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**AN ACT TO PROVIDE FOR THE PROTECTION OF THE NATIONAL SECURITY OF SRI LANKA AND THE PEOPLE OF SRI LANKA FROM ACTS OF TERRORISM, OTHER OFFENCES ASSOCIATED WITH TERRORISM AND CERTAIN SPECIFIED ACTS CONSTITUTING THE OFFENCE OF TERRORISM COMMITTED WITHIN OR OUTSIDE SRI LANKA; FOR THE PREVENTION OF USE OF THE TERRITORY OF THE REPUBLIC OF SRI LANKA AND ITS PEOPLE FOR THE PREPARATION FOR TERRORISM OUTSIDE SRI LANKA; TO PROVIDE FOR THE DETECTION, IDENTIFICATION, APPREHENSION, ARREST, DETENTION, INVESTIGATION, PROSECUTION AND PUNISHMENT OF ANY PERSON WHO HAS COMMITTED AN ACT OF TERRORISM OR ANY OTHER OFFENCE ASSOCIATED WITH TERRORISM; FOR THE REPEAL OF THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT, NO. 48 OF 1979; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

Preamble

**WHEREAS**, the Government of Sri Lanka considers the safeguarding of national security to be of paramount importance for the purpose of securing due recognition and respect for the rights and freedom of the people of Sri Lanka and for the protection of territorial integrity and the sovereignty of the people of Sri Lanka;

**AND WHEREAS** it is recognised that the protection of public safety must be pursued in accordance with the principles of the rule of law, and with full respect for fundamental rights and freedoms guaranteed under the Constitution and the rights to liberty, security of the person, fair trial and freedom from arbitrary detention, as guaranteed under the international human rights instruments;

**AND WHEREAS**, the Government of Sri Lanka is committed to protecting other sovereign nations and their people from the scourge of acts of terrorism;

**AND WHEREAS**, Sri Lanka is committed and desirous of eradicating and preventing domestic and international terrorism through enforcing an effective system for the administration of criminal justice against terrorism, based on international norms and standards, and domestic needs;

**AND WHEREAS**, Sri Lanka is under an obligation to enact laws to give domestic legal effect to international instruments relating to countering any act of terrorism and related acts to which Sri Lanka has become a signatory;

**AND WHEREAS**, terrorism in its various forms and manifestations is a major threat to the peace and security of the community of nations; and it is a foremost duty of the Government of Sri Lanka to protect Sri Lanka and its people and property from acts of terrorism and related acts;

**AND WHEREAS**, terrorism has seriously threatened the sovereignty and territorial integrity of Sri Lanka, and has caused deaths and serious injuries to the citizens of Sri Lanka, and has caused vast damage to public and private property of Sri Lanka, and has retarded national development;

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

Short title and  
date of operation

**1. (1)** This Act may be cited as the Protection of the State from Terrorism Act, No.     of 2026.

(2) The provisions of this Act other than this section shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*. (in this Act referred to as the “appointed date”)

(3) The provisions of this section shall come into operation on the date on which the Bill becomes an Act of Parliament.

## **PART I**

### **APPLICATION OF THE ACT**

Application of  
the Act

**2. (1)** The provisions of this Act shall apply to any person who commits an offence under this Act, including -

(a) any citizen of Sri Lanka who commits an offence under this Act, within or outside the territory of the Republic of Sri Lanka;

(b) any person who commits an offence under this Act –

(i) wholly or partly, in Sri Lanka;

(ii) in or over the 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) on board or in respect of a vessel or an aircraft within the territory of the Republic of Sri Lanka, including the territorial waters and airspace of the territory of the Republic of Sri Lanka;
  - (vi) wholly or partly within the premises of a diplomatic or consular mission of Sri Lanka or in respect of such premises, or a consular office of Sri Lanka, or at the residence of the Head of such diplomatic or consular mission or the residence of any diplomatic or consular officer or any other employee of such mission;
  - (vii) wholly or partly within the office premises situated outside Sri Lanka of a statutory board of the Government of Sri Lanka, or in respect of such premises, or within the residence of an employee of such statutory board; and
- (c) any person who commits an offence under this Act, within or outside the territory of the Republic of Sri Lanka in respect of -
- (i) a citizen of Sri Lanka, including a citizen deployed in an international peace-keeping or monitoring mission;
  - (ii) a property owned by the State.

(2) For the purpose of this section, “property owned by the State” includes property owned by -

- (a) public corporations and statutory funds or boards;
- (b) businesses and other undertakings vested in the Government of Sri Lanka by or under any written law; and

- (c) any company registered or incorporated under the Companies Act, No. 07 of 2007, in which the Government or a public corporation holds fifty *per centum* or more of the shares of that company.

## **PART II**

### **OFFENCES AND PENALTIES**

Offence of  
Terrorism

**3. (1)** Any person who, intentionally or knowingly, commits any act which causes a consequence specified in subsection (2), for the purpose of-

- (a) provoking a state of terror;
- (b) intimidating the public or any section of the public;
- (c) compelling the Government of Sri Lanka, or any other Government, or an international organisation, to do or to abstain from doing any act; or
- (d) propagating war, or violating territorial integrity or infringing the sovereignty of Sri Lanka or any other sovereign country,

commits the offence of terrorism.

**(2)** A consequence referred to in subsection (1) shall be -

- (a) the death of a person;
- (b) hurt;
- (c) hostage-taking;
- (d) abduction or kidnapping;
- (e) serious damage to any place of public use, any public property, any public or private transportation system or any infrastructure facility or environment;
- (f) committing the offence of robbery, extortion or theft, in respect of the public or private property;



- (g) serious risk to the health and safety of the public or a section of the public;
- (h) serious obstruction or damage to, or interference with, any electronic or automated or computerised system or network or cyber environment of domains assigned to, or websites registered with such domains assigned to Sri Lanka;
- (i) the destruction of, or serious damage to, religious or cultural property;
- (j) serious obstruction or damage to, or interference with any electronic, analogue, digital or other wire-linked or wireless transmission system, including signal transmission and any other frequency-based transmission system; or
- (k) without lawful authority, importing, exporting, manufacturing, collecting, obtaining, supplying, trafficking, possessing or using-
  - (i) firearms, offensive weapons, ammunition, explosives; or
  - (ii) any article or thing used or intended to be used in the manufacture of explosives or combustible or corrosive substances; or
  - (iii) any biological, chemical, electric, electronic or nuclear weapon, other nuclear explosive device, nuclear material, radioactive substance, or radiation-emitting device.

(3) For the purpose of subsection (2), “place of public use” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether as of right or otherwise.

(4) The fact that a person engages in any protest, advocacy or dissent or engages in any strike, lockout or other industrial action, is not by itself a sufficient basis for inferring that such person-

- (a) commits or attempts, abets, conspires, or prepares to commit the act with the intention or knowledge specified in subsection (1); or
- (b) is intending to cause or knowingly causes an outcome specified in subsection (2).

(5) Any person who commits an act which constitutes an offence within the scope of or within the definition of any of the Treaties specified in the First Schedule commits the offence of terrorism.

Penalty for the offence of terrorism

**4. Any person who-**

- (a) commits the offence specified in subsection (1) of section 3, read with paragraph (a) of subsection (2) of section 3, shall, on conviction by the High Court, be punished with imprisonment for life;
- (b) commits the offence specified in subsection (1) of section 3 read with paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) of subsection (2) of section 3 shall, on conviction by the High Court, be liable to rigorous imprisonment for a term not exceeding twenty years and to a fine not exceeding rupees twenty million;
- (c) commits an offence specified in subsection (5) of section 3 shall, on conviction by the High Court, be liable to the same term of imprisonment, fine, or both, as prescribed in the relevant enactment:

Provided that, where the sentence of death is prescribed for such offence under that enactment, such sentence shall, for the purposes of this Act, be deemed to be a sentence of life imprisonment.

Penalty for the attempt & c to commit the offence of terrorism

**5. (1)** Any person who attempts, abets or conspires to commit the offence of terrorism under section 3 or does any act preparatory to the commission of an offence under section 3, and if, as a result of such attempt, abetment, conspiracy or preparation, the offence of terrorism under section 3 is committed, such person shall be liable to the same penalty imposed for the offence of terrorism.

(2) If, as a result of such attempt, abetment, conspiracy or preparation referred to in subsection (1), the offence of terrorism under section 3 is not committed, such person shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding fifteen years and to a fine not exceeding rupees fifteen million.

Offences  
associated with a  
proscribed  
terrorist  
organisation

**6. Any person who knowingly, within or outside Sri Lanka-**

- (a) is a member of;
- (b) joins, functions or serves as a leader, member of or a cadre of;
- (c) recruits, entices, or encourages any person to be a member of or a cadre of,
- (d) provides leadership to;
- (e) wears, displays, hoists, or possesses the uniform, dress, symbol, emblem, or flag of;
- (f) summons, convenes, conducts, or takes part in any meeting of;
- (g) obtains membership in or joins;
- (h) harbours, conceals, or assists any member, cadre, or other associate of;
- (i) promotes, encourages, supports, advises, assists, or acts on behalf of;
- (j) organises or takes part in any activity or event of;
- (k) donates or contributes money or material to;
- (l) procures, stores, transports, possesses, or distributes any material for or of;
- (m) espouses the cause of or represents;
- (n) engages in any transaction with; or
- (o) causes the dissemination of information on behalf of,

any proscribed organisation, or any other organisation representing, acting on behalf of, connected with, or concerned in such proscribed organisation, commits an offence:

Provided that nothing in this subsection shall be construed as restricting an Attorney-at-Law from discharging his professional duties in respect of a proscribed organisation.

Specified acts

**7. Any person who-**

- (a) commits an offence under Part III (Offences Against Victims and Witnesses) of the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10

of 2023, with regard to a victim of an offence under this Act or a witness to the commission of an offence under this Act; or

- (b) possesses an article or thing for the purpose of commission, attempt, abetment, conspiracy or preparation for the offence of terrorism referred to in section 3 of this Act,

commits an offence under this Act.

Acts associated  
with terrorism

**8. (1)** Any person who harbours, conceals, or in any other manner, wrongfully prevents, hinders or interferes with the identification, arrest, custody or detention of a person knowing or having reasonable grounds to believe that such person has committed or is concerned in committing an offence under this Act commits an offence under this Act.

(2) Any person who knowingly or having reasonable grounds to believe that any confidential information will be used by any other person to commit, attempt, abet, conspire to commit, or prepare to commit an offence under this Act-

- (a) gathers such information, having the intention of supplying such information to a person; or
- (b) supplies such information to a person,

commits an offence under this Act.

Encouragement  
of terrorism

**9. (1)** Any person who, with the intention of directly or indirectly encouraging or inducing the public or any section of the public, to commit, attempt, abet, conspire to commit or prepare to commit, the offence of terrorism, publishes or causes to be published any statement, or speaks any word or words, or makes any sign or visible representation, commits an offence under this Act.

(2) Any person who, with the knowledge of directly or indirectly encouraging or inducing the public or any section of the public, to commit, attempt, abet, conspire to commit or prepare to commit, an offence of terrorism, publishes or causes to be published any statement, or speaks any word or words, or makes any sign or visible representation, commits an offence under this Act.

(3) Any person who, being reckless as to whether the public, or any section of the public, will be directly or indirectly encouraged or induced to commit, attempt, abet, conspire to commit or prepare to commit, the offence of terrorism, publishes or causes to be published any statement, or speaks any word or words, or makes any sign or visible representation commits an offence under this Act.

Dissemination of  
terrorist  
publications

**10. (1)** Any person who, with the intention or knowledge of directly or indirectly encouraging or inducing the public, a section of the public, or any person to commit, attempt, abet, conspire to commit, or prepare to commit, the offence of terrorism-

- (a) distributes or circulates a terrorist publication;
- (b) gives, sells or lends a terrorist publication;
- (c) offers for sale a terrorist publication;
- (d) provides a service to others that enables them to obtain, read, listen to or look at a terrorist publication or to acquire it;
- (e) transmits the contents of a terrorist publication; or
- (f) keeps a terrorist publication in his possession,

commits an offence under this Act.

(2) Any person who, being reckless as to whether the public, a section of the public or any person is directly or indirectly encouraged or induced by the statement to commit, attempt, abet, conspire to commit or prepare to commit, the offence of terrorism-

- (a) distributes or circulates a terrorist publication;
- (b) gives, sells or lends a terrorist publication;
- (c) offers for sale a terrorist publication;
- (d) provides a service to others that enables them to obtain, read, listen to or look at a terrorist publication or to acquire it; or

- (e) transmits the contents of a terrorist publication electronically.

commits an offence under this Act.

(3) For the purposes of subsections (1) and (2), a "terrorist publication" is a publication capable of being understood—

- (a) as direct or indirect encouragement or other inducement to them to commit, attempt, abet, conspire to commit or prepare to commit, the offence of terrorism; or
- (b) as being useful in the commission of, or attempt, abetment, conspiracy to commit or preparation to commit, the offence of terrorism.

Statements and publications for the purpose of sections 9 and 10

**11.** (1) For the purpose of sections 9 and 10, a statement or publication, as the case may be, shall not include—

- (a) anything published in good faith with due diligence for the benefit of the public or in the national interest; or
- (b) any opinion, legitimate criticism, satire, parody, caution or imputation made in good faith.

(2) For the purpose of sections 9 and 10, a statement or publication, as the case may be, includes any communication made in any form, including—

- (a) writing;
- (b) visual representation;
- (c) print media;
- (d) internet;
- (e) electronic media; or
- (f) other form of public notice or dissemination.

(3) For the purpose of sections 9 and 10, the content of a statement or publication, as the case may be, shall be taken into consideration as a whole, in determining-

(a) how a statement is likely to be understood and what members of the public could reasonably be expected to infer from it under section 9; or

(b) whether a publication is a terrorist publication under section 10.

Training for terrorism

**12.** (1) Where a person provides instruction or training, knowing or having reasons to believe that, at the time such person provides such instruction or training, the person receiving the instruction or training intends to use or is likely to use the skills in which such person is being instructed or trained for or in connection with the commission, attempt, abetment, conspiracy to commit or preparation to commit the offence of terrorism under section 3, such person commits an offence under this section.

(2) Where a person receives instructions or training, intending, at the time of the instruction or training, to use the skills in which such person is being instructed or trained, for or in connection with the commission, attempt, abetment, conspiracy to commit or preparation to commit the offence of terrorism, such person commits an offence under section 6.

(3) For the purposes of this section, "instruction or training" means instruction or training –

(a) in the making or use of firearms, explosives or chemical, biological or nuclear weapons; or

(b) in the use of, or for designing or adapting any method or technique for doing anything for the purpose of or in connection with the commission of the offence of terrorism.

Penalty for committing offences under sections 6, 7, 8, 9, 10 and 12

**13.** Any person who commits an offence under sections 6, 7, 8, 9, 10 and 12 shall, on conviction by the High Court, be liable to rigorous imprisonment for a term not exceeding fifteen years or to a fine not exceeding rupees fifteen million or to both such imprisonment and fine.

Penalty for attempt & c to commit offences under sections 6, 7, 8, 9, 10 and 12

**14.** (1) Any person who attempts, abets or conspires to commit an offence under section 6, 7, 8, 9, 10 or 12 or does any act preparatory to the commission of an offence under such sections and if, as a result of such attempt, abetment, conspiracy or preparation, an offence under the section 6, 7, 8, 9, 10 or 12 is committed, such person shall be liable to the same penalty imposed for such offence.

(2) If, as a result of such attempt, abetment, conspiracy or preparation referred to in subsection (1), an offence under section 6, 7, 8, 9, 10 or 12 is not committed, such person shall, on conviction by the High Court, be liable to rigorous imprisonment for a term not exceeding ten years or to a fine not exceeding rupees ten million or to both such imprisonment and fine.

Failure to provide information to be an offence

**15.** (1) Any person who-

(a) knowing or having reasons to believe that any other person

-

(i) is making preparation, attempting, abetting or conspiring to commit an offence under this Act; or

(ii) has committed an offence under this Act,

fails to provide such information, or provides false or misleading information to a police officer; or

(b) having in his possession any information relating to the whereabouts of any person whom he knows has committed an offence of terrorism or an offence associated with terrorism, fails to provide such information or provides false or misleading information to a police officer,

commits an offence under this Act and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding seven years or to a fine not exceeding rupees seven million or to both such imprisonment and fine.

(2) It shall be a defence for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for the failure to report as required under paragraph (a) or failure to provide information as required under paragraph (b) of that subsection.

Contravention of the provisions of

**16.** Any person who willfully-



this Act & c to  
be an offence

- (a) violates or acts in contravention of a lawful directive or order made in terms of this Act;
- (b) fails or neglects to comply with a direction issued in terms of this Act;
- (c) fails to provide information or provides false or misleading information in response to a question put to him by a police officer conducting an investigation under this Act:

Provided however, such person shall not be compelled to make any self-incriminating statement under this paragraph;

- (d) prevents or hinders the implementation of a lawful order or directive issued under this Act; or
- (e) prevents or obstructs the enforcement of provisions of this Act,

commits an offence, and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding two years and to a fine not exceeding two million.

Recovery of fine  
by forfeiture of  
property

**17.** Where any fine imposed under this Act remains unpaid in default of payment, the High Court may order that such movable or immovable property of the defaulter, as it considers equivalent in value to the amount of the fine, be forfeited to the Republic. Any sum realised from the sale of such property in excess of the amount of the fine shall be refunded to the person from whom the property was forfeited.

Offences to be  
cognizable

**18.** Any offence under this Act shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure Act.

### **PART III**

#### **INVESTIGATION OF OFFENCES**

Extension of  
powers,  
functions and  
duties of a police  
officer

**19.** Notwithstanding anything to the contrary contained in any other written law, all powers, functions, and duties conferred or imposed upon a police officer under the Code of Criminal Procedure Act in relation to the search and arrest of a suspect of an offence shall, *mutatis mutandis*, be

deemed to be conferred or imposed upon any member of the armed forces and a coast guard officer in relation to an offence committed under this Act.

Power to stop  
and search

**20.** (1) Where there is a reasonable suspicion of the commission of an offence under this Act, a police officer, a member of the armed forces or a coast guard officer (hereinafter in this Part referred to as the “arresting officer”) may-

- (a) stop and search any suspect, vehicle, vessel, train, unmanned vehicle, or aircraft;
- (b) question such suspect;
- (c) enter and search any premises or land; and
- (d) take into custody any document, thing or article, used, derived out of, connected with or concerned in committing or reasonably suspected of being used, derived out of, connected with, or concerned in committing an offence under this Act.

(2) The provisions of subsections (2) and (3) of section 47 shall, *mutatis mutandis*, apply in respect of giving notice to the relevant authorities in the exercise of the powers under this section, in relation to a vessel or an aircraft.

(3) Any such document, thing or article so taken into custody by a police officer in terms of paragraph (d) of subsection (1) shall, as soon as practicable, be produced before the officer in charge of the police station to which the relevant police officer is attached, or be produced before the officer in charge of the nearest police station.

(4) Any document, thing or article so taken into custody by a member of the armed forces or a coast guard officer in terms of paragraph (d) of subsection (1), shall be handed over to the officer in charge of the nearest police station.

(5) The officer in charge of the police station referred to in subsections (3) and (4) shall furnish a report in that regard to the Magistrate, who shall make an appropriate order with regard to the possession or release of any document, thing or article so taken into custody.

Information to  
be provided at  
the time of arrest

**21.** (1) The arresting officer shall inform the suspect so arrested at the time of the arrest-

- (a) the identity of the arresting officer;
- (b) the reason for the arrest; and
- (c) the right of access of the suspect to an Attorney-at-Law as provided for in any written law.

(2) Every reasonable measure shall be taken to convey the information specified in subsection (1) in Sinhala, Tamil or English language, whichever language is understood by the suspect.

(3) Where it is not practicable to convey such information to the suspect as specified in subsection (2) at the time of arrest, such information shall be conveyed in a language understood by the suspect as soon as practicable.

Arrest, search and questioning to be made with due regard to privacy

**22.** (1) Every arrest shall be made with due regard to the privacy of the suspect.

(2) Every possible measure shall be taken to ensure that the questioning and arrest of any female suspect is carried out by a female arresting officer or in the presence of a female officer.

(3) Whenever it is necessary to cause any person to be searched under this Act, such search shall be conducted with due regard to the privacy of that person.

(4) Whenever it is necessary to cause a female to be searched, such search shall be carried out by another female.

Procedure when an arrest is made by a police officer

**23.** (1) A police officer who makes an arrest under this Act shall forthwith produce the suspect so arrested before the officer-in-charge of the police station to which such police officer is attached.

(2) Where such production is not practicable under subsection (1), such police officer shall produce the suspect so arrested before the officer-in-charge of the nearest police station.

(3) It shall be lawful for a police officer to obtain the assistance of a member of the armed forces or a coast guard officer to make an arrest in terms of this Act, or to obtain such assistance to take the arrested suspect to a police station.

Procedure when  
an arrest is made  
by a member of  
the armed forces  
or a coast guard  
officer

**24. (1)** A member of the armed forces or a coast guard officer who makes an arrest under this Act shall, without unnecessary delay and in any event within a period not exceeding twenty-four hours, produce the suspect so arrested before the officer-in-charge of the nearest police station or a police officer designated, from time to time, in that behalf by the Inspector General of Police:

Provided however, where such a suspect has been arrested outside the territory of the Republic of Sri Lanka or on board any aircraft or vessel, the period of time necessary to travel from the place of arrest to the relevant police station shall be excluded in calculating such twenty-four-hour period:

Provided further, where producing the suspect so arrested before the officer in charge of the nearest police station is not practicable due to reasons beyond the control of the person who made the arrest, the custody of such suspect shall be given to the officer-in-charge of the next nearest police station.

(2) (a) A member of the armed forces who made the arrest shall, as soon as practicable, notify the arrest to the relevant commanding officer or any other commissioned officer authorised in that behalf by the commanding officer.

(b) A coast guard officer who made the arrest shall, as soon as practicable, notify the arrest to the Director General of Coast Guard or any officer authorised in that behalf by the Director General of Coast Guard.

(3) The commanding officer or the Director General of Coast Guard or any officer authorised by the commanding officer or Director General of Coast Guard, as the case may be, under subsection (2) shall forthwith inform of such arrest to the officer in charge of the police station before whom the suspect is to be produced or a police officer designated by the Inspector General of Police in that behalf.

(4) At the time of taking the suspect so arrested into the custody of the officer-in-charge of the police station as provided for in this section, the member of the armed forces or the coast guard officer who made the arrest shall make a statement to such officer-in-charge of the police station, setting out the circumstances relating to such arrest.

(5) The member of the armed forces or the coast guard officer who made the arrest shall also hand over to such officer in charge of the police station, all items found in the possession of the suspect or at the place of arrest or in pursuance of such arrest.

Notification of  
the arrest

**25.** (1) Where any suspect is arrested under this Act, the arresting officer shall, forthwith or in any case not later than twenty-four hours from the arrest, issue a notice to the next of kin of such suspect, substantially in the form as set out in the Second Schedule, acknowledging the fact of such arrest:

Provided that, where any suspect is taken into custody and it is not possible to issue a notice as specified in this subsection, it shall be the duty of the arresting officer if such officer is a police officer, to make an entry in the information book, giving reasons as to why it is not possible, and if the arresting officer is a member of the armed forces or a coast guard officer, to report to the officer in charge of the police station before whom the suspect was produced, the reasons why it is not possible to issue such notice and the officer in charge of the police station shall make an entry of such fact along with the reasons therefor in the information book.

(2) If the next of kin of such suspect is not present, the arresting officer shall inquire from the suspect the identity and whereabouts of a person to whom the notification referred to in subsection (1) shall be served, and if the suspect provides such information, every possible step shall be taken to serve the notification on such person. A copy of the said notification shall be served on the suspect.

(3) The officer in charge of the police station wherein the suspect is held in custody shall, as soon as practicable, and in any event not later than twenty-four hours of the suspect being produced before him, notify the Human Rights Commission of Sri Lanka of such arrest, substantially in the form set out in the Third Schedule, and notify the Inspector General of Police or his authorised representative, substantially in the form set out in the Fourth Schedule.

(4) The person to whom the notice had been issued under subsection (1) shall return or produce such notice to the appropriate authority when such arrested suspect is released from custody.

(5) A suspect arrested under this Act shall not be released without producing such suspect before the Magistrate, and such release shall be informed to the Human Rights Commission of Sri Lanka.

Production  
before a  
Magistrate

**26.** (1) A suspect-

- (a) who has been arrested and held in custody by a police officer in terms of this Act; or
- (b) who has been arrested by an officer other than a police officer and produced before the officer in charge of a police station or a designated police officer in terms of section 24,

shall be produced before the nearest Magistrate not later than forty-eight hours from the time of such arrest:

Provided however, where the arrest has been made within the territory of the Republic of Sri Lanka, the period of time necessary to travel from the place of arrest to the relevant Magistrate shall be excluded in calculating such forty-eight hours:

Provided further, where the arrest has been made outside the territory of the Republic of Sri Lanka or on board any aircraft or vessel, the period of time necessary to travel from the place of arrest to the relevant Magistrate shall be excluded in calculating such forty-eight hours.

(2) Upon the production of a suspect before a Magistrate under this section, where the police officer conducting the investigation has reasonable grounds to believe that further extended custody of the suspect is necessary for the purpose of conducting further investigation, the Magistrate may, for reasons to be recorded in writing, authorise such suspect to be held in custody for a further period not exceeding twenty-four hours.

(3) Where the suspect is produced before a Magistrate under subsection (1) or (2), and -

- (a) a Detention Order has been issued in terms of section 29 and is placed before the Magistrate for inspection, the Magistrate shall, subject to the provisions of section 27, make an order to give effect to such Detention Order and forward a copy of the Detention Order to the nearest Magistrate within which the place of detention is located; or
- (b) a Detention Order has not been placed before the Magistrate, the Magistrate may, if the officer in charge of the relevant police station makes an application seeking an order to remand the suspect, based on grounds that the

Magistrate deems reasonable in the circumstances, order that the suspect be placed in remand custody:

Provided however, where the Magistrate is satisfied that there are no such reasonable grounds, the suspect may be released on bail under the provisions of the Bail Act, No. 30 of 1997:

Provided further, no suspect shall be released on bail on his own recognizance or an undertaking given by him to appear when required.

(4) The Magistrate before whom the suspect is produced shall personally see the suspect in camera, and look into his well-being and record any statement the suspect may provide.

(5) In the in-camera proceedings referred to in subsection (4), any police officer who may have participated in the arrest, or who has investigated the offence alleged to have been committed by the suspect, shall be excluded.

Magistrate to  
direct the suspect  
to a forensic  
medical  
examination

**27. (1)** Where the Magistrate has, at any time, reasonable grounds to believe that the suspect may have been subjected to torture or cruel, inhuman or degrading treatment or punishment, the Magistrate shall -

- (a) direct the suspect for medical treatment;
- (b) direct that the suspect be produced before a Judicial Medical Officer for examination, and report to the Magistrate; and
- (c) make an order to change the place of detention of the suspect.

(2) Where the Magistrate has, at any time, reasonable suspicion to believe that the suspect may have been subjected to torture or cruel, inhuman or degrading treatment or punishment, the Magistrate shall -

- (a) direct the suspect for medical treatment; and
- (b) direct that the suspect be produced before a Judicial Medical Officer for examination, and report to the Magistrate;

(3) Upon receipt of the report of the Judicial Medical Officer, which reveals that there is a probability that the suspect has been subjected to torture or cruel, inhuman or degrading treatment or punishment, the Magistrate shall, having heard the submissions made by the officer in charge of the police station, make an order to change the place of detention of the suspect.

(4) Where the Magistrate makes an order under paragraph (c) of subsection (1) or subsection (3), any police officer who previously had access to the suspect shall not have such access.

(5) The investigation in respect of such suspect shall be continued by such other police officers as directed by the Inspector General of Police.

(6) The Magistrate shall also direct the Inspector General of Police to commence an investigation into the alleged torture to enable the Attorney General to institute criminal proceedings against the person who committed the alleged torture.

Maximum period  
of remand and  
detention

**28.** (1) A suspect shall not be held in remand in respect of an offence under this Act, for a period exceeding one year from the date on which he was first remanded.

(2) The aggregate period of remand and detention in respect of an offence under this Act shall not exceed a period of two years from the date of arrest.

(3) If any indictment has not been preferred within the period referred to in subsection (2), the Magistrate's Court shall release the suspect on bail, under the provisions of the Bail Act, No. 30 of 1997:

Provided however, no suspect shall be released on bail on his own recognizance or an undertaking given by him to appear when required.

Detention Order

**29.** (1) The Inspector General of Police or any officer not below the rank of a Deputy Inspector General of Police authorised by the Inspector General of Police in that behalf may, make an application in writing to the Secretary for a Detention Order or an extension of a Detention Order as the case may be, to detain a suspect who has connected with or concerned in committing an offence under this Act for any purpose specified in subsection (2) and for the reasons specified in subsection (3):



Provided however, a Detention Order shall not be extended for a period exceeding two months at a time, up to an aggregate period not exceeding one year from the date of the initial Detention Order made under this section.

(2) Upon receipt of an application under subsection (1), where the Secretary is satisfied that reasonable grounds exist to believe that the suspect has to be detained for any of the reasons specified in subsection (3), he may, after recording such reasons, issue a Detention Order substantially in the form set out in the Fifth Schedule, authorising the detention of the suspect.

(3) A Detention Order under subsection (1) shall state the reasons for the issuance thereof and shall be issued where it is necessary: -

- (a) to facilitate the conduct of the investigation in respect of the suspect;
- (b) to obtain material for an investigation and potential evidence relating to the commission of an offence under this Act;
- (c) to question the suspect in detention; or
- (d) to preserve evidence pertaining to the commission of an offence under this Act.

(4) A Detention Order under this section may initially be issued for a period not exceeding two months.

(5) Where a Detention Order under this section has been issued at the time when the relevant suspect is produced before a Magistrate under section 26, a certified copy of such Detention Order shall be placed before the Magistrate for inspection.

(6) A copy of every Detention Order under this section shall be served on the suspect being detained, within a period of forty-eight hours from such Detention Order and the acknowledgement thereof by the suspect shall be obtained and filed in the relevant Magistrate's Court.

(7) A copy of the Detention Order shall be served on the next of kin of the suspect within a period of forty-eight hours from the issuance of such

Detention Order, and the provisions of section 25 shall *mutatis mutandis* apply to the manner of serving such copy.

A suspect  
subject to a  
detention order  
to be placed in  
an approved  
place of  
detention under  
approved  
conditions of  
detention

**30.** (1) A suspect in respect of whom a Detention Order has been made under section 29 shall be detained in an approved place of detention under approved conditions of detention.

(2) For the purpose of this section-

- (a) the President shall, on the recommendation of the Inspector General of Police, by Order published in the *Gazette*, specify such number of places as “approved places of detention”; and
- (b) the President shall, in consultation with the Inspector General of Police and the Human Rights Commission of Sri Lanka, specify by Order published in the *Gazette*, such conditions of detention as “approved conditions of detention”.

Magistrate to  
visit the  
approved place  
of detention

**31.** (1) The Magistrate within whose jurisdiction an approved place of detention is located shall, without giving any advance notice to the authority in charge of such approved place of detention-

- (a) visit once a month, the approved place of detention;
- (b) interview the suspects and look into their well-being; and
- (c) call for and inspect detention registers, Detention Orders and other books and documents required to be maintained at such approved place of detention.

(2) The Magistrate before whom a suspect was first produced shall also be entitled to visit an approved place of detention and exercise the powers specified in paragraphs (b) and (c) of subsection (1).

(3) The authority in charge of any approved place of detention shall to provide prompt and unimpeded access to the Magistrate referred to in subsection (1) or (2), as the case may be.

(4) If the Magistrate observes that the suspect may have been subjected to torture or cruel, inhuman or degrading treatment or punishment, or the suspect alleges that he was subjected to torture or cruel, inhuman or degrading treatment or punishment, the Magistrate shall forthwith make an

order, for the suspect to be produced for examination by a Judicial Medical Officer, and to submit the report to him.

(5) After giving the suspect and the relevant police officer an opportunity to be heard, if the Magistrate is satisfied that there are reasonable grounds to believe that the suspect may have been subjected to torture or cruel, inhuman or degrading treatment or punishment, he shall act in terms of section 27.

Suspect to be  
treated humanely

**32.** (1) The approved place of detention shall be provided with the requirements necessary to treat the detainees humanely, and such approved place of detention shall be accessible to the next of kin of the detainee, and to his Attorney-at-Law, with the prior permission obtained from the officer in charge of such approved place of detention.

(2) Where it appears to the Human Rights Commission of Sri Lanka or the Magistrate, at an inspection of the approved place of detention under the provisions of this Act, that the approved place of detention does not conform to the requirements referred to in subsection (1), such fact shall be informed to the Inspector General of Police in cases of detention.

Notification of  
detention to the  
Human Rights  
Commission of  
Sri Lanka

**33.** (1) The officer in charge of the approved place of detention in which a suspect is detained shall notify the Human Rights Commission of Sri Lanka of such detention, as soon as practicable but in any event not later than seventy-two hours from the commencement of detention, for the persons authorised by the Human Rights Commission of Sri Lanka to visit such approved place of detention in terms of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.

(2) A copy of the Detention Order shall be served on the Human Rights Commission of Sri Lanka, as soon as practicable.

Human Rights  
Commission of  
Sri Lanka to visit  
an approved  
place of  
detention

**34.** An authorised officer of the Human Rights Commission of Sri Lanka shall, without giving any advance notice, be entitled to -

- (a) enter and examine any approved place of detention;
- (b) call for and inspect detention registers, Detention Orders and other books and documents required to be maintained at such approved place of detention; and
- (c) interview suspects being detained at such approved place of detention.

Detention  
beyond two  
months to be  
only with the  
approval of a  
Magistrate

**35.** (1) Upon completion of the period of a Detention Order obtained under subsection (1) of section 29, the suspect shall be produced before a Magistrate.

(2) Where it is necessary to detain the suspect beyond the period of two months referred to in subsection (4) of section 29, the officer in charge of the relevant police station shall file a confidential report along with a certified copy of the Detention Order issued under section 29, in the Magistrate's Court, citing -

(a) the allegation against the suspect;

(b) the findings of the investigation; and

(c) reasons which require further detention,

and make an application for an order to give effect to the extended Detention Order of such suspect.

(3) The confidential report shall not be disclosed to any person unless the Magistrate is of the opinion that, in the interest of justice, such report may be disclosed to the suspect:

Provided however, the Magistrate shall ensure that the disclosure of information in such report does not affect the investigation.

(4) The Magistrate shall record any further submissions of the police officer seeking an extension of the period of detention and the objections raised by the suspect or his Attorney-at-Law for such extension of the Detention Order.

(5) Upon consideration of the confidential report and the application referred to in subsection (2) and the submissions made under subsection (4), the Magistrate may order to give effect to the extended Detention Order for a further period specified in such extended Detention Order.

(6) The Magistrate shall forthwith notify any extension of a Detention Order of the suspect to the Human Rights Commission of Sri Lanka.

(7) (a) The Magistrate may refuse to give effect to the extended Detention Order, stating the reasons therefor.

(b) Where the Magistrate refuses to give effect to the extended Detention Order, such Magistrate shall, upon inquiry, remand the suspect or release on bail under the provisions of the Bail Act, No. 30 of 1997:

Provided however, no suspect shall be released on bail on his own recognizance or an undertaking given by him to appear when required.

(8) The proceedings under this section may be held in-camera, subject to the provisions of Article 106 of the Constitution.

Completion of investigations and release of suspects

**36. (1)** Every investigation under this Act shall be completed without unnecessary delay.

(2) Upon the completion of an investigation under this Act, the officer in charge of such investigation shall forward to the Magistrate's Court a report in relation to such investigation, in such form as may be prescribed.

(3) If the report contains no allegation that the suspect has committed or been concerned in the committing of any offence under this Act, the Magistrate shall discharge such suspect:

Provided that, the Magistrate may discharge a suspect produced before the court under this Act, at any time before, with the consent of the Attorney General.

(4) A Detention Order under this Act shall not be issued or extended in respect of a suspect in respect of whom the investigation has been completed.

(5) If at any time, an investigation in respect of any person discharged under this Act is to resume, the Magistrate and the Human Rights Commission of Sri Lanka shall be informed of such resumption and the completion of further investigation.

Suspect to be produced before a Magistrate

**37.** During the pendency of a Detention Order, the suspect shall be produced before the Magistrate once in every fourteen days.

Police officer to have access to the suspect in remand or prison

**38. (1)** A police officer conducting an investigation under this Act shall, under the authority of an order issued by the Magistrate, be entitled to -

(a) have access to a suspect placed in remand custody to interview the suspect;

(b) record statements;

(c) take the suspect out of the remand for the purpose of conducting further investigation:

Provided however, an officer of the Prisons Department shall be present at every instance referred to in this subsection.

(2) Where a suspect has been convicted of any offence and is serving a term of imprisonment, a police officer conducting an investigation under this Act shall, under the authority of an order issued by the Magistrate, be entitled to -

(a) have access to such suspect in prison to interview the suspect;

(b) record his statements;

(c) take the suspect out of the prison for the purpose of conducting further investigation:

Provided however, an officer of the Department of Prisons shall be present at every instance referred to in this subsection.

Detention during  
remand or prison  
custody

**39. (1)** Where the officer in charge of a police station receives credible information that any person in remand or prison custody for any offence under this Act or any other written law—

(a) has committed an offence under this Act;

(b) has attempted, abetted or conspired to commit an offence under this Act or has done any act preparatory to the commission of an offence under this Act; or

(c) had committed an offence under this Act prior to being arrested, and such officer in charge of a police station was unaware of such fact,

such officer in charge of a police station shall report such information to the Attorney General.

(2) A Judge of the High Court shall, on an application made by the Attorney General, immediately inquire into such information and at the conclusion of the inquiry, if he is satisfied that the allegation against the

suspect, appears to be well founded, and where he deems it expedient to keep the suspect under detention for further investigation, he may, on the production of a Detention Order, make an order to give effect to the Detention Order and permit the officer in charge of the police station to –

- (a) transfer the custody of the suspect to any approved place of detention;
- (b) remove the suspect from remand custody;
- (c) have such suspect detained in terms of such Detention Order; and
- (d) order that the suspect be in isolation or under security.

(3) The Detention Order made under this section shall-

- (a) be issued by the Secretary;
- (b) be for a period of two weeks at a time for a cumulative period not exceeding three months; and
- (c) be reviewed by the Judge of the High Court every fourteen days, and the provisions of sections 25 and 34 shall *mutatis mutandis* apply in respect of such review.

(4) The High Court shall notify the transfer of the suspect from remand or prison custody to detention to the Human Rights Commission of Sri Lanka.

(5) (a) The period spent in detention under this Act by a person who was in prison custody shall be considered as part of the period of sentence of such person.

(b) The period spent in detention under this Act by a person who was in remand custody shall be considered as part of his remand period for the purposes of section 238A of the Code of Criminal Procedure Act.

(6) Upon completion of the period of three months or if the Attorney General informs the High Court that the investigations are concluded any time prior to that, the Judge of the High Court shall make an order committing the suspect back to remand custody or to prison custody, as the case may be.

(7) Where a person in prison custody is a suspect in any investigation under this Act, the Commissioner General of Prisons shall, at the expiry of the sentence, produce such suspect before the relevant Magistrate Court in which he has been made a suspect for the purposes of remanding the suspect or for any other suitable order in terms of the provisions of this Act.

Suspect to have access to an Attorney-at-Law in remand or detention

**40.** A suspect remanded or detained under this Act shall have the right to communicate with and be visited by his relatives, Attorney-at-Law or any other person of his choice, subject to the conditions established by written law.

Application of the Code of Criminal Procedure Act

**41.** (1) The provisions of the Code of Criminal Procedure Act which are not inconsistent with the provisions of this Act shall, *mutatis mutandis*, apply to any investigation or proceeding under this Act.

(2) The provisions of sections 115 and 116 of the Code of Criminal Procedure Act shall have no application in relation to a suspect under this Act.

(3) Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, the provisions of section 306 of that Act shall not apply in the case of any person who pleads or is found guilty, by or before any court, for any offence under this Act.

## **PART IV**

### **POWERS AND DUTIES OF CERTAIN OFFICERS UNDER THIS ACT**

Duty of certain officers to prevent the commission of offences under this Act

**42.** (1) It shall be the duty of every police officer, any member of an armed force or a coast guard officer to take any measure as may be appropriate to prevent the commission of an offence under this Act.

(2) For the purpose of subsection (1), any officer shall take such measures-

- (a) in good faith;
- (b) proportionate to the harm that may be inflicted by the commission of the offence; and
- (c) only to the extent such measures may be necessary, to prevent the commission of an offence under this Act or for



the purpose of apprehending persons who have committed an offence under this Act.

Appointment of experts or any other persons

**43.** (1) The Inspector General of Police shall, with the consent of such expert or any other person who renders services, appoint such number of experts or any other persons to assist the investigation team as he may deem necessary.

(2) The expert or any other person appointed under subsection (1) shall be deemed to be peace officers for the purpose of performing the functions assigned to them.

Powers to facilitate investigation

**44.** (1) For the purposes of this Act, a police officer not below the rank of a Sub-Inspector of Police who has been authorised in writing by an officer in charge of a police station to conduct an investigation in terms of this Act shall be empowered to require any suspect alleged to have committed an offence under this Act to –

- (a) give an affidavit subject to the provisions of subsections (2), (3), and (4) to the police officer not below the rank of Assistant Superintendent of Police:

Provided that, an affidavit shall be obtained on an order of a Magistrate;

- (b) tender any document or thing relevant to the investigation that may be in the possession or control of such person:

Provided that-

- (i) an acknowledgement of the receipt of such document or thing shall be issued in writing to such person; and

- (ii) taking of such document or thing shall be promptly reported to the Magistrate.

(2) A person shall not be bound to make an affidavit implicating or incriminating himself in the commission of an offence, and any such affidavit shall be inadmissible against such person.

(3) Any person who is to be interviewed and whose statement is to be recorded or of whom an affidavit to be taken shall be informed of his right

to have access to an Attorney-at-Law of his choice to obtain legal advice prior to such interview or the production of the affidavit.

(4) A police officer acting under the provisions of this section shall inform the person prior to being interviewed of his rights under this Act.

(5) Wherever possible, the interview shall be audio-visually recorded.

Use of force to  
stop a vessel or  
vehicle

**45.** Where the person in charge of any vehicle, vessel, train, aircraft or unmanned vehicle disobeys any directive given by a police officer, member of the armed forces or coast guard officer for halting any such vehicle, vessel, train, aircraft or unmanned vehicle for the purposes of this Act, such police officer, member of the armed forces or coast guard officer may use such force as may be necessary to halt such vehicle, vessel, train, aircraft or unmanned vehicle:

Provided however, any such force may be used only where all other means of halting the vehicle, vessel, train, aircraft or unmanned vehicle have failed.

Taking over the  
control of any  
vehicle, vessel &  
c.

**46. (1)** A police officer shall be entitled to take over the control of any vehicle, vessel, train, aircraft, unmanned vehicle or aircraft system connected with an offence alleged to have been committed for the purpose of conducting an investigation under this Act or for preventing the commission of an offence.

(2) Such taking of control shall be promptly reported to a Magistrate.

Suspension or  
delaying the  
taking off or  
sailing of a  
vessel, aircraft &  
c.

**47. (1)** For the purpose of conducting an investigation under this Act, the officer in charge of a police station may make an application to the Magistrate having jurisdiction in the area within which any aircraft or vessel is located, for an Order directing to-

- (a) suspend or delay, the taking off of such aircraft, or the sailing of any vessel, for a period not exceeding forty-eight hours;
- (b) land any such aircraft at a designated airport or at any other appropriate location; or
- (c) bring any vessel to any port or harbour or any other appropriate location,

and the Magistrate may, upon consideration of such application, issue such order, subject to any condition as may be specified therein:

Provided however, where there is such urgency in the interest of the national security, a police officer not below the rank of a Deputy Inspector General of Police may give directions to take any action referred to in paragraph (a), (b) or (c) of subsection (1), subject to subsequent approval of such direction by the Magistrate within twenty-four hours from the issuance of such direction.

(2) The Director General of Civil Aviation appointed under the Civil Aviation Authority Act, No. 34 of 2002, shall be informed of any such order or directive issued in respect of any aircraft for the purpose of obtaining air-defence clearance.

(3) Where the order or directive is issued in respect of a civil vessel, the Director General of Merchant Shipping appointed under the Merchant Shipping Act, No. 52 of 1971 and the Sri Lanka Ports Authority established under the Sri Lanka Ports Authority Act, No. 51 of 1979, shall be given prior notice of such order or directive.

Clinical forensic  
medical  
examinations

**48.** (1) Where the officer in charge of the police station considers that the examination of suspects in custody or a victim of an offence by a medical practitioner is necessary for the conduct of an investigation, he may, with the consent of such suspect or victim, cause such suspect or victim to be examined by a government medical officer. The government medical officer shall report to the police officer, setting out the result of the examination.

(2) Where the suspect or victim referred to in subsection (1) does not consent to be so examined, the police officer may apply to a Magistrate within whose jurisdiction the investigation is being made for an order authorising a government medical officer named therein to examine such suspect or victim and report thereon. Where such an order is made, such person shall submit to an examination by such government medical officer who shall report to the Magistrate setting out the results of the examination.

Submitting items  
to a Government  
Analyst or other  
expert

**49.** (1) The officer in charge of a police station shall be entitled to directly submit any document, thing or article, which he reasonably believes to be connected with the commission of an offence under this Act, to the Government Analyst or to any other local or foreign expert for examination and analysis:

Provided however, in the case of submission to a foreign expert for examination and analysis, the approval of the Magistrate shall be obtained prior to the submission for such examination or analysis.

(2) The report of the examination shall be directly submitted by the Government Analyst or other expert to the officer in charge of the relevant police station, with a copy to the Magistrate before whom the suspect has been, or is to be produced.

Investigation  
outside Sri  
Lanka

**50.** (1) It shall be lawful for a police officer with the approval of the Inspector General of Police, and with the prior approval obtained from the relevant foreign country, to conduct an investigation in terms of this Act outside Sri Lanka.

(2) It shall be lawful for a police officer authorised by the Inspector General of Police, with the prior approval obtained from the relevant foreign country and the Secretary, to undertake and carry out a joint investigation into the commission of an offence within Sri Lanka or outside Sri Lanka under this Act, with an institution or agency of a foreign State or foreign States or an international organisation established by the Government of a foreign State.

Police may issue  
directives for the  
protection of the  
public

**51.** (1) Where information has been received by a police officer in relation to the commission of an offence under this Act, and the police officer is of the opinion that there exists a clear and present danger, and that such directive is necessary for the purpose of protecting persons from harm or further harm associated with such offence, the officer in charge of a police station may make an application to a Magistrate for any one or more of the following directives:—

- (a) to remove a particular object, vehicle, vessel, train, aircraft or unmanned vehicle from any location;
- (b) to require that a vehicle, vessel, train, aircraft or unmanned vehicle to remain in its present position;
- (c) not to sail a vessel or ship into a specified area until further notice is issued;
- (d) not to fly an aircraft out of, or into, a specified airspace;
- (e) not to congregate at any particular location;
- (f) not to hold a particular meeting, rally or procession; and

(g) not to engage in any specified activity.

(2) The Magistrate shall, prior to the issuance of any such directive, satisfy himself as to the necessity of issuing the same, and may make an order to issue such directive subject to such conditions as may be deemed appropriate:

Provided that, where circumstances of urgency arise in the interest of national security, the officer in charge of a police station may issue directions to take any action referred to in paragraphs (a) to (g), subject to the subsequent approval of such direction by a Magistrate within twenty-four hours of the issuance of such direction.

(3) The Human Rights Commission of Sri Lanka shall forthwith be informed of any directive issued under this section by the relevant officer who issued such directive or the Magistrate who granted prior approval for any such directive under paragraphs (a) to (g).

(4) Any such directive may include exceptions to such directive, in order to meet with emergency situations and humanitarian requirements of persons that may be affected by any such directive.

(5) The period of operation of any such directive shall not exceed twenty-four hours at a time, and for a total period not exceeding seventy-two hours.

(6) The Inspector General of Police may obtain the assistance of the members of any armed force to give effect to any directive under this section with the prior approval obtained from the Commander of the relevant armed force.

(7) It shall be lawful for the police officers to cordon off such an area for the purpose of giving effect to such directive.

(8) Any person who willfully acts contrary to a directive issued under this section commits an offence, and shall, on conviction by a Magistrate, be liable to imprisonment of either description for a term not exceeding one year or to a fine not exceeding one million rupees or to both such imprisonment and fine.

## PART V

### MATERIAL FOR INVESTIGATION

Obtaining  
information from  
banks, financial  
institutions, & c.

**52.** (1) Notwithstanding the provisions of any other law, the officer in charge of the relevant police station may, in relation to an investigation conducted under this Act, make an application for an order from a Magistrate to require any bank, non-banking financial institution or designated non-financial business to provide the following information and material to such officer: -

- (a) information relating to any financial service provided by such bank, institution or business to any person;
- (b) details of any financial transaction carried out by any person;
- (c) details relating to bank accounts, deposits, remittances, and withdrawals and financial services provided by any such bank, institution or business;
- (d) details relating to the obtaining of financial services by any person; and
- (e) a certified statement of any account or other information pertaining to any account or transaction.

(2) The Magistrate shall consider the application made by such police officer, and make an order in terms of subsection (1), where it appears reasonable and necessary for conducting the investigation.

(3) An application under subsection (1) may be made *ex-parte* and the proceedings in relation to such application shall, subject to Article 106 of the Constitution, be held in-camera.

Obtaining  
information from  
service providers

**53.** (1) The officer in charge of the relevant police station may, in relation to an investigation conducted under this Act, make an application for an order from a Magistrate to require any telecommunication, satellite or digital service or data service provider to provide information, including

-

- (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.

(2) The Magistrate shall consider the application made by such police officer, and make an order in terms of subsection (1), where it appears reasonable and necessary for conducting an investigation.

(3) An application under subsection (1) may be made *ex-parte* and the proceedings in relation to such application shall, subject to Article 106 of the Constitution, be held in-camera.

Obtaining  
information from  
Government  
Institutions

**54.** (1) Notwithstanding the provisions of any written law, the officer in charge of the relevant police station may, in relation to an investigation conducted under this Act, make an application for an order from a Magistrate to require any Government Institution to provide any information or document for the purpose of conducting an investigation in respect of an offence under this Act.

(2) The Magistrate shall consider the application made by such police officer, and make an order in terms of subsection (1), where it appears reasonable and necessary for conducting an investigation.

(3) An application under subsection (1) may be made *ex-parte* and the proceedings in relation to such application shall, subject to Article 106 of the Constitution, be held in-camera.

(4) For the purpose of this section, “Government Institution” includes the office of the Secretary to the President, the office of the Secretary to the Prime Minister, the office of the Secretary to the Cabinet of Ministers, the offices of the Ministers appointed under Article 44 or 45 of the Constitution, the Judicial Service Commission, the Constitutional Council, the Commissions referred to in the Schedule to Article 41B of the Constitution, the Parliamentary Commissioner for Administration, the Secretary-General of Parliament, Ministries, Government Departments, Provincial Councils, local Authorities, Public Corporations, business or other undertakings vested in the Government under any written law and Companies

incorporated under the Companies Act, No. 07 of 2007 or any subsidiary of such company, in which the Government, a Public Corporation or Local Authority holds more than fifty *per centum* of the shares of that Company.

## **PART VI**

### **MAGISTRATE TO MAKE ORDERS TO FACILITATE INVESTIGATION**

Magistrate to  
authorise  
unlocking data  
and information

**55.** (1) Notwithstanding the provisions of any other written law, for the purposes referred to in subsection (2), where there are reasonable grounds to suspect that any person has committed, is committing, or is likely to commit an offence under this Act, the officer in charge of a police station may make an application to a Magistrate for an order -

(a) directing any person who provides locking or encryption services pertaining to any communication or storage services or equipment for any data or information or other thing, to unlock or unencrypt the service or equipment and provide information contained therein to such police officer; or

(b) authorising such officer-

(i) to intercept, read, listen, or record any postal message or electronic mail or any telephone, voice, internet, or video conversation, conference or any communication through any other medium; or

(ii) to access any analogue or digital data or information exchange or transfer system.

(2) The purposes for which the Magistrate may make an order under subsection (1) shall be to –

(a) determine the identity of a person referred to in subsection (1);

(b) determine the location of a person referred to in subsection (1);



- (c) facilitate the conduct of an investigation into an offence under this Act;
- (d) gather evidence against a person referred to in subsection (1);
- (e) determine whether one or more persons are conspiring, planning, preparing or attempting to commit an offence under this Act; or
- (f) take measures to prevent the commission of an offence under this Act.

(3) The Magistrate shall, if satisfied that the application has been made in good faith and that the making of such order is reasonably necessary for the purpose of conducting the investigation, issue such order, and may, where necessary, make an order for the payment of such amount as he deems appropriate for the rendering of professional services for that purpose.

## **PART VII**

### **DEFERMENT OF INSTITUTION OF CRIMINAL PROCEEDINGS, SUSPENSION OF PROSECUTION AND TRIAL**

Deferment of the  
institution of  
proceedings

**56.** (1) Notwithstanding any provision to the contrary in any other written law, where-

- (a) death or grievous hurt has not been caused to any person;  
or
- (b) the security of the State or the people of Sri Lanka has not been seriously compromised or affected,

the Attorney General may, having due regard to the facts specified in subsection (2), and subject to one or more conditions referred to in subsection (3), defer the institution of criminal proceedings against such suspect for a period not exceeding twenty years:

Provided however, there shall be a prior consensual agreement between the Attorney General and the person suspected to have committed the offence amenable to deferment, which shall be sanctioned by the High

Court before the deferment of the institution of criminal proceedings under this subsection:

Provided further, the period of deferment of institution of criminal proceedings against such suspect shall not exceed the period of imprisonment which might have been imposed for the alleged offence.

(2) Where the Attorney General defers the institution of criminal proceedings under subsection (1), he shall pay due regard to -

- (a) the State policy;
- (b) the national interest;
- (c) the public interest;
- (d) the views of the Inspector General of Police;
- (e) the views of the victims of the offence; and
- (f) the representations that may be made by the accused person or, on his behalf, by his Attorney-at-Law.

(3) Where the Attorney General decides in terms of subsection (1) to defer the institution of criminal proceedings against any suspect, he shall prefer an application to the High Court to impose one or more of the following conditions on such person as consideration for the deferment of the institution of criminal proceedings against such suspect to: -

- (a) publicly express remorse and apology before the High Court, using a text issued by the Attorney General as instructed by the High Court;
- (b) provide reparation to victims of the offence, as specified by the Attorney-General;
- (c) participate in a specified programme of rehabilitation;
- (d) publicly undertake that such person refrains from committing any offence; or
- (e) engage in specified community or social service.

(4) The High Court shall, upon consideration of the application made by the Attorney General under subsection (3), order the suspect to appear before the High Court, and shall notify such suspect of the conditions imposed by the High Court and afford an opportunity to be heard and consent to the conditions so imposed by the High Court.

(5) If such suspect fulfils the conditions imposed under subsection (4) during the period stipulated for fulfilling such conditions, the Attorney General shall not institute criminal proceedings against such suspect in respect of the offence alleged to have been committed.

(6) If such suspect fails without a valid excuse to comply with such conditions, the Attorney General may, with notice to the suspect, institute criminal proceedings against him.

Suspension of  
prosecution

**57.** (1) Notwithstanding any provision to the contrary in any other written law, where-

(a) death or grievous hurt has not been caused to any person;  
or

(b) the security of the State or the people of Sri Lanka has not been seriously compromised or affected,

the Attorney General may, having due regard to the facts specified in subsection (2), and subject to one or more conditions referred to in subsection (3), suspend the prosecution against a person charged with an offence under this Act, for a period not exceeding twenty years:

Provided however, there shall be a prior consensual agreement between the Attorney General and the person charged with the offence amenable to suspension, which shall be sanctioned by the court before the suspension of prosecution under this subsection:

Provided further, the period of suspension of prosecution against such person shall not exceed the period of imprisonment applicable to the offence he might have been sentenced for.

(2) Where the Attorney General suspends prosecution under subsection (1), he shall pay due regard to the matters specified in paragraphs (a) to (e) of subsection (2) of section 56.

(3) Where the Attorney General decides in terms of subsection (1) to suspend prosecution against such person, he shall prefer an application to the High Court, to impose one or more of the conditions specified in paragraphs (a) to (f) of subsection (3) of section 56 on such person as consideration for the suspension of prosecution against such person.

(4) The provisions of subsections (4), (5) and (6) of section 56 shall *mutatis mutandis* apply in relation to suspension of prosecution under this section.

Detention until  
the conclusion of  
the trial

**58.** (1) (a) If the Secretary is of the opinion that it is necessary or expedient that a person in remand custody against whom an indictment has been forwarded under this Act be kept in the custody of any lawful authority, in the interest of national security or public order or where there is a threat or an apprehension of serious harm to the life of the accused during the pendency of the trial, he may make an application to the relevant High Court together with the a copy of the Detention Order, setting out the reasons that necessitates the issuance of a Detention Order and after hearing such application and the objections thereto the High Court may make an order giving effect to the Detention Order, subject to such directions to ensure the conduct of a fair trial.

(b) Such directions, in addition to ensuring a fair trial of such person, shall include an order that the detention of the indictee shall be subject to the same conditions, *mutatis mutandis*, as are applicable to a person detained in terms of section 29.

(2) The Detention Order made in pursuance of subsection (1) shall be communicated to the Commissioner General of Prisons and it shall be the duty of the Commissioner General to deliver the custody of such person to the authority specified in such order, and the provisions of the Prisons Ordinance (Chapter 54) shall cease to apply in relation to the custody of such person.

Proceedings  
under the Act to  
have priority in  
court

**59.** The proceedings in any court in respect of an offence alleged to have been committed by any person under this Act shall have priority over all other business of that court, except when circumstances render it necessary for such other business to be disposed of earlier.

## PART VIII

### ADMISSIBILITY OF STATEMENTS

Magistrate to  
record  
statements

**60.** (1) On an application made by a police officer conducting an investigation into an offence under this Act, the Magistrate may question and record the statement of any suspect.

(2) The recording of such statement shall be in compliance with the following conditions: -

- (a) the person shall be informed of his rights to access to an Attorney-at-Law under any written law;
- (b) the person shall be questioned in order to ascertain whether such person wishes to voluntarily answer the questions put to him, and the Magistrate shall proceed to record a statement, only if he is satisfied that such person is voluntarily making such statement, without any promise, inducement or threat;
- (c) the person shall be warned that in the event of criminal proceedings being instituted against him, the contents of the statement that he will make, may be used as evidence against him;
- (d) whatever statement such person wishes to give shall be recorded, in addition to questions put to him and his answers thereto;
- (e) in situations where the person being interviewed, does not understand the language spoken by the Magistrate, the services of an interpreter shall be obtained, in order to translate the questions and the answers into the languages understood by such person and the Magistrate; and
- (f) a video recording of the interview shall be prepared and retained for future verification.

(3) The Magistrate may, for the purpose of recording such statement, obtain a report or questionnaire from the officer in charge of the police station.

(4) Where the person who makes such statement is subsequently indicted for having committed an offence under this Act, such statement shall, subject to the provisions specified in subsection (2) of section 61 and section 62 and to the provisions of section 24 of the Evidence Ordinance,

be admissible in evidence against such person at a proceeding in respect of such offence.

(5) Where the person who makes such statement is called by the Attorney General as a witness to testify against a person who is indicted for having committed an offence under this Act, either the entirety of the statement or a part thereof, may be marked and produced in evidence during the examination-in-chief of such person.

(6) (a) Where the suspect declines to make a statement to the Magistrate, the Magistrate shall communicate such fact to the relevant police officer.

(b) Where, at the time the suspect so declines to make a statement, he is in detention under a Detention Order or is in remand custody, such suspect shall be returned to such detention or remand custody, as the case may be, and the Magistrate may, where necessary, make such further order as may be required for ensuring the safety of the suspect.

Statements made  
to a Magistrate

**61.** (1) A statement made by a suspect or any person to a Magistrate under this Act, shall be admissible against such person, subject to the provisions specified in subsection (2), and to the provisions of section 24 of the Evidence Ordinance.

(2) (a) A person shall not be legally bound to make a statement or produce an affidavit implicating or incriminating himself in the commission of an offence.

(b) Any person who is to be interviewed and whose statement is to be recorded shall have the right, if he so wishes, to have access to, or communicate with, an Attorney-at-Law and obtain legal advice before such interview.

(c) A Magistrate seeking to record a statement shall inform the person being interviewed of his rights under this Act before such interview.

(d) The interview shall, wherever possible, be audio-visually recorded.

Preconditions to  
be satisfied for  
the admissibility  
of a statement

**62.** Notwithstanding anything to the contrary in any other written law, a statement made to a Magistrate by a person alleged to have committed an offence under this Act shall not be admissible in evidence against such person, unless –

made to a  
Magistrate

- (a) the Magistrate who recorded such statement had, immediately prior to and soon after recording the statement, caused the person who made the statement to be examined by a judicial medical officer; and
- (b) the report of the judicial medical officer is produced by the prosecuting authority during the *voir-dire* inquiry, which may be conducted to verify the admissibility of the statement.

## PART IX

### MISCELLANEOUS ORDERS

Proscription  
Orders

**63.** (1) Notwithstanding anything in any other written law, where the President has reasonable grounds to believe that any organisation is engaged in any act amounting to an offence under this Act, or is acting in an unlawful manner prejudicial to the national security of Sri Lanka or any other country, the President may, by Order published in the *Gazette*, (hereinafter referred to as a “Proscription Order”) proscribe such organisation in terms of the provisions of this Act.

(2) A Proscription Order may prohibit -

- (a) any person from being a member of or associated with such organisation;
- (b) such organisation from recruiting members to such organisation;
- (c) any person from acting in furtherance of the objectives of such organisation;
- (d) the conducting of meetings, activities and programmes by such organisation;
- (e) the use or mobilisation of bank accounts and other financial depositories of such organisation;
- (f) any person from entering into contracts with or on behalf of such organisation;

- (g) the raising of funds and receiving grants and bequests;
- (h) the transfer of funds and assets of the organisation;
- (i) the lobbying and canvassing on behalf of such organisation;
- (j) any person from publishing any material, including printed or online publishing, in furtherance of the objects of such organisation;
- (k) such organisation from establishing or maintaining offices;  
or
- (l) any other activity relating to such organisation, as may be necessary.

(3) Any prohibition, restriction, suspension or sanction, issued under any other written law in respect of an organisation in respect of which a Proscription Order has been issued under subsection (1), shall continue to be in operation, without prejudice to any such Proscription Order issued under subsection (1).

(4) Immediately after the publication of a Proscription Order in the *Gazette*, such Proscription Order shall also be published in a newspaper in Sinhala, Tamil, and English languages, having wide circulation in Sri Lanka.

(5) The President may, on an application made by a person or an organisation aggrieved by a Proscription Order issued under subsection (1), review or cancel such Order after considering the representations of such person or organisation.

(6) A Proscription Order made under this section shall remain valid until rescinded.

Restriction  
orders

**64.** (1) Where a police officer not below the rank of Deputy Inspector General of Police has reasonable grounds to believe, that any person is making preparation to commit an offence under this Act and his conduct cannot be investigated without him being subject to a Restriction order, such police officer may, make an application to the Magistrate's Court for a Restriction order.



(2) The Magistrate's Court may, upon consideration of an application made under subsection (1), make a Restriction order imposing such restrictions, which shall be specified in that order, for a period not exceeding one month.

(3) A Restriction order made under subsection (1) may include restrictions on –

- (a) the movement outside the place of residence;
- (b) travelling within Sri Lanka;
- (c) travelling overseas;
- (d) travelling outside the normal route between the place of residence and the place of employment;
- (e) the communication or association, or both, with particular persons as specified in the Order;
- (f) engaging in certain specified activities that may facilitate the commission of an offence under this Act; or
- (g) visiting any place specified in the Order.

(4) Any such Restriction order may require the suspect to report to any police station on a specified date, or at specified periodic intervals.

(5) The Magistrate's Court shall cause any such Restriction order to be served on the person in respect of whom such order was made, and authorise the police officer who made the application under subsection (1) to take necessary steps to enforce any such order and ensure compliance therewith.

(6) (a) The police officer who made the application under subsection (1) shall cause, the statements of the person in respect of whom the Restriction Order was made, to be recorded, within one week of making thereof and submit it to the Magistrate's Court, enabling the Court to determine whether the said order shall be revoked or varied.

(b) Prior to recording the statement, the relevant person shall be informed of his rights under this Act, and be informed of the grounds for making the Restriction order.

(c) Prior to recording the statement, the relevant person shall be permitted if he so requests, to have access to, or confidential communication with, an Attorney-at-Law.

(d) Wherever possible, the interview shall be audio-visually recorded.

(7) Any person who willfully acts in contravention of a Restriction order made under this Act commits an offence and shall, on conviction by the Magistrate's Court, be liable to imprisonment of either description for a term not exceeding three years and to a fine not exceeding rupees three million.

(8) The Magistrate's Court shall review a Restriction order made under this section in every month and extend the period thereof, if necessary.

(9) The aggregate period of any Restriction order shall not exceed six months.

#### Curfew Orders

**65.** (1) Notwithstanding the provisions of the Public Security Ordinance (Chapter 140), the President may, by Order published in the *Gazette* (hereinafter referred to as a "Curfew Order"), declare curfew under this Act, for a period specified in such Order, either to the entirety or part of Sri Lanka including its territorial waters and air space, for the purposes referred to in subsection (2) and subject to the provisions of subsection (3).

(2) The President may make a Curfew Order for the protection and maintenance of national security, public security, public order or public safety.

(3) (a) The maximum period of any Curfew Order shall not exceed twenty-four hours at a time.

(b) There shall be an interval of a minimum period of three hours between two periods of curfew.

(4) Any such Curfew Order, shall-

(a) specify categories of persons who are exempted from the application of such Order;

(b) specify any person who may be authorised to issue permits-

- (i) exempting any person or persons from adhering to the Curfew Order; and
- (ii) authorising such person or persons to travel from one place to another, due to the need of maintaining essential services and supplies, emergency requirements and humanitarian needs, as may be specified in such permit.

(5) Any person who needs to be fully or partly exempted from a Curfew Order shall be entitled to make an application to the authority referred to in subsection (4) in the prescribed form.

(6) A person who willfully violates a Curfew Order commits an offence, and shall, on conviction by a Magistrate, be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding rupees three hundred thousand or to both imprisonment and fine.

#### Prohibited Places

**66.** (1) For the purposes of this Act, the Secretary may, from time to time, by Order published in the *Gazette*, stipulate any place of public use or any other location which is reasonably suspected of being used to commit an offence under this Act, to be a prohibited place (hereinafter referred to as a “prohibited place”).

(2) The Order under subsection (1) shall include prohibitions on the entry, and where necessary, may include prohibitions on taking photographs, video recording and making sketches of the prohibited place.

(3) Immediately after the publication of an Order in respect of a Prohibited Place in the *Gazette*, such Order shall also be published in a newspaper in Sinhala, Tamil, and English languages, having wide circulation in Sri Lanka.

(4) Upon a place or location being declared as a prohibited place, notices shall be placed at entry points to such place where possible, indicating that such place has been declared as a prohibited place.

(5) (a) The period of operation of an Order made under subsection (1) shall not exceed a period of seventy-two hours.

(b) Where the period of operation of any such Order is required to be extended for a further period exceeding seventy-two hours, an application in that behalf shall be made by the officer in charge of the police station of

the area where the Prohibited Place is situated, to obtain prior approval from a Magistrate having jurisdiction in the area within which such prohibited place is situated. Such Magistrate shall, prior to the issuance of such order, satisfy himself of the necessity for issuing the same and may make an order subject to any conditions.

(6) After making an order under subsection (1), the officer in charge of the police station of the area where the Prohibited Place is situated or any other person having lawful authority and control over the prohibited place as authorised by the Secretary shall specify the categories of persons who shall be authorised to enter and remain in such place, and he shall also be entitled to authorise any other person to enter such place on conditions he may specify.

(7) Any person who willfully contravenes the Order made under this section by entering or remaining in a prohibited place without lawful authority commits an offence, and shall, on conviction by a Magistrate, be liable to imprisonment of either description for a term not exceeding three years or to a fine not exceeding rupees three million or to both such imprisonment and fine.

(8) Any person who willfully takes photographs, video recordings and makes drawings or sketches of a prohibited place commits an offence and shall, on conviction by a Magistrate, be liable to imprisonment of either description for a term not exceeding three years or to a fine not exceeding rupees three million or to both such imprisonment and fine.

(9) For the purpose of subsection (1), “place of public use” includes any highway and any other premises or place to which at the material time the public have access or are permitted to have access, whether as of right or otherwise.

## **PART X**

### **SENTENCING GUIDELINES**

Aggravating  
factors

**67.** When determining the term of imprisonment to be imposed on a person convicted of having committed an offence under this Act, the following factors may 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) the effect of the commission of the relevant offence on the territorial integrity or sovereignty of Sri Lanka, or of any other foreign country;
- (b) the effect of the commission of the relevant offence on the national security or defence of Sri Lanka;
- (c) the number of lives lost due to the commission of the offence;
- (d) the injuries or harms inflicted on any person in or outside Sri Lanka;
- (e) the impact on the victims of the offence and the aggravated nature of the consequences undergone by them;
- (f) whether the commission of the offence has given rise to public disquiet;
- (g) the effect on the security of the general public;
- (h) the impact on the peaceful co-existence of the people of Sri Lanka;
- (i) the financial or material loss caused to the Government of Sri Lanka, the general public, or any person;
- (j) the financial and other resources required for the reparation and restoration of the damages caused; and
- (k) any other factor as may be considered by the court to be taken into account as an aggravating factor.

Mitigating factors

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

- (a) publicly denouncing terrorism;
- (b) the expression of remorse;

- (c) the age of the offender at the time of committing the offence;
- (d) the time period spent in detention or remand or both;
- (e) the coercion or duress under which the offence had been committed;
- (f) the voluntarily providing of reparation by the accused to the victims of the offence;
- (g) the public denouncement of violence, and other offences in respect of which the accused was convicted;
- (h) the commitment towards the preservation and protection of the territorial integrity and sovereignty of Sri Lanka;
- (i) the voluntarily participating in and completing a rehabilitation programme stipulated by the court; or
- (j) any other factor as may be considered by the court to be taken into account as a mitigating factor.

## **PART XI**

### **GENERAL PROVISIONS**

Children's  
Ordinance to apply

**69.** The provisions of the Children's Ordinance (Chapter 23) shall apply to any child who is found guilty of, and convicted for, an offence committed under this Act.

Protection from  
action

**70.** No civil or criminal proceedings shall be instituted against any officer or person for any act done, or purported to be done, by him in good faith under this Act, in the exercise, performance, or discharge of the powers, duties, or functions conferred by this Act, if he proves that he acted in good faith and exercised all due diligence, reasonable care, and skill.

Offences by bodies  
of persons

**71.** Where an offence under this Act is committed by a body of persons, if that body of persons is-

- (a) a body corporate, every director and principal executive officer of that body corporate;

(b) a firm, every partner of that firm; or

(c) a body unincorporated other than a firm, every officer of that body responsible for its management and control,

shall be deemed to be guilty of such offence:

Provided that, such person shall not be deemed to be guilty of such offence if such person proves that such offence has been committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Regulations

**72.** (1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations to implement rehabilitation programmes for the persons in respect of whom the Attorney General has recommended deferment of institution of proceedings under section 56 or suspension of prosecution under section 57, or where the Attorney-General has withdrawn indictments, including the following matters-

(a) the objectives to be achieved by the conduct of the programme;

(b) the nature of rehabilitation;

(c) the nature of the training to be provided;

(d) the authority or authorities who conduct the rehabilitation or training;

(e) the location of the programme;

(f) the duration of the programme; and

(g) any other matter relating to the implementation of such rehabilitation programme.

(3) Every regulation made under this section 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.

(4) Every regulation made under this section shall, within three months of its publication in the *Gazette*, be brought before Parliament for its approval.

(5) Any regulation not so approved shall be deemed to be rescinded from the date of such disapproval, but without prejudice to anything duly done thereunder.

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

Directions

**73.** (1) Subject to the provisions of this Act, the President may, from time to time, issue directions pertaining to the manner in which the provisions of this Act shall be enforced.

(2) The directions issued under subsection (1) shall be solely for the purpose of giving effect to the provisions of this Act, in an efficacious manner and be in compliance with the human rights norms and standards recognised by law.

(3) Every such direction shall be published in the *Gazette*.

This Act to prevail  
over other written  
law

**74.** The provisions of this Act shall have effect notwithstanding anything contained in any other written law, and in the event of any conflict or inconsistency between the provisions of this Act and such other written law, the provisions of this Act shall prevail.

Judicial review

**75.** Nothing contained in this Act shall be read and construed as preventing any person aggrieved by any decision, determination, order made, or directive or direction issued by any relevant authority under this Act seeking relief or remedy in terms of the provisions of the Constitution or any other law.

Repeal of Act, No.  
48 of 1979

**76.** The Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, is hereby repealed.

Transitional  
provisions and  
savings

**77.** Notwithstanding the repeal of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 (hereinafter referred to as the “repealed Act”) -

(a) any investigation, trial, appeal or application conducted, held, preferred or made under the repealed Act and



pending decision, in any court or with other authority, on the day immediately preceding the appointed date shall be disposed of, continued, held or entertained, as nearly as may be practicable under the provisions of the repealed Act including the provisions pertaining to procedure and evidence;

- (b) (i) any person suspected of having committed or concerned in committing an offence under the repealed Act prior to the appointed date, in respect of whom the proceedings have not been instituted as at the appointed date, shall be prosecuted under the provisions of the repealed Act:

Provided however, the powers of the Attorney General in relation to the deferment of the institution of proceedings or suspension of prosecution may be exercised under this Act; and

- (ii) the proceedings into any such offence shall be concluded, as nearly as may be practicable, under the provisions of this Act:

- (c) The Prevention of Terrorism (National Security Council) Regulations, No. 4 of 2001, published in the *Gazette Extraordinary* No. 1193/31 of July 21, 2001, made under the provisions of the repealed Act and in force on the appointed date, shall be deemed to have been made under the provisions of this Act and shall continue to be in force and given effect accordingly, unless and until rescinded; and

- (d) all regulations relating to the proscription of organisations, including the regulations made for the proscription of the organisations specified below, which were made under the provisions of the repealed Act and are in force on the appointed date, shall be deemed to have been made under the corresponding provisions of this Act and shall continue to be in force and given effect accordingly. Such regulations may be amended, rescinded, or varied by an Order made under this Act: -

- (i) Prevention of Terrorism Regulations No. 2 of 2001, published in the *Gazette* Extraordinary No. 1191/19 of July 6, 2001;
- (ii) Prevention of Terrorism (Proscription of the Liberation Tigers of Tamil Eelam) Regulations No. 1 of 2011 published in the *Gazette* Extraordinary No. 1721/2 of August 29, 2011;
- (iii) Prevention of Terrorism (Proscription of the Tamil Rehabilitation Organization) Regulations No. 2 of 2011 published in the *Gazette* Extraordinary No. 1721/2 of August 29, 2011;
- (iv) Prevention of Terrorism (Detainees and Remandees) Regulations No. 4 of 2011 published in the *Gazette* Extraordinary No. 1721/4 of August 29, 2011;
- (v) Prevention of Terrorism (Surrendees Care and Rehabilitation) Regulations No. 5 of 2011 published in the *Gazette* Extraordinary No. 1721/5 of August 29, 2011;
- (vi) Prevention of Terrorism (Proscription of Extremist Organizations) Regulations No. 1 of 2019, published in the *Gazette* Extraordinary No. 2123/3 of May 13, 2019; and
- (vii) Prevention of Terrorism (Proscription of Extremist Organizations) Regulations No. 2 of 2021 published in the *Gazette* Extraordinary No. 2223/3 of April 13, 2021 as amended by the regulations published in the *Gazette* Extraordinary No. 2342/27 of July 26, 2023.

Interpretation

**78. (1)** In this Act, unless the context otherwise requires –

“aircraft” includes a helicopter;

“armed forces” means Sri Lanka Army established under the Army Act (Chapter 357), Sri Lanka Navy established

under the Navy Act (Chapter 358) and Sri Lanka Air Force established under the Air Force Act (Chapter 359);

“coast guard officer” shall have the same meaning assigned to such expression under the Department of Coast Guard Act, No. 41 of 2009;

“Code of Criminal Procedure Act” means the Code of Criminal Procedure Act, No. 15 of 1979;

“confidential information” means –

(a) any information, the dissemination of which is likely to have an adverse impact on the national security and defence of Sri Lanka;

(b) any information not in the public domain, the dissemination of which is likely to have an adverse effect on national security or public security, relating to -

(i) the persons of the police, armed forces or Department of Coast Guard or their arms, ammunitions, equipment, vehicles, vessels, aircrafts or technology;

(ii) the functions, movements, or whereabouts of a specified person;

(iii) a prohibited place or an approved place of detention;

(iv) the conduct of an investigation into offences under this Act, findings of such investigation, persons arrested and detained and identity of officers conducting the investigation;

(c) any information relating to the police or the armed forces, on the conduct of any official activity, including any law enforcement or military

measure which is intended to be carried out or is being carried out, or has been carried out;

(d) any secret code, word, password or encryption detail relating to national security and defence;

“curfew” means the prohibition of the presence, movement in or through a place of public use, including any road, railway, tunnel, territorial sea, stream, park, market, seashore and recreation area;

“designated non-finance business” shall have the same meaning assigned to such expression under the Financial Transaction Reporting Act, No. 6 of 2006;

“Evidence Ordinance” means the Evidence Ordinance (Chapter 14);

“High Court” means the High Court for the Province established by Article 154P of the Constitution;

“Human Rights Commission of Sri Lanka” means the Human Rights Commission of Sri Lanka established under the Human Rights Commission of Sri Lanka Act, No. 21 of 1996;

“Minister” means the Minister of Defence;

“non-banking financial institution” shall have the same meaning assigned to such expression under the Financial Transaction Reporting Act, No. 6 of 2006;

“Penal Code” means the Penal Code (Chapter 19);

“person” means an individual, group of individuals, an association, organisation or body of persons;

“Police Ordinance” means the Police Ordinance (Chapter 53);

“proscribed terrorist organisation” includes any entity designated under a regulation made in terms of the United Nations Act, No. 45 of 1968;

“Secretary” means the Secretary to the Ministry of the Minister of Defence;

“specified person” means -

- (a) the President;
- (b) a Judge of the Supreme Court, Court of Appeal, High Court, judicial officers and scheduled public officers;
- (c) the Attorney General and his officers;
- (d) the public officers;
- (e) any representative or official of a foreign State or any official or other agent of an international organisation of an intergovernmental character;
- (f) a member of Parliament or of a local authority;
- (g) any chairman and member of the Commissions specified in the Schedule to Article 41B of the Constitution, any member of a commission established under the Special Presidential Commissions of Inquiry Law or under the Commissions of Inquiry Act;
- (h) juror, counsel, or officer of court: and
- (i) any member of the Armed Forces, Police Force and any other Forces and coast guard officers;

“territory of the Republic of Sri Lanka” shall have the same meaning assigned to that expression under the Constitution;

“unmanned vehicle” includes a mechanised or automated object capable of movement, which does not contain an ability to navigate such object by a human being from within the object, and which may or may not be navigated or controlled remotely;

“victim” shall have the same meaning assigned to the expression “victim of crime” under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023;

“witness” shall have the same meaning assigned to such expression under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023.

(2) Any word or expression used in this Act and defined in the Penal Code or the Code of Criminal Procedure Act, but not defined in this Act, shall have the same meaning assigned to such word or expression under the Penal Code or the Code of Criminal Procedure Act, respectively.

Sinhala text to prevail in case of inconsistency

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

#### **FIRST SCHEDULE**

[section 3(5)]

1. The Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on December 16, 1970.
2. The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971.
3. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973.
4. The International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979.
5. The Convention on Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980.
6. The Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988.
7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988.
8. The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988.
9. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997.

## **SECOND SCHEDULE**

[section 25(1)]

### **Notification of the arrest and custody**

1. Name of the person arrested: -
2. Date, time and place of arrest: -
3. Reasons for the arrest: -
4. Location of the proposed custody of the person arrested: -
5. Name, identification number and rank of the arresting officer: -
6. Any other information as may be necessary for the next of kin of the person arrested, to have reasonable access to him: -
7. Identity of the person to whom the notification is being issued: -
8. Date and place of issue of the notification: -
9. Name, designation and signature of the officer issuing the notification: -

## **THIRD SCHEDULE**

[section 25(3)]

### **Notification of the arrest to the Human Rights Commission of Sri Lanka**

1. Name of the person arrested: -
2. Date, time and place of arrest: -
3. Reasons for the arrest: -
4. Location of the place at which the suspect is being held in detention: -
5. Name, identification number and rank of the arresting officer: -
6. Name and designation of the officer in charge of the place of detention and his contact details: -
7. Any other information that would enable the Human Rights Commission of Sri Lanka-
  - (a) to have prompt access to the suspect; and
  - (b) to ascertain whether such arrest and detention have infringed the fundamental rights of the suspect.

#### **FOURTH SCHEDULE**

[section 25(3)]

##### **Notification of the arrest to the Inspector General of Police**

1. Name of the person arrested: -
2. Date, time and place of arrest: -
3. Reasons for the arrest: -
4. Location of the place at which the suspect is being held in detention: -
5. Name, identification number and rank of the arresting officer: -
6. Name and designation of the officer in charge of the place of detention and his contact details: -

#### **FIFTH SCHEDULE**

[section 29(2)]

##### **Detention Order**

1. Number of the Detention Order: -
2. Date and place of issuing the Detention Order: -
3. Identity of the officer who requested the issue of the Detention Order and the date of the request, and where applicable, the reference number: -
4. Name of the person (suspect) in respect of whom the detention is being authorised:  
-
5. The authorised place of detention: -
6. The period of detention: -
7. The reasons for which detention of the suspect has been authorised: -

**11.11.2025**