes a threat to or undermines the integrity of any sporting event, including, in any way, influencing the run of play or the outcome of a sporting event,

commits an offence and shall on conviction be liable to a fine not exceeding hundred thousand rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

Accumulation of
wealth by bribery

103. (1) Where a person has or had acquired any property, and such property –

(a) being money, cannot be or could not have been –

- (i) part of such person's known income or receipts; or
 - (ii) money to which any part of his known receipts has or had been converted; or
- (b) being property other than money, cannot be or could not have been -

- (i) property acquired with any part of such person's known income; or
- (ii) property which is or was part of such person's known receipts; or
- (iii) property to which any part of such person's known receipts has or had been converted,

then, for the purposes of any prosecution under this section, it shall be deemed, until the contrary is proved by such person, that such property is or was property which such person has or had acquired by bribery or to which such person has or had converted any property acquired by committing an act of bribery.

(2) In subsection (1) "income" does not include income from bribery, and "receipts" do not include receipts from bribery.

(3) A person who is or had been the owner of any property which is deemed under subsection (1) to be property which such person has or had acquired by committing an act of bribery or to which such person has or had converted any property acquired by such person by committing an act of bribery, commits an offence and on conviction be liable to a fine not exceeding hundred thousand rupees and to a term of rigorous imprisonment not exceeding seven years:

Provided that, where such property is or was money deposited to the credit of such person's account in any bank and such person satisfies the court that such deposit has or had been made by any other person without such person's consent or knowledge, such person shall not commit an offence under the preceding provisions of this subsection.

(4) No prosecution for an offence under this section shall be instituted against any person unless the Commission has given such person an opportunity to show cause as to why such person should not be prosecuted for such offence

and where such person has failed to show cause as such or the cause shown by such person is unsatisfactory in the opinion of such Commission.

(5) For the purposes of this section, where a spouse or an unmarried child under the age of eighteen years of a person has or had acquired any property movable or immovable on or after the date of commencement of this Act, it shall be presumed until the contrary is proved that such property was acquired by such person aforesaid and not by such spouse or unmarried child, as the case may be.

(6) In any prosecution for an offence under this section, a certificate from the Chief Valuer with regard to the value of any immovable property or the cost of construction of any building on such property shall be sufficient proof of such value and cost of construction unless and until the contrary is proved.

In this subsection, "Chief Valuer" means the Chief Valuer of the Government, and includes any Senior Assistant Valuer, or Assistant Valuer of the Government Valuation Department.

(7) For the purpose of this section "a person" shall mean any person whomsoever, whether or not such person can be shown to have been concerned with any act referred to in section or section or whether or not he is a public **official** within the meaning of this Act.

(8) Notwithstanding anything to the contrary in any other provision of this Part, where a court convicts a person of an offence under this Part, the court may in lieu of imposing a penalty or fine, make order that any movable or immovable property found to have been acquired by bribery or by the proceeds of bribery, be forfeited to the State free from all encumbrances:

Provided, however, that, in determining whether an order of forfeiture should be made, the court shall be entitled to take into consideration whether such an order is likely to prejudice the rights of a *bona fide* purchaser for value or any other person who has acquired, for value a *bona fide* interest in such property.

(9) An order made under subsection (8) shall take effect—

(a) where an appeal has been made to the Court of Appeal or the Supreme Court against the order of forfeiture, upon the determination of such appeal confirming or upholding the

order of forfeiture; or

- (b) where no appeal has been preferred to the Court of Appeal or the Supreme Court against the order of forfeiture, after the expiration of the period within which an appeal may be preferred to the Court of Appeal or the Supreme Court against such order.

Gratification

104. (1) A person offers a gratification if he or any other person acting with his knowledge or consent directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any gratification to or for the benefit of or in trust for any other person.

(2) A person solicits a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly demands, invites, asks for, or indicates willingness to receive, any gratification, whether for the first-mentioned person or for any other person.

(3) A person accepts a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly takes, receives or obtains, or agrees to take, receive or obtain any gratification, whether for the first-mentioned person or for any other person.

(4) Any person who solicits or accepts a gratification which is an offence under this Act shall, if such solicitation or acceptance was made outside Sri Lanka, be deemed to have committed such offence within Sri Lanka, and accordingly the High Court holden in Colombo shall have jurisdiction to try such offence notwithstanding anything to the contrary in any other written law.

Corruption

105. Any public **official** who, with intent to cause wrongful or unlawful loss to the Government, or to confer a wrongful or unlawful benefit, favour or advantage on himself or any other person, or with knowledge, that any wrongful or unlawful loss will be caused to any person or to the Government, or that any wrongful or unlawful benefit, favour or advantage will be conferred on any person-

- (a) does, or forbears to do, any act by virtue of his office as a public **official**;
- (b) induces any other public **official** to perform, or refrain from performing, any act by virtue of his office as a

public official;

- (c) uses any information coming to his knowledge by virtue of his office as a public official;
- (d) participates in the making of any decision by virtue of his office as a public official;
- (e) induces any other person, by the use, whether directly or indirectly, of his office as such public official to perform, or refrain from performing, any act,

commits the offence of corruption and shall upon trial and conviction by a High Court or upon summary trial and conviction by a Magistrate be liable to rigorous imprisonment for a term not exceeding ten years or to a fine not exceeding one hundred thousand rupees or to both such imprisonment and fine.

Money
Laundering

106. (1) Where as a result of committing an offence under this Act, proceeds have been generated that are the subject of an offence under section 3 of the Prevention of Money Laundering Act, No. 5 of 2006, the person committing such predicate offence, commits in addition to the offence under this Act, the offence of money laundering. **For the purpose of this section,** 'money laundering' shall have the same meaning as in section 3 of the Prevention of Money Laundering Act, No. 5 of 2006 and shall carry the same penalty.

(2) In the application of the procedure contained in the Prevention of Money Laundering Act, No. 5 of 2006 for purposes of subsection (1), the reference to an Assistant Superintendent of Police or any other police officer is deemed to be a reference to any officer designated by the Commission.

Acceptance of
gratification
without power

107. (1) Where in any proceedings against any person for any offence under the Act other than section 105 it is proved that such person accepted any gratification, having grounds to believe or suspect that the gratification was offered in consideration of such person's doing or forbearing to do any act referred to in that section, such person commits an offence under that section notwithstanding that such person did not actually have the power, right or opportunity so to do or forbear or that such person accepted the gratification without intending so to do or forbear or that such person did not in fact so do or forbear.

(2) Where in any proceedings against any person for an offence under section 106 of this Act, it is proved that such person intended to cause wrongful

or unlawful loss to the Government, or to confer a wrongful or unlawful benefit, favour or advantage on such person or any other person, or had knowledge, that any wrongful or unlawful loss will be caused to any person or to the Government, or that any wrongful or unlawful benefit, favour or advantage will be conferred on any person by such person's doing or forbearing to do any act referred to in that section, such person commits an offence under that section notwithstanding that such person did not actually have the power, right or opportunity so to do or forbear or that such person did not in fact so do or forbear.

Additional
penalties

108. (1) Where a court convicts any person for an offence committed by the offer or acceptance of any gratification in contravention of any provision of this Act, then, if that gratification is a sum of money or if the value of that gratification can be assessed, the court shall, in addition to the court imposing on that person any other punishment, order him to pay as a penalty, within such time as may be specified in the order, a sum which is equal to the amount of that gratification or is, in the opinion of the court, the value of that gratification.

(2) Where the High Court convicts any person for committing an offence under section **102** it shall, in addition to any other penalty that it is required to impose under this Act, impose a fine of not less than the amount which such court has found, to have been acquired by bribery or by the proceeds of bribery or converted to property by bribery, or by the proceeds of bribery and shall not exceed three times such amount.

(3) A fine or a penalty imposed by a court on any person for the commission of the offence of bribery may be recovered as if the order imposing the fine or the penalty were a decree entered by the District Court in favour of the State and against that person.

(4) Where the person liable to pay the fine or penalty referred to in the preceding provisions of this section was a public **official** on the date of commission of the offence for which the fine or penalty was imposed, then, notwithstanding anything to the contrary in any other written law, any movable or immovable property acquired after the said date by the spouse of, or a son or daughter maintained by such person shall, in addition to the movable and immovable property of such person, be liable to be seized and sold for the recovery of the amount of such fine or penalty, if the property so acquired –

(a) was purchased by such spouse, son or daughter; or

- (b) was purchased in the name of such spouse, son or daughter by the person liable to pay such fine or penalty; or
- (c) was acquired by such spouse, son or daughter by purchase, gift or otherwise from the person who offered the gratification for the acceptance of which the person liable to pay such fine or penalty became so liable; or
- (d) was acquired by testate or intestate succession from the person liable to pay such fine or penalty.

(5) Notwithstanding anything to the contrary in any other provision of this Act, where a court convicts a person, the court may, for corruption under section 102, make order that any movable or immovable property found to have been acquired by corruption or by the proceeds of corruption, be forfeited to the State free from all encumbrances:

Provided however that, in determining whether an order of forfeiture should be made, the court shall be entitled to take into consideration whether such an order is likely to prejudice the rights of a *bona fide* purchaser for value or any other person who has acquired for value, a *bona fide* interest in such property.

(6) An order made under subsection (1) shall take effect –

- (a) where an appeal has been made to the Court of Appeal or the Supreme Court against the order of forfeiture, upon the determination of such appeal confirming or upholding the order of forfeiture;
- (b) where no appeal has been preferred to the Court of Appeal or the Supreme Court against the order of forfeiture, after the expiration of the period within which an appeal may be preferred to the Court of Appeal or the Supreme Court, against such order.

(7) Where a person is convicted of an offence under this Chapter of this Part, then by reason of such conviction or finding -

- (a) such person shall become incapable for a period of seven years from the date of such conviction or finding of being registered as an elector or of voting at any election under the Ceylon (Parliamentary Elections) Order in Council, 1946, or for a period of five years under the Local

Authorities Elections Ordinance, or of being elected or appointed as a Member of Parliament or as a member of a local authority or a Provincial Council and, if at that date such person has been elected or appointed as a Member of Parliament or member of a local authority, or of a Provincial Council such person's election or appointment as such member shall be vacated from that date;

- (b) such person shall be disqualified for life from being employed as a public **official** and from being elected or appointed to a scheduled institution or to the governing body of a scheduled institution;
- (c) such person shall, if he is a member of a scheduled institution or of the governing body of a scheduled institution, cease to be a member of either of such institutions from the date of such conviction or finding; and
- (d) such person shall, if he is a public **official**, cease to be a public official from the date of such conviction or finding and, notwithstanding anything to the contrary in any other written law, be deemed to have been dismissed on that date by the authority empowered by law to dismiss him.

Offences by body
of persons

109. Where an offence under this Act is committed by a body of persons, then-

- (a) if such body of persons is a body incorporate or unincorporate or a corporation, every director or officer or agent thereof; and
- (b) if such body of persons is a firm, every partner,

shall be liable to a fine as specified for the respective offences:

Provided, however, a director or an officer or agent of such body incorporate, unincorporate or of such corporation or partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he used all such diligence to prevent the commission of such offence.

CHAPTER II

PROCEDURAL OFFENCES

Contempt

110. (1) Every offence of contempt committed against or in disrespect of, the authority of the Commission shall be punishable by the Supreme Court as though it were an offence of contempt committed against, or in disrespect of, the authority of such court, and the Supreme Court, is hereby vested with jurisdiction to try every such offence.

(2) An act done or omitted to be done in relation to the Commission, whether in the presence of the Commission or otherwise, shall constitute an offence of contempt against, or in disrespect of, the authority of the Commission, if such act would, if done or omitted to be done in relation to the Supreme Court, have constituted an offence of contempt against, or in disrespect of, the authority of such court.

(3) If any person -

- (i) fails to appear before the Commission without a cause reasonable enough in the opinion of the Commission, at the time and place mentioned in a summons served under this Act; or
- (ii) refuses to be sworn or affirmed or, having been duly sworn or affirmed, refuses or fails without a cause reasonable enough in the opinion of the Commission, to answer any question put to such person touching the matters being investigated by the Commission; or
- (iii) refuses or fails without a cause reasonable enough in the opinion of the Commission, to comply with the requirements of a notice or written order issued or made to such person by the Commission; or
- (iv) upon whom a summons is served under this Act, refuses or fails without a cause reasonable enough in the opinion of the Commission, to produce and show to the Commission any document or other thing which is in such person's possession or control and which is in the opinion of the Commission necessary for arriving at the truth of the matters being investigated, such person commits the offence of contempt against, or in disrespect of, the authority of the Commission.

(4) For the purposes of this section, it shall not be deemed to be a reasonable cause for a person to refuse or fail to answer any question or to produce and show any document or other thing on the ground that the matter

being investigated by the Commission is the same or substantially the same matter which is the subject of, or is likely to be the subject of, an inquiry in any proceeding in any court or on the ground that the answer to such question or the production or showing of such document or other thing may directly or indirectly affect, or cause prejudice to such person in any other proceedings.

(5) Where a Commission determines that a person has committed any offence of contempt under subsection (2) or subsection (3) against, or in disrespect of its authority, the Commission may cause the Director-General to transmit to the Supreme Court, a certificate setting out such determination, which certificate shall be signed by the Chairman of the Commission.

(6) In any proceeding for the punishment of an offence of contempt which the Supreme Court may think fit to take cognizance of as provided in this section, any document purporting to be a certificate signed and transmitted to the court under subsection (5) shall –

- (a) be received in evidence, and be deemed to be such a certificate without further proof unless the contrary is proved; and
- (b) be evidence that the determination set out in the certificate was made by the Commission and of the facts stated in the determination.

(7) In any proceedings taken as provided in this section for the punishment of any alleged offence of contempt against, or in disrespect of the authority of the Commission, notwithstanding anything to the contrary in this Act, no member of the Commission shall, except with such person's own consent, be summoned or examined as a witness.

False allegations

111. Every person who makes an allegation in any information or complaint made by him to the Commission under section 42 knowing such allegation to be false or having reason to believe that such allegation does not constitute an offence under this Act shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two hundred thousand rupees or imprisonment for a term not exceeding ten years or to both such fine and imprisonment and shall in addition, be liable to the payment to the person in respect of whom the communication was made, of a sum of money as compensation as the Court may think fit.

Contravening
Secrecy

112. Every person who acts in contravention of the duty imposed on him under subsections (1) and (2) of section 25 to maintain secrecy commits an offence and shall on conviction after summary trial before a Magistrate be liable

to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Resisting or
obstructing
officers

113. Any person who resists or obstructs an officer in the execution of such officer's duty under the provisions of this Act commits an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

Obstructing
search

114. Any person who —

- (a) refuses the Director- General or any officer appointed to assist the Commission to enter, search, or have access to any place;
- (b) assaults, obstructs, hinders or delays Director-General or any officer appointed to assist the Commission in effecting any entrance which such officer is entitled to effect under this Act, or in the execution of any duty imposed or power conferred on such officer by this Act;
- (c) fails to comply with any lawful demand of the Director-General or any officer appointed to assist the Commission in the execution of such person's duty under this Act; or
- (d) refuses or neglects to give any information which may reasonably be required of such person and which such person has in such person's power to give,

commits an offence and on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

False statements,
information, etc.

115. Any person who knowingly —

- (a) gives or causes to be given any false or misleading information relating to the commission of any offence under this Act or under any other law in relation to which an investigation discloses the commission of any offence by any person; or
- (b) gives or causes to be given to the Director- General or any other officer appointed to assist the Commission false or

misleading information,

commits an offence and shall on conviction after summary trial before by a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

Giving False
evidence

116. (1) Chapter XI of the Penal Code (Chapter 19) shall apply for the purposes of this Act.

(2) Prior sanction of the Attorney-General, required to be obtained under section 135 of the Criminal Procedure Code, Act, No. 15 of 1979 shall not apply to any prosecution under this Act.

Falsely
pretending to be
an officer

117. Any person who falsely pretends that he is an officer or has any of the powers of an officer under this Act or that he is able to procure an officer to do or refrain from doing anything in connection with the duty of such officer under this Act commits an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

Obstructing
justice

118. (1) A person who directly or indirectly influences any member of the Commission in the performance of such member's duty commits an offence and shall, upon conviction after summary trial by before a Magistrate be liable to a fine of fifty thousand rupees.

(2) A person who directly or indirectly by words written or spoken or by any act threatens any member of the Commission with any injury to such member's body, mind or reputation in order to deter such member from the performance of such member's duty under this Act commits an offence and shall, upon conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred thousand rupees, and upon a second or subsequent conviction for an offence under this subsection shall, in addition to such fine, be liable to imprisonment for a term not exceeding seven years.

(3) A person who causes injury to the body, mind or reputation of a member of the Commission in order to deter such member from the performance of such member's duty under this Act shall, upon conviction after summary trial before a Magistrate, be liable to a fine of not less than one hundred thousand rupees and not more than five hundred thousand rupees or to rigorous imprisonment for a term not exceeding seven years.

Refuses,
neglects, or omits

119. (1) A person who refuses or willfully neglects or omits to carry out an order of the Commission or willfully obstructs such Commission commits an

to carry out an order of the Commission

offence and shall, upon conviction **after** summary trial before a Magistrate, be liable to a fine of not less than one hundred thousand rupees and not more than five hundred thousand rupees or to rigorous imprisonment for a term not exceeding seven years.

(2) A prosecution for an offence under subsection (1) may be instituted in such Magistrates' Court as may be determined by the Commission.

Interference with witnesses

120. (1) Any person who --

- (a) interferes with a person who is to be, or has been, examined by the Commission;
- (b) interferes with a person summoned in any proceedings instituted under this Act in or before a court of law;
- (c) induces a person to refrain from giving evidence **in any proceedings under the Act**, in any court;
- (d) threatens a person with injury to such person's body, mind or reputation in order to deter such person from giving evidence **in any proceedings under the Act** in any court;
- (e) injures a person in body, mind or reputation in order to deter such person from giving evidence **in any proceedings under the Act** in any court;
- (f) compels a person not to give evidence **in any proceedings under the Act** in any court;
- (g) without reasonable cause fails to appear before the Commission at the time and place mentioned in a request served under this Act;
- (h) without reasonable cause refuses to be sworn or **affirmed** or, having been duly sworn or affirmed, refuses or fails to answer any question put to such person regarding the matters being investigated by the Commission;
- (i) without reasonable cause refuses or fails to comply with the requirement of a notice or written order issued or made to

such person by the Commission;

- (j) falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, any document or material or thing which is or is likely to be relevant to the exercise, performance or discharge of any power, duty or function under this Act;
- (k) falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, any document or material or thing which is or is likely to be relevant to the execution of any order made in accordance with the provisions of this Act;
- (l) destroys or otherwise disposes of any document or material which such person knows or has reason to believe is relevant to an investigation under the Prevention of Money Laundering Act, No. 5 of 2006 or the Convention for the Suppression of Financing of Terrorism Act, No. 25 of 2005;
- (m) divulges the fact that a report has been made or any information has been provided to the Commission in terms of any provision of this Act, or that an investigation into an offence is being, or is about to be made, or divulges any other information to another person whereby such investigation is likely to be prejudiced,

commits an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(2) The provisions of subsection (1) shall not apply to disclosures made to -

- (a) an officer or employee or agent of the person making a report under this Act for any purpose connected with the performance of that person's duties;
- (b) an attorney at law or legal advisor for the purpose of obtaining legal advice or representation in relation to any

matter; or

- (c) the supervisory authority of the relevant institution, in so far as it is related to the discharge of the functions of the supervisory authority.

(3) No person referred to in paragraph (b) of subsection (2) to whom any disclosure of information has been made, shall disclose that information other than to a person referred to therein, in so far as it is necessary for -

- (a) the performance of the first-mentioned person's duties; or
- (b) obtaining legal advice or representation in relation to the matter.

(4) No person referred to in paragraph (c) of subsection (2) to whom the disclosure of any information has been made shall disclose that information except for the purpose referred to in that subsection, or for the purpose of obtaining legal advice or making representation in relation to a matter to the Financial Intelligence Unit established in terms of the Financial Transactions Reporting Act, No. 6 of 2006.

Contravention of the legal obligation to give information

121. Any person who contravenes the provisions of section 116 of this Act commits an offence and shall, upon conviction **after summary trial** before a Magistrate, be liable to a fine of not less than one hundred thousand rupees and not more than exceeding five hundred thousand rupees or to rigorous imprisonment for a term not exceeding seven years. or.

General Offence

122. Any person who commits an offence under this Act for which no penalty is expressly provided for by this Act, shall upon conviction after summary trial before a Magistrate be liable to a fine or to imprisonment of either description for a term or to both such fine and imprisonment.

CHAPTER III OFFENCES RELATING TO THE DECLARATION OF ASSETS AND

LIABILITIES

Offences related
to the
Declaration of
Assets and
Liabilities

123. (1) Any person-

- (a) who fails without reasonable cause to make any declaration of assets and liabilities (hereinafter in this Chapter referred to as "declaration") which he is required to make under Part II of this Act; or
- (b) who makes any false statement in any such declaration; or
- (c) who willfully omits any asset or liability from any such declaration; or
- (d) who fails without reasonable cause to give such additional information as the Commission may require; or
- (e) who otherwise contravenes any provision of Part II of this Act,

commits an offence and shall, unless any other penalty is otherwise provided, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding..... rupees, or imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment and the asset which has been omitted under paragraph (c) shall be confiscated to the State.

(2) Any person who fails to submit his annual declaration or the post retirement declaration under section 81 of this Act on due date, shall be liable to a daily administrative fine equivalent to one thirtieth of the last drawn gross monthly salary of the declarant and this fine shall be imposed for late submissions upto thirty first day of July. An enhanced daily administrative fine equivalent to one thirtieth of last drawn gross salary for last six months will be imposed for late submissions from first of August to thirty first of August.

(3) Any person who fails to submit his first appointment declaration, ad hoc declarations or the end of tenure or retirement declaration under section 79 of this Act on due date, shall be liable to a daily administrative fine equivalent to one thirtieth of the last drawn gross monthly salary of the declarant. The fine will be imposed for late submissions up to fourteen days after the due date for the submissions. And enhanced daily administrative fine equivalent to one thirtieth of the last drawn gross monthly salaries for last six months shall be imposed for late submissions between fourteen days and twenty eight days after the due date for the submission of such declaration.

(4) Any person who fails to submit his declaration of assets and liabilities along with his application forms for nomination for an election, shall be liable

to sanctions in accordance with the provisions of the relevant written laws.

(5) Any person who fails to submit the annual declaration or the post retirement declaration as the case may be until the first of September of the relevant year commits an offence and shall, upon conviction after summary trial before a Magistrate, be liable to a fine equivalent to last drawn gross salaries for twelve months of that person or to a term of imprisonment of either description not exceeding one year or to both such fine and imprisonment:

Provided further, the Commission shall investigate of the non-submission, for the purposes of verifications.

(6) For any person who fails to submit the first appointment declaration, ad-hoc declarations or the end of tenure or retirement declaration until twenty eight days after the due date, commits an offence and shall on conviction after **summary** trial before a Magistrate, be liable to a fine equivalent to-

- (i) one hundred thousand rupees, where any person fails to submit his first appointment declaration;
- (ii) one hundred thousand rupees, where any person fails to submit his ad-hoc declaration; or
- (iii) last drawn gross salaries for twelve months of that person, where any person fails to submit his end of tenure or retirement declaration,

or to a term of imprisonment not exceeding one year or to both such fine and imprisonment:

Provided further, the Commission shall investigate, of the non submission for the purposes of verifications.

(7) Any person who makes any false statement in any declaration or who willfully omits any asset or liability from any declaration commits an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine equivalent to last drawn gross salary for twelve months of that person or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(8) (a) **If the persons to whom declarations of assets and liabilities are to be**

made under Part II of this Act, fail to comply with the requirements of such Part, such persons shall be warned by sending letters to their personnel files by the Central Authority.

(b) The Central Authority shall also inform the appointing authority of such **persons** to take necessary disciplinary action referred thereof.

(c) The Central Authority shall also send warning letters to the personnel file of the appointing authority where such appointing authority has failed to verify the timely submission of declarations by its employees.

(9) A person who is convicted of an offence under paragraph (a) of subsection (1) shall, within a period of fourteen days after the date of conviction, or in the event of an appeal against such conviction, within a period of fourteen days after the date of affirmation of such conviction, make the declaration of assets and liabilities referred to in section 79. The provisions of section 79 and the provisions of the other preceding sections of this Part shall, *mutatis mutandis*, apply to any declaration of assets and liabilities made by such person under this subsection in like manner and to the same extent as they apply to any declaration of assets and liabilities made under section 79.

(10) Any person who fails to comply with the provisions of subsection (2) commits an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine equivalent to the last drawn salaries of twelve months or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment and to a further fine of five thousand rupees for each day of continuation of that offence.

(11) Where any person is convicted of an offence under paragraph (c) of subsection (1), the asset in respect of which the offence was committed shall by virtue of such conviction be vested in the State free of all encumbrances.

(12) The vesting of any assets in the State under **preceding** subsection (11) shall take effect-

(a) where an appeal has been preferred to the Court of Appeal or the Supreme Court against the order of forfeiture, upon the determination of the appeal, **confirming** or upholding the order of forfeiture;

(b) where no appeal has been preferred to the Court of Appeal against the order of forfeiture, after the expiration of the

period within which an appeal may be preferred to the Court of Appeal against the order of forfeiture.

PART IV

GENERAL

Compensation

124. Any person who is convicted of any offence under this Act may be ordered by the court to pay such sum of money as compensation to the fund of the **Commission** or to any person affected by such offence:

Provided the amount of compensation may be ordered to pay within such time or in such instalments.

Cognizable offences

125. All offences under this Act shall be cognizable offences for the purposes of the application of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979.

Abetment of the Commission of an offence

126. Whoever abets —

(a) the commission of an offence under this Act; or

(b) the commission outside Sri Lanka of any act, in relation to the affairs or business or on behalf of a principal residing in Sri Lanka, which if committed in Sri Lanka would be an offence under this Act,

commits an offence and shall be tried in the same manner and shall upon conviction be liable to the same punishment as is specified by this Act for the first mentioned offence.

In this section the expression “abet” shall have the same meaning as in sections 100 and 101 of the Penal Code (Chapter 19).

Attempts

127. Whoever attempts to commit an offence punishable under this Act commits an offence and shall be tried in the same manner and shall upon conviction be liable to the same punishment as is specified by this Act for the first mentioned offence.

Conspiracy

128. Whoever is a party to a criminal conspiracy to commit an offence under this Act shall commit an offence under this Act and shall be tried in the

same manner and shall upon conviction be liable to the same punishment as is specified by this Act for the first mentioned offence.

Applicability of the Code of Criminal Procedure Act

129. Such of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979 as are not excluded by this Act or are not inconsistent with the provisions of this Act shall generally apply to this Act.

Cases not provided for in any other written law

130. As regards matters of procedure for which special provisions may not have been made by this Act or by any other law for the time being in force such procedure as the justice of the case may require and as is not inconsistent with this Act may be followed.

Non application of section 306 of the Code of Criminal Procedure Act

131. Section 306 of the Code of Criminal Procedure Act, No. 15 of 1979 shall not apply to proceedings in the Magistrate's Court for offences under this Act.

Expenses of persons attending any trial or inquiry

132. A person who attends any trial or inquiry under this Act to give evidence may be paid out of the Consolidated Fund the expenses of attending the trial or inquiry at such rates and subject to such conditions as are from time to time prescribed for witnesses under Chapter XIX of the Code of Criminal Procedure Act, No. 15 of 1979.

Proceedings for offences under this Act to be taken before any other business of the court

133. The proceedings in a court for offences under this Act shall be taken before any other business of the court unless special circumstances of urgency in such other business render it impossible to do so.

In camera proceedings

134. Upon application made in that behalf by the Commission or any officer authorised by it, the whole or any part of the proceedings in any court for offences under this Act may be held *in camera*.

Giver of a gratification to be a competent witness

135. In any proceedings for offences under this Act before a court, the giver of a gratification shall be a competent witness against the person accused of taking the gratification and shall not be regarded as an accomplice, and the decision or finding of the court or Commission shall not be illegal merely because it proceeds upon the uncorroborated testimony of such giver.

Spouse to be a competent witness

136. Notwithstanding anything to the contrary in any other written law, in any proceedings against any person under this Act, the spouse of that person shall be a competent witness.

Legal obligation to give

137. (1) Every person required by the Commission to give any information

information

on any subject which it is the duty of the Commission to inquire into under this Act and which it is in his power to give, shall be legally bound to give that information.

(2) A person shall comply with the provisions of subsection (1), notwithstanding any obligation as to secrecy or other restriction on the disclosure of information imposed by any written law or otherwise.

Duty to comply with orders of the Commission

138. Every person is duty bound to comply with any or all orders, requests, and directions of the Commission without exception.

Statutory obligation not to utter falsehoods

139. (1) Every person required by the Commission to give a statement or other evidence on any subject which it is the duty of the Commission to inquire into under this Act and which it is in his power to give, shall be legally bound not to utter falsehoods:

Provided however, it shall not be an obligation for a person accused of committing an offence under this Act to give self-incriminating or confessional statements or evidence and if so given such statements or evidence shall not be admissible in any investigation or proceeding under this Act.

(2) A person who contravenes the provisions of the preceding subsection shall be subject to the provisions of section **116** of this Act and be dealt with accordingly.

(3) Where in the course of a trial for an offence under this Act, any witness contradicts either expressly or by necessary implication the statement previously given by him in the course of any investigation conducted by the Commission under this Act, on any material point, it shall be lawful for the presiding Judge or Magistrate if he considers it safe and just in all the circumstances to act upon such statement where such statement is corroborated in material particulars by evidence from an independent source and to have such witness at the conclusion of such trial tried before such court upon a charge sheet, or if such court is the High Court, tried on an indictment, for intentionally giving false evidence in a stage of a judicial proceeding:

Provided however, that it shall not be necessary for the presiding Judge to discredit the witness *in toto*, before acting under this section.

(4) At any trial under subsection (1), it shall be sufficient to prove that the

accused made statements contradictory to those alleged in the indictment or charge sheet and it shall not be necessary to prove which of such statements is false.

(5) The presiding Judge or Magistrate may, if he considers it expedient, adjourn the trial of any accused under subsection (1) for such period as he may think fit and in any such case the accused shall be remanded until the conclusion of such trial:

Provided that, the Court of Appeal may in exceptional circumstances release such person on bail pending the conclusion of the trial.

(6) Notwithstanding anything to the contrary in any written law –

(i) an affidavit or sworn statement;

(ii) any book, document, cheque, record or register or a certified copy thereof or of any entry in any such book, document, record or register produced, delivered or furnished to the Commission in the course of an investigation conducted by it under this Act,

shall be relevant and admissible at the trial of any person for an offence under this Act and shall be prima facie proof of the fact of its execution and the contents therein.

Officers always
on duty

140. Every officer of the Commission shall, for the purposes of this Act, be deemed to be always on duty when required to perform his duties or functions and may perform the duties or functions and exercise the powers conferred on him under this Act or under any other written law at any place within or outside Sri Lanka.

Bail

141. (1) Where any officer arrests a person under this Act, such officer shall produce such person before a Magistrate in accordance with the provisions of this Act.

(2) Where **upon such person is** produced before any Magistrate, the Magistrate shall remand such person until the conclusion of the trial:

Provided however, that the Magistrate may, in exceptional circumstances and for reasons to be recorded release such person on bail at any time prior to the conclusion of the trial.

(3) Notwithstanding the provisions of the above subsection, in any proceedings under such subsection where the Commission informs the Magistrate that it does not propose to institute proceedings against the person in custody such person shall be discharged forthwith.

(4) Where any currency notes, alleged to have been accepted, solicited or offered as an illegal gratification by the person arrested are produced before the Magistrate together with a report under the hand of the Director- General, stating that such notes were alleged to have been so accepted, solicited or offered, the Magistrate shall issue a certificate under his hand to the effect that the notes of the denominations and numbers set out in the certificate were produced before him and such certificate shall be admissible in any proceedings instituted against the person alleged to have accepted, solicited or offered such notes, in lieu of producing such notes in such proceedings.

Sentencing
Guidelines

142. (1) When determining the term of imprisonment to be imposed on a person convicted of having committed an offence under this Act, the following factors shall be taken into account as aggravating factors which warrant the imposing of an enhanced term of imprisonment, subject to the provisions of this Act: -

- (a) whether the commission of the offence has had an adverse impact on the social order and wellbeing of the community;
- (b) whether any financial and material loss caused to the government of Sri Lanka and to the general public;
- (c) whether any financial and other resources are required for the reparation and restoration of the damages caused; and
- (d) whether the commission of the offence has adversely affected the culture of integrity in the country.

(2) When determining the term of imprisonment to be imposed on a person convicted of having committed an offence under this Act, the following factors shall be taken into account as mitigating factors which warrant a reduced term of imprisonment subject to the provisions of this Act:-

- (a) expression of remorse;
- (b) time period spent in detention or remand;
- (c) coercion or duress under which the offence had been

committed;

- (d) voluntarily providing of reparation by the accused to the victims of the offence; or
- (e) public denouncement of the offences in respect of which the accused was convicted of guilty.

Civil liability for
contravention of
certain sections

143. (1) Nothing in this Act shall be construed as affecting the rights of a person who suffers loss or damage by reason of or by relying on the conduct of another person who has contravened the provisions of this Act to recover the amount of loss or damage suffered by instituting civil proceedings against the other person whether or not the other person has been charged with an offence in respect of the contravention or whether or not a contravention has been proved in a prosecution.

(2) Nothing in subsection (1) shall be construed as affecting the liability under any other law in respect of the conduct constituting the contravention.

Tenure of the
first Commission
appointed under
this Act

144. The **members of the first Commission** appointed in terms of this Act shall hold office from the date of appointment in the following manner:-

- (a) Chairman shall hold office for five years;
- (b) One of the Commissioners shall hold office for four years; and
- (c) the remaining Commissioner shall hold office for three years.

Exemptions

145. (1) The Commission shall be exempt from payment of any duty, levy, rate, charge, fee or tax.

(2) No registration fee shall be payable in respect of any document signed or executed by the Commission under which the Commission is a beneficiary.

Jurisdiction

146. (1) The provisions of this Act shall apply to-

- (a) any citizen of Sri Lanka, who commits an offence under this Act within or outside Sri Lanka;
- (b) any person who commits an offence under this Act –
 - (i) wholly or partly, in Sri Lanka;
 - (ii) in or over territorial waters of Sri Lanka;

- (iii) in the airspace of Sri Lanka;
- (iv) on-board or in respect of, an aircraft or vessel registered in Sri Lanka or belonging to or used by the Government of Sri Lanka;
- (v) wholly or partly within the office premises of a diplomatic mission of Sri Lanka, or a Consular Post or office of Sri Lanka, or at the residence of the Head of such diplomatic mission or consular post or at the residence of any diplomatic or consular officer or any other employee of such mission or post;
- (vi) wholly or partly within the office premises situated outside Sri Lanka of a statutory board of the government of Sri Lanka or within the residence of an employee of such statutory board;

- (c) any person, who commits an offence under this Act, within or outside Sri Lanka in respect of –
- (i) a citizen of Sri Lanka; or
 - (ii) an asset owned by the Government of Sri Lanka.

(2) A citizen of Sri Lanka shall be liable to punishment under this Act and not otherwise, for every offence thereof, committed outside Sri Lanka of which he shall be guilty, whether or not such citizen enjoys diplomatic immunity in respect of such act or omission, which is granted by a foreign State by reason of his diplomatic status in such State.

(3) Nothing in this section shall be construed, as affecting the liability of any of Sri Lankan citizen under the laws of the country in which such act was done or omitted to be done in respect of such act or omission.

Extradition

147. (1) The Extradition Law No. 8 of 1977 is hereby amended in Schedule to that Law, by the addition immediately after item 37A of the items appearing immediately before Part B of that Schedule, of the following item: —

“(37B) An offence covered by the Anti-Corruption Act, No. ... of 2019;”.

(2) Where there is an extradition arrangement made by the Government of Sri Lanka with any State in force on the date on which this Act comes into operation, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect

of the offences in this Act.

(3) Where there is no extradition arrangement made by the Government of Sri Lanka with any State, the Commission may, by Order published in the *Gazette*, treat the United Nations Convention Against Corruption(UNCAC), for the purposes of the Extradition Law, No. 8 of 1977, as an extradition arrangement made by the Government of Sri Lanka with that State, providing for extradition in respect of the offences specified in this Act.

(4) Where a request is made to the Government of Sri Lanka by or on behalf of the Government of another State for the extradition of any person accused or convicted of an offence under this Act, the Commission shall, on behalf of the Government of Sri Lanka, forthwith notify the Government of the requesting State, of the measures the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.

Mutual Legal
Assistance

148. The provisions of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 shall, wherever it is necessary for the investigation and prosecution of an offence under this Act, for the recovery of proceeds, and disposal of assets be applicable in respect of the providing of assistance as between the Government of Sri Lanka and other States designated under the aforesaid Act.

Regulations

149. (1) The Commission may make regulations in respect of matters required by this Act to be prescribed or in respect of which regulations are authorised to be made.

(2) Every regulation made by the Commission shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Commission shall, as soon as it is convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation is deemed to be rescinded shall be published in the *Gazette*.

Financial year

150. (1) The financial year of the Commission shall be the period of twelve

months commencing on the first day of January each year.

(2) The Commission shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Commission.

(3) The provision of Article 154 of the Constitution relating to the audit of accounts of Commissions referred to in the Schedule to Article 41B shall apply to the audit of the accounts of the Commission.

Annual Reports

151. The Commission shall prepare reports of its activities as often as it may consider necessary, and shall prepare at least one report in each calendar year. The Commission shall cause every report so prepared to be sent to the President who shall cause the same to be placed before Parliament.

Application of
Article 140 of the
Constitution

152. (1) The jurisdiction vested in the Court of Appeal by Article 140 of the Constitution shall, in respect of applications in which relief is sought against the Commission be exercised by the Supreme Court and not by the Court of Appeal.

(2) Subject to the provisions of subsection (1), no injunction or enjoining order shall be granted by any court restraining or staying, or having the effect of restraining or staying, the Commission, from commencing or continuing, the conduct of an investigation under this Act or from exercising any of the powers conferred on it by this Act or from giving any direction under this Act.

Amendment of
the Schedule

153. The President may amend the Schedule B to this Act by Proclamation published in the *Gazette*.

Interpretation

154. (1) For the purpose of this Act,

(a) property which is held by or in the name of a person in trust for or for the benefit of any other person shall be deemed to be indirectly owned by such other person; and

(b) every reference in this Act to the Government shall be construed as including a reference to a local authority and to every scheduled institution.

(2) In this Act, unless the context otherwise requires –

“bribery” means the offer, solicitation or acceptance of any gratification in contravention of any provision of Part III of this Act;

“child” includes a step-child or a child who has been adopted under the Adoption of Children Ordinance (Chapter 61);

“Commissioner of Local Government” includes any Deputy Commissioner of Local Government and any Assistant Commissioner of Local Government;

“Complaint” shall mean any written or oral communication with statement received through electronic means or otherwise to the Commission in relation to the commission of an offence under this Act in which the communicator divulges his identity. This does not include any material which comes to the attention of the Commission through the channels stipulated in paragraph (a), (c), or (d) of subsection (1) of section 42.

“executive” when used with reference to a trade union has the same meaning as in the Trade Unions Ordinance (Chapter 138);

“Foreign public official” means an individual who -

(a) holds a legislative, administrative or judicial position of any kind, whether appointed or elected, of a country or territory outside Sri Lanka (or any subdivision of such a country or territory);

(b) exercises a public function —

(i) for or on behalf of a country or territory outside Sri Lanka or any subdivision of such a country or territory, or

(ii) for any public agency or public enterprise of that country or territory or subdivision, or

(c) is an official or agent of a public international organisation.

“gratification” includes -

- (a) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever whether in whole or in part;
- (d) sexual favour;
- (e) any other service, favour or advantage of any description whatsoever including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary or penal nature, whether or not already instituted, including the exercise, or the forbearance from the exercise of any right or any official power or duty; and
- (f) any offer, undertaking or promise of any gratification within the meaning of the preceding paragraphs (a) (b), (c), (d) or (e) ;

“high risk categories” means categories that are prescribed by regulations as such;

‘information’ for the purposes of section 42 and 43 means anything except a complaint and material received under the provisions of paragraphs (c) and (d) of subsection (1) of section 42 and in all other circumstances ‘information’ shall carry its generic meaning;

“informer” includes a whistleblower;

“Listed Company” shall have the same meaning as in the Companies Act, No.07 of 2007;

“local authority” means a Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, perform and discharge, powers, duties and functions, corresponding

to, or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha;

“office-bearers” in relation to a recognized political party means the President, Vice-President, Secretary or a member of the Executive committee of such recognized political party and any other person who is duly empowered to give directions in regard to such political party, and includes the leader of such political party, howsoever designated, whether as Patron, President, Advisor or otherwise;

“Person” includes both natural and legal persons;

“Person assisting the Commission” for the purposes of this Act means any person who assists the Commission in any manner.

“prescribed” means prescribed by regulations;

“private sector entity” means any listed company established under the provisions of the Companies Act, No. 7 of 2007;

“Provincial Council” means a Provincial Council established by Chapter XVIIIA of the Constitution;

“public authorities” includes the **Government Ministries, Government Departments**, Provincial Councils, local authorities or scheduled institutions under this Act ;

“public corporation” means any corporation, board or other body which was or is established by or under any written law other than the Companies Act, No. 7 of 2007 with capital partly or wholly provided by the Government by way of grant, loan or other form, and includes all scheduled institutions under this Act and such other institutions or bodies of persons as may be prescribed by regulations under section

“Public international organisation” means an organisation whose members are —

- (a) countries or territories outside Sri Lanka;
- (b) governments of countries or territories outside

- Sri Lanka;
- (c) other public international organisations; and
 - (d) a mixture of any of the above.

“public official” includes a Minister of the Cabinet of Ministers, a Minister appointed under Article 45 of the Constitution, Speaker, Deputy Speaker, Chairman of Committee, Deputy Chairman of Committees, a Deputy Minister, the Governor of a Province, a Minister of the Board of Ministers of a Province, a Member of Parliament, a Judge of the Supreme Court, a Judge of the Court of Appeal, Judge of the High Court or a Judge, presiding officer, or member of any other Court of first Instance, tribunal or institution created and established for the administration of Justice or for the adjudication of any labour or other dispute, every officer, official or employee of the State or any Chairman, director, Governor, member, officer or employee, whether in receipt of remuneration or not, of a Provincial Council, local authority or of a scheduled institution, or of a company incorporated under the Companies Act, No. 7 of 2007, in which over twenty five per centum of the shares are held by the Government, a member of a Provincial Public Service, every juror, every licensed surveyor and every arbitrator or other person to whom any cause or matter has been referred for decision or report by any court or any other competent public authority:

Provided that where any local authority has been dissolved and the administration of the affairs of that authority has been vested in any person, every employee of that local authority immediately before its dissolution who continues in employment after such dissolution, shall be deemed for the purpose of this Act, to be a public official;

“scheduled institution” means any such board, institution, corporation or other body as is for the time being specified in the Schedule to this Act, and any board, institution, corporation or other body which is deemed under the provisions of any enactment to be a scheduled institution within the meaning of this Act, and includes any company, whether public or private or other body-

- (a) in which any such board, institution, corporation

or other body holds; or

(b) in which more than one such board, institution or other body, in the aggregate, holds,

not less than twenty five percent of the shares.

“sexual favour” means -

- (a) sexual intercourse; or
- (b) any act that would not amount to sexual intercourse, but will amount to or constitute physical, verbal, or non-verbal conduct of a sexual nature.

“sporting event” means any event or contest in any sport between individuals or teams or in which an animal competes and which is usually attended by the public and is governed by rules which include the constitution, rules or code of conduct of any sporting body which stages any sporting event or of any regulatory body under whose constitution, rules or code of conduct the sporting event is conducted;

“staff officer” means any employee of the Government or a Provincial Council or a local authority or any employee of a public corporation as may be prescribed by regulation made under section 149;

“Witness” for purposes of section 75 means any person who—

- (a) has provided information or lodged a complaint with any law enforcement officer and based upon such information or complaint, an investigation or inquiry could or has commenced or is likely to commence, in connection with the alleged commission of an offence under this Act;
- (b) in the course of an investigation or inquiry conducted by the Commission or a law enforcement authority into the alleged commission of an offence under this Act, has provided information or made a statement containing an account of

matters in respect to which such person had been questioned;

- (c) has provided an affidavit or submitted a statement in support of a complaint made or any legal action instituted by the Commission;
- (d) has provided information or any communication to the Commission;
- (e) has reasonable grounds to believe that he shall be summoned by a Court or the Commission to make a statement or testify in any judicial or quasi-judicial proceedings against a person, based on information provided or a statement made to a law enforcement authority or the Commission by such person;
- (f) has received summons from a court or the Commission to make a statement, testify or produce any document, report or object in any judicial or quasi-judicial proceeding before such Court or the Commission; or
- (g) being a public officer, has investigated into the alleged commission of an offence or an alleged infringement of a fundamental right or the violation of a human right,

and includes a victim of a crime, a child witness, the parent or guardian of a child witness, a family member or dependent of such witness or any other person of significant importance to such person, an expert witness, a person who has been summoned to testify before a Court or the Commission on behalf of a person suspected or accused of the alleged commission of an offence under this Act; and

“written” shall include electronically generated documents.

PART V

TRANSITIONAL PROVISIONS AND SAVINGS

Repeals, savings
and transitional
provisions

155. (1) (a) The Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994;
- (b) Declaration of Assets and Liabilities Law, No. 1 of 1975;
and
- (c) The Bribery Act, No. 11 of 1954,

are hereby repealed (hereinafter referred to as the "repealed Acts").

(2) Notwithstanding the repeal of the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994-

- (a) (i) the Commission established under the Act No. 19 of 1994 and functioning as such on the date of commencement of this Act shall be deemed to be the Commission for the purposes of this Act until a new Commission is established under Part I of this Act and shall continue accordingly; and
- (ii) the members holding office immediately prior to the date of commencement of this Act shall be deemed to have been appointed as such under this Act and continue to hold office until new members are appointed under this Act;
- (b) all regulations and rules made under the repealed Acts and are in force on the day immediately prior to the date of commencement of this Act and not inconsistent with the provisions of this Act shall be deemed to be regulations and rules made by the Commission under this Act and shall continue to be valid;
- (c) all contracts, agreements and other instruments made under the repealed Acts and subsisting on the day immediately prior to the date of commencement of this Act, shall be deemed to be contracts, agreements and other instruments made by the Commission under this Act;
- (d) all suits, actions and other legal proceedings instituted by

or against the Commission to Investigate Allegations of Bribery or Corruption established under the repealed Acts and pending on the day, immediately prior to the date of commencement of this Act, shall be deemed to be suits, actions and other legal proceedings instituted by or against the Commission under this Act;

(e) all movable and immovable property vested in the Commission to Investigate Allegations of Bribery or Corruption established under the Act, No. 19 of 1994 and existing on the day immediately preceding the date of commencement of this Act, shall, with effect from the date of commencement of this Act, be vested with the Commission;

(f) all contraventions or proceedings initiated under the provisions of the repealed Acts, regulations or rules made thereunder prior to the commencement of this Act, shall be offences committed or proceedings initiated under the repealed Acts and be tried accordingly;

(g) all interests, rights, assets, obligations, debts and liabilities of the Commission to Investigate Allegations of Bribery or Corruption established under the Act, No. 19 of 1994 prior to the date of commencement of this Act, shall be deemed with effect from the date of commencement of this Act to be the interests, rights, assets, obligations, debts and liabilities of the Commission;

(h) all officers and officials of the Commission to Investigate Allegations of Bribery or Corruption established under Act, No. 19 of 1994 holding office prior to the date of commencement of this Act, shall, with the consent of the officer or official concerned, deemed with effect from the date of commencement of this Act to be the officers and officials of the Commission, on terms not less favourable than the terms and conditions of employment to which they were entitled under the Act, No. 19 of 1994.

(3) Notwithstanding the repeal of the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 –

(a) every reference to the Commission to Investigate

Allegations of Bribery or Corruption Act, No. 19 of 1994
in any other written law shall be construed as a reference to
this Act; and

- (b) every reference to the Commission to Investigate
Allegations of Bribery or Corruption Act, No. 19 of 1994
in any other written law shall be construed as referring to
the corresponding provisions contained in this Act.

Sinhala text to
prevail in case of
inconsistency.

156. In the event of any inconsistency between the Sinhala and Tamil texts
of this Act, the Sinhala text shall prevail.

2022.06.10
2.28 pm
N

SCHEDULE A

[Sections 38]

SCHEDULE B

[Sections 94, 95, 105, 150, 151]

