PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

BUREAU OF REHABILITATION ACT, No. 2 OF 2023

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L.D.— O. 8/2018

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BUREAU TO BE CALLED AND KNOWN AS THE BUREAU OF REHABILITATION; TO REGULATE ITS POWERS, DUTIES AND FUNCTIONS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Preamble

WHEREAS having regard to the need and the importance of regulating the rehabilitation of those who have become drug dependant persons and such other persons as may be identified in terms of any other law and it has become a serious problem and a national issue:

AND WHEREAS the office of the Commissioner-General of Rehabilitation has already been created under the provisions of Public Security Ordinance (Chapter 40) and Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979:

AND WHEREAS, it has become a matter of national importance to establish a Bureau for the purpose of rehabilitating the above said persons:

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. This Act may be cited as the Bureau of Rehabilitation Act, No. 2 of 2023, and 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* (hereinafter referred to as the "appointed date"). The provisions of this section shall come into operation on the date on which this Act becomes an Act of Parliament.

PART I

ESTABLISHMENT OF THE BUREAU OF REHABILITATION

Establishment of the Bureau of Rehabilitation

2. (1) There shall be established a Bureau which shall be called the "Bureau of Rehabilitation" (hereinafter referred to as the "Bureau").

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

Objective of the Bureau

3. The objective of the Bureau shall be to rehabilitate drug dependant persons or any other person as may be identified by law as a person who requires rehabilitation and which may include treatment and adoption of various therapies in order to ensure effective reintegration and reconciliation, through developing socio-economic standards.

Powers, duties and functions of the Bureau

4. The powers, duties and functions of the Bureau shall be to –

(*a*) provide treatment and rehabilitation to drug dependant persons, who in terms of the Drug Dependant Persons (Treatment and rehabilitation) Act, No. 54 of 2007 request treatment and rehabilitation or are required by such law to be provided with treatment and rehabilitation;

(*b*) provide rehabilitation to any person who in terms of a relevant law, requests rehabilitation or is required by such law to be provided with rehabilitation;

(*c*) enhance the employability of persons undergoing treatments and rehabilitation, minimizing the risk of socio-economic marginalization;

(*d*) engage in an organized manner, the potentials of persons who are undergoing treatments and rehabilitation to use them productively to enhance the economy;

(*e*) advice the Minister with regard to programmes for rehabilitation, treatment and aftercare having regard to the basic norms of Human Rights;

(*f*) review, monitor and provide any other assistance to persons who have re-integrated into the society after treatments and rehabilitation;

(*g*) receive grants, gifts or donations in cash or kind:

Provided however, the Bureau shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Bureau;

(*h*) open and maintain any account with any bank as it may think appropriate and such account shall be operated in accordance with prevailing applicable written laws;

(*i*) manage, control, administer and operate the Fund of the Bureau;

(*j*) invest such amount of money belonging to the Bureau as are not immediately required for the purposes of this Act;

(*k*) acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;

(*l*) enter into and perform either directly or indirectly through any officer or agent of the Bureau, all such contracts or agreements as may be necessary, for the exercise of the powers and the carrying out of its functions;

(*m*) make rules in respect of the administration of the affairs of the Bureau;

(*n*) establish and maintain Centers for Rehabilitation:

Provided however, the centers established for the rehabilitation of drug dependant persons to be established and maintained under the direction of the National Dangerous Drugs Control Board;

(*o*) conduct training programs relating to rehabilitation; and

(*p*) do all such other acts which may be incidental or conducive to the attainment of the objective of this Act or the exercise of the powers assigned to the Bureau under this Act.

PART II

ADMINISTRATION AND MANAGEMENT OF AFFAIRS OF THE BUREAU

Administration and management of the Bureau vested in the Council

5. (1) The administration, management and control of the affairs of the Bureau shall be vested in a Governing Council (in this Act referred to as the "Council").

(2) The Council shall, for the purpose of administering the affairs of the Bureau, exercise, perform and discharge the powers, duties and functions conferred on, assigned to or imposed on the Bureau by this Act.

Constitution of the Council

6. The Council shall consist of–

(*a*) the following *ex-officio* members, namely–

(i) a representative of the National Dangerous Drugs Control Board;

(ii) the Secretary to the Ministry of the Minister assigned the subject of Defence or his representative not below the rank of an Additional Secretary of that Ministry;

(iii) the Secretary to the Ministry of the Minister to whom the Bureau of Rehabilitation is assigned under Article 44 or 45 of the Constitution or his representative not below the rank of an Additional Secretary of that Ministry;

(iv) the Secretary to the Ministry of the Minister assigned the subject of Health or his representative not below the rank of an Additional Secretary of that Ministry;

(v) the Secretary to the Ministry of the Minister assigned the subject of Education or his representative not below the rank of an Additional Secretary of that Ministry; and

(vi) the Inspector General of Police or his representative not below the rank of a Deputy Inspector General of Police; and

(*b*) the following five members appointed by the Minister:-

(i) two persons who shall possess academic and professional qualifications and have experience in the fields of rehabilitation,

(ii) two persons who shall possess academic and professional qualifications and have experience in the field of social integration; and

(iii) a person who shall possess academic and professional qualifications and has experience in the field of law and order,

(hereinafter referred to as "appointed members").

Chairperson of the Council

7. (1) The Minister shall appoint one of the appointed members to be the Chairperson of the Council.

(2) The Chairperson may resign from his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(3) The Minister may for reasons assigned remove the Chairperson from the office of Chairperson.

(4) Subject to the provisions of subsections (2) and (3), the term of office of the Chairperson shall be the period of his membership of the Council.

(5) Where the Chairperson is temporarily unable to exercise, perform and discharge the powers, duties and functions of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as the Chairperson in addition to his normal duties as an appointed member.

Disqualifications from being a member of the Council

8. A person shall be disqualified from being appointed or continuing as a member of the Council, if he –

(*a*) is or becomes a member of Parliament or of any Provincial Council or of any local authority;

(*b*) is not or ceases to be a citizen of Sri Lanka;

(*c*) is under any law in force in Sri Lanka or any other country found or declared to be of unsound mind;

(*d*) is a person who having been declared insolvent or bankrupt under any law in force in Sri Lanka and is an undischarged insolvent or bankrupt;

(*e*) is subject to an ongoing investigation in respect of an offence involving dangerous drugs, narcotic drugs or psychotropic substances or fraud;

(*f*) is serving or has served a sentence of imprisonment of more than six months imposed by any court in Sri Lanka or any other country;

(*g*) holds or enjoys any right or benefit under any contract made by or on behalf of the Bureau; or

(*h*) has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council.

Term of office

9. Every appointed member of the Council shall, unless he vacates office earlier by resignation, death or removal, hold office for a period of three years from the date of his appointment and unless removed from office shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise.

Resignation and removal

10. (1) Any appointed member of the Council may at any time, resign from his office by a letter to that effect, addressed to the Minister, and such resignation shall be effective from the date on which it is accepted by the Minister in writing.

(2) Where any appointed member by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the functions of his office, the Minister may, having regard to the provisions of paragraph (*b*) of section 6, appoint some other person to act in his place.

(3) The Minister may for reasons assigned, remove an appointed member from office. An appointed member who has been removed from office shall not be eligible for reappointment as a member of the Council or to serve the Council in any other capacity.

(4) Where an appointed member dies, resigns or is removed from office, the Minister may having regard to the provisions of paragraph (*b*) of section 6, appoint another person in his place and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

Quorum and meetings of the Council

11. (1) The meetings of the Council shall be held at least once in every month and the quorum for a meeting of the Council shall be seven members.

(2) The Chairperson shall preside at every meeting of the Council. In the absence of the Chairperson from any meeting of the Council, a member elected by the members present shall preside at such meeting.

(3) A meeting of the Council may be held either-

(*a*) by the number of members who constitute a quorum being assembled at the place, date and time appointed for the meeting; or

(*b*) by means of audio-visual communication by which all members participating and constituting a quorum can simultaneously see and hear each participating member for the duration of the meeting.

(4) All questions for a decision at any meeting of the Council shall be decided by the vote of the majority of members present at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote have a casting vote.

(5) Subject to the preceding provisions of this section, the Council may regulate the procedure in relation to the meetings of the Council and the transaction of business at such meetings.

Acts or proceedings of the Commission deemed not to be invalid by reason of any vacancy

12. The Council may act notwithstanding any vacancy among its members and any act or proceeding of the Council shall not be or deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof.

Remuneration of the members of the Council

13. The members of the Council shall be paid remuneration in such manner and at such rates as may be determined by the Minister, with the concurrence of the Minister assigned the subject of Finance.

Seal of the Bureau

14. (1) The seal of the Bureau shall be in the custody of such person as the Council may decide from time to time.

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

(3) The seal of the Bureau shall not be affixed to any instrument or document except with the sanction of the Council and in the presence of the Chairperson and one other member of the Council who shall sign the instrument or document in token of their presence:

Provided however, where the Chairperson is unable to be present at the time when the seal of the Bureau is affixed to any instrument or document, any other member of the Council authorised in writing by the Chairperson in that behalf shall be competent to sign such instrument or document in accordance with the preceding provision of this subsection.

(4) The Bureau shall maintain a register of the instruments and documents to which the seal of the Bureau has been affixed.

PART III

CHIEF EXECUTIVE OFFICER AND THE STAFF OF THE BUREAU

Appointment of the Chief Executive Officer of the Bureau

15. (1) There shall be a Chief Executive Officer of the Bureau who shall be called and known as the Commissioner-General of Rehabilitation (hereinafter referred to as the "Commissioner- General"), appointed by the Council in consultation with the Minister and on the recommendation of the Minister assigned the subject of Defence. The Commissioner- General, unless he vacates office earlier by death, by operation of law, resignation or removal shall hold office for a term of two years and shall be eligible for reappointment subject to a maximum period of any two terms of office whether consecutive or otherwise.

(2) The Commissioner- General shall subject to the general directions and supervision of the Council–

(*a*) be charged with the administration of the affairs of the Bureau and all the Centres established under it including the administration and control of the staff;

(*b*) be responsible for the execution of all decisions of the Council; and

(*c*) carry out all such functions as may be assigned to him by the Council.

(3) The Commissioner- General shall be present and speak at any meeting of the Council, but shall not be entitled to vote at such meeting.

(4) The Commissioner- General may, with the approval of the Council, wherever he considers it necessary to do so, delegate in writing to any officer or employee of the Bureau, any of his powers, duties or functions conferred or imposed on, or assigned to him by this Act and the officer or employee to whom any such power, duty or function is delegated shall exercise, perform or discharge them subject to the directions of the Commissioner - General.

(5) The Council may remove the Commissioner-General from office –

(*a*) if he becomes permanently incapable of performing his duties;

(*b*) if he had done any act which the Council has decided to be of a fraudulent or illegal character or is prejudicial to the interests of the Bureau; or

(*c*) has failed to comply with any direction issued by the Council.

(6) The Commissioner-General shall be paid such remuneration as may be determined by the Council.

Staff of the Bureau

16. (1) Subject to the provisions of this Act, the Bureau may employ or appoint such officers and employees as may be necessary for the efficient exercise, performance and discharge of its powers, duties and functions.

(2) The Council shall have the power subject to the provision of the Act to –

(*a*) exercise disciplinary control over and dismiss the officers and employees of the Bureau appointed under subsection (1);

(*b*) determine the terms and conditions of service of officers and employees of the Bureau appointed under subsection (1); and

(*c*) fix the rates at which such officers and employees shall be remunerated with the concurrence of the Minister assigned the subject of Finance.

(3) All officers and employees of the Bureau shall, within one month of employment, declare in writing to the Bureau of their personal direct or indirect interest to the affairs and transactions of the Bureau including those of their close relations or, concerns in which such officer or employee has a substantial interest.

(4) The Bureau may establish and regulate pension and provident funds and schemes for the benefit of the Commissioner- General and its officers and employees and their dependants and nominees with the concurrence of the Minister assigned the subject of Finance and may make contributions to any such fund or scheme.

(5) The Bureau shall promote and sponsor the training of its officers and employees and for this purpose, the Bureau shall be authorised to defray the costs of study, in Sri Lanka or abroad of the officers and employees of the Bureau who are of proven merit as determined by the Bureau.

(6) The Bureau shall establish a code of conduct which shall be applicable to the officers and employees of the Bureau.

(7) The Bureau shall not appoint any person to the staff of the Bureau under subsection (1), where such person–

(*a*) has been previously found guilty of serious misconduct by a court or tribunal or has been subject to a disciplinary action by a regulatory body;

(*b*) has been previously dismissed from office; or

(*c*) has committed a breach of the provisions of this Act, regulations or rules made thereunder.

(8) At the request of the Bureau any officer in the public service may, with the consent of the officer and the Public Service Commission established by the Constitution be temporarily appointed to the Bureau for such period as may be determined by the Bureau or with like consent, be permanently appointed to such staff.

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

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

(11) Where the Bureau employs any person who has agreed to serve the Government for a specified period, any period of service to the Bureau by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(12) The Bureau may with the consent of such officer or employee propose secondment of its officers or employees to other state institutions or regulatory authorities in Sri Lanka or abroad for a period determined by the Bureau on an assignment agreed upon between such institution or the authority and the Bureau. The period of secondment shall be deemed to be considered as service to the Bureau.

Use of services of officers of Department of Health, etc.

17. The Services of any Medical Officer or any other officer or employee of the Department of Health or any university or any medical practitioner or any other competent person engaged in a similar service, may be obtained, subject to the approval of the Director-General of Health Services, or other relevant authority as the case may be, to assist in the Centres for Rehabilitation established under this Act.

PART IV

FINANCE

Fund of the Bureau

18. (1) The Bureau shall have its own Fund (hereinafter referred to as "the Fund").

(2) All money lying to the credit of the Commissioner - General of Rehabilitation on the day immediately preceding the appointed date shall be transferred to the Fund with effect from the appointed date.

(3) There shall be credited to the Fund –

(*a*) all sums of money as may be voted from time to time by Parliament, for the use of the Bureau;

(*b*) all such sums of money as may be received by the Bureau in the exercise and discharge of its powers, duties and functions under this Act; and

(*c*) all such sums of money as may be received by the Bureau by way of income, fees, charges, grants, gifts or donations from any source whatsoever whether within or outside Sri Lanka:

Provided that, the Bureau shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Bureau.

(4) There shall be paid out of the Fund –

(*a*) all such sums of money as are required to defray any expenditure incurred by the Bureau in the exercise, performance and discharge of its powers, duties and functions under this Act; and

(*b*) all such sums of money as are required to be paid out of the Fund by or under this Act.

Financial year and audit of accounts

19. (1) The financial year of the Bureau shall be the calender year.

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

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of accounts of the Bureau.

(4) The Council shall submit the audited statement of accounts together with the auditor's report to the Minister within one hundred and fifty days of the end of the financial year to which such report relates. The Minister shall place such statement and the report before Parliament within two months of the receipt thereof.

PART V

GENERAL

Delegation of the powers of the Council

20. (1) The Council may in writing and subject to such conditions as may be specified therein, delegate to the Commissioner-General the powers, duties and functions conferred on the Council under paragraphs (*a*) and (*b*) of subsection (2) of section 16 and subsection (2) of section 19 and the Commissioner-General shall exercise, perform and discharge such powers, duties and functions in the name and on behalf of the Council.

(2) The Council may, notwithstanding any delegation made under subsection (1), by itself exercise, perform or discharge any power, duty or function so delegated and may at any time revoke any such delegation.

Protection of officers of the Bureau from suit or prosecution

21. (1) A liability, whether civil or criminal, shall not be attached to any officer of the Bureau or to any officer authorised by such officer, for anything which in good faith is done in the exercise, performance or discharge of any power, duty or function imposed or conferred on the Bureau under this Act.

(2) Any expense incurred by the Bureau in any suit or prosecution brought by or against the Bureau before any court shall be paid out of the Consolidated Fund, and any costs paid to, or recovered by, the Bureau in any such suit or prosecution shall be credited to the Consolidated Fund.

(3) Any expense incurred by any such person in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or any appropriate instrument, or on the direction of the Bureau, shall, if the court holds that the act was done in good faith, be paid out of the Consolidated Fund, unless such expense is recovered by him in such suit or prosecution.

Centres for Rehabilitation

22. (1) For the purposes of this Act, the Minister may, by Order published in the *Gazette*, establish Centres for Rehabilitation for the treatment and rehabilitation of drug dependant persons and such persons who are identified by law and whose rehabilitation is provided for by law:

Provided, the Treatment Centres established under this Act to provide treatment and rehabilitation to drug dependant persons shall be published in the *Gazette* under the provisions of section 2 of the Drug Dependant Persons (Treatment and Rehabilitation) Act, No. 54 of 2007 and shall be subjected to the provisions of that Act.

(2) It shall be the duty of every Magistrate to visit every Centre for Rehabilitation situated within the judicial division in respect of which he is appointed, at least once in every

month to ensure that the persons undergoing rehabilitation at the Centre are protected to the extent provided for in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994.

(3) For the purposes of subsection (2), the Magistrate who visits the Centre for Rehabilitation shall-

(*a*) personally see the person undergoing rehabilitation, and look into his well-being, welfare and conditions under which such person is kept at such Centre and may examine the records and log books maintained at the Centre; and

(*b*) record his observations and any complaint the person undergoing rehabilitation may make.

(4) Where the Magisrate is of the opinion, that the persons undergoing rehabilitation may have been subjected to torture, the Magistrate may direct that the person undergoing rehabilitation be produced before a Judicial Medical Officer or a Goverment Medical Officer for medical examination, and a report be submitted by such Medical Officer to the Magistrate.

(5) Where the report of such Medical Officer reveals that the person undergoing rehabilitation has been subjected to torture, the Magistrate shall make an appropriate order including an order that such person be immediately admitted to a Government hospital for medical treatment and that the officer-in-charge of such Centre immediately inform the court that made the order for the rehabilitation of such person of the findings of the Government Medical Officer.

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

(7) The Human Rights Commission of Sri Lanka may on its own volition or on a complaint received, visit every Centre to ensure that the rights of the persons undergoing rehabilitation at the Centre are protected to the extent provided by law, and make appropriate recommendations in terms of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.

Supply of drugs

23. Any person without authority introduces or attempts to introduce into any Centre for Rehabilitation, or supplies or attempts to supply any person in such Centre with a dangerous drug, narcotic drug or psychotropic substance or any unauthorised article as may be prescribed, commits an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred thousand rupees or to imprisonment of either description for a period not exceeding two years or to both such fine and imprisonment.

Duty to maintain secrecy

24. (1) Every member of the Council, the Commissioner-General and every officer or employee of the Bureau shall, before entering into the duties of his office sign a declaration that he will not disclose any information received by him or coming to his knowledge in the exercise, performance and discharge of his powers, duties and functions under this Act, except for the purpose of giving effect to the provisions of this Act or the provisions of the Right to Information Act, No. 12 of 2016 .

(2) All records pertaining to such person in the custody of a Centre for Rehabilitation shall be confidential and shall not be released except-

(*a*) upon request by such person or the next of kin of such person or an Attorney-at-law representing such person; or

(*b*) on an order of court or in connection with an investigation in respect of the commission of an offence:

Provided that, such person or unless such person has instructed not to share the information, the next of kin of such person or an Attorney-at-Law representing such person shall be entitled to receive information pertaining to the person in the custody of the Rehabilitation Centre, including information relating to the treatment or rehabilitation of such person.

(3) Any person who contravenes the provisions of subsection (2) commits an offence under this Act, and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding twelve months or to both such fine and imprisonment.

Striking etc. of persons under treatment

25. Any person employed in a Centre for Rehabilitation who strikes, wounds or willfully neglects any person under rehabilitation commits an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding two hundred thousand rupees or imprisonment of either description for a period not exceeding eighteen months or to both such fine and imprisonment.

Obstruction of employees an offence

26. Any person who unlawfully obstructs or attempts to unlawfully obstruct any person employed in any Centre for Rehabilitation in the performance of his lawful duties under this Act, commits an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

Apprehension of persons escaping

27. (1) Where any person undergoing rehabilitation in a Centre for Rehabilitation established under the provisions of this Act, escapes from such Centre, he may be apprehended by any police officer, or any officer appointed under this Act and immediately returned to the Centre for Rehabilitation.

(2) It shall be the duty of any person employed in a Centre for Rehabilitation to preserve order and discipline among the persons undergoing rehabilitation in the Centre and for such purpose it shall be lawful for such person to use minimum force as may reasonably be necessary to compel obedience to any lawful directions given by him.

(3) It shall be the duty of the Commissiner-General of Rehabilitation, or a person duly authorised by him to immediately inform the Magistrate within the judicial division in which such Centre is located of any exercise of powers under subsections (1) and (2).

Penalties for contraventions for which no specific provisions have been made

28. Where any person contravenes any provision of this Act or any regulation made thereunder and no penalty has been specified under this Act in respect of such contravention, such person shall, on conviction after summary trail by a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Database

29. (1) The Bureau shall create, manage and maintain a database which will include all particulars of the rehabilitees. Such database shall also include details of previous rehabilitation assistance that each rehabilitee may have received from any other State Authority or agency, details relating to the rehabilitation that a person has undergone as part of the rehabilitation process and any other matter as may be prescribed by regulations.

(2) The Bureau shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.

Bureau deemed to be a Scheduled Institution within the meaning of the Bribery Act

30. The Bureau shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.

Members, Commissioner-General, officers and employees of the Bureau deemed to be public servants

31. All members of the Council, the Commissioner-General and all officers and employees of the Bureau shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19).

Directions of the Minister

32. The Minister may from time to time issue to the Council general or special directions as to the exercise, performance and discharge of the powers, duties and functions of the Council.

Rules

33. (1) Subject to the provisions of this Act, the Council may make rules in respect of all or any of the following matters:-

(*a*) all matters for which rules are authorised or required to be made under this Act;

(*b*) the meetings of the Council and the procedure to be followed at such meeting;

(*c*) the appointment, promotion, remuneration and disciplinary control of officers and employees and the grant of leave and other emoluments to officers and employees; and

(*d*) any matter connected with the affairs of the Bureau:

Provided that, the Council shall not have the power to make rules in respect of any matter for which regulations are required to be made in terms of this Act.

(2) Every rule made by the Bureau shall be approved by the Minister and published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

Regulations

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

(2) In particular and without prejudice to the generality of the powers conferred on subsection (1), the Minister may make regulations in respect of the following:-

(*a*) the maintenance of Centres for Rehabilitation;

(*b*) the programmes for rehabilitation, treatment, aftercare and support services in respect of each category of persons who will be rehabilitated by the Bureau;

(*c*) the terms and conditions relating to the release of persons admitted to a Centre for Rehabilitation; and

(*d*) the maintenance of a database, records and log books at Centres for Rehabilitation:

Provided that, the Minister shall obtain the concurrence of the National Dangerous Drugs Control Board, when any regulation in relation to the Centres for Rehabilitation for the treatment and rehabilitation of drug dependant persons is made:

Provided further, that the Minister shall obtain the concurrence of the Council appointed under this Act before making regulations under this Act.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall be brought before Parliament for approval as soon as may be convenient. Such Regulations shall come into force upon its approval by Parliament or any subsequent date as may be specified by Parliament.

(4) Notification of the date on which any regulation is so disapproved shall be published in the *Gazette*.

Savings

35. Notwithstanding anything to the contrary in any other written law–

(*a*) all movable and immovable property of the Commissioner-General of Rehabilitation on the day immediately preceding the appointed date shall on and after the appointed date be deemed to be the movable and immovable property of the Bureau;

(*b*) the Commissioner-General of Rehabilitation holding office immediately preceding the appointed date shall be deemed to have been appointed as such under this Act and continue to hold office until the end of his tenure or until a new Commissioner- General is appointed under this Act;

(*c*) all officers and employees of the Commissioner-General of Rehabilitation holding office on the day immediately preceding the appointed date be deemed to be the officers and employees of the Bureau and such officers and employees shall continue to hold office in the Bureau on the same terms and conditions enjoyed by them under the Commissioner-General of Rehabilitation immediately preceeding the appointed date;

(*d*) all contracts, deeds, bonds, agreements, guarantees, powers of attorney, grants of legal representation and other instruments of whatever nature of the Commissioner- General of Rehabilitation subsisting and having effect on the day immediately preceding the appointed date and to which Commissioner General of Rehabilitation is a party or which are in favour of the Commissioner-General of Rehabilitation on and after the appointed date be deemed to be contracts, deeds, bonds, agreements, guarantees, powers of attorney, grants of legal representation and other instruments entered into by or granted in favour of the Bureau;

(*e*) unless specifically revoked or substituted in the manner provided for in any other law, all approvals or licences granted to the Commissioner-General of Rehabilitation by any regulatory body or authority, Provincial Council or local authority subsisting or having effect on the day immediately preceding the appointed date shall on and after the appointed date be deemed to be approvals or licences granted to the Bureau;

(*f*) all Judgments, decrees or orders entered in favour of or against the Commissioner-General of Rehabilitation by any court in any action or proceeding shall on and after the appointed date be deemed to be judgments, decrees or orders entered in favour of or against the Bureau; and

(*g*) all Protective Accommodation and Rehabilitation Centres approved and maintained under the Commissioner- General of Rehabilitation shall on and after the appointed date be deemed to be Centres for Rehabilitation established under the provisions of this Act.

Interpretation

36. In this Act, unless the context otherwise requires–

"dangerous drug" means any drug, substance, article or preparation specified in Part I of the Third Schedule to Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218);

"drug dependant person" means a person to whom the Drug Dependant Persons (Treatment and Rehabilitation) Act, No. 54 of 2007 applies;

"Minister" means the Minister assigned the subject of the Bureau of Rehabilitation under Article 44 or 45 of the Constitution;

"narcotic drug" shall include the drugs specified in the Third Schedule of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008;

"National Dangerous Drugs Control Board" means the National Dangerous Drugs Control Board established by the National Dangerous Drugs Control Board Act, No. 11 of 1984;

"psychotropic substances" shall include the substances specified in the Fourth Schedule of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008;

"rehabilitation" means the procedures and programmes for rehabilitation, treatment, aftercare and support services that shall be prescribed by regulations made under this Act.

Sinhala text to prevail in case of inconsistency

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

English Acts of the Parliament can be purchased at the "Prakashana Piyasa", Department of Government Printing, No. 118, Dr. Danister De Silva Mawatha, Colombo 8.