

## BRIBERY

### AN ACT TO PROVIDE FOR THE PREVENTION AND PUNISHMENT OF BRIBERY AND TO MAKE CONSEQUENTIAL PROVISIONS RELATING TO THE OPERATION OF OTHER WRITTEN LAW.

Law Nos,

8 of 1973

38 of 1974

11 of 1976

Act Nos,

11 of 1954

17 of 1956

40 of 1958

2 of 1965

18 of 1965

9 of 1980

[20 of 1994](#) [ 27<sup>th</sup> October , 1994 ]

[1<sup>st</sup> March , 1954 ]

Short title. **1.** This Act may be cited as the Bribery Act.

Effect of this Act **2.**  
on operation of  
other written  
law.

(1) Every provision of this Act which may be in conflict or inconsistent with anything in the Ceylon (Constitution) Order in Council, 1946, (Repealed by the Constitution of Sri Lanka, 1972, which itself has been repealed by the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978.) shall for all purposes and in all respects be as valid and effectual as though that provision were in an Act for the amendment of that Order in Council enacted by Parliament after compliance with the requirement imposed by the proviso of subsection (4) of section 29 of that Order in Council.

(2) Where the provisions of this Act are in conflict or are inconsistent with any other written law, this Act shall prevail.

## PART I

### INVESTIGATION OF ALLEGATIONS OF, AND PROSECUTION FOR BRIBERY

Application of the **6.** (Sections 2A, 3, 4 and 5 are repealed by Act No. 20 of 1994).  
Code of Criminal  
Procedure Act, No. 15  
of 1978.

[ 4, 9 of 1980 ]

(1) Such of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979, as are not excluded by subsection (2) or are not inconsistent with the provisions of this Act shall apply to proceedings instituted in a court for offences under this Act.

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

Jurisdiction to try an **8.** (Section 7 is repealed by Act No. 20 of 1994.) Notwithstanding the in respect of an provisions of any other written law to the contrary the high Court offence under section holden in any judicial zone shall have jurisdiction to try an indictment

23A. for bribery in respect of an offence under section 23A of this Act.

[ 6, 9 of 1980]

Calling of witnesses and use and production of documents not specified in the indictment. **11.**( Sections 9 and 10 are repealed by Act No. 9 of 1980 and Act No. 20 of 1994 respectively.) At the trial of a person for an offence under this Act, the court or the prosecutor may, notwithstanding anything to the contrary in any other written law, call any such witness, or use or produce any such document, as is not specified in the list of witnesses or productions.

[ 8, 2 of 1965]

[ [ 9, 9 of 1980]

Manner of service of summons on any person issued in proceedings in court for bribery. **12.** In addition to the manner of service of summons on witnesses prescribed by the Code of Criminal Procedure Act, No. 15 of 1979, summons on any person issued in proceedings in a court for bribery may served in the following manner:-

[ 8, 2 of 1965]

[ [ 10, 9 of 1980]

- (a) by registered letter addressed and dispatched by express post to the person to be summoned; or
- (b) in the case of a public officer, by registered letter addressed and dispatched by express post to the head of the department, office or establishment in which such public officer is employed; or
- (c) in the case of any person who is employed under any other person, by registered letter addressed and dispatched by express post to the employer; or
- (d) through any gramaniadhari; or
- (e) in urgent cases by telegram.

## PART II

### OFFENCES OF BRIBERY

Bribery of judicial officers and Members of Parliament. **14.**(Section 13 is repealed by Act, No. 20 of 1994.) A person-

- (a) who offers any gratification to a judicial officer, or to a Member of Parliament, as an inducement or a reward for such officer's or Member's doing or forbearing to do any act in his judicial capacity or in his capacity as such Member, or
- (b) who, being a judicial officer or a Member of Parliament, solicits or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his judicial capacity or in his capacity as such Member,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees:

[ 9, 2 of 1965] Provided, however, that it shall not be an offence under the preceding provisions of this

[ [ 2, 17 of 1956] section for any trade union or other organization to offer to a Member of Parliament, or for any such Member to accept from any trade union or other organization, any allowance or other payment solely for the purposes of his maintenance.

Acceptance of gratification by Members of Parliament for interviewing public officers. **15.** A Member of Parliament who solicits or accepts any gratification as an inducement or a reward for-

- (a) his interviewing a public officer on behalf of any person, or
- (b) his appearing on behalf of any person

before a public officer exercising judicial or quasi judicial functions,

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees:

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

Bribery of police officers, peace officers and other public officers.

**16.**

(a) who offers any gratification to any police officer, peace officer, or other public officer 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 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, 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,

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

Bribery for giving assistance or using influence in regard to contracts.

**17.**

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

(b) who, being a public officer, 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,

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

Bribery for procuring withdrawal of tenders.

**18.**

(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 reward for his withdrawing such tender, or

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

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

Bribery in respect of Government business.

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

(b) who, being a public officer, 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 favoring as is referred to in paragraph (a) of this section, or

[ 8, Law 38 of 1974]

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

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees:

[ 8, Law 38 of 1974] Provided, however, that it shall not be an offence for a public officer to solicit or accept any gratification which he is authorized by law or the terms of his employment to receive;

[ 11, 9 of 1980] Provided further that section 35 of the Medical Ordinance shall not entitle a medical practitioner who is a public officer to solicit or accept any gratification.

Bribery in connexion with payment of claims, appointments, employments, grants leases, and other benefits.

20. 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, or

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

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

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

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

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

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

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

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

Bribery of public officers by persons having dealings with the Government.

**21.** 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 officer employed in that department, office or establishment, or

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

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

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees:

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

Bribery of member of local authority, or of scheduled institution, or of governing body of scheduled institution, and bribery of officer or employee of local authority or of such institution.

**22.** A person-

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

(i) such member's voting or abstaining

from voting at any meeting of such local authority, scheduled institution, or governing body or of a committee thereof in favour of or against any measure, resolution or question submitted to such local authority, scheduled institution, governing body, or committee, or

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

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

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

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

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

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

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

Use of threats or fraud to **23.** A person-

influence vote of member of local authority, or of scheduled institution, or of governing

(a) who, attempts by any threat, deceit, suppression of the truth or other unlawful means to influence

body of scheduled institution.

any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution in giving or withholding his vote in favour of or against any measure, motion, resolution or question submitted to any meeting, or in not attending any meeting, of such local authority, scheduled institution, or governing body or of any committee thereof, or

(b) who attempts by any such means as in the last preceding paragraph mentioned to influence any member or any officer or employee of a local authority, or of a scheduled institution, or of the governing body of 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,

[ 9, 2 of 1965] shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

To own or to have owned **23A.**  
property deemed under this

section to be property acquired by bribery or property to which property acquired by bribery has or had been converted is to be an offence.

[ 14, 40 of 1958]

(1) Where a person has or had acquired any property on or after March 1, 1954, and such property-

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

(i) part of his known income or receipts, or

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

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

(i) property acquired with part of his known income, or

(ii) property which is or was part of his known receipts, or

(iii) property to which any part of his 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 him, that such property is or was property which he has or had acquired by bribery or to which he has or had converted any property



acquired by him by bribery.

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

[ 10 2 of  
1965]

(3) A person who is or had been the owner of any property which is deemed under subsection (1) to be property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees:

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

[ 3, 20 of  
1994]

(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 why he should not be prosecuted for such offence and he has failed to show cause or the cause shown by him unsatisfactory in the opinion of such Commission.

[ 9,38 of  
1974]

(5) For the purposes of this section, where a spouse or unmarried child under the age of eighteen years of a person has or had acquired any property movable or immovable on or after March 1, 1954, 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.

[12, 9 of  
1980]

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

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

[12, 9 of  
1980]

(7) For the purpose of this section " a person" shall mean any person whomsoever, whether or



not such person can be shown to have been concerned with any act referred to in section 18 or section 20 or whether or not he is public officer within the meaning of this Act.

Accepter of gratification to be guilty notwithstanding that purpose not carried out, & c.

**24.** Where in any proceedings against any person for any offence under any section in this Part of this Act, it is proved that he accepted any gratification, having grounds to believe or suspect that the gratification was offered in consideration of his doing or forbearing to do any act referred to in that section, he shall be guilty of an offence under that section notwithstanding that he did not actually have the power, right or opportunity so to do or forbear or that he accepted the gratification without intending so to do or forbear or that he did not in fact so do or forbear.

Attempt to commit, and abetment of, an offence under this Part.

**25.**

(1) A person who attempts to commit or to cause the commission of an offence under this Part of this Act and in such attempt does any act towards the commission of that offence shall be guilty of an offence and shall be tried in the same manner, and shall upon conviction be liable to the same punishment, as is prescribed by this Act for the first-mentioned offence.

(2) A person who abets an offence under this Part of this Act shall be guilty of an offence and shall be tried in the same manner, and shall upon conviction be liable to the same punishment, as is prescribed by this Act for the first-mentioned offence. In this subsection the expression "abet" shall have the same meaning as in sections 100 and 101 of the Penal Code.

[ 10, Law 38 of 1974]

(3) A person who conspires with any other person to commit an offence under this Part of this Act shall be guilty of an offence and shall be tried in the same manner and shall upon conviction be liable to the same punishment as is prescribed by this Act for the first-mentioned offence. In this subsection, the expression "conspire" shall have the same meaning as in section 113A of the Penal Code

When penalty to be imposed in addition to other punishment.

[ 11, 2 of 1965]  
[ [ 13, 9 of 1980]

**26.** Where a court convicts any person of an offence committed by the acceptance of any gratification in contravention of any provision of this Part of this Act, then, if that gratification is a sum of money or if the value of that gratification can be assessed, the court shall, in addition to the court's 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.

Additional fine to be imposed.

[ 11, Law 38 of 1974]  
[ [ 14, 9 of 1980]

**26A.** Where the High Court convicts any person of an offence under section 23 A, it shall, in addition to any other penalty that it is required to impose under this Act, impose a fine of not less than the amount which such court has found to have been acquired by bribery or by the proceeds of bribery or converted to property by bribery, or by the proceeds of bribery and not more

than three times such amount.

Recovery of fine or penalty imposed by court.

[ 13, 2 of 1965]

[ [ 16, 9 of 1980]

**28**(Section 27 is repealed by Act No. 20 of 1994.).

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

(3)(Subsections (2) and (4) are repealed by Act No. 2 of 1965.)

Where the person liable to pay the fine or penalty referred to in the preceding provisions of this section was a public officer 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 that date by the spouse of, or a son or daughter maintained by, such person shall, in addition to the movable and immovable property of such person, be liable to be seized and sold for the recovery of the amount of such fine or penalty, if the property so acquired-

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

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

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

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

Forfeiture of property in relation to which an offence has been committed.

[\[ 5, 20 of 1994\]](#)

**28A**(Section 28A shall be deemed for all purposes to have come into force on the date of commencement of the principal enactment and accordingly, the punishment described therein may be imposed for an offence committed prior to 15th December, 1994 (appointed date). See section 18 of Act No. 20 of 1994.).

(1) Notwithstanding anything to the contrary in any other provision of this Act, where a court convicts a person of an offence under this Part of this Act, the court may in lieu of imposing a penalty or fine under section 26 or section 26A, 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.

(2) An order made under subsection (1) shall take effect-

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

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

Effect of a conviction of a person of bribery by a court or the finding of a commission of inquiry that a person is guilty of bribery.

[ 18,40 of 1958]

[ [ 17, 9 of 1980]

**29.** Where a person is convicted or found guilty of bribery by a court or a commission of inquiry, then, by reason of such conviction of finding-

(a) he shall be come incapable for a period of seven years from the date of such conviction or finding of being registered as an elector or of voting at any election under the Ceylon (Parliamentary Elections) Order in Council, 1946, or for a period of five years under the Local Authorities Elections Ordinance, or of being elected or appointed as a Member of Parliament or as a member of a local authority, and, if at that date he has been elected or appointed as a Member of Parliament or member of a local authority, his election or appointment shall be vacated from that date;

(b) he shall be disqualified for all time from being employed as a public officer and from being elected or appointed to a scheduled institution or to the governing body of a scheduled institution;

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

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

Offences under this Part to be cognizable.

**30.** All offences under this Part of this Act shall be cognizable offences for the purpose of the application of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979, notwithstanding anything contained in the First Schedule of that Act.

Procedure on detection of person receiving illegal gratification.

[ 6, 20 of 1994]

**30A.**

(1) Where any officer, appointed to assist the Commission detects any person accepting, soliciting or offering an illegal

gratification, such officer shall-

- (a) without unnecessary delay take such person before any Magistrate; or
- (b) produce such person before any Magistrate with a certificate under the hand of the Director-General that such person has been detected accepting, soliciting or offering an illegal gratification; or
- (c) produce before the Magistrate any currency notes alleged to have been accepted, solicited or offered as an illegal gratification by the person referred to in paragraph (a) or (b) together with a report under the hand of the Director-General that such notes were alleged to have been so accepted, solicited or offered.

[\[ 6.20 of 1994\]](#) (2) Where a person is produced before any Magistrate, under paragraph (b) of subsection (1), the Magistrate shall remand such person until the conclusion of the trial:

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

[\[ 6.20 of 1994\]](#) (3) Where any currency notes are produced before any Magistrate under paragraph (c) of subsection (1) the Magistrate shall issue a certificate under his hand to the effect that 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.

[\[ 6.20 of 1994\]](#) (4) Notwithstanding the provisions of subsection (2), in any proceeding under paragraph (a) or paragraph (b) of subsection (1), where the Commission informs the Magistrate that it does not propose to institute proceedings against the person in custody such person shall be discharged forthwith.

### PART III

#### COMMISSIONS OF INQUIRY

Power to appoint  
commissions of inquiry  
to investigate  
allegations of bribery.

**32.**(Section 31 is repealed by Act No. 9 of 1980.)

(1) The President may appoint, by warrant under the Public Seal of the Republic, a commission of inquiry consisting of one or more members to inquire into and report on any allegations of bribery-

- (a) made generally against the Cabinet of Ministers, or the Members of Parliament, or the members of any local authority, or the persons appointed by the President to any office, or the

members, directors, or governing body of any scheduled institution, or

(b) made against any particular person or persons specified in paragraph (a) of this subsection.

(2) A warrant appointing a commission of inquiry under this Act shall contain such particulars as are required by subsection (2) of section 2 of the Commissions of Inquiry Act, to be set out in a warrant issued under that Act.

Application of provisions of Commissions of Inquiry Act.

**33.** Upon the appointment of a commission of inquiry under this Act, the provisions of the Commissions of Inquiry Act other than the provisions of subsection (1) of section 2 and the provisions of section 17, shall apply in like manner as if such commission were appointed under that Act.

Powers of commissions of inquiry,

**34.**

(1) A commission of inquiry shall, in addition to the powers under the Commissions of Inquiry Act, have-

(a) the power to cause summons on any person issued in proceedings before the commission to be served in any manner specified in paragraphs (a), (b), (c), (d) and (e) of section 12;

(b) the power to issue warrants of arrest in case of disobedience to summons;

(c) the power to require by written notice the person or each person in respect of whom the commission is holding an inquiry to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person and by the spouse, sons and daughters of such person, and specifying that date on which each of the properties enumerated was acquired whether by way of purchase, gift, bequest, inheritance or otherwise;

(d) the power to require by written notice any other person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person where the commission has reasonable grounds to believe that such information can assist the inquiry;

[ 20, 40 of 1958]

(e) the power, in regard to the person or each person in respect of whom the inquiry is held and in regard to the spouse, sons and daughters of that person, to require by written notice any bank, or any department, office or establishment of the Government, or any local authority or scheduled institution to produce any such books and documents, and to furnish any such certified copies and any such information; [(Should be deleted consequential to the repeal of section 4 by Act No. 20 of 1994.)as the

Bribery Commissioner may require under section 4 to be produced or furnished] and

(f) such other powers as may be conferred on the commission by the President either by the warrant constituting the commission or by any subsequent warrant.

(2) A warrant of arrest issued by a commission of inquiry-

(a) shall be under the hand of the chairman of the commission or, if the commission consists of a sole commissioner, under the hand of such commissioner, and

(b) shall be executed by any police officer to whom it is directed.

No stamp duty shall be payable for any such warrant of arrest.

[ 20, 40 of 1958]

(3) A commission of inquiry shall treat all information obtained by it under paragraph (d) of subsection (1) with the strictest secrecy and shall not divulge such information to any person other than the commission, the person in respect of whom the inquiry is held, or any attorney-at-law appearing for that person.

Inquiry despite  
absence of person  
affected.

Language of  
evidence.

**35.** Where a person in respect of whom a commission of inquiry is holding an inquiry refuses or neglects to attend the inquiry, the commission may proceed with the inquiry in his absence.

(1) A commission of inquiry may cause the evidence given before it to be taken down in such language as it may deem proper.

(2) Where any evidence is given before a commission of inquiry in a language which any member of the commission does not understand, it shall be interpreted into a language understood by that member.

Offence of contempt against  
commission of inquiry to be  
communicated to the  
President of the Court of  
Appeal.

(1) Every offence of contempt committed against or in disrespect of the authority of a commission of inquiry shall be communicated to the President of the Court of Appeal by letter under the hand of the chairman of the commission or, where the commission consists of a sole commissioner, under the hand of such commissioner.

(2) The President of the Court of Appeal shall, upon his receiving from a commission of inquiry a communication under subsection (1), issue a rule nisi for: contempt of court on the person named in that communication, as having committed the offence of contempt against or in disrespect of the authority of that commission.

(3) A person on whom a rule nisi is issued under subsection (2) shall be liable to be punished unless he

shows cause to the satisfaction of the Court of Appeal.

(4) In any proceedings against any person for the offence of contempt committed against or in disrespect of the authority of a commission of inquiry, no member of that commission shall be liable to be summoned as a witness by that person, but the Court of Appeal may, if that court considers it necessary to do so, examine a member of that commission.

Publication of  
report of  
commission of  
inquiry. **38.**

(1) The President shall order the publication of the report of a commission of inquiry if in his opinion the public interest will not suffer by such publication.

(2) Where the President decides not to publish the report of a commission of inquiry on the ground that the public interest will suffer by its publication, he shall, on being requested so to do by a resolution passed by Parliament, order the publication of such report.

Assessment of value of  
gratification where  
commission of inquiry finds  
person guilty of bribery by  
having accepted a  
gratification. **39.**

(1) Where a commission of inquiry finds that any person is guilty of bribery by having accepted a gratification-

(a) the commission shall, if that gratification is a sum of money, state that sum, or if the value of that gratification can be assessed, assess and declare that value, in its report, and

(b) the Attorney-General shall in writing communicate such finding to that person and, if a sum is specified in that report as the amount or the value of that gratification, direct that person to pay that sum to the Attorney-General within such time as may be specified in the direction.

[ 20, 9 of  
1980]

(2) If a person fails to pay the sum directed by the Attorney-General under subsection (1) to be paid, the Attorney-General may apply to the High Court for an order, and the High Court shall upon such application make an order, for the payment of that sum by that person, and, if that person fails to pay that sum within the time allowed by the order, that sum may be recovered in like manner as if the order were a decree entered by a District Court in favour of the State and against that person.

[ 20, 9 of  
1980]

(3) If the person liable to pay the sum referred to in subsection (2) was a public officer on the date of his



acceptance of the gratification, the provisions of subsection (3) of section 28 shall, for the purposes of the recovery of that sum, apply in like manner as if that sum were a penalty imposed by the High Court under section 26.

(4) In the proceedings in the High Court for the recovery of the sum referred to in subsection (2), it shall not be competent for that court or for anyone to question the sum declared by the commission of inquiry to be the amount, or the value, of the gratification.

## PART V

### OFFENCES OTHER THAN BRIBERY

Corruption.**70.**Any public officer who, with intent, to cause wrongful or unlawful loss to the Government, or to confer a wrongful or unlawful benefit, favour or advantage on himself or any person, or with knowledge, that any wrongful or unlawful loss will be caused to any person or to the Government, or that any wrongful or unlawful benefit, favour or advantage will be conferred on any person-

[ 7, 20 1994]

(a) does, or forbears to do, any act, which he is empowered to do by virtue of his office as a public officer;

(b) induces any other public officer to perform, or refrain from performing, any act, which such other public officer is empowered to do by virtue of his office as a public officer;

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

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

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

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

Failure to furnish information.**71.** Notwithstanding the provisions of any other written law or any oath of secrecy to the contrary, every person to whom a notice is sent by a commission of inquiry under subsection (1) of section 34 shall comply with the provisions of that notice within such time as may be specified therein, and if he wilfully neglects or omits to do so, he shall be guilty of an offence and shall, on conviction before a Magistrate, be liable-

[ 22, 9 of 1980]

[\[ 8, 20 of 1994\]](#)

(a) to a fine not less than one hundred rupees and not more than five hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment; and

(b) to a fine not less than one hundred rupees for every day during which the offence is continued after the date on which he is required to furnish the sworn statement.

Interference with witness,  
& c.

[ 23, 9 of 1980]

73.

(1) A person who-

[ 10, 20 1994] (a) interferes with any witness summoned in any proceedings

[ 10, 20 1994] (b) induces any such witness to refrain from giving evidence, or

[ 10, 20 1994] (c) threatens any such witness with injury to his body, mind or reputation in order to deter him from giving evidence, or

[ 10, 20 1994] (d) injures any such witness in body, mind or reputation in order to deter him from giving evidence, or

[ 10, 20 1994] (e) compels any such witness not to give evidence,

shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding twelve months and to a fine.

(2) Every court before which any person surrenders himself or is produced on arrest on an allegation that he has committed or has been concerned in committing or is suspected of having committed or to have been concerned in committing an offence under this section shall keep such person on remand until the conclusion of the trial except in exceptional circumstances where the court before which he surrenders himself or is produced may after recording its reasons therefore release him on bail.

Influencing, threatening or  
injuring member of  
commission of inquiry or  
officer appointed under  
this Act.

[ 20, 2 of 1965]

[\[ 11, 20 of 1994\]](#)

(1) A person who directly or indirectly influences any member of a commission of inquiry, in the performance of his duty shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees.

[20, 2 of 1965] (2) A person who directly or indirectly by words written  
[\[11, 20 of 1994\]](#) or spoken or by any act threatens any member of a commission of inquiry with any injury to his body, mind or reputation in order to deter him from the performance of his duty shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this subsection shall, in addition to such fine, be liable to imprisonment for a term not exceeding one year.

[20,2 of 1965] (3) A person who causes injury to the body, mind or  
[\[11,20 of 1994\]](#) reputation of member of a commission of inquiry in order to deter him from the performance of his duty shall, upon summary trial and conviction by a

Magistrate, be liable to rigorous imprisonment for a term not exceeding twelve months and to a fine.

Disobeying **75.**  
commission of  
inquiry.

[ 21, 2 of 1965]

(1) A person who refuses or wilfully neglects or omits to carry out an order of a commission of inquiry or wilfully obstructs such commission shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to a fine of not less than one hundred rupees and not more than five hundred rupees.

(2) A prosecution for an offence under subsection (1) may be instituted in such Magistrate's Court as may be determined by the Attorney-General.

Publication of  
proceedings held in  
camera and report of  
commission of inquiry.

[ 23, 2 of 1965]

**77.**(Section 76 is repealed by Act No. 2 of 1965).

(1) Where the public and the press have been excluded from any proceedings of a commission of inquiry, no person shall print or publish those proceedings or any part thereof except with the permission of the commission given in writing under the hand of the chairman of the commission or, if the commission consists of a sole commissioner, under the hand of such commissioner.

(3)(Subsection (2) is repealed by Act No. 2 of 1965.) No person shall, before the publication of the report of a commission of inquiry under the order of the President print or publish any part of such report or what purports to be a part or an excerpt of such report.

(4) A person who contravenes the provisions of any of the preceding subsections of this section shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this subsection, shall, in addition to such fine, be liable to rigorous imprisonment for a term not exceeding one year

## PART VI

### GENERAL

Prosecutions for offences under **78.**  
this Act, and suits and  
proceedings in respect of  
allegations for bribery or  
statements in evidence, reports  
and decisions.

[ 24, 2 of 1965]

[ [ 24, 9 of 1980]

[\[ 12, 20 of 1994\]](#)

(1) No Magistrate's Court shall entertain any prosecution for an offence under this Act except by or with the written sanction of the Commission.

(2)The proceedings in a court for bribery shall be taken before any other business of that court unless special circumstances of urgency in such other business render it impossible to do so.

(3)Upon application made in that behalf by the

Attorney- General or any officer authorized by him, the whole or any part of the proceedings in any court for bribery may be held in camera.

(Subsections (4) and (5) are repealed by Law No. 38 of 1974. )(6) Nothing contained in the report of a commission of inquiry published under the order of the President shall be made the ground of an action for defamation, and no court shall entertain an action for defamation based on anything contained in any such report.

Person giving gratification not to be treated as accomplice.  
[ 25, 2 of 1965]  
[ [ 25, 9 of 1980]

**79.**

(1) In any proceedings for bribery before a court or commission of inquiry, 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.

(2) In any proceedings against any person under this Act, the spouse of that person shall be a competent witness.

Tender of conditional pardon.  
[ 26, 2 of 1965]  
[\[ 14, 20 of 1994\]](#)

**81.**(Section 80 is repealed by Act, No. 20 of 1994.)

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

14, 20 of 1994] (2) The Magistrate shall record in the manner prescribed by the Code of Criminal Procedure Act, No. 15 of 1979 the evidence on oath of every person accepting a pardon under subsection (1) and transmit the record to the Commission.

Presumption as to receipt of letter or telegram. **82.** Where any summons, notice, direction, decision or other matter is sent or communicated to any person by registered letter or telegram, then, upon the production of the receipt issued by the post office for such letter or telegram, it shall be presumed that such letter or telegram was received by the addressee, unless such letter or telegram is returned undelivered.

Amendment of the Schedule. **84.**(Section 83 is repealed by Act No. 40 of 1958). The President may, on the advice of the Minister in charge of the subject of Justice, amend the Schedule to this Act by Proclamation published in the Gazette.  
[ 67, 40 of 1958]

Expenses of persons attending any trial or inquiry under this Act **85A.**(Section 85 is repealed by Act No. 20 of 1994.). A person who attends any trial or inquiry under this Act to give evidence may be paid out of the Consolidated Fund the expenses of attending the trial or

to give evidence.

[ 69, 40 of 1958]

[ [ 27, 9 of 1980]

inquiry at such rates and subject to such conditions as are from time to time prescribed for witnesses under Chapter XIX of the Code of Criminal Procedure Act, No. 15 of 1979.

Provisions of section 303 (5) of the Code of Criminal Procedure Act, No. 15 of 1979 not to apply to persons to whom the provisions of section 29 of this Act apply.

[ 28, 9 of 1980]

**85B.** Notwithstanding the provisions of section 303 (5) of the Code of Criminal Procedure Act, No. 15 of 1979, the provisions of section 29 of this Act shall apply to any person convicted of bribery, and on whom a suspended sentence has been imposed under section 303 (1) of the Code of Criminal Procedure Act, No. 15 of 1979 in respect of that conviction.

Transitional provisions.

[ 28, 9 of 1980]

**85C.** Any prosecution pending in the High Court on the 24th day of January, 1980, in respect of the offences of soliciting, accepting or offering any gratification which or the value of which does not exceed two hundred rupees, shall stand removed to the Magistrate's Court if the High Court having regard to the nature of the offence and other circumstances decides that any such prosecution should be transferred and such Magistrate's Court shall have the jurisdiction to take cognizance of and hear and determine or hear and determine or to complete the same:

Provided that any such prosecution, in which the adducing of evidence has commenced as at the 24th day of January, 1980, shall be heard and determined by the said High Court.

## PART VII

### INTERPRETATION

Indirect ownership of property.

**86.** For the purposes of this Act, 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.

How to construe reference of Government.

**87.** Every reference in this Act to the Government shall be construed as including a reference to a local authority and to every scheduled institution

When a person offers a gratification.

**88.** For the purposes of this Act 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.

When a person solicits or accepts a gratification.

**89.** For the purposes of this Act-

(a) 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, and

(b) 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.

Public officer soliciting or accepting

**89A.** A public officer who solicits or accepts a gratification which is an offence under this Act shall, if such solicitation or acceptance was made outside Sri Lanka, be deemed to have committed such offence

gratification outside Sri Lanka. within Sri Lanka, and accordingly the High Court holden in Colombo shall have jurisdiction to try such offence notwithstanding anything in any other law to the contrary.

[ 14, Law 38 of 1974]

[ [ 29, 9 of 1980]

Meaning of expressions. **90.** In this Act, unless the context otherwise requires-

"appointed date" means the 1st day of March, 1954;

"bribery" means the offer, solicitation or acceptance of any gratification in contravention of any provision of Part II of this Act, or any other act in contravention of any such provision;

[\[ 16, 20 of 1994\]](#) "Commission" means the Commission to Investigate Allegations of Bribery or Corruption established by the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994;

[\[ 16, 20 of 1994\]](#) "Director-General" means the Director-General for the Prevention of Bribery and Corruption appointed under the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994; "commission of inquiry" means a commission of inquiry appointed under this Act;

"gratification" includes-

(a) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable,

(b) any office, employment or contract,

(c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part,

(d) any other service, favour or advantage of any description whatsoever, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary or penal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty, and

(e) any offer, undertaking or promise of any gratification within the meaning of the preceding paragraphs (a), (b), (c) and (d);

"local authority" means any Municipal Council, Urban Council, Pradeshiya Sabha, Board of Health, or Board of Improvement, and includes-

(a) a committee of any such Council, and

(b) a committee appointed by an Urban Council under section 29 of the Urban Councils Ordinance, or by a Pradeshiya Sabha under the Pradeshiya Sabhas Act, No 15 of 1987;

(The amendment made to the principal enactment by Act, No. 20 of 1994, shall-(a) in so far such amendment relates to a Governor of a Province, Minister of a Board of Ministers of a Provincial Council or a member of a Provincial Public Service, be deemed, for all purposes, to have come into force on November 14, 1987; (b) in so far as such amendment relates to any other person, be deemed, for all purposes, to have come into force on the date of commencement of the principal enactment. - See section 16 (2) of Act No. 20 of 1994. )

"public officer" includes a Minister of the Cabinet of [\[§ 16, 20 of 1994\]](#) Ministers, a Minister appointed under Article 45 of the Constitution, Speaker, Deputy Speaker, Deputy Chairman of Committees, a Deputy Minister, the Governor of a Province, a Minister of the Board of Ministers of a Province, a Member of Parliament, every officer, or employee of the State or any Chairman, director, Governor, member, officer or employee, whether in receipt of remuneration or not, of a Provincial Council, local authority or of a scheduled institution, or of a company incorporated under the Companies Act, No. 17 of 1982, in which over fifty 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 officer;

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

- (a) in which any such board, institution, corporation or other body holds, or
- (b) in which more than one such board, institution or other body, in the aggregate, hold, not less than fifty-one percent of the shares.