

PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF
SRI LANKA

PARLIAMENT (POWERS AND PRIVILEGES ACT)

<p>AN ACT TO DECLARE AND DEFINE THE PRIVILEGES, IMMUNITIES AND POWERS OF PARLIAMENT AND OF THE MEMBERS THEREOF; TO SECURE FREEDOM OF SPEECH AND DEBATE OR PROCEEDINGS IN PARLIAMENT; TO PROVIDE FOR THE PUNISHMENT OF BREACHES OF THE PRIVILEGES OF PARLIAMENT; AND TO GIVE PROTECTION TO PERSONS EMPLOYED IN THE PUBLICATION OF THE REPORTS, PAPERS, MINUTES, VOTES OR PROCEEDINGS OF PARLIAMENT.</p> <p>(Law No. 5 of 1978 - 2nd February 1978) (Act No. 17 of 1980 - 17th April 1980) (Act No. 25 of 1984 - 29th June 1984) (Act No. 37 of 1987 - 23rd September 1987) (Act No. 27 of 1997 - 21st October 1997) <i>[7th April 1953.]</i></p> <p>1. This Act may be cited as the Parliament (Powers and Privileges) Act.</p> <p>2. In this Act, Unless the context otherwise requires:-</p> <p>“Clerk means the Secretary-General of Parliament;</p> <p>“Committee” means any standing, select or other committee of Parliament;</p> <p>“Parliament” means the Parliament of Sri Lanka, and includes a committee;</p> <p>“member” means a Member of Parliament and includes the President, the Speaker and any member presiding in Parliament or in committee;</p> <p>“officer of Parliament” means any person who may from time to time be appointed to the staff of Parliament, whether permanently or temporarily, and includes the Clerk and any police officer on duty within the precincts of Parliament;</p> <p>“President” or “Speaker” includes the member for the time being presiding over Parliament.</p>	<p>Act. No 21 of 1953 Law, No. 5 of 1978 Act, No. 17 of 1980 Act, No. 25 of 1984 Act, No. 37 of 1987 Act, No. 27 of 1997</p> <p>Short title</p> <p>Interpretation</p>
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PART I PRIVILEGES, IMMUNITIES AND POWERS GENERALLY, AND SUPPLEMENTAL PROVISIONS	
3. There shall be freedom of speech, debate and proceeding in Parliament and such freedom of speech, debate or proceedings shall not be liable to be impeached or questioned in any court or place out of Parliament.	Freedom of Speech and debate
4. No member shall be liable to any civil or criminal proceedings, arrest, imprisonment, or damages by reason of anything which he may have said in Parliament or by reason of any matter or thing which he may have brought before Parliament by petition, bill, resolution, motion or otherwise.	Freedom from arrest in civil proceedings.
5. Except for a contravention of this Act, no member shall be liable to arrest, detention, or molestation in respect of any debt or matter which may be the subject of civil proceeding while proceeding to, or in attendance at, or returning from, any meeting or sitting of Parliament; Provided that any person otherwise entitled to any immunity or privilege under this section who shall be deemed to have committed any act of insolvency may be dealt with under the Insolvency Ordinance as if he had not such immunity or privilege.	Members not liable to action in certain cases
6. No person shall be liable in damages or otherwise for any act done under the authority of Parliament and within its legal powers.	Person not liable in damages for acts done under authority of Parliament
7. Parliament and the members thereof shall hold, enjoy and exercise, in addition to the privileges, immunities and powers conferred by this Act, such and the like immunities as are for the time being held, enjoyed and exercised by the Commons House of the Parliament of the United Kingdom and by the members thereof.	Immunities to be the same as those enjoyed by House of Commons
8. Subject to the provisions of this Act, a copy of the journals of the Commons House of the Parliament of the United Kingdom, or of the proceedings of the said House, or of a report of any committee of the said House, which has been or purports to have been printed by the order of or by the printer of the said House shall be received as <i>prima facie</i> evidence without proof of its being such copy upon any inquiry touching the privileges, immunities and powers of Parliament or members thereof.	Commons journals to be <i>prima facie</i> evidence in inquiries touching privileges
9. All privileges, immunities and powers of Parliament shall	Privileges to be

<p>be part of the general and public law of Sri Lanka, and it shall not be necessary to plead the same, but the same shall in all courts in Sri Lanka be judicially noticed.</p>	<p>noticed judicially</p>
<p>10. Parliament, and any committee which is duly authorized by and order of Parliament to send for persons, papers and records, may order any person to attend before Parliament or before such committee, and to produce any paper, book, record or document in the possession or under the control of such person.</p>	<p>Power to order attendance of witness</p>
<p>11. Any order to attend or to produce documents before Parliament or before any committee shall be notified to the person required to attend or produce documents by a summons under the hand of the Clerk issued by direction of the President or Speaker or the Chairman of the committee; and in every such summons there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce, and the summons shall be served on the person mentioned therein, either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in Sri Lanka with some adult person; and there shall be paid to the person who attends on such summons, if he does not reside within five miles of the Chamber of Parliament, such sum for his expenses as may be prescribed by the President or Speaker.</p>	<p>Attendance to be notified by summons</p>
<p>12. Parliament or a committee thereof may require that any facts, matters and things relating to the subject of inquiry before Parliament or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath or affirmation, which the President or Speaker or the chairman of the committee or person specially authorized for that purpose may administer.</p>	<p>Witnesses may be examined on oath</p>
<p>13. If any person ordered to attend or produce any paper book, record or document before Parliament or any committee refuses to answer and question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of the inquiry, the President or Speaker or the Chairman of the committee or the presiding member (as the case may be) may excuse the answering of such questions or the production of such paper, book, record or document, or may order the answering or production thereof.</p>	<p>Objection to answer question or to produce papers to be reported to Parliament for decision.</p>
	<p>Penalty for perjury</p>

<p>14. Any person who –</p> <p>(a) before Parliament or any committee (and whether or not that person has been sworn or has made a solemn affirmation or declaration), after being duly cautioned as to his liability to punishment under this section, intentionally gives a false answer to any question material to the subject of inquiry which may be put to him during the course of any examination; or</p> <p>(b) intentionally gives false evidence in the course of any statement made by him for the purposes of section 26 of this Act,</p> <p>shall (in addition to any offence under Part II of this Act of which he may be guilty) be guilty of an offence under section 190 of the Penal Code.</p> <p>No prosecution against such person for the offence under section 190 of the Penal Code shall be institute except by or with the sanction of the Attorney-General.</p>	<p>before Parliament or committee</p>
<p>15. Where any question arises in Parliament or any committee as to whether or not a person summoned to give evidence or to produce a document is entitled, in respect of such evidence or the production of such document, to any right or privilege, that question shall be determined according to the practice in similar matters for the time being obtaining in the Commons House of Parliament of the United Kingdom.</p>	<p>Application of practice of House of Commons as to privileged evidence</p>
<p>16.</p> <p>(1) Subject to the provisions of subsection (3), a person who gives evidence before Parliament or a committee shall not be liable to any civil or criminal proceedings by reason of any thing which he may have said in such evidence.</p> <p>(2) Except in proceeding referred to in subsection (3) no statement made by any person in evidence given before Parliament or a committee shall be admissible in evidence against that person in any civil or criminal proceedings.</p> <p>(3) Nothing in the preceding provisions of this section shall prevent or be deemed to prevent the institution or maintenance of any proceedings against any person for an offence under section 190 of the Penal Code or for any offence under this Act in respect of</p>	<p>Immunity of witness in respect of evidence</p>

<p>any evidence given by him before Parliament or a committee.</p>	
<p>17. No member or officer of Parliament and no shorthand Writer employed to take minutes of evidence before the House or any committee shall give evidence elsewhere in respect of the contents of such evidence or of the contents of any manuscript or document laid before Parliament or any committee or in respect of any proceedings or examination had at the Bar or before any committee of Parliament without the special leave of Parliament first had and obtained.</p>	<p>Evidence of proceedings in Parliament or committee not to be given without leave</p> <p>Matter printed by order of Parliament to be admitted as evidence</p>
<p>18. Upon any inquiry touching the privileges, immunities and powers of Parliament or of any member. Any copy of the minutes or proceedings of Parliament purporting to be printed by the Government Printer shall be admitted as evidence of such minutes or proceedings in all courts and places without any proof being given that such copy was so printed.</p>	<p>Protection for publication of reports & c.; published under the authority of Parliament and for publication of copies thereof or extracts therefrom.</p>
<p>19. (1) Any person, being a defendant in any civil or criminal proceedings instituted for, or on account, or in respect of, the publication by such person or his servant –</p> <p>(a) of any report, paper, minute, votes or proceedings being a report, paper, minute, vote or proceedings published by order, or under the authority of Parliament or any committee thereof; or</p> <p>(b) of a copy of any such report, paper, minute, votes or proceedings,</p> <p>may, on giving the plaintiff or the prosecutor twenty-four hours notice of his intention –</p> <p>(i) in the case of any civil or criminal proceedings in respect of a publication referred to in paragraph (a) bring before the court in which such proceedings are being held a certificate under the hand of the Speaker or the Secretary-General of Parliament stating that the report, paper, minutes, votes or proceedings in respect of which such proceedings have been instituted were published by such person or his servant by order or under the authority of Parliament or any</p>	<p>(§2, Act, No. 25 of 1984)</p>

<p>committee thereof; or</p> <p>(ii) in the case of any civil or criminal proceedings in respect of a publication referred to in paragraph (b), lay before the court in which such proceedings are being held, the copy in respect of which such proceedings have been instituted and the report, paper, minute, votes or proceedings of which it purports to be a copy, together with an affidavit verifying such report, paper, minute, votes or proceedings and the correctness of such copy.</p> <p>and such court shall thereupon immediately stay civil or criminal proceeding and the same and every process issued therein shall be deemed to be finally determined.</p> <p>(2) No person shall be liable to any civil or criminal proceedings for, or on account, or in respect, of the publication, <i>bona fide</i> and without malice, by such person or his servant;</p> <p>(a) of any extract from, or abstract of, any report, minute, votes or proceedings, published by order, or under the authority, of Parliament or any committee thereof;</p> <p>(b) of a fair and accurate report of any proceedings of Parliament, being a proceeding, the publication of which has been authorized by Parliament.</p> <p>(3) For the purpose of this section, the expression “civil or criminal proceedings” includes any proceeding for the punishment of contempt of the Supreme Court, or the Court of Appeal, or the High Court or any other Court, tribunal or institution.</p> <p>20.</p> <p>(1) No stranger shall be entitled, as of right, to enter or to remain within Parliament or its precincts.</p> <p>(2) The President or Speaker is hereby authorized to issue such orders as he may in his discretion deem necessary for the regulation of the admittance of strangers to the House or its precincts, and for the maintenance of order and decorum therein;</p> <p>(3) Copies of orders made by the President or Speaker under this section shall be dully authenticated by the</p>	<p>Regulation of admittance of strangers</p>
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	<p>clerk and exhibited in conspicuous positions within the precincts of Parliament; and such copies, when so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.</p> <p>(4) The President or Speaker may at any time order any stranger to withdraw from Parliament or its precincts.</p>	<p>Person disturbing proceedings of Parliament may be arrested without warrant</p>
<p>21.</p>	<p>(1) Any person creating or joining in any disturbance in Parliament or in the precincts during its actual sitting may be arrested without warrant on the verbal or written order of the President or Speaker, and may be kept in the custody of an officer of Parliament pending the determination by Parliament whether or not such person should be punished for an offence under Part II, but no such person shall be kept in custody after the termination of the sitting.</p> <p>(2) All police officers, constables and other persons, are hereby required to assist in the apprehension and detention of any person in pursuance of any such order as aforesaid.</p>	
	<p style="text-align: center;">PART II BREACHES OF PRIVILEGE OF PARLIAMENT AND PUNISHMENT THEREOF</p>	<p>Breaches of privilege</p>
<p>22.</p>	<p>(1) Each of the acts and omissions specified in the Schedule to this Act is hereby declared to be breach of the privileges of Parliament.</p> <p>(2) Every breach of the privileges of Parliament which is specified in the Schedule to this Act (whether in part A or Part B thereof) shall be an offence under this Part punishable by the Supreme Court under the provisions hereinafter contained in that behalf.</p> <p>(3) Every breach of the privileges of Parliament which is specified in Part B of the Schedule to this Act and which is committed in respect of, or in relation to, Parliament shall be an offence under this Part punishable by Parliament under the provisions contained in that behalf.</p>	<p>(§2(a), Law, No. 5 of 1978)</p> <p>(§2, Act, No. 27 of 1997)</p> <p>(§2, Law, No. 5 of 1978)</p> <p>(§2, Act, No. 27 of 1997)</p> <p>Jurisdiction of Supreme Court in cases of breaches of privilege.</p>
<p>23.</p>	<p>(1) Upon application made to the Supreme Court in that behalf by the Attorney-General and supported by evidence on affidavit, the court-</p> <p>(a) may, if satisfied after perusal of the application and such evidence that any member</p>	

<p>or other person appears to have committed any offence under this Part, cause notice to be served on such member or person calling upon him to show cause why he should not be punished for that offence; and</p> <p>(b) may if no cause or no sufficient cause as aforesaid is shown to the satisfaction of the court, after such inquiry as the court may consider necessary, convict him of the offence and sentence him to imprisonment of either description for a term not exceeding two years or to a fine.</p> <p>(2) *Omitted</p>	<p>(§3, Act, No 27 of 1997)</p> <p>Procedure in the Supreme Court</p>
<p>24. The proceedings and the procedure to be followed upon an application to the Supreme Court under section 23 shall, subject to such rules if any as are hereby authorized to be made for the purpose under Article 136 of the Constitution be such as may be determined by the Chief Justice or the Pusnie Justice hearing the application; and in relation to and for the purpose of such proceedings the Supreme Court shall have the same powers, whether of compelling the attendance of persons and the production of documents or otherwise, as the court has in the exercise of its ordinary jurisdiction.</p>	<p>Conditions precedent to making of application to Supreme Court</p>
<p>25.</p> <p>(1) An application under section 23 may be made to the Supreme Court by the Attorney-General in the case of any alleged offence under this Part committed in respect of or in relation to Parliament, only if-</p> <p>(a) the Attorney-General has furnished a report to the President or Speaker of Parliament stating that, in the opinion of the Attorney-General, there is sufficient evidence to warrant the taking of further steps under this Act in that case, and</p> <p>(b) Parliament, after consideration of such report, has by resolution required the Attorney-General to make the application.</p> <p>(2) The making of an application under section 23 by the Attorney-General in any case, shall constitute conclusive evidence that the application has been duly made in accordance with the preceding provisions of this section.</p>	<p>Reference of cases to Attorney-General with statements.</p>
<p>26.</p> <p>(1) For the purpose of enabling the Attorney-General to</p>	

furnish a report in relation to any case of and alleged offence under this Part, the President or the Speaker, as the case may be, may:-

- (a) on a complaint of the alleged offence being made to him in chamber by any member, or
- (b) if required so to do by resolution of Parliament, refer the case to the Attorney-General for report.

(2) Where a case is to be referred to the Attorney-General under subsection (1) the President or the Speaker, or any other member, if authorized in writing so to do by the President or the Speaker, or the Clerk of Parliament if so authorized-

- (a) Shall record on oath or affirmation the statement of the member making the complaint of the alleged offence, and
- (b) May record on oath or an affirmation the statement of any other person whose evidence is or may be in the opinion of the President or Speaker, relevant.

The statement of any person may be recorded under the preceding provisions of this section at any time after the case has been referred to the Attorney-General if the President or the Speaker considers it necessary whether of his own motion or at the request of the Attorney-General'

(3) The provisions of section 10 to 13 shall apply in all respects for the purpose of enabling statements to be recorded under subsection (2) of this section in like manner as they apply for the purpose of enabling evidence to be taken by a committee, and for the purpose aforesaid the person authorized by of under section (2) of this section to take such statement shall have the same powers as are conferred by those sections on a committee or the chairman thereof,

(4) The provisions of section 15 to 17 shall apply to and in relation to any evidence given for the purposes of subsection (2) of this section.

(5) Notwithstanding anything in the preceding provisions of this section, a person who is alleged to have committed an offence under this Part shall not be bound or compelled without his consent to make any statement under subsection (2) in relation to that offence.

(6) where a case is referred under subsection (1) to the

<p>Attorney-General for report, the record of all statements taken under subsection (2) shall be transmitted to the Attorney-General, and the Attorney-General shall, after consideration of such statements, report to the President or Speaker stating whether there is, in the opinion of the Attorney-General, sufficient evidence to warrant the taking of further steps under this Act in respect of an alleged offence under this Part; and such report shall contain, for the information of Parliament, a summary of the facts which in the opinion of the Attorney-General, are capable of being proved upon the evidence contained in the statements.</p> <p>27.</p> <p>(1) Subject to the provisions of subsection (2) and (3), Parliament shall have power and jurisdiction to punish summarily any breach of the privileges of Parliament specified in Part B of the Schedule to this Act which is committed in respect of, or in relation to, Parliament by any member or any other person.</p> <p>*(1A) Omitted</p> <p>(2) Parliament shall not be competent to punish any offence under this Part in any case which has been referred to the Attorney-General as herein before provided, unless a report has been furnished by the Attorney-General under section 26 to the effect that in his opinion there is sufficient evidence to warrant the taking of further steps under this Act in respect of the alleged offence.</p> <p>(3) Parliament shall not be competent to take cognizance of or punish any offence under this part in any case in which an application has been made to the Supreme Court under section 23.</p> <p>*27A Omitted</p> <p>28. The punished which may be imposed by Parliament for any offence under this Part shall be admonition at the Bar of Parliament or removal from the precincts of Parliament;</p> <p>Provided, however, that in the case of an offence committed by a member of Parliament, Parliament may, in addition to or in lieu of any punishment herein before specified, order his suspension from the service of Parliament for any period not exceeding one month;</p>	<p>Parliament's jurisdiction over offences specified in Part B of Schedule.</p> <p>(§3, Law, No. 5 of 1978) (§4, Act, No. 27 of 1997) (§3, Law, No. 5 of 1978)</p> <p>Punishment which Parliament may impose.</p>
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<p>Provided further that in the case of an offence committed by person who is not a member, Parliament may also order that such person shall be prohibited from entering Parliament or its precincts for a period not exceeding six months.</p> <p>29. For the purpose of securing the attendance of any person at the Bar of Parliament for admonition under section 28 of removing from the precincts of Parliament any person whose removal has been ordered under that section, or whose entry has been prohibited under that section, it shall be lawful for the gentleman-Usher or the Sergeant-at-Arms as the case may be or any other officer of Parliament or police officer, if ordered so to do by the President or the Speaker, to arrest such person without warrant at any place within the precincts of Parliament and to use such reasonable force as may be necessary for the purpose aforesaid.</p> <p>30. This Standing Orders of Parliament may contain incidental or supplementary provision with respect to the procedure to be followed in Parliament or by the President or Speaker in cases of alleged offences under this Part, and may, in particular, provide for the appointment of Committees of Privilege, and their powers, functions and procedure.</p> <p>31.</p> <p>(1) Where any act omission which is declared by this act to constitute an offence under this Part also constitutes an offence under any other written law, a person who is guilty of such act or omission shall, notwithstanding anything in any other law, be liable to be tried and punished for both offences.</p> <p>(2) Notwithstanding that any act or omission constitutes an offence under this Part, nothing in this Act shall be construed to prevent or restrict the institution or maintenance against any person of any civil action or proceeding for damages or for any other remedy which may be available in respect of or by reason of such act or omission.</p> <p>32. Nothing in this Act shall confer or be construed to confer on Parliament any power to impose any punishment on any person other than the power to impose for any offence specified in Part B of the Schedule, any punishment authorized by section 28 of this Act.</p>	<p>Power of arrest for carrying out punishment.</p> <p>Standing Orders for procedure in cases of breach of privilege.</p> <p>Saving of prosecutions and civil actions</p> <p>Limitation of power by Parliament (§6, Law, No 5 of 1978) (§7, Act, No. 27 of 1997)</p> <p>(§7, Law, No. 5 of 1978) (§8, Act, No. 27 of 1997)</p>
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SCHEDULE

PART A

(OFFENCES TO BE PUNISHABLE ONLY BY THE SUPREME COURT)

1. Assaulting, insulting or willfully obstructing any member coming to or going from Parliament or on account of his conduct in Parliament or any committee, or endeavoring to compel any member by force, insult or, menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before Parliament or any committee.
2. Sending to a member any threatening letter or challenging a member to fight on account of his conduct in Parliament or committee.
3. Tampering with, deterring, threatening, beguiling or in any way unduly influencing any witness in regard to evidence to be given by him before Parliament or any committee.
4. Presenting to Parliament or to any committee any false, untrue, fabricated or falsified document with intent to deceive Parliament or any committee.
5. Willfully publishing any false or perverted report of any debate of proceedings of Parliament or committee or willfully misrepresenting any speech made by a member in Parliament or in committee.
6. Willfully publishing any report of any debate or proceedings of Parliament or a committee the publication of which has been prohibited by Parliament or committee.
- 6A. Willfully publishing any report of any debate or proceedings of Parliament containing words or statements after the Speaker has ordered such works or statement to be expunged from the official report of Parliamentary Debates (HANSARD).

(§2, Act, No. 17 of 1980)

7. The publication of any defamatory statement reflecting on the proceedings and the character of Parliament.
8. The publication of any defamatory statement concerning any member in respect of his conduct as a member.
9. The offering to or acceptance by any member or officer of Parliament of a bribe to influence him in his conduct as such member or officer, or the offering to or acceptance by any member or officer of Parliament of any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any Bill resolution, matter, rule or thing submitted to or intended to be submitted to Parliament or any committee.
10. The printing of copy of any Act or Ordinance or of report, paper minutes or notes or proceedings of Parliament or any committee, which purports to have been printed by the Government Printer or by or under the authority of Parliament or any committee but which in fact has not been so printed or the tendering in evidence of any such copy as aforesaid.
11. The abetment of any act or omission specified in any of the preceding paragraphs.

PART B

OFFENCES TO BE PUNISHABLE BY PARLIAMENT OR THE SUPREME COURT

1. The willful failure or refusal to obey any order or resolution of Parliament under this Act, or any order of the President or Speaker or any member which is duly made under this Act.
2. Willful disobedience to any order for attendance or for production of papers, books, records or documents made by Parliament or any committee duly authorized in that behalf unless such attendance or production be excused as provided in section 13 and section 15 of the Act.
3. Refusing to be examined before or to answer any lawful and relevant question put by Parliament or any such committee, unless such refusal be excused as provided in section 13 and section 15.

4.	Assaulting, insulting or willfully obstructing any member in Parliament in committee or in the precincts of Parliament.	
5.	Assaulting or resisting or willfully interfering with an officer of Parliament in the Chamber or in committee or in the precincts of Parliament.	
6.	Creating or joining in any disturbance in the Chamber or in committee or in the vicinity of Parliament while Parliament or any committee is sitting, knowing or having reasonable grounds to believe that proceedings of Parliament or committee are or are likely to be interrupted.	
7.	Disrespectful conduct in the precincts of Parliament.	
8.	Prevarication or other misconduct as a witness before Parliament or in committee.	
9.	The publication of any proceedings in committee of Parliament before they are reported to Parliament.	
10.	The abetment of any act or omission specified in any of the preceding paragraphs.	