PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

ANTI-CORRUPTION ACT, No. 9 OF 2023

[Certified on 08th of August, 2023]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic Socialist Republic of Sri Lanka** of August 11, 2023

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 234.00 **Postage : Rs. 150.00**

This Act can be downloaded from www.documents.gov.lk

Anti-Corruption Act, No. 9 of 2023

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L.D.–O. 61/2018

AN ACT TO GIVE EFFECT TO CERTAIN PROVISIONS OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION AND OTHER INTERNATIONALLY RECOGNIZED NORMS, STANDARDS, AND BEST PRACTICES; TO PROVIDE FOR THE ESTABLISHMENT OF AN INDEPENDENT COMMISSION TO DETECT AND INVESTIGATE ALLEGATIONS OF BRIBERY, CORRUPTION AND OFFENCES RELATED TO THE DECLARATION OF ASSETS AND LIABILITIES AND ASSOCIATED OFFENCES, AND TO DIRECT THE INSTITUTION OF AND INSTITUTE PROSECUTIONS FOR OFFENCES OF BRIBERY, CORRUPTION AND OFFENCES RELATED TO THE DECLARATION OF ASSETS AND LIABILITIES AND OTHER ASSOCIATED OFFENCES; TO PROMOTE AND ADVANCE THE PREVENTION OF CORRUPT PRACTICES; TO EDUCATE AND RAISE AWARENESS AMONGST THE PUBLIC TO COMBAT CORRUPTION; TO REPEAL THE BRIBERY ACT (CHAPTER 26), THE COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR CORRUPTION ACT, NO. 19 OF 1994 AND THE DECLARATION OF ASSETS AND LIABILITIES LAW NO. 1 OF 1975 AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

Short title and date of operation

1. (1) This Act may be cited as the Anti-Corruption Act, No. 9 of 2023.

(2) The provisions of this Act other than this section, shall come into operation on such date as the Minister may by Order published in the *Gazette* appoint:

Provided however, every provision of this Act shall come into operation not later than eighteen months from the date of coming into operation of this section.

(3) The provisions of this section shall come into operation on the date on which the certificate of the Speaker is endorsed thereon in respect of this Act in terms of Article 79 of the Constitution.

Objects of the Act

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

(*a*) prevent and eradicate bribery and corruption in order to meet the just requirements of the general welfare of a democratic society;

(*b*) enhance transparency in governance;

(*c*) strengthen integrity of governance and increase accountability;

(*d*) enhance public confidence in the Government and strengthen public participation to eradicate corruption;

(*e*) establish an Independent Commission, to exercise and perform the powers and functions under this Act and to carry out the responsibilities imposed thereon under this Act;

(*f*) mandate the said Commission to conduct preliminary inquiries and investigations into, and to prosecute against, bribery, corruption, offences relating to declaration of assets and liabilities and associated offences;

(*g*) to conduct and coordinate educational activities on the prevention of bribery and corruption;

(*h*) introduce an effective system for the declaration of assets and liabilities in order to prevent illicit enrichment by public officials;

(*i*) promote inter-agency cooperation and international collaboration in preventing bribery and corruption; and

(*j*) give effect to obligations under the United Nations Convention against corruption and any other International Convention relating to the prevention of corruption to which Sri Lanka is a party and recognize international standards and best practices in order to establish a culture of integrity in Sri Lanka.

(2) For the purposes of this section, "governance" includes systems and processes that are designed to ensure accountability, transparency, responsiveness, rule of law and stability.

PART I

CHAPTER I

ESTABLISHEMT OF THE COMMISSION

Establishment of the Commission to Investigate Allegations of Bribery or Corruption

3. (1) There shall be established, for the purposes of this Act, a Commission which shall be called and known as the Commission to Investigate Allegations of Bribery or Corruption (hereinafter referred to as the "Commission").

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

(3) The Commission shall have powers specified in this Act for the accomplishment of the objects of this Act and for the exercise of powers and performance of functions and carry out the responsibilities conferred on it under this Act.

(4) The Commission shall exersice and perform its powers and functions without being subject to any direction or other interference proceeding from any other person except a court or tribunal entitled under law to direct or supervise the Commission in the exercise or performance of such powers or functions.

(5) Every person who, without legal authority, interferes or attempts to interfere with the exercise or performance of the powers or functions of the Commission as referred to in subsection (4) of this section shall be guilty of an offence punishable by the High Court on conviction after trail without a jury with imprisonment of either description for a term which may extend to a period of one year or with fine or with both such imprisonment and fine and may, in addition-

(*a*) be disqualified for a period not exceeding seven years from the date of such conviction from being an elector and from voting-

(i) at a referendum;

(ii) at any election of the President of the Republic; or

(iii) at any election of a Member of Parliament, Provincial Council or any local authority; or

(*b*) be disqualified from holding any public office or from being employed as a public officer.

Composition of the Commission

4. (1) The Commission shall consist of three members appointed by the President on the recommendation of the Constitutional Council from among the following:-

(*a*) a person who has expertise, reached eminence and has at least twenty years of experience in law; and

(*b*) two persons who have expertise, reached eminence and have at least twenty years of experience in one or more of the following fields:-

(i) investigation of crime and law enforcement;

(ii) forensic auditing;

(iii) forensic accounting;

(iv) engineering;

(v) international relations and diplomatic services;

(vi) management of public affairs; or

(vii) public administration.

(2) Every member of the Commission shall-

(*a*) be a citizen of Sri Lanka;

(*b*) be not more than sixty two years of age as at the date of appointment to the Commission;

(c) be physically and mentally fit;

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

(*e*) have relinquished all other remunerated offices before being appointed as a member of the Commission:

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

(*f*) not carrying on any business or pursuing any profession while being a member of the Commission; and

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

(3) One of the members of the Commission shall be appointed by the President on the recommendation of the Constitutional Council to be the Chairman of the Commission.

Disqualifications from being a member of the Commission

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

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

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

(*c*) is or becomes of unsound mind or incapable of carrying out his duties under the Act;

(*d*) is guilty of serious misconduct in relation to such person's duties;

(*e*) fails to comply with his obligations under the provisions of this Act;

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

(*g*) holds or has held any post or membership in any political party recognized for the purposes of presidential elections, parliamentary elections, provincial council elections, or any local government elections conducted under the provisions of respective laws applicable therefor.

Removal of a member of the Commission

6. (1) A member of the Commission shall not be removed from office except by an Order of the President made after an address of Parliament on a resolution for such an address, supported by a majority of the total number of Members of Parliament (including those not present) has been presented

for such removal on the ground of proved misconduct or physical, mental or other incapacity of a permanent nature or a disqualification under section 5 of this Act:

Provided that no resolution for the presentation of such an address shall be entertained by the Speaker or placed on the Order Paper of Parliament, unless notice of such resolution is signed by not less than one-third of the total number of Members of Parliament and sets out full particulars of the alleged misconduct or incapacity.

(2) The procedure for the presentation and passing of an address of Parliament for the removal of a Judge of the Supreme Court or the Court of Appeal specified in paragraph (3) of Article 107 shall *mutatis mutandis* shall apply in all respects to the presentation and passing of an address of Parliament for the removal of a member of the Commission.

Resignation of a member of the Commission

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

(2) The President shall on the recommendation of the Constitutional Council appoint a new member in place of the member who resigned, within two weeks of the resignation of such member.

Term of office of the members of the Commission

8. (1) Every member of the Commission shall, unless such member earlier vacates office by death, resignation or removal, hold office for a period of three years and shall not be eligible for reappointment:

Provided however, the members of the First Commission appointed under the provisions of this Act shall hold office from the date of appointment in the following manner:-

(*a*) the Chairman shall hold office for a period of five years;

(*b*) one other Commissioner other than the Chairman shall hold office for a period of four years; and

(*c*) the remaining Commissioner shall hold office for a period of three years.

(2) Where a vacancy arises in the office of a member of the Commission due to the expiration of his period of office, such member shall continue in such office until a new member is appointed in his place by the President on the recommedation of the Constitutional Council within three months of the occurring of such vacancy.

Remuneration of the members of the Commission

9. The remunerations of the members of the Commission shall be-

(*a*) determined by Parliament; and

(*b*) charged on the Consolidated Fund and shall not be diminished during their terms of office.

Members of the Commission to disclose any interest

10. (1) A member of the Commission shall submit to the Constitutional Council, a general disclosure of his interests as at the date of such appointment before assuming office as such member.

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

Acts not invalidated by reason of a vacancy

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

Seal of the Commission

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

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

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

Commission to be answerable to Parliament

13. The Commission shall be responsible and answerable to Parliament for the discharge of its functions under the provisions of this Act and shall forward to Parliament in each calendar year reports relating to its activities during such year, in accordance with the provisions of section 159 of this Act.

Quorum of the Commission

14. (1) The quorum of the Commission to exercise its powers and discharge its functions under section 41 and subsection (1) of section 65 shall be two members.

(2) The quorum of the Commission to exercise any power or discharge any function under this Act other than the powers and functions specified under section 41 and subsection (1) of section 65, shall be three members and in the event of any disagreement, the majority decision shall prevail.

Code of Conduct

15. (1) The members of the Commission, the Director-General and the Staff of the Commission shall be subject to the Code of Conduct of the Commission. The Code of Conduct shall be as prescribed by regulations.

(2) Any officer, or employee of the Commission or any other person whose services are retained under section 27, who is found to be in breach of any provision or provisions of such Code, shall be subject to the procedure to be specified by rules made by the Commission under this Act.

Responsibilities of the Commission

16. (1) The Commission shall take reasonable steps to prevent corruption by the members of its staff in relation to their office by emphasizing and enforcing rules and providing appropriate education or training relating thereto.

(2) Any member of the Commission, the Director-General, employee or any person whose services are retained under section 27 who is directly or indirectly compelled to act by any person in an unlawful, improper or unethical manner which involves maladministration, or which is otherwise inconsistent with the Code of Conduct of the Commission shall make a complaint in that respect according to the procedure specified by the Commission.

(3) The Commission shall ensure that no prejudice is caused to any person who makes a complaint under subsection (2).

CHAPTER II

DIRECTOR-GENERAL AND THE STAFF OF THE COMMISSION

Appointment of the Director-General

17. (1) The President shall on the recommendation of the Constitutional Council and after consulting the members of the Commission appoint a Director-General (hereinafter

in this Act referred to as the "Director-General") to the Commission to discharge the powers, perform the duties and carry out the functions assigned to him under this Act.

(2) The Director-General shall submit to the Constitutional Council, a general disclosure of his interests as at the date of his appointment, before assuming office as Director-General.

(3) The Director-General who is directly or indirectly having any interest in any matter that is to be taken up before the Commission shall disclose the nature of such interest and shall not take part in any deliberation or decision of the Commission with regard to that matter, unless the Commission decides otherwise:

Provided that, this will not impede the responsibility of the Director-General to sign indictments on the direction of the members of the Commission.

Powers and Functions of the Director-General

18. The Director-General shall–

(*a*) institute criminal proceeding on an indictment or a charge sheet on the direction of the Commission;

(*b*) be the Chief Executive Officer of the Commission;

(*c*) be the Chief Accounting Officer of the Commission; and

(*d*) carry out all such other duties and functions necessary to achieve the objects of this Act.

Qualifications and disqualifications to be appointed as the Director-General

19. (1) The person appointed as the Director-General shall–

(*a*) be a citizen of Sri Lanka;

(*b*) be physically and mentally fit;

(*c*) be an Attorney-at-Law with at least fifteen years experience and sound knowledge in criminal prosecutions;

(*d*) be not more than fifty-five years of age as at the date of appointment;

(*e*) be competent, of high moral integrity, and of good repute;

(*f*) have relinquished all other remunerated offices before assuming office as the Director-General:

Provided however, a person holding any remunerated office may be considered for appointment as the Director-General if such person relinquishes all remunerated offices prior to assuming office as Director-General; and

(g) have declared his assets and liabilities under the prevailing written law before assuming office as the Director- General:

Provided however, that the provisions of paragraph (*f*), shall not prevent the appointment of any public officer in the Government Service on secondment as the Director-General.

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

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

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

(*c*) is or becomes of unsound mind or incapable of carrying out his duties under the Act;

(*d*) is guilty of serious misconduct in relation to such person's duties;

(*e*) fails to comply with his obligations under the provisions of this Act;

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

(*g*) holds or has held any post or membership in any political party recognized for the purposes of presidential elections, parliamentary elections, provincial council elections, or any local government elections conducted under the provisions of respective laws applicable therefor.

Resignation of the Director-General from office

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

Removal of the Director-General

21. The President may, in consultation with the Commission, on any one or more grounds for disqualificaion set out in subsection (2) of section 19 or where the conduct of the Director-General negatively impacts on the exercise of the powers and functions of the Commission and after giving the Director-General an opportunity to be heard in person or by a duly appointed representative, remove him from office, subject to the approval of the Constitutional Council.

Death, resignation or removal of the Director-General

22. Where the office of the Director-General becomes vacant due to the death, resignation or removal as the case may be, the President shall appoint another person for the post of Director-General within three months having due regard to the provisions of section 17.

Term of office of the Director-General

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

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

(3) The President shall on the recommendation of the Constitutional Council appoint a new Director-General, within three months of such expiration.

Remuneration of the Director-General

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

Director-General may delegate powers

25. (1) The Director-General may delegate to any other competent officer appointed under the provisions of this Act to assist the Commission any power, function, or duty of the Director-General except the power of delegation conferred on him by this section and the powers and functions under paragraphs (*a*) and (*c*) of section 18 and such other officer may exercise those powers and perform such functions and discharge such duties subject to the control and supervision of the Director- General.

(2) In the event the office of the Director –General becomes vacant due to death, resignation, removal or dismissal, the powers, functions, or duties of the Director-General shall be delegated to any other competent officer appointed under the provisions of this Act to assist the Commission by the President in Consultation with the Commission until a new appointment is made within three months of such vacancy under section 22.

Officers and employees of the Commission

26. (1) The Commission may subject to the rules made under this Act appoint such other officers and employees as it may deem necessary for the efficient discharge of its functions.

(2) The officers and employees appointed under subsection (1) shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Commission in consultation with the Minister assigned the subject of Finance and approved by Parliament and the remuneration paid to them shall be charged on the Consolidated Fund.

(3) The persons whose services are retained under section 27 shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Commission and the remuneration shall be charged on the Fund of the Commission.

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

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

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

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

(8) At the request of the Commission any officer or employee of a public corporation may, with the consent of such officer or employee and the governing board of such corporation, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent or be permanently appointed to the staff of the Commission on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Commission and the governing board of such corporation.

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

Commission to obtain services of other personnel

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

Declaration to be signed before entering upon duties

28. (1) Any member of the Commission, the Director-General or any officer or employee of the Commission or any other person whose services are retained under section 27 shall not disclose any information received by him, or coming to his knowledge, in the exercise and the discharge of his powers and functions under this Act, except for the purpose of giving effect to the provisions of this Act or where provision has been made under this Act to share information.

(2) Every member of the Commission, the Director-General and every officer or employee of the Commission or any other person whose services are retained under section 27 shall, before entering upon the duties of his office, sign a declaration to the effect that he will not disclose any information received by him, or coming to his knowledge, in the exercise and the discharge of his powers and functions under this Act, except for the purpose of giving effect to the provisions of this Act.

(3) Notwithstanding the provisions of subsection (1), the Director-General may, subject to the provisions of subsection (1) of section 5 of the Right to Information Act, No. 12 of 2016 and with the permission of the Commission, disclose such information as the Commission considers necessary in the public interest, for the purposes of publication in the press, media and social media with a view of enhancing the transparency and accountability of the Commission towards the public.

Members of the Commission, etc. deemed to be public servants

29. (1) The members of the Commission, the Director-General and officers and employees of the Commission and any other person whose services are retained under section 27 shall be deemed to be public servants within the meaning of the Penal Code (Chapter 19) and every investigation conducted under this Act shall be deemed to be a judicial proceeding within the meaning of the Penal Code (Chapter 19).

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

Protection for actions

30. (1) No proceedings, civil or criminal, shall be instituted against a member of the Commission, the Director-General or any officer or employee of the Commission, or any other person whose services are retained under section 27 or against any other person assisting the Commission in any way, other than for contempt, for any act which is done or omitted to be done, in good faith by him in his capacity as such member of the Commission, Director-General, officer or employee of the Commission, a person whose services are retained under section 27 or a person assisting the Commission, in the execution of their duties.

(2) A member of the Commission or the Director-General or any officer or employee of the Commission or any person whose services are retained under section 27 shall not be required to produce in any court, any document received by, or to disclose to any court, any matter or thing, coming to the notice of the Commission in the course of any investigation conducted by the Commission under this Act, except as may be necessary for the purposes of proceedings before a court of law for contempt or for an offence under this Act or for an offence under Chapter XI of the Penal Code (Chapter 19).

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

CHAPTER III

FINANCE

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

31. (1) (*a*) The Commission shall prepare the annual budget estimates of the Commission within the period as specified by the Minister assigned the subject of Finance.

(*b*) The said estimates shall be submitted to the Speaker on such date as may be decided by the Speaker after consultation with the said Minister assigned the subject of Finance and the Commission. The Speaker shall table the said estimates in Parliament for its review with the observations of the Minister assigned the subject of Finance, who shall provide his observations to the Speaker within ten working days from its receipt of such annual budget estimates from the Speaker. The Parliament shall after having reviewed the annual budget estimates of the Commission forward the estimates to the Minister assigned the subject of Finance for the incorporation in the national budget with such modifications, if any, as Parliament thinks fit.

(2) Subject to the provisions of the Constitution and notwithstanding the provisions of subsection (1), all expenses for inquaries, investigations and prosecutions on any offence conducted by the Commission shall be charged on the Consolidated Fund.

(3) The Commission shall have its own Fund.

(4) There shall be paid into the Fund–

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

(*b*) all such sums of money as may be received by the Commission by way of donations, gifts, bequests, or grants from any source whatsoever, whether within or outside Sri Lanka, subject to the approval of the Minister assigned the subject of Finance;

(*c*) all such sums of money as are ordered to be paid as administrative fines to the Fund under section 90 of this Act;

(*d*) all such sums of money as may be ordered to be paid as compensation to the Fund under the provisions of section 131 of this Act; and

(*e*) all such sums of money proceeding from the sale of property received by the Commission or confiscated by the Commission in terms of this Act.

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

(6) Where any money is received by way of donations, gifts, bequests or grants under paragraph (b) of subsection (4), the source and purpose for which such donation, grant, bequests or gift was made available shall be made public within one month of such receipt.

CHAPTER IV

POWERS AND FUNCTIONS OF THE COMMISSION

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

32. (1) The appointment, promotion, disciplinary control and dismissal of the officers and employees of the Commission shall be vested in the Commission and shall be carried out in the manner as may be specified by the Commission by rules made in that behalf.

(2) The Commission shall make rules in relation to the officers other employees of the Commission including their appointments, promotions, remunerations, disciplinary control, dismissal, conduct and the grant of leave.

Central Authority on declarations of assets and liabilities

33. The Commission shall act as the central authority on declarations of assets and liabilities under Part II of this Act and for such purpose shall exercise the powers, discharge the duties and perform the functions of the Central Authority under this Act.

Implementation of International Conventions, agreements, obligations etc.

34. (1) The Commission shall take all possible measures to give effect to the United Nations Convention Against Corruption and any other international obligations which Sri Lanka has undertaken to prevent corruption.

(2) The Director-General shall be the competent Authority in Sri Lanka for the purpose of giving effect to the United Nations Convention Against Corruption and any other International Conventions relating to the prevention of corruption to which Sri Lanka is a party.

Commission to enhance public awareness on corrupt conduct

35. The Commission shall take all possible measures to enhance the awareness of the public and disseminate information to the public on detrimental effects of corrupt conduct and enlist and foster public support in combating any such corrupt conduct.

Monitoring the implementation of anti-corruption policies

36. The Commission shall have the power to monitor and coordinate the implementation of effective, anti-corruption policies and practices of the Government.

Examination of laws, etc to discover acts of corruption

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

Advice and provide assistance to public bodies

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

Provide recommendations to the Government for legislative reforms to minimize corruption etc

39. (1) The Commission may make recommendations to the Government for future legislative reforms as it considers necessary to minimize corruption and the adoption and ratification of international instruments relating to anti-corruption.

(2) The Commission shall promote active participation of civil society, non-governmental and community based organizations, in the prevention of and the fight against corruption to raise public awareness regarding the existence of, causes and gravity of and threats posed by corruption.

Measures to prevent corruption and proper discharge of its functions etc.

40. The Commission may, for the achieving of the objects of this Act-

(*a*) liaise with any public authority to facilitate the promotion of the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability;

(*b*) liaise with the Government to review the relevant institutional, legal and procedural provisions to implement a coherent and coordinated anti-corruption strategy;

(*c*) advise heads of Government Departments or of public authorities, of changes in practices or procedures compatible with the effective discharge of the duties of such Departments or public authorities which the Commission thinks necessary to reduce the likelihood of the occurrence of corrupt practices;

(*d*) monitor the implementation of such anti-corruption measures by public authorities and may require such public authorities to report to it on its implementation status;

(*e*) provide consultation, guidance, and advice to any institution public or private, on prevention strategies or measures to eradicate corruption;

(*f*) instruct, advice and assist any person on ways in which corruption may be eliminated by such person;

(*g*) to introduce codes of conduct for prevention and eradication of bribery and corruption which shall be adhered to by the private sector entities in order to develop proper conduct of business for the promotion of good commercial practices;

(*h*) to introduce codes of conduct for prevention and eradication of bribery and corruption in the public sector which shall be adhered to in the public administration;

(*i*) take measures to prevent corruption in the contractual relations between the Government and private sector entities;

(*j*) take measures to enlist and foster public support against corruption; and

(*k*) recruit interns and apprentices as the Commission may consider necessary for the effective discharge of its powers, duties and funtions subject to such conditions of service as may be determined by the Commission; and

Investigations

41. Subject to the provisions of this Act, the Commission shall hold a preliminary inquiry or conduct an investigation, as the case may be, regarding the allegations contained in any information or complaint made to it or any material received by it under section 42 where any such allegations or any material received discloses the commission of-

(*a*) an offence under Part II, and Chapter I and Chapter II of Part III of this Act other than any offence specified in Schedule A to this Act;

(*b*) an offence under the Prevention of Money Laundering Act, No. 5 of 2006 when the unlawful activity within the meaning of that Act is committed in the same transaction together with an offence under the provisions of this Act;

(*c*) an offence specified in Schedule A to this Act where such offence has been committed in the same transaction together with an act which constitutes an offence in terms of this Act; or

(*d*) an offence specified in Schedule B to this Act, where such offence has been committed in connection with an offence in terms of this Act,

and direct the Director-General to institute proceedings against such person in respect of such offence in the appropriate court.

Preliminary inquiry, investigation, and other measures

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

(*a*) upon receipt of any information;

(*b*) upon receipt of a complaint;

(*c*) *ex mero motu* by the Commission; or

(*d*) based on any other material received by the Commission,

in relation to the commission of any act which may disclose the commission of an offence referred to in section 41.

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

(3) After the conduct of a preliminary inquiry, if the Commission is satisfied that an offence referred to in section 41 has been committed, the Commission shall direct the Director-General to conduct an investigation:

Provided that, if the Commission is satisfied that there exist reasonable grounds to believe the committing of an offence referred to in section 41, the Commission may authorize the conduct of an investigation without the conduct of a preliminary inquiry.

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

(*a*) determine whether an offence referred to in section 41 has been committed;

(*b*) identify and trace witnesses to the commission of any offence referred to in paragraph (*a*) and any other relevant facts;

(*c*) trace, interview, and record the statements of persons who may be acquainted with facts and circumstances pertaining to the committing of an offence referred to in section 41;

(*d*) collect documents and material that has the potential of being converted into evidence in criminal proceedings;

(*e*) determine the identity of persons who have committed an offence referred to in section 41;

(*f*) trace, arrest, interview, and record the statement of any person who has committed an offence referred to in section 41;

(*g*) determine whether to institute criminal proceedings or take any other lawful action against any person, for any offence referred to in section 41; or

(*h*) take any other appropriate measure provided for in this Act.

(5) On any information or a complaint received by the Commission, or if decided *ex mero motu* by the Commission, or on any other material received by the Commission, if the Commission is satisfied of the likelihood of an offence referred to in section 41 being committed, it may take measures as may be necessary to detect the committing of such offence and make investigations thereto.

(6) Notwithstanding anything to the contrary in this Act or any other written law, where the Commission, on a consideration of material collected in the course of an investigation or inquiry or both an investigation and inquiry as the case may be by a Commission of Inquiry appointed under the Commissions of Inquiry Act (Chapter 393) or by a Commission appointed under the Special Presidential Commissions of Inquiry Law, No. 7 of 1978, is satisfied that an offence referred to in section 41 has been committed, it shall direct the Director-General to institute criminal proceedings against the person or persons alleged to have committed such offence in terms of this Act.

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

(*a*) conduct further investigations into the commission of any such offence;

(*b*) consider material that may have been collected in the course of an investigation conducted by the Commission prior to the receipt of the material referred to in subsection (6); and

(*c*) consider the material the Commission may have received from any other law enforcement authority.

(8) Notwithstanding anything to the contrary in this Act or any other written law, the Commission may, if it deems appropriate, forward the material collected and received under subsections (1), (3), (5), (6) and (7) to the Attorney-General or to any other authority to take any appropriate action under any other written law.

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

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

(11) If the Commission decides not to act according to the provisions of subsections (1), (3), (5) or (6) of this section, reasons for such decision shall be recorded in writing and be communicated by the Commission to the person who made the complaint.

Complaints of offences

43. (1) A complaint or information relating to the commission of an offence referred to in section 41, may be made against a person whether or not such person is holding, on the date on which the complaint or information is received by the Commission, the office or employment by virtue of holding which he is alleged to have committed the act constituting an offence. Such complaint or information may be provided to the Commission orally, in writing or by electronic communication.

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

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

(3) Notwithstanding anything to the contrary in any other written law, a public authority or a law enforcement authority, where in the exercise of its functions is of the opinion that an offence under the provisions of this Act may have occurred or suspected to have committed, such public authority or the law enforcement authority shall refer the matter to the Commission for investigation.

Complainant may know the progress

44. (1) Any person who has made a complaint under section 43 shall be provided with an update of the basic steps taken in relation to an investigation conducted under section 42 in a manner which does not hinder the progress of the investigation.

(2) The provisions of subsection (1) of section 5 of the Right to Information Act, No. 12 of 2016 shall apply for any information provided, shared or communicated as provided for in this Act.

(3) Any person who has made a complaint under section 43 shall be provided with a detailed justification by the Commission for the closure of a file, upon a request made on that behalf by such person.

Search and seizure

45. (1) If the Commission is satisfied–

(*a*) that there is a reasonable ground for suspecting that an offence referred to in section 41 has been committed and that evidence of the commission of the offence is to be found at any premises or in any vessel, vehicle or aircraft or with any person; or

(*b*) that any book, account or other document or thing which ought to have been produced during an investigation conducted by it under this Act and have not been so produced are to be found at such premises or in any such vehicle, vessel or aircraft or with any person,

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

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

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

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

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

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

(6) Where any movable property liable to seizure as stipulated above is in the possession, custody or control of a bank, the provisions of subsections (2), (3), (4), (5) and (6) of section 49 shall apply thereto.

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

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

(9) Any officer authorized under subsection (1) shall always carry the warrant card issued to such officer under section 46 where any power under this section is exercised.

Issuance of warrant cards

46. The Director-General shall issue to any officer of the Commission a warrant card which shall be *prima facie* evidence of the authorization granted to such officer under section 45.

Arrest of persons without a warrant etc.

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

(*a*) in his presence commits any offence under this Act;

(*b*) has been concerned in any offence under this Act or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been so concerned;

(*c*) obstructs an officer employed by the Commission while in the execution of his duty or has escaped or attempts to escape from lawful custody;

(*d*) is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing an offence under this Act; or

(*e*) has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any act committed at any place out of Sri Lanka, which if committed in Sri Lanka would have been punishable as an offence under this Act and for which he is under any law for the time being in force relating to extradition or to fugitive persons or otherwise, liable to be apprehended or detained in custody in Sri Lanka.

(2) In making an arrest under subsection (1), the officer making the same shall actually touch or confine the body of the person to be arrested unless there be a submission to the

custody by word or action and shall inform the person to be arrested, of the nature of the charge or allegation upon which he is arrested and the keeping of a person in confinement or restraint without formally arresting him or under the colourable pretension that an arrest has not been made when to all intents and purposes such person is in custody, shall be deemed to be an arrest of such person.

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

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

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

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

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

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

Procedure after arrest

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

(2) Any officer shall not detain in custody or otherwise confine a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate.

(3) Where a person arrested was produced before a Magistrate other than the Magistrate who has the jurisdiction in the case, the Magistrate before whom the person was produced shall, subject to section 149 and having considered the circumstances of the investigation, order to produce the person arrested before the Magistrate having jurisdiction in the case forthwith.

(4) If a person in lawful custody escapes or is rescued, the officer from whose custody he escaped or was rescued may immediately pursue and arrest him in any place, either within or outside the jurisdiction where he was so in custody, and provision of section 47 shall apply to such arrest.

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

Examination of persons when conducting an investigation

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

(*a*) procure and receive all such evidence, written or oral, and examine all such persons as the Commission may think necessary or desirable to procure, receive or examine:

Provided, the Commission may video record the examination of any person under the provisions of this paragraph;

(*b*) require any person to attend before the Commission for the purposes of being examined by the Commission and to answer, orally on oath or affirmation, any question put to him by the Commission relevant, in the opinion of the Commission, to the matters under investigation or require such person to state any facts relevant to the matters under investigation in the form of an affidavit;

(*c*) summon any person to produce any document or other thing in his possession or control;

(*d*) direct by notice in writing any bank, a non-banking financial institution, or designated non-finance business to produce, within such time as may be specified in the notice, any information in whatsoever form relating to the account of any person in respect of whom any inquiry or investigation is being conducted under section 42 or of any person associated with such person, or of a company of which such person is a director, or of a trust in which such person has a beneficial interest or of a firm of which such person is a partner, or to furnish as so specified, certified copies of such information therein which is in printable form;

(*e*) notwithstanding the provisions of paragraph (*d*), require any bank, non-banking financial institution, or designated non-finance business to provide following information and material to the

Commission subject to the provisions of the Prevention of Money Laundering Act, No. 5 of 2006 and Financial Transactions Reporting Act, No. 6 of 2006, relating to–

(i) any financial service provided by such bank, institution or business, to any person;

(ii) details of any financial transaction carried out by any person;

(iii) details of any bank accounts, deposits, remittances, and withdrawals and financial services provided by any such bank, institution or business;

(iv) details in respect of securing of financial services by any person; and

(v) a certified statement of any account or other details pertaining to any account or transaction;

(*f*) notwithstanding the provisions of paragraph (*d*), require from the following officers any information or document which is in his possession or under his control or a certified copy thereof or any entry therein for the purpose of conducting an investigation under the provisions of this Act or in respect of an associated offence referred to in this Act:-

(i) the Secretary to any Ministry appointed under Article 52 of the Constitution;

(ii) Secretary General of the Parliament of Sri Lanka appointed under Article 65 of the Constitution;

(iii) Commissioner General of Inland Revenue appointed under section 97 of the Inland Revenue Act, No. 24 of 2017;

(iv) Governor of the Central Bank appointed under section 12 of the Monetary Law Act (Chapter 422);

(v) Auditor General appointed under Article 153 of the Constitution;

(vi) Head of the Department of Foreign Exchange of the Central Bank appointed under section 33 of the Monetary Law Act (Chapter 422);

(vii) Director of the Financial Intelligence Unit appointed in terms of the Financial Transactions Reporting Act, No. 6 of 2006;

(viii) Director-General of the Securities and Exchange Commission of Sri Lanka appointed under section 19 of the Securities and Exchange Commission of Sri Lanka Act, No. 19 of 2021;

(ix) Director-General of Customs appointed under section 2 of the Customs Ordinance (Chapter 235);

(x) Controller of Immigration and Emigration appointed under section 4 of the Immigrants and Emigrants Act (Chapter 351);

(xi) Commissioner General for the Registration of Persons appointed under section 3 of the Registration of Persons Act, No. 32 of 1968;

(xii) Controller of Imports and Exports appointed under section 2 of the Imports and Exports (Control) Act, No. 1 of 1969;

(xiii) Registrar General of Companies appointed under section 47 of the Companies Act, No. 07 of 2007;

(xiv) Commissioner of Land appointed under section 3 of the Land Development Ordinance (Chapter 464);

(xv) Director-General of Intellectual Property of Sri Lanka appointed under section 2 of the Intellectual Property Act, No. 36 of the 2003;

(xvi) Commissioner General of Motor Traffic appointed under section 204 of the Motor Traffic Act, (Chapter 203);

(xvii) Director-General of Telecommunications appointed under section 22B of the Sri Lanka Telecommunications Act, No. 25 of 1991;

(xviii) a Head of any Government department, public corporation, statutory body, or other Government institution;

(xix) Registrar – General of Lands appointed under section 2 of Registration of Documents Ordinance (Chapter 117);

(xx) Chairman of a Provincial Council or a Chairman or a Special Commissioner of a local authority;

(xxi) the Head of any scheduled institution under this Act;

(*g*) direct any person in respect of whom a communication has been received under section 42 to furnish a sworn statement in writing-

(i) setting out all movable or immovable property owned or possessed at any time, or at such time as may be specified by the Commission, by such person and by any other

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

(ii) containing particulars of such other matters which in the opinion of the Commission are relevant to the investigation;

(*h*) direct any person other than the persons specified in paragraphs (*f*) and (*g*) above to furnish a sworn statement in writing-

(i) setting out all movable or immovable property owned or possessed at any time or at such time as may be specified by the Commission, by such person where the Commission has reasonable grounds to believe that such information can assist an investigation conducted by the Commission under section 42; and

(ii) containing particulars of such other matters which in the opinion of the Commission are relevant to such investigation:

Provided that, any person to whom the Commission issues any direction under this subsection shall comply with such direction, notwithstanding anything to the contrary in any other law.

(2) Where the Commission is satisfied of any information given by an officer of the Commission that any movable property, including any monetary instrument or any accretion

thereto, which is the subject matter of an offence under this Act or evidence in relation to the commission of such offence, is in the possession, custody or control of a bank, the Commission may, notwithstanding anything contained in any other written law, by order direct the bank not to part with, deal in, or otherwise dispose of such property or any part thereof for a period not exceeding three months.

(3) An order under subsection (2) may include freezing of bank accounts or freezing of other financial deposits and accounts suspected to contain proceeds of bribery to the extent of the proceeds of bribery contained therein, under paragraph (*a*) of subsection (1) of section 53, subject to any condition that may be imposed by rules made in that behalf by the Commission.

(4) A bank or any agent or employee of a bank shall not, on account of such compliance envisaged in subsection (2), be liable to any prosecution under any other law or to any proceeding or claim by any other person under any other law or under any contract, agreement, or arrangement, or otherwise.

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

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

(7) Any person who appears before the Commission under this section is bound to answer truly all questions relating to such case put to him by the officers of the Commission other than the questions which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Obtaining the assistance of experts

50. (1) Where the Commission considers that the examination of any person by the Government Analyst, a Government Medical Practitioner, or any other local or foreign expert is necessary for the conduct of an investigation, the Commission may–

(*a*) summon the person to be examined with the consent of such person, to be subject to an examination conducted by the Government Analyst, any other local or foreign expert having expertise in the field in respect of which the investigation is conducted, or a Government Medical Practitioner; and

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

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

Taking of finger impressions, photographs, non-intimate samples, blood samples and voice samples etc.

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

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

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

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

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

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

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

(*b*) an officer not below the rank of a Deputy Director-General or above (hereinafter referred to as the "authorizing officer") has authorized such taking.

(5) An authorizing officer may give his authorization as required under paragraph (*b*) of subsection (4) only if he has reasonable grounds-

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

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

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

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

(*a*) of the nature of the offence in which the person is suspected to have committed;

(*b*) that there are reasonable grounds to believe that the sample will tend to confirm or disaprove the commission of the offence by that person;

(*c*) of the authorization;

(*d*) that he may or may not consent to the taking of the sample; and

(*e*) that the sample will be analyzed and the information derived from such analysis may provide evidence that might be used in criminal proceedings for such offence or any other offence for which the person may be arrested under this Act.

(8) Where a person does not consent to the taking of a blood sample, finger, palm or foot impression or an impression of any part of the body under subsection (1) or the taking of a non-intimate sample under subsection (4), the Commission may apply to the Magistrate for an order for the taking of the same from him.

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

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

(11) Where an order under subsection (8) is made, the results shall be reported to the Magistrate by the Commission.

(12) A non-intimate sample from a person may only be taken by a registered Medical Practitioner.

(13) The Minister shall make regulations in consultation with the Commission on the privacy and the limitations on the use of non-intimate samples and results of forensic analysis and the disposal of relevant samples and records.

Obtaining the assistance of Magistrates

52. (1) Every Magistrate to whom an application is made under section 50, subsection (8) of section 51 or section 59 shall assist the conduct of an investigation by making and issuing appropriate orders and processes of court and may, in particular hold, or authorize the holding of, an identification parade for the purpose of ascertaining the identity of the offender, and may for such purpose require a suspect or other person to participate in such parade, to enable or allow a witness to make his identification from a concealed position and make or cause to be made a record of the proceedings of such parade.

(2) Confidentiality in respect of any application made to the Magistrate under subsection (1) shall be maintained and the proceedings pertaining to the same shall be held *in-camera* if requested by the Commission subject to such considerations as may be necessary for the purposes of justice and not to jeopardize the integrity of any investigation in respect of which the assistance of the Magistrate is sought.

Restraining orders

53. (1) The Commission may–

(*a*) prohibit, by written order (hereinafter referred to as the ‘’freezing order”), any person in respect of whom an inquiry or investigation is being conducted under section 42, the spouse, other family member of such person

or any other person holding any property in trust for such first-mentioned person, or any bank or any non banking financial institution or designated non finance business in possession, custody or control of any of his movable property or a company of which he is a director or a firm in which he is a partner, from parting with, dealing with or otherwise disposing of such property or any part thereof, from transferring the ownership of, or any interest in, any movable or immovable property specified in such order, until such time such order is revoked by the Commission and to cause a copy of the freezing order to be served on any such authority as the Commission may think fit, including–

(i) the Registrar of Lands where the immovable property is situated in the case of an immovable property;

(ii) the Commissioner of Motor Traffic appointed under section 204 of the Motor Traffic Act (Chapter 203) in the case of a motor vehicle; and

(iii) the Registrar-General of Companies appointed under section 471 of the Companies Act, No. 07 of 2007 and the Secretary of such company in the case of shares, stocks or debentures of any company;

(*b*) require, by written order, any authority on whom a copy of the freezing order made under paragraph (*a*) has been served, to cause such copy to be registered or filed in any register or record maintained by such authority;

(*c*) require by written order the Controller of Immigration and Emigration appointed under section 4 of the Immigrants and Emigrants Act (Chapter 351) to impound the passport and other travel documents or to take all such

steps as may be necessary to prevent the departure from Sri Lanka of any person in respect of whom an information or a compliant or a communication has been received under section 42 for such period not exceeding three months, as may be specified in such written order; and

(*d*) require by written order, any police officer as shall be specified in that order, whether by name or by office, to take all such steps as may be necessary to prevent the departure from Sri Lanka of any person in respect of whom any information or compliant has been received under section 42 for such period not exceeding three months, as may be specified in such order.

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

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

(*a*) to any other orders which may be made by the High Court; and

(*b*) to the requirement that the maximum period of any extension so granted shall not exceed one year from the date of the obtaining of the freezing order by the Commission:

Provided that, where an indictment is filed for an offence under this Act, the freezing order shall unless vacated by the High Court for reasons to be recorded, remain in force until the conclusion of the trial in

respect of such offence, or where an appeal is preferred against a conviction for such offence, until the determination of the appeal.

(4) Where the High Court confirms a freezing order under subsection (3), it shall cause a notice of such order to be published in at least one newspaper circulating in the Sinhala, Tamil and English languages, in order to facilitate *bona fide* third parties to make application to the High Court in support of their claims to the account, property or investment which is subject to the order of freezing.

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

Provided however, where it appears to the satisfaction of the Commission that it is not practicable, or is not desirable, to effect removal of any property under this subsection, the Commission may leave it at the premises in which it is seized under the custody of an authorized officer of the Commission.

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

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

(*b*) return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized, or to such person as may be entitled thereto, with liberty for the person to whom the movable property is so returned to dispose of the property, such return being subject to security being furnished in an amount not less than an amount which represents the open market value of such property on the date on which it is so returned.

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

(*a*) the security furnished in respect of such property shall be forfeited; and

(*b*) that person shall commit an offence punishable with imprisonment for a term not exceeding seven years or a fine not exceeding one million rupees.

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

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

(*a*) prohibiting him from using, transferring, or dealing with such property; or

(*b*) requiring him to surrender the property to the Commission in the manner and within the time specified in the order.

(10) Where any movable property seized or freezed is liable to speedy decay or deterioration, or cannot be maintained without difficulty, or is not practicable to be maintained, and cannot be dealt with under subsection (6), upon an application made in that regard by the Director-General or any officer authorized by the Commission, the High Court may make order to sell or cause to be sold the property and to hold the proceeds of the sale in the manner as may be determined by such Court:

Provided that the High Court may order to deduct any cost or expense of the maintenance and sale of property from the proceeds of any proceedings under this Act.

(11) A transaction shall not be effected in relation to any account, property or investment where a freezing order is in force and any transaction which is so effected shall be null and void.

(12) Before making a freezing order under this section, the High Court may on an application made in that behalf, if the High Court is of the opinion that such an order may damage the legitimate business or any other interest of any person affected by such freezing order, make order permitting any essential transaction relating to such account, property or investment to be carried out subject to such supervision and under the direction of an officer authorized by the Commission as may be directed by such court.

Prohibition of dealing with property outside Sri Lanka

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

Special investigation techniques

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

(*a*) authorize a person who has reported to the Commission of a demand for a bribe, to directly or indirectly, give or receive it as demanded;

(*b*) surveillance and observation;

(*c*) undercover operations;

(*d*) video recording;

(*e*) using bugging devices; or

(*f*) controlled deleveries:

Provided that, the Commission shall specify by way of rules, the procedures to be followed on the use of investigative techniques under this section.

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

Protection and preservation of information

56. The Commission shall by way of rules specify the criteria for the protection and preservation of information received or collected by the Commission by way of a data message, electronic document, electronic record or other communication in electronic form.

Obtaining information from service providers

57. The Commission may require any telecommunication, satellite, digital service or data service provider, to provide–

(*a*) information pertaining to services provided or being provided by such service provider to any person;

(*b*) information pertaining to services enjoyed by any person to whom such services have been made available;

(*c*) any information, data or document or record that may be stored, archived or otherwise kept, by such service provider; and

(*d*) information pertaining to the uploading or downloading of data or information, to or from any instrument through the service provided by such service provider,

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

Interception of communication

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

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

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

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

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

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

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

(6) The format of the application shall be as specified by the Commission by way of rules.

(7) The Commission shall ensure that any recording made under the provisions of this Act shall be used solely for the purposes of this Act.

Unlocking of data and information

59. Director-General may, for the purpose of–

(*a*) determining the identity of a person who has committed an offence;

(*b*) determining the location of a person who has committed an offence;

(*c*) facilitating the conduct of an investigation into an offence;

(*d*) gathering evidence against a person who has committed an offence;

(*e*) determining whether one or more persons are conspiring, planning, preparing or attempting to commit an offence; or

(*f*) taking measures to prevent the commission of an offence,

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

(i) direct any person who provides locking or encryption services pertaining to any communication or storage services or equipment of any data or information or other thing, to unlock or unencrypt the service or equipment and provide information contained therein;

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

(iii) access any analogue or digital data or information, of any exchange or transfer system.

Assistance in investigations

60. (1) Notwithstanding anything to the contrary in any other written law, the Commission may, if satisfied that there are reasonable grounds for suspecting that an offence consisting of soliciting, accepting or offering by any person a gratification which or the value of which does not exceed ten thousand rupees has been committed under this Act by a person other than a police officer, the Commission may require any police officer of or above the rank of an Assistant Superintendent of Police named in such order or an authorized officer to conduct an investigation in the matter in such manner or mode as may be specified in that order. The order may authorize the investigation of any bank account, share account, purchase account, expense account or any other account, or any safe deposit box in any bank, and shall be sufficient authority for the disclosure or production by any person of all or any information or accounts or documents or articles as may be required by the officer so authorized.

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

(3) Upon the conclusion of the investigation under this section, the police officer from whom the Commission has requested an investigation under subsection (1) of this section shall submit a report to the Commission in writing on such investigation and such report shall include –

(*a*) a full statement of the circumstances relating to the matter;

(*b*) copies of the statements of all witnesses; and

(*c*) such other information, documents, or productions as may be relevant or as may be called for by the Commission.

(4) The outcome of an investigation concluded under this section shall forthwith be forwarded to the Commission enabling the Commission to take steps under section 65.

Joint investigations

61. (1) If the circumstances of the case so justify, a joint investigation team may be formed for a specific period by an agreement between the Commission and any other investigative authority in Sri Lanka as may be determined by the Commission for the purpose of conducting an investigation into an alleged offence referred to in section 41.

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

(*a*) matters falling under bilateral or multilateral agreements or arrangements to which Sri Lanka and the other foreign State are parties; or

(*b*) in the absence of such agreements or arrangements, on a case-by-case basis.

(3) A Joint investigation team under the provisions of this section may be established when-

(*a*) any person or body of persons assigned with the duties of investigation, law enforcement, regulatory tasks, prosecutions and involving in judicial proceedings on the same subject matter, which requires coordinated and harmonized actions by the agencies or States involved in the investigation; and

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

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

Revealing and sharing of information

62. (1) The Commission, the Director-General or any other officer or employee of the Commission or any person whose services are retained under section 27 shall not be compelled to reveal the source of any information received under the provisions of this Act.

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

International cooperation

63. (1) The Commission may –

(*a*) communicate with criminal investigative authorities or law enforcement authorities in foreign States on a same or connected matter when giving effect to the provisions of this Act; and

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

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

(*a*) an institution or agency of a foreign State or an international organization or body of persons established by the governments of a foreign State that has powers and duties similar to those of the Commission; or

(*b*) a foreign law enforcement agency,

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

(3) The information communicated, or shared under subsection (1) or exchanged under an agreement or arrangement entered into under subsection (2) shall be any information that the Commission, the institution, agency or authority has reasonable grounds to suspect would be

relevant to the investigation, prosecution or judicial proceedings of an offence of corruption covered by United Nations Convention Against Corruption or an offence that is substantially similar to such an offence.

(4) Agreements or arrangements entered into under subsection (2) by the Commission shall —

(*a*) include restrictions on the use of information or judicial proceedings obtained for purposes relevant to investigating, prosecuting into any act constituting an offence or corruption covered by United Nations Convention Against Corruption or an offence that is substantially similar to such offence; and

(*b*) include a provision to the effect that the information exchanged be treated in a confidential manner and not to be further disclosed without the express consent of the Commission.

Summons

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

(2) The summons shall be served -

(*a*) by registered post;

(*b*) by express post;

(*c*) by a Grama Niladhari as may be directed by the Commission;

(*d*) in the case of a company or corporation or incorporated association of persons, on the

managing director, secretary or other like officer or the person in charge of the principal place of business of such company, corporation or association;

(*e*) in the case of a person who is a public officer or an employee of a public corporation, on the head of the institution in which such person is a public officer or an employee;

(*f*) in the case of any person who is employed under any other person, on the employer of such person; or

(*g*) by email or facsimile if available.

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

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

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

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

Prosecutions

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

(2) Notwithstanding anything to the contrary in any other written law, the Director-General in accordance with subsection (1) of this section shall have the power to institute proceedings in the Magistrate's Court through a charge sheet signed by the Director-General and section 136 of the Code of Criminal Procedure Act, No. 15 of 1979 shall not apply for the purposes of this section.

(3) The provisions of section 162 of the Code of Criminal Procedure Code Act, No. 15 of 1979 shall *mutatis mutandis* apply in respect of any charge sheet signed by the Director-General.

(4) Upon proceedings being instituted through a charge sheet under subsection (2), the Magistrate shall –

(*a*) cause the accused to appear, or to be brought, before him;

(*b*) cause a copy of the charge sheet with its annexures to be served on each of the accused who shall be tried upon that charge sheet;

(*c*) inform the accused of the date of the trial;

(*d*) where the accused is brought or appears before the court, read and explain the charge to the accused and shall be asked whether he is guilty or not guilty of the offence charged;

(*e*) if the accused pleads guilty and it appears to the satisfaction of the Magistrate that he rightly

comprehends the effect of his plea, record a verdict of guilty and pass sentence upon him according to the provisions of the relevant law and record such sentence; and

(*f*) if the accused does not make any plea or if he pleads not guilty, he shall be tried and the provisions of the Code of Criminal Procedure Act, No. 15 of 1979 shall *mutatis mutandis* apply to the proceedings in the Magistrate Court.

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

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

(7) Notwithstanding anything to the contrary in any other written law, an officer of the Commission authorized by the Commission, the Attorney-General upon request of the Commission or any other Attorney-at-Law specially authorized by the Commission shall be entitled to–

(*a*) conduct the prosecution at a trial of an offence held-

(i) in the Magistrate Court on a charge sheet; and

(ii) in the High Court on an indictment, signed by the Director-General; or

(*b*) appear on behalf of the Commission in any other litigation which may have a bearing on the Commission:

Provided that, where the Commission has requested the Attorney-General to conduct the prosecution or appear on behalf of the Commission in any other litigation, in the absence of the Attorney-General, an officer of the Commission authorized by the Commission is entitled to conduct such prosecution or appear on behalf of the Commission:

Provided further, where an officer of the Commission authorized by the Commission is conducting a prosecution or appearing on behalf of the Commission, the Attorney-General may assist such officer.

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

66. At the trial of a person for an offence referred to in section 41, on the request of the Commission, the relevant court may, notwithstanding anything to the contrary in any other written law, call any witness, or allow the Commission to produce any document, as is not specified in the list of witnesses or documents respectively, where the court is satisfied that calling of such witness or document is required in the interest of Justice.

Withdrawal of indictments

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

(2) When the Director-General withdraws the indictment under subsection (1), he shall have due regard to–

(i) the national interest and public interest;

(ii) views of the victims of the offence; and

(iii) representations that may be made by the accused person or on his behalf by his Attorney-at-Law.

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

(i) to publicly express remorse and apology before the High Court, using a text issued by the Commission;

(ii) to provide reparation to victims of the offence, as specified by the Commission;

(iii) to publicly undertake that he refrains from committing an offence under this Act; or

(iv) to permanently refrain from holding public office, both elected and appointed.

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

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

Appeals

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

(2) Notwithstanding anything to the contrary in any other written law, where proceedings are instituted in the Magistrate's Court by a charge sheet signed by the Director-General, the Director-General shall have the right to appeal against a judgment, order or sentence of such Magistrate's Court.

(3) Notwithstanding anything to the contrary in any other written law, an officer of the Commission authorized by the Commission, the Attorney-General upon a request by the Commission or any other Attorney-at-Law specially authorized by the Commission shall be entitled to–

(*a*) conduct appeals in respect of offences under this Act; and

(*b*) appear on behalf of the Commission in the appeals of any other litigation which may have a bearing on the Commission:

Provided that, where the Commission has requested the Attorney-General to conduct any appeal or appear on behalf of the Commission in the appeals of any other litigation, in the absence of the Attorney-General, an officer of the Commission authorized by the Commission is entitled to conduct such appeal or appear on behalf of the Commission:

Provided further, where an officer of the Commission authorized by the Commission is conducting an appeal or appearing on behalf of the Commission, the Attorney-General may assist such officer.

Requesting the assistance of the Attorney-General

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

(2) The Commission may request the opinion of the Attorney-General in any matter relating to the discharge of its powers and functions under this Act.

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

Not to charge or prosecute accomplices

70. (1) During any stage of the investigation or at any time before the conclusion of the trial of a person charged with bribery under the provisions of Part III of this Act, the Commission may, with the view of obtaining at the trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence by writing under its hand authorize any Magistrate named therein not to charge or prosecute such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or as abettor in the commission thereof.

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

(3) Every person referred to in subsection (1) shall be examined as a witness in the case.

(4) Such person if not on bail, shall be detained in custody until the termination of the trial.

(5) Where a person referred to in subsection (1) has willfully concealed anything essential or has given false evidence, he may be tried for the offence in respect of which he was charged with or for any other offence of which he appears to have been guilty in connection with the same matter.

(6) The statement made by a person referred to in subsection (1) may be given in evidence against him when he is tried as stated in subsection (5).

Deferred Prosecution Agreements

71. (1) Notwithstanding anything to the contrary in any other written law, where the offence committed falls under sections 106 and 108 of this Act, the Commission may, having due regard to the facts specified in subsection (2), and subject to one or more conditions referred to in subsection (3), enter into an agreement with any person referred to in subsection (8) of this section alleged to have committed an offence under such sections to suspend and defer the Criminal Proceedings against such person for a period not less than five years and not exceeding ten years.

(2) Where the Commission agrees to suspend or defer the criminal proceedings under subsection (1), it shall pay due regard to-

(*a*) the state policy on prevention of bribery and corruption;

(*b*) the national interest and public interest;

(*c*) views of the victims of the offence, if any; and

(*d*) the representations that may be made by the accused person or on his behalf by his Attorney-at-Law.

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

(*a*) to publicly express remorse and apology before the High Court, using a text issued by the Commission;

(*b*) to provide reparation to victims of the offence, as specified by the Commission;

(*c*) to publicly undertake that such person refrains from committing an offence under this Act; or

(*d*) to pay as compensation to the State the full amount relating to the offence of which twenty five *per centum* shall be credited to the Fund of the Commission.

(4) (*a*) The High Court may upon consideration of the application made by the Commission under subsection (3), and upon being satisfied that the agreement is in the interest of justice and the terms of the agreement are fair, reasonable and proportionate and approve such agreement and notify such person of the agreement.

(*b*) The agreement shall come into effect on the date on which the agreement is approved by the High Court.

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

(6) If the person fails without valid excuse to comply with such conditions, the Commission shall upon making an application to the High Court, commence criminal proceedings against such person upon indictment.

(7) At the expiration of the period stipulated in the agreement, the Director-General shall, having informed and obtained the permission from the High Court shall discontinue the proceedings against such person.

(8) Where the person referred to in this section is a body corporate, an agreement under this section shall be entered into between the Director-General and such body corporate.

General power

72. The Commission may take any other appropriate steps not inconsistent with the provisions of this Act to achieve the objectives of this Act and carry out the powers and functions vested in the Commission under this Act or any other written law.

CHAPTER V

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

Protection of informers of the Commission

73. (1) Where the Commission confidentially receives information to the effect that an offence under this Act has been committed or suspected to have been committed or is likely to be committed, such information and the identity of

the informer shall not be revealed and the informer and the matters relating to such information shall not be disclosed in any proceedings before any court, tribunal, or other authority.

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

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

(4) Any person who contravenes the provisions of subsection (1), commits an offence and on conviction by the High Court be liable to a fine of one hundred thousand rupees or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

(5) Where a person-

(*a*) provides information to the Commission or any officer of the Commission or to any other law

enforcement authority that a person, public official, a body corporate or unincorporate, public or private sector entity will commit or is committing or has committed or is likely to commit an offence under this Act; and

(*b*) at the time such information is provided, believes on reasonable grounds that such information is true and is of such a nature as to warrant an investigation under this Act,

such person shall not be subject to civil or criminal liability as a result of providing such information.

(6) An informer shall not be subject to adverse conditions of employment, reprisal, coercion, intimidation, retaliation, harassment, any injury to his person, or threatening or any of the foregoing for providing such information. Where an information is provided under section 74 by a whistleblower, no disciplinary action shall be taken against him for providing such information.

(7) Despite any prohibition of or restriction on the disclosure of information under any other law, contract, oath or practice, a whistleblower shall not be subject to detrimental action on account of having provided information under subsection (1) of section 74 or subsection (5) of this section.

(8) Any provision in a contract of service or other agreement between an employer and an employee is void in so far as it—

(*a*) purports to exclude any provision of this Act, including an agreement to refrain from instituting or continuing any proceedings under this Act or any proceedings for breach of contract; or

(*b*) purports to preclude the employee or has the effect of discouraging the employee from providing information.

(9) For the purposes of subsection (6) it shall be presumed until the contrary is proved that the adverse conditions of employment, reprisal, coercion, intimidation, retaliation, harassment, any injury to his person, or threatening or any of the foregoing has occurred.

(10) A whistleblower shall assist the Commission in any investigation which the Commission may make in relation to the information provided by him.

Protection of whistleblowers

74. (1) Where a public official or an employee of a private sector entity-

(*a*) provides information to his superior officer that an offence under this Act has been committed or is being committed or is likely to be committed in or in connection with the public institution or the private sector entity or any person, as the case may be, in which he is employed; and

(*b*) at the time such person provides information he believes on reasonable grounds that the information he provides is true and is of such a nature as to warrant an investigation under this Act,

such public official or the employee of a private sector entity (hereinafter reffered to as a "whistleblower") shall not be subject to any civil or criminal liability as a result of providing such information.

(2) Any person who contravenes the provisions of this section commits an offence under this Act and on conviction by the High Court be liable to a fine not exceeding one million rupees or to a term of imprisonment not exceeding seven years or to both such fine and imprisonment.

Safety of persons assisting the Commission

75. (1) If it appears to the Commission that, the safety of a person who assist the Commission is adversely affected or such person or any other person may be subject to intimidation, harassment, injury or threat, the Commission may make such arrangements as are necessary –

(*a*) to provide physical safety to such person; or

(*b*) to protect such person or any other person from intimidation, harassment, injury or threat.

(2) In this section, 'a person who is assisting the Commission' means –

(*a*) an informer in terms of section 73 of this Act;

(*b*) a witness;

(*c*) a person who has appeared, is appearing or is to appear before the Commission to give evidence or to produce a document or any other thing in an inquiry or investigation conducted or to be conducted or any other measure taken or to be taken by the Commission under this Act;

(*d*) a person who has produced or proposes to produce a document or any other thing to the Commission in any inquiry or investigation conducted or to be conducted or any other measure taken or to be taken by the Commission under this Act; or

(*e*) a person who has assisted, is assisting, or is to assist the Commission in any other manner in an inquiry or investigation conducted or to be conducted or any other measure taken or to be taken by the Commission under this Act.

(3) Any such arrangement referred to in subsection (1) may involve any one of the following:–

(*a*) issuing directions to the Inspector-General of Police or any public authority or any public official–

(i) to provide any protection referred to in subsection (1);

(ii) to provide personnel assistance or facilities or both, to assist in providing such protection; or

(iii) to otherwise assist in the provision of such protection;

(*b*) making orders applying to a specified person for the purpose of protecting the physical safety of a person referred to in subsection (1) or of protecting such person from intimidation or harassment. Such an order is not limited to directions of a kind referred to in paragraph (*a*).

(4) It shall be the duty of the Inspector-General of Police, or such public authority or public official, to comply with any such direction given by the Commission as far as reasonably possible.

(5) Any person who contravenes an order made, to be applicable to a specified person under paragraph (*b*) of subsection (3) of this section without a reasonable excuse, commits an offence and shall on conviction by the High Court be liable to a fine not exceeding one million rupees or to a term of imprisonment not exceeding seven years or to both such fine and imprisonment.

Immunity to witnesses

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

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

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

(i) abridge or affect, or be deemed or construed to abridge or affect the liability of any person to any action, prosecution or penalty for any offence under Chapter XI of the Penal Code (Chapter 19) read with section 119 of this Act or for an offence under this Act;

(ii) prohibit or be deemed or construed to prohibit the publication or disclosure of the name, or of the statement or of any part of the statement of any person for the purposes of any such action or prosecution; or

(iii) affect the admissibility of any statement admissible under section 147.

Protection of witnesses and persons assisting the Commission and providing legal representation where necessary

77. The Commission shall have the power to provide legal representation to any informer, whistleblower or witness during an investigation, including inquiries at Magistrate's Court, without prejudice to such investigations and at a trial in the High Court into an alleged offence committed against such whistleblower or witness in terms of sections 73, 74 and 75 of this Act.

Protection of victims' rights

78. Nothing contained in this Act shall prejudice the rights of victims and witnesses ensured under the provisions of the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015.

PART II

DECLARATION OF ASSETS AND LIABILITIES

Objects of this Part

79. Subject to section 2 of this Act, the objects of this Part shall be to –

(*a*) compel all public officials to make periodic declarations of their assets and liabilities within and outside Sri Lanka;

(*b*) provide for a centralized electronic system for submission of such declarations;

(*c*) provide for reference to be made to such declarations by appropriate authorities and for investigations to be conducted, upon the receipt of any information against a person to whom this Part applies;

(*d*) provide for appropriate measures to be taken in respect of late submissions and non-declaration of assets and liabilities, and for furnishing false declarations;

(*e*) prevent illicit enrichment and conflicts of interest arising in the discharge of public functions or official activities, through public scrutiny; and

(*f*) provide for matters connected therewith or incidental thereto.

Application of this Part

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

(*a*) the President;

(*b*) the Prime Minister;

(*c*) Members of Parliament;

(*d*) Governors of provinces;

(*e*) members of Provincial Councils and staff officers of the Provincial Public Service;

(*f*) elected members and staff officers of local authorities;

(*g*) Judges and public officers appointed by the President;

(*h*) public officers appointed by the Cabinet of Ministers;

(*i*) judicial officers and scheduled public officers appointed by the Judicial Service Commission;

(*j*) staff officers in Ministries and Government Departments;

(*k*) members of the Constitutional Council appointed in terms of Article 41A (1) (*e*) of the Constitution, who are not members of Parliament;

(*l*) persons appointed as Chairmen or members as the case may be of any of the Commissions specified in the Schedule to Article 41B of the Constitution;

(*m*) staff officers of the Central Bank of Sri Lankan and State Banks;

(*n*) staff officers of the Independent Commissions established under Article 41A (1)(*c*) of the Constitution or under any Statute;

(o) Chairpersons, Commissioners, members and staff officers of independent regulatory and supervisory Commissions or bodies established by or under any Statute;

(*p*) Chairmen, Directors, members of the Boards and executive officers of any public corporation established by or under any Statute;

(*q*) private staff members of the Members of Parliament, members of Provincial Councils and members of local authorities;

(*r*) officers of the Sri Lanka Army raised and maintained in accordance with the provisions of the Army Act (Chapter 357);

(*s*) officers of the Sri Lanka Navy raised and maintained in accordance with the provisions of the Navy Act (Chapter 358);

(*t*) commissioned officers of the Sri Lanka Air Force raised and maintained in accordance with the provisions of the Air Force Act (Chapter 359);

(*u*) office- bearers of recognized political parties for the purposes of elections under the Presidential Elections Act, No.15 of 1981, the Parliamentary Elections Act, No. 1 of 1981, the Provincial Councils Elections Act, No. 2 of 1988, Local Authorities Elections Ordinance (Chapter 262) or the Trade Unions Ordinance (Chapter 138);

(*v*) Executives of trade unions registered under the Trade Unions Ordinance (Chapter 138);

(*w*) candidates nominated for election at elections to be held under the Presidential Elections Act, No. 15 of 1981, the Parliamentary Elections Act, No. 1 of 1981, the Provincial Councils Elections Act, No. 2 of 1988 or the Local Authorities Elections Ordinance (Chapter 262);

(*x*) Chairmen, Directors and staff officers of Companies registered under the provisions of the Companies Act, No. 07 of 2007, in which not less than twenty five *per centum* of shares are held by the State or by a public corporation;

(*y*) staff in managerial or supervisory roles of financial institutions which are scheduled institutions within the meaning of this Act;

(*z*) Heads of Sri Lankan Diplomatic Missions;

(*aa*) officers appointed by the Cabinet of Ministers to Sri Lankan Diplomatic Missions;

(*bb*) proprietors, editors and members of the editorial staff of newspapers in respect of which declarations have been made under section 2 of the Newspaper Ordinance (Chapter 180);

(*cc*) proprietors, editors and members of the editorial staff of media companies licensed under section 17 of the Sri Lanka Telecommunications Act, No. 25 of 1991;

(*dd*) office bearers of National Associations of Sports established in terms of the Sports Law, No. 25 of 1973; and

(*ee*) such categories of other officers as may be prescribed by regulations as high risk categories by taking into consideration the vulnerability of such officers to bribery or corruption having regard to the nature of the work they perform in their respective offices.

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

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

81. Every person to whom this Part applies shall, make a declaration, in accordance with the provisions of section 82, (hereinafter in this Part referred to as a "declaration of assets and liabilities"), of all-

(*a*) his assets and liabilities;

(*b*) the assets and liabilities of his spouse;

(*c*) the assets and liabilities of each of his dependant children irrespective of their age;

(*d*) assets and liabilities of any other person's dependant on him irrespective of their age; and

(*e*) the assets and liabilities of any other person who cohabits and shares the common household with the person to whom this Part applies for at least six months prior to the date of declaration except where such person does not share mutual rights and obligations with person to whom this Part applies.

When to make declarations of assets and liabilities

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

(*a*) within three months of the date of appointment (hereinafter referred to as the "first appointment declaration");

(*b*) annually in terms of subsection (3) (hereinafter referred to as the "annual declaration");

(*c*) within a period of fourteen days immediately after the end of the tenure of his employment or the date of his retirement or the date of dismissal from office as the case may be (hereinafter referred to as the "end of tenure or retirement declaration");

(*d*) in two consecutive years immediately succeeding the year of making the declaration under paragraph (*c*) (hereinafter referred to as the "post retirement declaration");

(*e*) where a significant change in the value of assets and liabilities amounting to ten million rupees or more than ten million rupees occurs, within one month from the date of such occurrence (hereinafter referred to as the "ad-hoc declaration"); and

(*f*) when nomination papers are submitted for elections, under the Presidential Elections Act, No. 15 of 1981, the Parliamentary Elections Act, No. 1 of 1981, the Provincial Councils Elections Act, No. 2 of 1988 or the Local Authorities Elections Ordinance (Chapter 262) as the case may be.

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

Provided that, a person to whom this Part applies as is referred to in paragraph (*w*) of subsection (1) of section 80 shall submit his declaration for the period up to the date of the declaration made under the relevant law declaring the date of election.

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

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

Submission process of declarations of assets and liabilities

83. (1) The submission and verification of declarations of assets and liabilities shall be made through the centralized electronic system administered by the Commission (hereinafter in this Part referred to as the "Central Authority").

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

(3) The provisions of the Electronic Transactions Act, No. 19 of 2006 which are not expressly excluded by the provisions of this Act or are not inconsistent with the provisions of this Act shall apply to this Part.

(4) A person who has made an electronic assets and liabilities declaration may make alterations in such declaration-

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

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

and the system will automatically close after that period:

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

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

(6) A person to whom this Part applies may seek assistance in submitting the declaration to be submitted under subsection (2), from the Central Authority or from any officer assigned by the Central Authority.

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

Verification process

84. (1) The Central Authority shall conduct a verification of the declarations of assets and liabilities to detect *prima facie* proof of illicit enrichment, and conflicts of interests in the circumstances referred to in subsection (2).

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

(*a*) when such declarations are selected for such verification according to the procedure prescribed by regulations;

(*b*) upon discrepancies and red flags automatically detected in the electronic system;

(*c*) upon receipt of a complaint from any person on an illicit enrichment or conflict of interest with regard to a person to whom this Part applies; or

(*d*) when the Central Authority *ex mero motu* detects *prima facie* proofs of possible violation through public sources or its own investigations.

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

Access to other records

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

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

Power to refer declaration of assets and liabilities

86. The Attorney-General, the Commission, the Commissioner-General of Inland Revenue, the Head of the Department of Exchange Control, Inspector General of Police, designated officers of special police units, Director-General of Customs and designated officers of Financial Intelligence Unit shall have the right to call for and refer to any declaration of assets and liabilities submitted under this Part with the sanction of the Central Authority.

Centralized Electronic System

87. (1) There shall be a data base maintained by the Central Authority for the purpose of securing information in electronic form relating to assets and liabilities of every person to whom this Part applies (hereinafter referred to as the "centralized electronic system").

(2) Regulations may be made to prescribe the manner of maintaining the centralized electronic system.

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

(4) The Commission shall specify by way of rules the authorizing or facilitating the use of the centralized electronic system.

Public Access

88. (1) The centralized electronic system shall automatically generate redacted version of every declaration of assets and liabilities which is accessible to the general public within one month of its submission through the official website of the Commission. Such redacted version shall not include –

(*a*) the address of the residence of the declarant or of any other person, whose assets are declared by the declarant;

(*b*) full address/es of declared real estate except information pertaining to the ward and district in which the real estate is situated;

(*c*) date of birth, National Identity Card Number, Passport Number or any other number recognized by the relevant authorities for the purpose of identification of individuals mentioned in the declaration;

(*d*) bank account numbers; or

(*e*) any other deposit details:

Provided that, when generating the aforementioned redacted version of a declaration of assets and liabilities, the commission shall ascertain the identity of the person obtaining the redacted version and the identity of such person shall be recorded.

(2) The Central Authority shall, within a period of three months of the commencement of the functions of the Central Authority, appoint an officer as the Information Officer of the Central Authority in terms of section 23 of the Right to Information Act, No. 12 of 2016 and the Head of the Central Authority shall be the Designated Officer for the purposes of the said Act.

Access to declarations of candidates of elections

89. Every candidate of elections referred to in paragraph (*w*) of subsection (1) of section 80 shall, submit a copy of the form and a summary of the declaration of assets, and liabilities, to the Commissioner of Elections together with such candidate's nomination papers.

Offences related to the declaration of Assets and Liabilities

90. (1) If a person whom declarations of assets and liabilities are to be made under this Part fails to comply with the requirements of this Part, within two weeks from thirtieth June each year, such person shall be warned by sending letters by the Central Authority.

(2) Any person who fails to submit his annual declaration or the post retirement declaration under section 82 of this Act on due date, shall be liable to a daily administrative fine imposed by the Central Authority equivalent to one thirtieth of the last drawn gross monthly salary of the declarant for the period commencing from the due date of the declaration up to thirty first day of July. An enhanced daily administrative fine equivalent to one thirtieth of last drawn gross salary for last six months will be imposed for late submissions from first of August to thirty first of August. The fine shall be a surcharge on the remuneration or the retirement benefit as the case may be.

(3) Any person who fails to submit his first appointment declaration, ad-hoc declaration or the end of tenure or retirement declaration under section 82 of this Act on due date, shall be liable to a daily administrative fine imposed by the Central Authority equivalent to one thirtieth of the last drown gross monthly salary of the declarant. A fine will be imposed for late submissions up to fourteen days after the due date for the submissions. An enhanced daily administrative fine equivalent to one thirtieth of the last drawn gross monthly salaries for last six months shall be imposed for late submissions between fourteen days and twenty eight days after the due date for the submission of such declaration.

(4) Any person who fails to submit his declaration of assets and liabilities along with his application form for nomination for an election, shall be liable to sanctions in accordance with the provisions of the relevant written laws.

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

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

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

(*a*) one hundred thousand rupees, where any person fails to submit his first appointment declaration;

(*b*) one hundred thousand rupees, where any person fails to submit his ad-hoc declaration; or

(*c*) last drawn gross salary of that person, where any person fails to submit his end of tenure or retirement declaration,

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

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

(7) Any person -

(*a*) who makes any false statement in any declaration; or

(*b*) who willfully omits any asset or liability from any declaration,

commits an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred thousand rupees or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(8) Any person who fails without reasonable cause to provide any additional information as may be required by the Commission, commits an offence and shall on conviction after summary trail before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to a term of imprisonment of either description not exceeding one year or to both such fine and imprisonment.

(9) A person who is convicted of an offence under subsection (6) or (7) shall, within a period of fourteen days after the date of conviction, or in the event of an appeal against such conviction, within a period of fourteen days after the date of affirmation of such conviction, make the declaration of assets and liabilities referred to in section 81. The provisions of section 79 and the provisions of the other preceding sections of this Part shall, *mutatis mutandis*, apply to any declaration of assets and liabilities made by such person under this subsection in like manner and to the same extent as they apply to any declaration of assets and liabilities made under section 81.

(10) Where any person is convicted of an offence under paragraph (*b*) of subsection (7), the asset in respect of which the offence was committed shall by virtue of such conviction be vested in the State free of all encumbrances.

(11) The vesting of any assets in the State under preceding subsection (10) shall take effect-

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

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

(12) All administrative fines under this Chapter imposed upon any person by the Central Authority shall be surcharged on the remuneration or the retirement benefit as the case may be of such person, and shall be remitted to the Fund of the Commission.

Power of the Commission to call for additional information

91. The Central Authority may, at any time, call for such additional information as the Commission may require from–

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

(*b*) any other person, any information, record or document,

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

Assets and Liabilities

92. In this Part unless the context otherwise requires "assets and liabilities" means assets, liabilities, income, expenditure and interests directly or beneficially owned in or outside Sri Lanka, the details of which shall be prescribed by regulations.

PART III

CHAPTER I

OFFENCES RELATING TO BRIBERY OR CORRUPTION

Bribery of Judges of the Supreme Court, Court of Appeal, High Courts, judicial officers, members of tribunals or institutions and persons exercising quasi-judicial powers and Members of Parliament, Provincial Councils and loacal authorities

93. A person –

(*a*) who offers any gratification to a Judge of the Supreme Court, Court of Appeal or High Court or a judicial officer, or a member of a tribunal or an institution or a person exercising quasi-judicial power, or a member of Parliament or a member of a Provincial Council or a local authority as an inducement or a reward for such Judge's or officer's or Member's doing or for bearing to do any act in his judicial capacity or in his capacity as such Member, or

(*b*) who, being a Judge of the Supreme Court, Court of Appeal, High Court or a judicial officer, or a member of tribunal or an institution or a person exercising quasi-judicial power, or a Member of Parliament, or a member of Provincial Council or a local authority solictis or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his judicial capacity or in his capacity as such Member,

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

Acceptance of gratification by Members of Parliament a Provincial Council or a local authority for interviewing public officials

94. A Member of Parliament, a member of a Provincial Council or a local authority who solicits or accepts any gratification as an inducement or a reward for –

(*a*) interviewing a public official on behalf of any person; or

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

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

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

Illegal access etc to electronic assets declaration system to be an offence

95. Any person who accesses the centralized electronic system illegally or without due authority commits an offence and on conviction be liable to fine not exceeding one million rupees and to a term of rigorous imprisonment not exceeding seven years.

Bribery of police officers, peace officers and other public officials

96. A person -

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

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

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

Bribery for giving assistance or using influence with regard to contracts

97. A person -

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

(*b*) who, being a public official, solicits or accepts any gratification as an inducement or a reward for his giving assistance or using influence in the promotion of the procuring of any such contract as is referred to in paragraph (*a*) of this section, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof,

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

Bribery for procuring withdrawal of tenders

98. A person –

(*a*) who, with intent to obtain from the Government a contract for performing any work, providing any service, doing anything, or supplying any article, material or substance, offers any gratification to any person who has made a tender for such contract, as an inducement or a reward for his withdrawing such tender; or

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

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

Bribery in respect of Government business

99. A person -

(*a*) who offers any gratification to a public official as an inducement or a reward for that public official performing or abstaining from performing any official act, or expediting, delaying, hindering or preventing the performance of any official act whether by that public official or by any other public official, or assisting, favouring, hindering or delaying any person in the transaction of any business with the Government;

(*b*) who, being a public official, solicits or accepts any gratification as an inducement or a reward for his performing or abstaining from performing any official act or for such expediting, delaying, hindering, preventing, assisting or favouring any such official act as is referred to in paragraph (*a*) of this section; or

(*c*) who, being a public official solicits or accepts any gratification,

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

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

Bribery of public officials by persons having dealings with the Government

100. A person-

(*a*) who offers any gratification to any person as an inducement or a reward for–

(i) his procuring from the Government the payment of the whole or a part of any claim;

(ii) his procuring or furthering the appointment of the first-mentioned person or of any other person to any office;

(iii) his preventing the appointment of any other person to any office;

(iv) his procuring, or furthering the securing of, any employment for the first-mentioned person or for any other person in any department, office or establishment of the Government;

(v) his preventing the securing of any employment for any other person in any department, office or establishment of the Government;

(vi) his procuring, or furthering the securing of any grant, lease, service, favour, advantage or other benefit from the Government for the first-mentioned person or for any other person; or

(vii) his preventing the securing of any such grant, lease, service, favour, advantage or other benefit for any other person; or

(*b*) who solicits or accepts any gratification as an inducement or a reward for his doing any of the acts specified in subparagraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph (*a*) of this section,

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

Bribery of public officials by persons having dealings with the Government

101. A person –

(*a*) who, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public official employed in that department, office or establishment;

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

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

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

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

102. A person -

(*a*) who offers any gratification to any member of a Provincial Council or a local authority, or of a scheduled institution, or of the governing body of a scheduled institution, as an inducement or a reward for -

(i) such member's voting or abstaining from voting at any meeting of such Provincial Council, local authority, scheduled institution, or governing body or of a committee thereof in favour of or against any measure, resolution or question submitted to such Provincial Council, local authority, scheduled institution, governing body or committee;

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

(iii) such member's aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person;

(*b*) who offers any gratification to any officer or employee of any local authority or a Provincial Council, or of any scheduled institution, as an inducement or a reward for –

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

(ii) such officer's or employee's procuring or preventing the passing of any vote or the

granting of any contract or advantage in favour of any person;

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

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

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

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

103. A person -

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

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

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

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

Trading in influence

104. (1) A person who offers to a public official or any other person, directly or indirectly any gratification in order to influence such public official or other person with a view to obtaining from the Government any benefit or service for himself or any other person commits the offence of bribery and on conviction be liable to a fine not exceeding one million rupees and to a term of rigorous imprisonment not exceeding seven years.

(2) A public official or any other person who, directly or indirectly, solicits or accepts any gratification as is referred to in subsection (1) commits an offence of bribery and on conviction be liable to a fine not exceeding one million rupees and to a term of rigorous imprisonment not exceeding seven years.

Bribery of a foreign public official

105. (1) A person who offers to a foreign public official a gratification, for him-

(*a*) to obtain or retain a contract, business or an advantage in the conduct of international business; and

(*b*) to act or refrains from acting in the exercise of such foreign public official's official duties in a manner that breaches an official duty or uses such foreign public official's or another person's position to influence any act or decision of the foreign State or public international organization concerned,

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

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

(3) A person who offers a gratification under this section commits an offence under this section, irrespective of –

(*a*) whether the gratification is offered for the benefit of the foreign public official who is to act or refrain from acting or act or refrain from acting for another person;

(*b*) whether the gratification offered has actually influenced the foreign public official's actions or omissions; or

(*c*) whether the gratification offered to the foreign public official is neither permitted nor required by the written law applicable to him to be influenced in his capacity as a foreign public official.

(4) For the purposes of paragraph (*c*) of subsection (3), the written law applicable to the foreign public official shall mean —

(*a*) where the performance of the functions of the foreign public official which the person intends to influence would be subject to the laws of Sri Lanka; and

(*b*) where paragraph (*a*) does not apply and the foreign public official is an official or agent of a public international organization, the applicable written rules of that organization:

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

(i) any written Constitution, or any provision made by or under legislation, applicable to the country or territory concerned; or

(ii) any judicial decision which is so applicable and is evidenced in published written sources.

Bribery in the private sector

106. (1) Any person who, in the course of any economic, financial or commercial activity, offers, directly or indirectly, a gratification on behalf of himself or another person to any employee in any capacity or a director in a private sector entity, in order to commit any act or refrain from committing any act in breach of his duties, commits an offence of bribery under this Act and on conviction be liable to a fine not exceeding one million rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

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

Failure to declare conflicts of interest

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

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

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

(4) The Commission shall specify by way of rules the handling and management of conflict of interest of public officials.

Offences relating to sporting events

108. (1) Any person who, directly or indirectly accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or for the benefit of that other person or of another person-

(*a*) in return for-

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

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

(*b*) as a reward for acting as contemplated in subparagraph (i) of paragraph (*a*),

commits an offence and shall on conviction by the High Court be liable to a fine not exceeding one million rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

(2) Any person who, directly or indirectly gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person-

(*a*) in return for-

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

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

(*b*) as a reward for acting as contemplated in paragraph (*a*),

commits an offence and shall on conviction by the High Court be liable to a fine not exceeding one million rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

(3) Any person who directly or indirectly carries into effect any scheme which constitutes a threat to or undermines the integrity of any sporting event, including, in any way, influencing the run of play or the outcome of a sporting event, commits an offence and shall on conviction by the High Court be liable to a fine not exceeding one million rupees or to a term of rigorous imprisonment not exceeding seven years or to both such fine and imprisonment.

(4) Notwithstanding anything to the contrary in this section, the offences of Chapter 1 of Part II of the Prevention of Offences relating to Sports Act, No. 24 of 2019, shall have the same meaning as in the respective sections and shall carry the same punishment as specified in the respective sections.

Accumulation of wealth by an offence under this Act

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

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

(i) part of such person's known income or receipts; or

(ii) money to which any part of his known receipts has or had been converted; or

(*b*) being property other than money, which cannot be or could not have been -

(i) property acquired using any part of such person's known income;

(ii) property which is or was part of such person's known receipts; or

(iii) property to which any part of such person's known receipts has or had been converted,

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

(2) In subsection (1) "income" does not include income from proceeds of an offence under this Act, and "receipts" do not include recipts from proceeds of an offence under this Act.

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

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

(4) No prosecution for an offence under this section shall be instituted against any person unless the Commission has given such person an opportunity to show cause as to why such person should not be prosecuted for such offence and where such person has failed to show cause as such or the cause shown by such person is unsatisfactory in the opinion of such Commission a prosecution shall then be instituted against such person under this section.

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

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

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

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

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

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

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

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

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

(10) A person, who conceals or retains proceeds or any part thereof of an offence committed under this Act, knowing that property is the result of proceeds of an offence under this Act shall commit an offence and shall be liable on conviction to a rigorous imprisonment for a term not exceeding seven years or to a fine not exceeding one million rupees or to both such fine and imprisonment:

Provided that, a person conceals or retains proceeds or any part thereof whether or not he conceals or retains such proceeds directly or indirectly through intermediaries or for his own benefit or for the benefit of another or of an entity.

Gratification

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

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

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

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

Corruption

111. Any public official who, with intent or knowledge to cause wrongful or unlawful loss to the Government, or to confer a wrongful or unlawful benefit, favour or advantage

on himself or on any other person, or with intent or knowledge, that any wrongful or unlawful loss will be caused to any person or to the Government, or that any wrongful or unlawful benefit, favour or advantage will be conferred on any person-

(*a*) does, or forbears to do, any act by virtue of his office as a public official or by use of such office with or without any power therefor vested with such officer;

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

(*c*) uses any information coming to his knowledge by virtue of his office as a public official;

(*d*) participates in the making of any decision by virtue of his office as a public official; or

(*e*) induces any other person, by the use, whether directly or indirectly, of his office as such public official to perform, or refrain from performing any act,

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

An offender under this Act, may be charged with an offence under the Prerention of Money Laundering Act

112. (1) Where any person commits an offence under this Act, which amounts to an unlawful activity within the meaning of the Prevention of Money Laundering Act, No. 5 of 2006, such person may be charged for an offence under that Act in addition to an offence under this Act.

(2) The provisions of the Prevention of Money Laundering Act, No. 5 of 2006 shall, *mutatis mutandis*, apply to the inquries, investigtions and proceedings respect of such offence under that Act and any reference in the said Act to the Assistant Superintendent of Police or any other police officer shall be read and construed as a reference to an officer designated by the Commission under this Act.

Acceptance of gratification without power

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

(2) Where in any proceedings against any person for an offence under section 111 of this Act, it is proved that such person intended to cause wrongful or unlawful loss to the Government, or to confer a wrongful or unlawful benefit, favour or advantage on such person or any other person, or had knowledge, that any wrongful or unlawful loss will be caused to any person or to the Government, or that any wrongful or unlawful benefit, favour or advantage will be conferred on any person by such person's doing or forbearing to do any act referred to in that section, such person commits an offence under that section notwithstanding that such person did not actually have the power, right or opportunity so to do or forbear or that such person did not in fact so do or forbear.

Additional penalties

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

(2) Where the High Court convicts any person for committing an offence under section 109 it shall, in addition to any other penalty that it is required to impose under this Act, impose a fine of not less than the amount which such Court has found, to have been acquired by bribery or by the proceeds of bribery or to have converted to property by bribery, and shall not exceed three times such amount.

(3) A fine or a penalty imposed by a court on any person for the commission of any offence under this Act may be recovered as if the order imposing the fine or the penalty were a decree entered by District Court in favour of the State and against that person, where the fine or penalty exceeds one million rupees and the person charged with such fine or penalty fails to pay such fine or penalty.

(4) Where the person liable to pay the fine or penalty referred to in the preceding provisions of this section was a public official on the date of commission of the offence for

which the fine or penalty was imposed, then, notwithstanding anything to the contrary in any other written law, any movable or immovable property acquired after the said date by the spouse of, or a son or daughter maintained by such person shall, in addition to the movable and immovable property of such person, be liable to be seized and sold for the recovery of the amount of such fine or penalty, if the property so acquired–

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

(*b*) was purchased in the name of such spouse, son or daughter by the person liable to pay such fine or penalty;

(*c*) was acquired by such spouse, son or daughter by purchase, gift or otherwise from the person who offered the gratification for the acceptance of which the person liable to pay such fine or penalty became so liable; or

(*d*) was acquired by testate or intestate succession from the person liable to pay such fine or penalty.

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

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

(6) An order made under subsection (5) shall take effect –

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

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

(7) Where a person is convicted of an offence under this Chapter of this Part, notwithstanding anything to the contrary in subsections (7) and (8) of section 303 of the Code of Criminal Procedure Act, No. 15 of 1979, by reason of such conviction or finding-

(*a*) such person shall become incapable of being-

(i) registered as an elector or of voting at any election for a period of seven years from the date of such conviction or finding under Parliamentary Elections Act, No. 1 of 1981 and Presidential Elections Act, No. 15 of 1981; or for a period of five years under Provincial Councils Elections Act, No. 2 of 1988, or the Local Authorities Elections Ordinance (Chapter 262), or

(ii) elected or appointed as a Member of Parliament or as a member of a local authority or a Provincial Council from the date of such conviction or finding and, if at that date such person has been elected or appointed as a Member of Parliament or member of a local authority, or of a Provincial Council such person's election or appointment as such member shall be vacated from that date;

(*b*) such person shall be disqualified for life from being employed as a public official and from being elected or appointed to a scheduled institution or to the governing body of a scheduled institution;

(*c*) such person shall, if he is a member of a scheduled institution or of the governing body of a scheduled institution, ceases to be a member of either of such institutions from the date of such conviction or finding; and

(*d*) such person shall, if he is a public official, ceases to be a public official from the date of such conviction or finding and, notwithstanding anything to the contrary in any other written law, be deemed to have been dismissed on that date by the authority empowered by law to dismiss him.

Non conviction based forfeiture of property

115. (1) The High Court shall, on an application made by the Director-General or any officer authorized by the Commission within a reasonable period grant a non conviction based forfeiture order in respect of any property within the jurisdiction of such court where the court is satisfied *prima facie* on the balance of probabilities that such property is or such property represents property obtained through any of the offences committed under this Act or property intended to be used in committing any of the offences under this Act.

(2) For the purposes of subsection (1), to be satisfied that a property is subject to the provision of subsection (1), it is not necessary to show that-

(*a*) the property was derived directly or indirectly, in whole or in part, from the commission of a particular offence under this Act; or

(*b*) any person has been prosecuted or convicted in relation to such an offence,

but only that it is the proceeds from any offence under this Act or it was used or intended to be used to commit an offence under this Act.

(3) An application for forfeiture may be made in respect of property into which original proceeds of an offence under this Act have been converted either by sale or otherwise.

(4) The Director-General shall give notice in writing regarding an application made under subsection (1) to any person who claims an interest in such property which is the subject matter of such application or to any person who is known to have an interest in such property or where the Director-General reasonably believes that a person may have an interest in such property, to such person not less than thirty days of making such application:

Provided however, the Director-General may dispense with the notice if that person has absconded from the proceedings.

(5) Any person who claims an interest in a property which is the subject matter of the application made under subsection (1), may appear and adduce evidence at the hearing of such application.

(6) The Court may, at any time before a decision is made on the application made under subsection (1), order the Director-General to publish a notice of such application in a daily news paper circulating in the island in Sinhala, Tamil and English languages, for the benefit of any person who, in the opinion of the court, appears to have any interest in such application.

(7) Where a person claiming an interest in any property which is the subject matter of any application made under subsection (1), satisfies the court that such person has acquired–

(*a*) the interest in such property before any offence relating to such property under this Act has been committed; or

(*b*) the interest for a fair value after any offence relating to such property under this Act was committed but did not know or could not reasonably have known before obtaining such interest that the property was the proceeds of any offence committed under this Act,

the court may make such order regarding such interest declaring that the forfeiture order shall not affect such interest to such extent or in such manner.

(8) The court may when it makes a forfeiture order under this section or any time thereafter, make any other order which the court may consider appropriate, including orders for and in respect of facilitating the transfer of such property.

(9) Any order made under this section shall not be affected by any decision of any criminal proceeding or of an investigation conducted to determine whether criminal proceedings shall be instituted or not, in respect of the property which is the subject matter of this application.

(10) The provisions of subsection (4) of section 114 relating to forfeiture order shall *mutatis mutandis* apply for forfeiture orders under this section.

Offences by body of persons

116. Where a body of persons is convicted of an offence under this Act, then-

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

(*b*) if such body of persons is a firm, every partner,

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

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

Employee shall include former employees, etc.

117. For the purposes of this Part, a public official or an employee of a private sector entity shall include —

(*a*) a former employee;

(*b*) a person seconded to the public authority or private sector entity;

(*c*) an individual who is engaged or contracted under a contract for services to do work for the public authority or private sector entity;

(*d*) a person concerned in the management of the public authority or private sector entity (including a person who is a member of the board or governing body of the public authority or private sector entity);

(*e*) a person who works for the public authority or private sector entity as a volunteer without reward or expectation of reward for that work; or

(*f*) a trainee or an apprentice of the public authority or private sector entity.

CHAPTER II

PROCEDURAL OFFENCES

Contempt

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

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

(3) If any person-

(*a*) fails to appear before the Commission without a cause reasonable enough in the opinion of the Commission, at the time and place mentioned in a summon served under this Act;

(*b*) refuses to be sworn or affirmed or, having been duly sworn or affirmed, refuses or fails without a cause reasonable enough in the opinion of the Commission, to answer any question put to such person touching the matters being investigated by the Commission;

(*c*) refuses or fails without a cause reasonable enough in the opinion of the Commission, to comply with the requirements of a notice or written order issued or made to such person by the Commission; or

(*d*) upon whom a summons is served under this Act, refuses or fails without a cause reasonable enough in the opinion of the Commission, to produce and show to the Commission any document or other thing which is in such person's possession or control and which is in the opinion of the Commission necessary for arriving at the truth of the matters being investigated,

such person commits the offence of contempt against or in disrespect of the authority of the Commission.

(4) For the purposes of this section, it shall not be deemed to be a reasonable cause for a person to refuse or fail to answer any question or to produce and show any document or other thing on the ground that the matter being investigated by the Commission is the same or substantially the same matter which is the subject of, or is likely to be the subject of an inquiry in any proceeding in any court or on the ground that the answer to such question or the production or showing of such document or other thing may directly or indirectly affect, or cause prejudice to such person in any other proceedings.

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

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

(*a*) be received in evidence, and be deemed to be such a certificate without further proof unless the contrary is proved; and

(*b*) be evidence that the determination set out in the certificate was made by the Commission and of the facts stated in the determination.

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

False allegations

119. Every person who makes an allegation in any information or complaint made by him to the Commission under section 43 knowing such allegation to be false or having reason to believe that such allegation does not constitute an offence under this Act shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one million rupees or imprisonment for a term not exceeding three years or to both such fine and imprisonment and shall in addition, be liable to the payment to the person in respect of whom the allegation was made, of a sum of money as compensation as the court may think fit.

Contravening Secrecy

120. Every person who acts in contravention of the duty imposed on him under subsections (1) and (2) of section 28 to maintain secrecy commits an offence and shall on

conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Resisting or obstructing duties of Director-General or other officer

121. Any person who –

(*a*) refuses the Director- General or any officer appointed to assist the Commission to enter, search, or have access to any place;

(*b*) assaults, obstructs, hinders or delays Director-General or any officer appointed to assist the Commission in effecting any entrance which the Director-General or such officer is entitled to effect under this Act, or in the execution of any duty imposed or power conferred on such officer by this Act;

(*c*) fails to comply with any lawful demand of the Director-General or any officer appointed to assist the Commission in the execution of such person's duty under this Act;

(*d*) refuses or neglects to give any information which may reasonably be required of such person and which such person has in such person's power to give; or

(*e*) resists or obstructs an officer in the execution of such officer's duty under the provisions of this Act,

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

False statements, information, etc.

122. Any person who knowingly —

(*a*) gives or causes to be given any false or misleading information relating to the commission of any offence under this Act or under any other law in relation to which an investigation discloses the commission of any offence by any person; or

(*b*) gives or causes to be given to the Director- General or any other officer appointed to assist the Commission false or misleading information,

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

Giving False evidence

123. (1) The provisions of Chapter XI of the Penal Code (Chapter 19) shall apply in respect of any person who gives false evidence in any proceeding under this Act.

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

Falsely pretend one to be an officer

124. Any person who falsely pretends that he is an officer or employee of the Commission or a person whose services are retained under section 27 or has any of the powers of such officer, employee or person under this Act or that he is able to influence such officer, employee or person to do or refrain from doing anything in connection with the duty of such officer, employee or person under this Act commits an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one million rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

Obstructing justice

125. (1) A person who directly or indirectly influences any member of the Commission, the Director-General, officer or employee of the Commission or a person whose services are retained under section 27 in the performance of such member's, the Director-General's or officer's or employee's or person's duty commits an offence and shall, upon conviction after summary trial before a Magistrate be liable to a fine of one hundred thousand rupees.

(2) A person who directly or indirectly by words written or spoken or by any act threatens any member of the Commission, the Director-General or any officer or employee of the Commission or a person whose services are retained under section 27 with any injury to such member's, the Director-General's or any other officer's or employee's or person's body, mind or reputation in order to deter such member, Director-General, officer or employee or person from the performance of such member's, the Director-General's or any other officer's, employee's or the person's duty under this Act commits an offence and shall, upon conviction after summary trial before a Magistrate, be liable to a fine not exceeding one million rupees, and upon a second or subsequent conviction for an offence under this subsection shall, in addition to such fine, be liable to imprisonment for a term not exceeding seven years.

(3) A person who causes injury to the body, mind or reputation of a member of the Commission, the Director General, any other officer or employee of the Commission or a person whose services are retained under section 27 in order to deter such member, Director-General, any other officer or employee of the Commission or a person whose services are retained under section 27 from the performance of their duty under this Act shall, upon conviction after summary trial before a Magistrate, be liable to a fine of not less than five hundred thousand rupees and not more than one million rupees or to rigorous imprisonment for a term not exceeding seven years.

Refuses, neglects, or omits to carry out an order of the Commission

126. (1) A person who fails or neglects, without reasonable excuse, to comply with any lawful demand, notice, order, direction or request of the Commission, the Director-General or the officers thereof in the exercise of the powers and functions under this Act commits an offence and shall, upon conviction after summary trial before a Magistrate, be liable to a fine not exceeding one million rupees or to rigorous imprisonment for a term not exceeding seven years.

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

Miscellaneous offences

127. (1) Any person who –

(*a*) interferes with a person who is to be, or has been, examined by the Commission;

(*b*) interferes with a person summoned in any proceedings instituted under this Act in or before a court of law;

(*c*) induces a person to refrain from giving evidence in any proceedings under the Act, in any court;

(*d*) threatens a person with injury to such person's body, mind or reputation in order to deter such person from giving evidence in any proceedings under the Act in any court;

(*e*) injures a person in body, mind or reputation in order to deter such person from giving evidence in any proceedings under the Act in any court;

(*f*) compels a person not to give evidence in any proceedings under the Act in any court;

(*g*) without reasonable cause fails to appear before the Commission at the time and place mentioned in a request served under this Act;

(*h*) without reasonable cause refuses to be sworn or affirmed or, having been duly sworn or affirmed, refuses or fails to answer any question put to such person regarding the matters being investigated by the Commission;

(*i*) without reasonable cause refuses or fails to comply with the requirement of a notice or written order issued or made to such person by the Commission;

(*j*) falsifies, conceals, destroys or otherwise disposes of or causes or permits the falsification, concealment, destruction or disposal of any document or material or thing which is or is likely to be relevant to the exercise, performance or discharge of any power, duty or function under this Act;

(*k*) falsifies, conceals, destroys or otherwise disposes of or causes or permits the falsification, concealment, destruction or disposal of any document or material or thing which is or is likely to be relevant to the execution of any order made in accordance with the provisions of this Act;

(*l*) destroys or otherwise disposes of any document or material which such person knows or has reason to believe is relevant to an investigation under the Prevention of Money Laundering Act, No. 5 of 2006 or the Convention for the Suppression of Financing of Terrorism Act, No. 25 of 2005;

(*m*) divulges the fact that a report has been made or any information has been provided to the Commission in terms of any provision of this Act, or that an investigation into an offence is being, or is about to be made, or divulges any other information to another person whereby such investigation is likely to be prejudiced; or

(*n*) conceals or retains proceeds or any part thereof of the results of the proceeds of an offence under this Act, whether or not he conceals or retains such proceeds directly or indirectly through intermediaries or conceals or retains for his own benefit or for the benefit of another person or an entity,

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

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

(*a*) an officer or employee or agent of the person making a report under this Act for any purpose connected with the performance of that person's duties;

(*b*) an attorney at law or legal advisor for the purpose of obtaining legal advice or representation in relation to any matter; or

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

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

(*a*) the performance of the first-mentioned person's duties; or

(*b*) obtaining legal advice or representation in relation to the matter.

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

Contravention of the legal obligation to give information

128. Any person who contravenes the provisions of section 145 of this Act commits an offence and shall, upon conviction after summary trial before a Magistrate, be liable to a fine not exceeding one million rupees or to rigorous imprisonment for a term not exceeding seven years.

General Offence

129. Any person who commits an offence referred to in section 41 for which no penalty is expressly provided for by this Act or other relevant law, shall upon conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

PART IV

GENERAL

Director-General on the direction of the Commission to initiate proceedings in Magistrate's Courts

130. A Magistrate's Court shall not entertain any prosecution for an offence under this Act except instituted by the Director- General on the direction of the Commission.

Compensation

131. (1) Notwithstanding anything to the contrary in any other provision of this Act, any person who is convicted of any offence under this Act may be ordered by the court to pay such sum of money as compensation to the Fund of the Commission or to any person affected by such offence.

(2) The compensation payable under subsection (1) shall be recovered as a fine imposed by the court.

(3) The Court may order that such sum of money payable as compensation under subsection (1), shall be paid within a stipulated period of time or in such instalments as may be specified by court.

Cognizable offences

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

Abetment of the commission of an offence

133. Whoever abets —

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

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

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

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

Attempts

134. A person who attempts to commit or to cause the commission of an offence under this Act and in such attempt does any other act towards the commission of that offence commits an offence and shall be tried in the same manner and shall upon conviction be liable to the same punishment as is specified by this Act for the first mentioned offence.

Conspiracy

135. Whoever is a party to a criminal conspiracy to commit an offence under this Act shall commit an offence under this Act and shall be tried in the same manner and shall upon conviction be liable to the same punishment as is specified by this Act for the first mentioned offence.

For the purpose of this section, "conspiracy" shall have the same meaning assigned to it under section 113A of the Penal Code (Chapter 19).

Applicability of the Code of Criminal Procedure Act and etc.

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

(2) The provisions of the Electronic Transactions Act, No. 19 of 2006 which are not expressly excluded by the provisions of this Act or are not inconsistent with the provisions of this Act shall apply to this Act.

(3) The offences specified in Schedule A and Schedule B to this Act where such offences have been committed in the same transaction together with an act which constitutes an offence in terms of this Act, shall have the same meaning assigned to such offences in those respective enactments and shall carry the same punishments as specified in those enactments:

Provided however, where the punishment for any offence specified in those respective enactments is less than a fine, not exceeding one million rupees or a term of imprisonment not exceeding seven years or both such fine and imprisonment, a fine not exceeding one million rupees or a term of imprisonment not exceeding seven years or both such fine and imprisonment shall apply to such offence.

(4) Notwithstanding anything to the contrary in the Penal Code (Chapter 19), for the purposes of this Act, the word "property" shall mean and include assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible and legal documents or instruments evidencing title to or interest in such assets.

(5) The provisions of the Right to Information Act, No. 12 of 2016 shall apply to this Act.

Cases not provided for in any other law

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

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

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

Reference to an Assistant Superintendent of Police, etc.

139. For the purposes of this Act, every reference under any of the other law referred to in this Act –

(*a*) to an Assistant Superintendent of Police shall be construed as a reference to an authorized officer specially authorized by the Commission; and

(*b*) to a police officer shall be construed as a reference to an authorized officer of the Commission.

Expenses of persons attending any trial or inquiry

140. A person who attends any trial or inquiry of the Commission under this Act to give evidence may be paid out of the Fund the expenses of attending the trial or inquiry at such rates and subject to such conditions as are from time to time determined by the Commission.

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

141. In the interest of the national economy, to foster integrity, transparency and accountability in governance and to promote integrity in the affairs of the private sector, considering the gravity and impact on the State, the proceedings in a court for offences under this Act shall be taken before any other business of the court unless in the opinion of the court special circumstances of urgency in such other business prevents it.

In camera proceedings

142. Upon application made in that behalf by the Commission or any officer authorized by it, the whole or any part of the proceedings in any court for offences under this Act may be held *in camera*, subject to Article 106 of the Constitution.

Giver of a gratification to be a competent witness

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

Spouse to be a competent witness

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

Legal obligation to give information

145. (1) Every person required by the Commission to give any information on any subject which it is the duty of the Commission to inquire into under this Act and which is in his power to give, shall be legally bound to give that information.

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

Duty to comply with orders of the Commission

146. A person shall, comply with any lawful demand, notice, order, direction or request of the Commission, the Director-General or the officers thereof in the exercise of the powers and functions under this Act without any exception.

Statutory obligation not to utter falsehoods

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

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

(2) A person who contravenes the provisions of the preceding subsection shall be subject to the provisions of section 119 of this Act and be dealt with accordingly.

(3) Where in the course of a trial for an offence under this Act, any witness contradicts either expressly or by necessary implication the statement previously given by him in the course of any investigation conducted by the Commission under this Act, or the statement previously given by him in the course of any investigation conducted by a Commission of Inquiry appointed under the Commission of Inquiry Act (Chapter 393) or by a Commission appointed under the Special Presidential Commission of Inquiry Law, No. 7 of 1978 on any material point, it shall be lawful for the presiding Judge or Magistrate if he considers it safe and just in all the circumstances to act upon such statement where such statement is corroborated in material particulars by evidence from an independent source and to have such witness at the conclusion of such trial tried before such court upon a charge sheet, or if such court is the High Court, tried on an indictment filed by the Director-General, for intentionally giving false evidence in a stage of a judicial proceeding:

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

(4) At any trial under subsection (3), it shall be sufficient to prove that the accused made statements contradictory to those alleged in the indictment or charge sheet and it shall not be necessary to prove which of such statements is false.

(5) The presiding Judge or Magistrate may, if he considers it expedient, adjourn the trial of any accused under subsection (3) for such period as he may think fit and in any such case the accused shall be remanded until the conclusion of such trial:

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

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

(*a*) an affidavit or sworn statement; or

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

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

Officers always on duty

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

Bail

149. (1) All offences under this Act shall be congnizable and non-bailable and where any person suspected or accused of, being concerned in committing or having committed an offence under this Act, appears, is brought before or produces or surrenders before a Magistrate shall grant bail as per the provisions of the Bail Act, No. 30 of 1997:

Provided that any person detected of having committed an offence under this Act consisting of soliciting, accepting or offering a gratification is brought before or produced or surrenders before any Magistrate with a certificate of the Director-General confirming such detection, the Magistrate shall remand such person until the conclusion of the trail:

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

(2) Notwithstanding the provisions of subsection (1), in any proceeding under such subsection, where the Commission informs the Magistrate that it does not intend to institute proceedings against the person in custody, such person shall be discharged forthwith.

Sentencing guidelines

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

(*a*) whether the commission of the offence has had an adverse impact on the community;

(*b*) whether any financial and material loss caused to the Government of Sri Lanka and to the general public;

(*c*) whether any financial and other resources are required for the reparation and restoration of the damages caused; and

(*d*) whether the commission of the offence has adversely affected the country.

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

(*a*) expression of remorse;

(*b*) time period spent in detention or remand;

(*c*) coercion or duress under which the offence had been committed;

(*d*) voluntarily providing of reparation by the accused to the victims of the offence; or

(*e*) public denouncement of the offences in respect of which the accused was convicted of guilty.

Civil liability for contravention of certain sections

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

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

Exemptions

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

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

(3) The court shall issue proceedings and certified copies of journal entries to the Commission free of charge.

Jurisdiction

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

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

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

(i) wholly or partly, in Sri Lanka;

(ii) in or over territorial waters of Sri Lanka;

(iii) in the airspace of Sri Lanka;

(iv) on-board or in respect of an aircraft or vessel registered in Sri Lanka or belonging to or used by the Government of Sri Lanka;

(v) wholly or partly within the office premises of a diplomatic mission of Sri Lanka, or a Consular Post or office of Sri Lanka, or at the residence of the Head of such diplomatic mission or consular post or at the residence of any diplomatic or consular officer or any other employee of such mission or post subject to the provisions of the Diplomatic Privileges Act, No. 9 of 1996; or

(vi) wholly or partly within the office premises situated outside Sri Lanka of a statutory board of the Government of Sri Lanka or within the residence of an employee of such statutory board; or

(*c*) any person, who commits an offence under this Act, within or outside Sri Lanka in respect of –

(i) a citizen of Sri Lanka; or

(ii) an asset owned by the Government of Sri Lanka.

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

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

Extradition

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

"( ) An offence covered by the Anti-Corruption Act, No 9 of 2023;".

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

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

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

Mutual Legal Assistance

155. The provisions of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 shall, wherever it is necessary for the investigation and prosecution of an offence under this Act, and for any of the objectives under the said Act *mutatis mutandis* be applicable in respect of the provision of assistance between the Government of Sri Lanka and other States designated under the aforesaid Act.

Regulations

156. (1) The Minister may make regulations in consultation with the Commission in respect of matters required by this Act to be prescribed or in respect of which regulations are authorized to be made.

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

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

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

Power of the Commission to make rules

157. (1) The Commission may make rules in respect of all or any matter for which rules are authorized or required by this Act to be made.

(2) Every rule made under subsection (1) shall come into force upon publication in the *Gazette*.

Financial year

158. (1) The financial year of the Commission shall be the period of twelve months commencing on the first day of January each year.

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

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

Reports

159. (1) The Commission shall prepare reports of its activities as often as it may consider necessary, and shall prepare at least one report in each calendar year.

(2) The Commission shall prepare quarterly in each calendar year, its performance evaluation reports.

(3) The Commission shall cause every report so prepared to be sent to the President who shall cause the same to be placed before Parliament.

(4) The reports of the Commission placed before Parliament shall be made available to the public through the official website of the Commission with due regard to privacy and personal data.

Application of Article 140 of the Constitution

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

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

Provisions of this Act to prevail over other law

161. Where the provisions of this Act are in conflict or are inconsistent with any other written law, the provisions of this Act shall prevail.

Interpretation

162. (1) For the purpose of this Act,–

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

(*b*) every reference in this Act to the Government shall be construed in a mannar that does not cause interference with the judiciary and shall be subject to Article 111C of the Constitution.";

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

"adverse conditions of employment" shall include harassment by co-workers. It is treated as done by the employer. It is immaterial whether such act is done with the knowledge or approval of the employer;

"associated offences" means offences referred to in section 41 of this Act other than any offence specified in this Act;

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

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

"Commissioner of Local Government" includes any Deputy Commissioner of Local Government and any Assistant Commissioner of Local Government;

"complaint" shall mean any written or oral communication with statement received through electronic means or otherwise to the Commission in relation to the commission of an offence under this Act in which the communicator divulges his

identity. This does not include any material which comes to the attention of the Commission through the channels stipulated in paragraph (*a*), (*c*), or (*d*) of subsection (1) of section 42;

"documents" include information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production including references to producing a copy of the information in legible form;

"electronic communication" means any communication made by means of data message generated, sent, received or stored by electronic, magnetic, optical or other similar means;

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

"foreign public official" means an individual who -

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

(*b*) exercises a public function –

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

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

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

"Government" includes the Legislature, Executive and the Judiciary;

"gratification" includes -

(*a*) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable, intangible and unreal or immovable;

For the purposes of this paragraph, "money" includes currency which is in digital or virtual form recognized as legal tender, whether or not such currency is recognized in Sri Lanka.

(*b*) any office, employment or contract;

(*c*) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever whether in whole or in part;

(*d*) sexual favour;

(*e*) any other service, favour or advantage of any description whatsoever including protection from any penalty or disability incurred or apprehended from any action or proceedings of a disciplinary or penal nature, whether or not already instituted, including the exercise, or the forbearance from the exercise of any right or any official power or duty; and

(*f*) any offer, undertaking or promise of any gratification within the meaning of the preceding paragraphs (*a*), (*b*), (*c*), (*d*) or (*e*);

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

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

"informer" includes a whistleblower;

"judicial officer" shall have the same meaning assigned to such expression in the Constitution;

"listed Company" shall have the same meaning assigned to such expression in the Companies Act, No.07 of 2007;

"local authority" means a Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, perform and discharge, powers, duties and functions, corresponding to, or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha;

"local or foreign expert" includes any expert specified in section 45 of the Evidence Ordinance (Chapter 14);

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

"non-intimate sample" means—

(*a*) a sample of head hair;

(*b*) a sample taken from a nail or from under a nail;

(*c*) a swab taken from any part, other than a private part, of a person's body or from the mouth but not any other body orifice;

(*d*) saliva; or

(*e*) an impression of any part of a person's body other than—

(i) an impression of a private part;

(ii) an impression of the face; or

(iii) the identifying particulars;

"private part" in relation to a person's body, means the genital or anal area and includes the breasts in the case of a woman;

"identifying particulars" include photographs, finger-prints, palm-prints, sole-prints, toe-prints and the weight and height measurements of a person;

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

"person" includes both natural and legal persons;

"person assisting the Commission" for the purposes of this Act means any person who assists the Commission in any manner;

"prescribed" means prescribed by regulations;

"private sector entity" means a specified business enterprise as defined in section 5 of the Sri Lanka Accounting and Auditing Standards Act, No. 15 of 1995;

"Provincial Council" means a Provincial Council established by Chapter XVIIA of the Constitution;

"public authority" includes a Government Ministry, Government Department, Provincial Council, local authority or public corporation;

"public corporation" means any corporation, board or other body which was or is established by or under any written law other than the Companies Act, No. 07 of 2007 with capital partly or wholly provided by the Government by way of grant, loan or other form, and includes all scheduled institutions under this Act;

"public international organisation" means an organisation whose members are —

(*a*) countries or territories outside Sri Lanka;

(*b*) governments of countries or territories outside Sri Lanka; and

(*c*) a mixture of any of the above;

"public officer" shall have the same meaning assigned to such expression in the Constitution;

"public official" include the President, the Prime Minister, a Minister of the Cabinet of Ministers, a Minister appointed under Article 45 of the Constitution, Speaker, Deputy Speaker, Chairman of a Committee, Deputy Chairman of a Committee, a Deputy Minister, the Governor of a Province, a Minister of the Board of Ministers of a Provincial Council, a Member of Parliament, a Judge of the Supreme Court, a Judge of the Court of Appeal, Judge of the High Court or a Judge, presiding officer, or member of any other Court of first Instance, tribunal or institution created and established for the administration of Justice or for the adjudication of any labour or

other dispute, every officer, official or employee of the State or any Chairman, member, officer, official or employee of any Independent Commission established by the Constitution, or any other diplomatic agent appointed by the Constitution, or any Chairman, member, officer, official or employee of any Commission appointed under any other law; or any Chairman, director, Governor, member, officer, official or employee, whether in receipt of remuneration or not, of a Provincial Council, local authority or of a scheduled institution, or of a company incorporated under the Companies Act, No. 07 of 2007, in which over twenty five *per centum* of the shares are held by the Government, a member of a Provincial Public Service, every juror, every licensed surveyor and every arbitrator or other person to whom any cause or matter has been referred for decision or report by any court or any other competent public authority:

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

"Registrar General of Lands" means the Registrar General of Lands appointed under section 2 of the Registration of Documents Ordinance (Chapter 117);

"Registrar General of Title" means the Registrar General of Title appointed under section 3 of the Registration of Title Act, No. 21 of 1998;

"scheduled institution" means any public authority or public corporation and includes any private sector entity or any body-

(*a*) in which any such public authority or public corporation; or

(*b*) in which more than one such public authority or public corporation,

in the aggregate, holds, not less than twenty five percent of the shares;

"sexual favour" means -

(*a*) sexual intercourse; or

(*b*) any act that may not amount to sexual intercourse, but may amount to or constitute physical, verbal or non-verbal conduct of a sexual nature, including the exposure of a private body part or any act performed by the use of information and communication technology or any other means.

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

"staff officer" means any employee of the Government or a Provincial Council or a local authority or any employee of a public corporation as may be specified by rules made under section 157;

"victim" means a person who has suffered any injury, harm whether physical or mental, emotional, economic or other loss as a result of an act or omission which constitute an offence under this Act;

"whistleblower" shall include persons assisting such whistleblower, persons providing supporting information to such whistleblower, a family member or dependant of such whistleblower or any other person of significant importance to such whistleblower;

"witness" for purposes of section 75 means any person who—

(*a*) has provided information or lodged a complaint with any law enforcement officer and based upon such information or complaint, an investigation or inquiry could or has commenced or is likely to commence, in connection with the alleged commission of an offence under this Act;

(*b*) in the course of an investigation or inquiry conducted by the Commission or a law enforcement authority into the alleged commission of an offence under this Act, has provided information or made a statement containing an account of matters in respect to which such person had been questioned;

(*c*) has provided an affidavit or submitted a statement in support of a complaint made or any legal action instituted by the Commission;

(*d*) has provided information or any communication to the Commission;

(*e*) has reasonable grounds to believe that he shall be summoned by a court or the Commission to make a statement or testify in any judicial or quasi-judicial

proceedings against a person, based on information provided or a statement made to a law enforcement authority or the Commission by such person;

(*f*) has received summons from a court or the Commission to make a statement, testify or produce any document, report or object in any judicial or quasi-judicial proceeding before such court or the Commission; or

(*g*) being a public officer, has investigated into the alleged commission of an offence or an alleged infringement of a fundamental right or the violation of a human right,

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

"written" shall include electronically generated documents.

PART V

TRANSITIONAL PROVISIONS AND SAVINGS

Repeals, savings and transitional provisions

163. (1) (*a*) The Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994;

(*b*) Declaration of Assets and Liabilities Law, No. 1 of 1975; and

(*c*) The Bribery Act (Chapter 26),

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

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

(*a*) the Commission established under the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 and functioning as such on the date of commencement of this Act shall be deemed to be the Commission for the purposes of this Act until a new Commission is established under Part I of this Act, and the members holding office immediately prior to the date of commencement of this Act shall be deemed to have been appointed as such under this Act and continue to hold office until new members are appointed;

(*b*) all regulations and rules made under the repealed Acts and are in force on the day immediately prior to the date of commencement of this Act and not inconsistent with the provisions of this Act shall be deemed to be regulations and rules made under this Act and shall continue to be valid;

(*c*) all contracts, agreements and other instruments made under the repealed Acts and subsisting on the day immediately prior to the date of commencement of this Act, shall be deemed to be contracts, agreements and other instruments made by the Commission under this Act;

(*d*) all suits, actions, and other legal proceedings instituted or inquiries or investigations commenced by or against the Commission to Investigate Allegations of Bribery or Corruption established under the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 and pending on the day, immediately prior to the date of commencement of this Act, shall be deemed to be suits, actions and other legal proceedings instituted

or inquiries or investigations commenced by or against the Commission under this Act and may be continued after the appointed date as if they were suits, actions and other legal proceedings instituted or inquiries or investigations commenced and continued under this Act;

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

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

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

(*h*) all officers and officials of the Commission to Investigate Allegations of Bribery or Corruption established under the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 holding office prior to the date of commencement of this Act, shall be deemed with effect from the date of commencement of this Act to be the officers and officials of the Commission established under this Act, on terms not less

favourable than the terms and conditions of employment to which they were entitled under the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994, and shall communicate to the Commission, within three months of the establishment of the Commission, whether they opt to join the service of the Commission:

provided that,

(i) every officer and official who opts to join the service of the Commission shall, for purposes of calculating pension and other retirement benefits only, be deemed to have continued in office as a public officer in the Commission to Investigate Allegations of Bribey or Corruption estalished under the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 from the date on which he was employed by that Commission until the end of his period of service in the Commission established under this Act and shall, if his period of service in the Commission when added to his previous period of services as a public officer amounts to twenty years or more, be eligible, at the end of his period of service in the Commission, for the grant of pension and retirement benefits which may be applicable to such officers and officials under the provisions of any other written law including the Minutes on Pensions;

(ii) every officer and official who opts for voluntary resignation from the service of the Commission, shall be entitled to such compensation as shall be paid in terms of a Voluntary Retrenchment Scheme as shall be prescribed by the Minister and be entitled to pension and other retirement benefits which may be applicable to such officers and officials under the provisions of any written law including the Minutes on Pensions,

(3) All investigations under the repealed Acts commenced by the Commission under the Commission to Investigate Allegations of Bribery or Corruption Act, No.19 of 1994, and pending on the day preceding the appointed date shall be deemed to be investigations commenced by the Commission under this Act, and all such investigations may be continued after the appointed date, as if they were investigations commenced and continued on the direction of the Commission, and all statements and documents furnished to the Commission in the course of investigations or certified copies thereof shall be admissible in proceedings instituted under the Commission to Investigate Allegations of Bribery or Corruption Act, No.19 of 1994, as if such investigations were conducted and the proceedings were instituted under this Act.

(4) Notwithstanding the repeal of the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994, the Bribery Act (Chapter 26) and the Declaration of Assets and Liabilities Law No.1 of 1975 –

(*a*) every reference to the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 in any other written law shall be construed as a reference to this Act;

(*b*) every reference to the Bribery Act (Chapter 26) in any other written law shall be construed as referring to the corresponding provisions contained in this Act; and

(*c*) every reference to the Declaration of Assets and Liabilities Law, No. 1 of 1975 in any other written law shall be construed as a reference to this Act.

Sinhala text to prevail in case of inconsistency

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

SCHEDULE A

[Section 41]

1. Sections 372 and 378 of the Penal Code (Chapter 19)	- extortion

2. Section 386 of the Penal Code (Chapter 19)	-	dishonest misappropriation of property
3. Section 388 of the Penal Code (Chapter 19)	-	criminal breach of trust
4. Section 389 of the Penal Code (Chapter 19)	-	punishment for criminal breach of trust
5. Section 390 of the Penal Code (Chapter 19)	-	criminal breach of trust by a carrier, &c.
6. Section 391 of the Penal Code (Chapter 19)	-	criminal breach of trust by a clerk or servant
7. Section 392 of the Penal Code (Chapter 19)	-	criminal breach of trust by a public servant or by bankers, merchant or agent
8. Section 392A of the Penal Code (Chapter 19)	-	criminal breach of trust by a public servant in respect of money or balance of money
9. Sections 398 to 403 of the Penal Code (Chapter 19)	-	cheating
10. Section 406 of the Penal Code (Chapter 19)	-	dishonest or fraudulent execution of a deed of transfer containing a false statement of consideration
11. Section 452 of the Penal Code (Chapter 19)	-	forgery
12. Section 453 of the Penal Code (Chapter 19)	-	making a false document
13. Section 454 of the Penal Code (Chapter 19)	-	punishment for forgery
14. Section 455 of the Penal Code (Chapter 19)	-	forgery of a record of a court of justice or of a public register or births, &c.

15. Section 457 of the Penal Code (Chapter 19)	-	forgery for the purpose of cheating
16. Section 458 of the Penal Code (Chapter 19)	-	a forged document
17. Section 459 of the Penal Code (Chapter 19)	-	using as genuine a forged document
18. Section 462 of the Penal Code (Chapter 19)	-	having possession of a forged record or valuable security or will known to be forged, with intent to use it as genuine; and
19. Section 467 of the Penal Code (Chapter 19)	-	falsification of accounts

SCHEDULE B

[Section 41]

1. any offence under Chapter XI of the Penal Code (Chapter 19);

2. any offence under the Offences Against Public Property Act, No. 12 of 1982; and

3. any offence under the Computer Crime Act, No. 24 of 2007.

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.