

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of October 02, 2026

SUPPLEMENT

(Issued on 06.10.2026)



PREVENTION OF ORGANISED CRIMES

A

BILL

to give effect to the United Nations Convention Against Transnational Organised Crime; to provide for the prevention, investigation and prosecution of serious crimes through effective national and international cooperation; to protect society from the threats posed by organised criminal groups; and to provide for matters connected therewith or incidental thereto

Ordered to be published by the Minister of Justice and National Integration

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 260.00

Postage : Rs. 150.00

This Gazette Supplement can be downloaded from www.documents.gov.lk



Contents

<i>Section</i>	<i>Page No.</i>
Preamble	1
1 Short title	2
2 Objects of the Act	2
3 Application of this Act	2

PART I

OFFENCES AND PENALTIES

4	Being a member of an organised criminal group	4
5	Attempting to commit, abetting, conspires & c. to commit a serious crime	6
6	Acts in furtherance of a common criminal object	6
7	Harbouring & c.	7
8	Causing intimidation or harm to persons investigating or assisting & c.	8
9	Recruiting members for an organised criminal group	9
10	Participation in an organised criminal group	9
11	Allowing an organised criminal group to use premises	10
12	Offences relating to racketeering activities	10
13	When a person is said to have knowledge of a fact	12
14	Publication of matter relating to a serious crime under this Act	13
15	A serious crime committed by an incorporated body	14
16	A Legal person to be liable for a senior officer acting on behalf & c.	15

PART II

INVESTIGATIONS AND PROSECUTIONS

17	Power to stop and search & c.	17
18	Procedure when an arrest is made & c	18
19	Notification of the arrest	18
20	Production before a Magistrate	19
21	Detention Orders	21
22	Extension of the period of detention	22

<i>Section</i>	<i>Page No.</i>
23 Suspect may be released on bail	23
24 Restriction Orders	24
25 Detention during remand custody	26
26 Suspect to have access to an Attorney-at-Law in remand or detention	28
27 Detention until the conclusion of the trial	28
28 Judicial authorisation for special investigative techniques	29
29 Joint investigations	30
30 Proceedings before the Magistrate's Court	31
31 A serious crime to be cognizable and the High Court to try serious crimes under this Act	31
32 Application of the Code of Criminal Procedure Act	32
33 Application of the Electronic Transactions Act, No.19 of 2006	32
34 Prosecution not to be time-barred	32
35 Interpretation	32

PART III

POWERS OF A POLICE OFFICER

36 Powers of a police officer under this Act	33
37 Duty of the police officer to prevent the commission of a serious crime under this Act	33
38 Use of force to stop a vehicle or vessel & c.	34
39 Taking over the control of any vehicle or vessel & c.	34
40 Suspension or delaying the taking off or sailing of a vessel or aircraft & c.	34
41 Directly submitting items to a Government Analyst or other expert	35
42 Transfer of material for investigation	35
43 Obtaining information from bank, financial institution, & c.	36
44 Obtaining information from service providers	37
45 Unlocking data and information	38

PART IV

ADMISSIBILITY OF STATEMENTS

46 Certain provisions of the Evidence Ordinance not applicable	40
47 Statement signed by the suspect to be admissible	40

<i>Section</i>	<i>Page No.</i>
48 Certain statements made to the Magistrate and at the identification parade admissible	42
49 Admissibility of certain documents	43
50 Section 54 of the Evidence Ordinance not applicable	43
51 Provisions of sections 46, 47, 48 and 49 not to apply	43
52 Giving false evidence	44
53 Preconditions to be satisfied for the admissibility of a statement made to a Magistrate	45

PART V

DISCLOSURE AND TIPPING OFF

54 Non-disclosure of information and identity of the informer	46
55 Disclosure of information by an informer	47
56 Tipping-off	47

PART VI

GENERAL PROVISIONS

57 Forfeiture	49
58 Special provisions relating to sentencing	50
59 Protection of action	50
60 Amendment to the Extradition Law, No. 8 of 1977	50
61 Existing extradition arrangements with States deemed to provide for serious crimes in the Act	51
62 Minister may treat the Convention as an extradition arrangement between Sri Lanka and certain States, in respect of serious crimes in the Act	51
63 Duty of the Minister to notify the requesting State of measures taken against persons for whose extradition a request is made	51
64 Assistance to a State	52
65 Legal obligation to give information	52
66 Interpretation	53
67 Sinhala text to prevail in case of inconsistency	56

Prevention of Organised Crimes

L.D.-O 10/2026

AN ACT TO GIVE EFFECT TO THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME; TO PROVIDE FOR THE PREVENTION, INVESTIGATION AND PROSECUTION OF SERIOUS CRIMES THROUGH EFFECTIVE NATIONAL AND INTERNATIONAL COOPERATION; TO PROTECT SOCIETY FROM THE THREATS POSED BY ORGANISED CRIMINAL GROUPS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS a United Nations Convention against Transnational Organised Crime (hereinafter referred to as the “Convention”) was adopted by the General Assembly of the United Nations at New York on November 15, 2000: Preamble

5 **WHEREAS** Sri Lanka has ratified the said Convention on September 22, 2006:

WHEREAS serious crimes have escalated in its scale, sophistication and adverse impact, posing a serious threat to the public safety, national security, the economy and the rule of law, thereby necessitating the strengthening of the legal framework for the prevention, investigation, prosecution and punishment of serious crimes:

10

AND WHEREAS it has become necessary for the Government of Sri Lanka to make legislative provisions to give effect to Sri Lanka’s obligations under the aforesaid Convention and to strengthen the legal framework for preventing and combating serious crimes in Sri Lanka:

15

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

1. This Act may be cited as the Prevention of Organised Crimes Act, No. .. of 2026. Short title

2. The objects of the Act shall be – Objects of the Act

- 5 (a) to prevent, suppress, and disrupt the activities of organised criminal groups and persons who are involved in such organised criminal groups;
- (b) to facilitate the investigation and prosecution of serious crime;
- 10 (c) to promote and facilitate national and international cooperation in order to achieve these objects; and
- (d) to protect members of the public from the harm caused, or likely to be caused, by such organised criminal groups.

15 3. The provisions of this Act shall apply to the prevention, investigation, prosecution and punishment of offences specified in this Act or First Schedule hereto or any offence punishable by a maximum term of imprisonment of either description for a term of four years or more (in this Act referred to as the “serious crime”), where such serious crime is committed by a member of an organised criminal group, being – Application of this Act

- (a) any citizen of Sri Lanka within or outside the territory of the Republic of Sri Lanka; or
- 25 (b) any person -

- (i) wholly or partly, in Sri Lanka;
- (ii) in or over the territorial waters of Sri Lanka;
- 5 (iii) in the airspace of the territory of Sri Lanka;
- (iv) on board or in respect of an aircraft or vessel registered in Sri Lanka or chartered by any person in Sri Lanka;
- 10 (v) on board or in respect of a vessel or an aircraft within the territory of the Republic of Sri Lanka, including the territorial waters and airspace of the territory of the Republic of Sri Lanka;
- 15 (vi) wholly or partly within the office premises of a diplomatic or consular mission of Sri Lanka or in respect of such premises, or at a diplomatic or a consular office of Sri Lanka, or at the residence of the Head of such
- 20 diplomatic or consular mission or the residence of any diplomatic or consular officer or any other employee of such mission; or
- 25 (vii) wholly or partly within the office premises situated outside of Sri Lanka of a statutory board of the Government of Sri Lanka, or in respect of such premises, or within the residence of an employee of such statutory board.

PART I**OFFENCES AND PENALTIES**

4. (1) Any person who is or acts as a member of an organised criminal group and who agrees with one or more other persons to commit a serious crime in order to obtain, directly or indirectly, a financial or other material benefit commits an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not less than five years and not exceeding twenty years and to a fine not exceeding one million rupees.

Being a
member of
an organised
criminal
group

(2) In determining whether any person is or acts as a member of an organised criminal group under subsection (1), the matters which a court may consider include, but are not limited to the following: -

- 15 (a) involvement in physical or virtual meetings with known members of the organised criminal group;
- (b) whether that person is identified as a member by known members (whether existing or former members) of the organised criminal group;
- 20 (c) whether that person adopts the style of dress, hand signs, language or tattoos used by known members of the organised criminal group;
- (d) whether that person associates with known members of the organised criminal group;
- 25 (e) whether that person has recruited or attempted to recruit any other person to be a member of the organised criminal group;

- 5 (f) whether that person habitually visits premises or meeting places known to be used by the organised criminal group, and the person knows or has reasonable grounds to believe that those premises or meeting places are owned or occupied by the organised criminal group;
- 10 (g) whether that person has been arrested more than once in the company of known members of the organised criminal group for any serious crime that is consistent with the usual criminal activity of the organised criminal group;
- 15 (i) whether that person has received or is receiving any financial or other material benefit from the organised criminal group;
- 20 (j) whether that person has, together with one or more members of the organised criminal group, on a previous occasion committed one or more serious crimes;
- (k) whether that person signed up to be a member of the organised criminal group; or
- 25 (l) whether that person has undergone any initiation ceremony, educational or working session regarding the activities of the organised criminal group or is subject to any disciplinary regime of the organised criminal group.

5. (1) If any person attempts, abets, conspires, organises, facilitates, counsels, procures, directs, aids, incites, encourages, instigates, commands or advises the commission of a serious crime or prepares to commit a serious crime or does any act preparatory to the commission of a serious crime and if as a result of such attempt, abetment, conspiracy, organisation, facilitation, counselling, procurement, direction, aiding, inciting, encouragement, instigation, commanding, advising or preparation, a serious crime is committed, such person shall be liable to the same penalty imposed for the offence in section 6.

Attempting to commit, abetting, conspire & c. to commit a serious crime

(2) If as a result of such attempt, abetment, conspiracy, organisation, facilitation, counselling, procurement, direction, aiding, inciting, encouragement, instigation, commanding, advising or preparation referred to in subsection (1), the offence under section 6 is not committed, such person shall, on conviction by the High court, be liable to imprisonment of either description for a term not less than two years and not exceeding fifteen years and to a fine not exceeding five hundred thousand rupees.

6. (1) Any person who –

- (a) commits a serious crime; or
- (b) knowingly does any other act,

Acts in furtherance of a common criminal object

in furtherance of the a common criminal object borne by the members of an organised criminal group, commits an offence under this Act.

(2) A person who is a member of an organised criminal group who is convicted of -

- (a) a serious crime under paragraph (a) of subsection (1), shall be liable to not less than twice the

5 maximum term of imprisonment and the fine provided for such offence under any other law but not exceeding fifteen years of imprisonment of either description and where the sentence prescribed is life imprisonment or death, shall be punished as provided for by such other law; and

10 (b) an offence under paragraph (b) of subsection (1) shall be liable to imprisonment of either description for a term not less than two years and not exceeding fifteen years and to a fine not exceeding five hundred thousand rupees.

(3) A person who is not a member of an organised criminal group who is convicted of –

15 (a) a serious crime under paragraph (a) of subsection (1) shall be liable to the term of imprisonment and the fine provided for such offence under any other law, increased by one half of the term prescribed by such other law but shall not be less than three years and not exceeding fifteen years and where the sentence prescribed is life imprisonment or death, shall be punished as provided for by such other law; and

25 (b) an offence under paragraph (b) of subsection (1) shall be liable to imprisonment of either description for a term not less than two years and not exceeding ten years and to a fine not exceeding three hundred thousand rupees.

30 7. A person who, with the intention of preventing another person from being legally punished, harbours, conceals, assists, or maintains such other person whom he knows Harbours & c.

or has reason to believe has committed or is committing a serious crime under this Act, commits an offence and shall, on conviction by the High Court, be liable, -

- 5 (a) if he is a member of an organised criminal group, to imprisonment for a term not less than five years and not exceeding ten years and to a fine not exceeding three hundred thousand rupees; or
- 10 (b) if he is not a member of an organised criminal group, to imprisonment for a term not less than two years and not exceeding five years and to a fine not exceeding one hundred thousand rupees.

8. (1) Any person who, in relation to the commission of a serious crime under this Act, uses force, threats or
 15 intimidates or promises, offers or gives any undue advantage in order to –

Causing
 intimidation
 or harm
 to persons
 investigating
 or assisting
 & c.

- (a) induce false testimony; or
- (b) interfere in the giving of testimony or production of evidence,
- 20 commits an offence under this Act, and shall on conviction by the High Court, be liable to imprisonment of either description for not less than five years and not exceeding fifteen years and to a fine not exceeding five hundred thousand rupees.
- 25 (2) Any person who, in relation to the commission of a serious crime under this Act, uses force, threats or intimidation in order to interfere with the duties of law enforcement, prosecution or judicial officials commits an

offence under this Act, and shall on conviction by the High Court, be liable to imprisonment of either description for a term not less than five years and not exceeding fifteen years and to a fine not exceeding five hundred thousand rupees.

5 **9.** A person who-

Recruiting
members for
an organised
criminal group

- (a) incites, induces or invites another person; or
- (b) uses any violence, threat or intimidation towards any other person in order to incite, induce or invite that other person,

10 to become a member of, or to assist in the management of, a group, knowing or having reasonable grounds to believe that the group is an organised criminal group, commits an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not
15 exceeding fifteen years and to a fine not exceeding five hundred thousand rupees.

10. Any person who intentionally or knowingly takes an active part in any other activity of an organised criminal group-

Participation
in an
organised
criminal group

- 20 (a) knowing either the aim and general activity of the organised criminal group, or its intention to commit a serious crime under this Act; or
- (b) knowing that such person's conduct will contribute to the achievement of the aim of
25 the organised criminal group or its intention to commit an offence under this Act,

commits an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a

term not exceeding fifteen years and to a fine not exceeding five hundred thousand rupees.

- 11.** A person who allows any organised criminal group, or any member of an organised criminal group, which the person knows or has reasonable grounds to believe is an organised criminal group, to use any premises owned or occupied by the person, or over which the person has control, in order to support, aid or promote the commission of –

Allowing an organised criminal group to use premises

- (a) a serious crime under this Act; or
- (b) an offence under any other written law, which is for the purpose of conferring a financial or other material benefit on the organised criminal group,

- commits an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding ten years or to a fine not exceeding three hundred thousand rupees or to both such imprisonment and fine.

12. (1) Any person who-

- (a) (i) receives or retains any property derived directly or indirectly from a pattern of racketeering activity;
- (ii) knows or ought reasonably to have known that such property is so derived; and
- (iii) uses or invests directly or indirectly any part of such property in the acquisition of any interest in, or the establishment, operation or activities of, any enterprise;

Offences relating to racketeering activities

- (b) (i) receives or retains any property, directly or indirectly, on behalf of any enterprise; and

(ii) knows or ought reasonably to have known that such property was derived or is derived from or through a pattern of racketeering activity;
- (c) (i) uses or invests any property, directly or indirectly, on behalf of any enterprise or in the acquisition of any interest in or the establishment, operation or activities of any enterprise; and

(ii) knows or ought reasonably to have known that such property was derived or is derived from or through a pattern of racketeering activity;
- (d) acquires or maintains directly or indirectly any interest in or control of any enterprise through a pattern of racketeering activity;
- (e) whilst managing or employed by or associated with any enterprise, conducts or participates in the conduct directly or indirectly, of such enterprise's affairs through a pattern of racketeering activity; or
- (f) manages the operation or activities of an enterprise, and knows or ought reasonably to have known that any person whilst employed by or associated with that enterprise, conducts or participates in the conduct, directly or indirectly, of such affairs of the enterprise through a pattern of racketeering activity,

commits an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding fifteen years or to a fine not exceeding five hundred thousand rupees or to both such imprisonment
5 and fine.

(2) For the purposes of this section, “pattern of racketeering activity” means the planned, ongoing, continuous or repeated participation or involvement in any serious crime under this Act and includes at least two such serious crimes, of
10 which one of the offences occurred after the commencement of this Act and the last serious crime occurred within ten years (excluding any period of imprisonment) after the commission of such prior crime.

13. (1) For the purposes of this Act, a person is said to
15 have knowledge of a fact if -

When a person is said to have knowledge of a fact

(a) such person has actual knowledge of that fact; or

(b) the court is satisfied that-

(i) such person believes that there is a reasonable possibility of the existence of that fact; and
20

(ii) such person fails to obtain information to confirm the existence of that fact.

(2) For the purposes of this Act, a person is said to have reason to believe the existence of a fact if the conclusions of
25 such person ought to have reached are those which would have been reached by a reasonably diligent and vigilant person having both-

- (a) the knowledge, skill, training and experience that may reasonably be expected of a person in his position; and
- (b) the knowledge, skill, training and experience that a person in fact possesses.

14. (1) Any person who prints or publishes the name, or any matter which may make known the identity of any person against whom a serious crime under this Act is alleged or found to have been committed (in this section referred to as the “victim”) commits an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding two years or to a fine or to both such imprisonment and fine.
- (2) Nothing in subsection (1) shall apply to the printing or publication of the name, or any matter which may make known the identity of the victim, if such printing or publication is done-
- (a) by or under the order of the officer in charge of the police station or the police officer, making an investigation into such serious crime, acting in good faith for the purposes of such investigation;
 - (b) by or with the authorisation in writing of the victim; or
 - (c) by or with the authorisation in writing of the next of kin of the victim, where the victim is dead; or the parent or guardian of the victim, where the victim is a minor or is of unsound mind:

Publication of
matter relating
to a serious
crime under
this Act

5 Provided that, such authorisation shall not be given by such next of kin to any person other than to the Chairperson, Secretary or Manager, howsoever described, of any welfare institution or organisation incorporated or registered under any written law.

10 (3) Any person who prints or publishes any matter in relation to any proceeding in any court with respect to a serious crime under this Act, without the previous permission of such court, commits an offence and shall on conviction after summary trial before a Magistrate, be liable to a term of imprisonment of either description for a term not exceeding two years or to a fine or to both such imprisonment and fine.

15 15. (1) Where a serious crime is committed by an incorporated body of persons, all directors of such body at the time of committing such serious crime shall, in addition to the incorporated body of persons, be individually liable for the committing of such serious crime, notwithstanding each such director not being responsible for committing the
20 act which constitutes the relevant serious crime:

A serious
crime
committed
by an
incorporated
body

Provided however, that such director shall not be –

- (a) prosecuted if he satisfies the investigation officer who conducted the investigation; or
- 25 (b) deemed to be guilty for having committed a serious crime if he, on a balance of probability, proves before the court,

that the serious crime was committed without his knowledge or that he exercised all due diligence to prevent the commission of the serious crime.

(2) For the purpose of instituting criminal proceedings against directors of an incorporated body of persons, it shall not be necessary to first prosecute and obtain a conviction against the corresponding incorporated body of persons.

- 5 **16.** (1) A legal person is liable for a serious crime where a senior officer of the legal person acting on behalf or for the benefit of the legal person –

A legal person to be liable for a senior officer acting on behalf & c.

- 10 (a) commits the serious crime;
- (b) knowingly authorises or permits the commission of the serious crime; or
- 15 (c) knowing a serious crime is to be committed on behalf of or for the benefit of the legal person or is willfully blind or reckless to that fact, fails to take reasonable steps and to adopt and effectively implement an appropriate organisational managerial model to prevent the commission of the serious crime.

20 (2) A legal person found guilty of a serious crime under this Act shall be subject to one or more of the following sanctions:-

- (a) a fine not exceeding –
- (i) one million rupees; or
- 25 (ii) three times the total value of the benefit obtained or damage caused that is reasonably attributed to the serious crime;

- (b) order the legal person to publish the judgment by the court including, as appropriate, the particulars of the serious crime and the nature of any penalty imposed;
- 5 (c) order the legal person to carry out a stated project for the public benefit;
- (d) order that the legal person be placed under judicial supervision for a period not exceeding five years;
- 10 (e) order the temporary or permanent closure of the establishments of the legal person used to commit the serious crimes in question;
- (f) order that the legal person be temporarily or permanently disqualified from public bidding, from entitlement to public benefits or aid or from participation in public procurement;
- 15 (g) disqualify the legal person temporarily or permanently from the practice of other commercial activities or from the creation of another legal person; or
- 20 (h) if the activity of the legal person involved entirely or predominantly the carrying out of serious crimes or if the legal person was created to commit a serious crime under this Act, order that the legal person be dissolved; and
- 25 (i) further orders as the court considers just.

(3) For the purpose of this section “senior officer” means an employee, agent or an officer of the legal person with

duties of such responsibility that such officer's conduct may fairly be assumed to represent the legal person's policy.

PART II

INVESTIGATIONS AND PROSECUTIONS

5 **17.** (1) Where there is a reasonable suspicion of the commission of a serious crime under this Act, a police officer may take such measures, including the following: -

Power to stop
and search
& c.

- (a) stop and search any suspect, vehicle, vessel, train, aircraft or unmanned aerial vehicle:

10 Provided that, where any vessel or aircraft is stopped and searched, the provisions of sections 38, 39 and 40 shall apply;

- (b) question any suspect;
- (c) enter and search any premises or land without a search warrant;
- (d) arrest any person; or
- (e) take into custody any document, thing or article, used, derived out of, connected with or concerned in committing or reasonably suspected of being used, derived out of, connected with, or concerned in committing a serious crime under this Act.

15

20

(2) Where a police officer exercises the powers conferred on him under subsection (1) in respect of an aircraft or a

vessel, the provisions of the Immigrants and Emigrants Act (Chapter 351) shall apply.

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

(4) The officer in charge of the police station referred to in subsection (3) shall produce a report in that regard to
10 the Magistrate before whom the relevant document, thing or article is produced, who shall make an appropriate order with regard to the possession or release of any document, thing or article so taken into custody.

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

Procedure
when an arrest
is made & c

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

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

Notification of
the arrest

Provided that, where any suspect is taken into custody and it is not possible to issue a notice as specified in this subsection, it shall be the duty of the arresting officer to

make an entry in the Information Book, giving reasons as to why it is not possible, and to report to the officer in charge of the police station before whom the suspect was produced, the reasons why it is not possible to issue such notice and the
5 officer in charge of the police station shall make an entry of such fact along with the reasons therefor in the Information Book.

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

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

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

20. (1) A suspect who has been arrested and held in custody by a police officer in terms of this Act shall forthwith be produced before the nearest Magistrate in any event not
30 later than seventy two hours from the time of such arrest:

Production
before a
Magistrate

Provided however, where the arrest has been made within Sri Lanka, the period of time necessary for the journey from the place of arrest to the relevant Magistrate shall be excluded in calculating such seventy two hours:

- 5 Provided further, where the arrest has been made outside Sri Lanka or on board any aircraft or vessel, the period of time necessary for the journey from the place of arrest to the relevant Magistrate shall be excluded in calculating such seventy two hours.
- 10 (2) Upon the production of a suspect before a Magistrate under subsection (1), where the police officer conducting the investigation has reasonable grounds to believe that further extended custody of the suspect is necessary for the purpose of conducting further investigation, the Magistrate may, for
- 15 reasons to be recorded in writing, authorise such suspect to be held in police custody for a further period not exceeding twenty four hours.

(3) When a suspect is produced before a Magistrate under subsection (1) or (2) and –

- 20 (a) where a Detention Order has, for the first time been issued under section 21 for a period of two months and is placed before the Magistrate for inspection, the Magistrate shall make an order giving effect to such Detention Order and shall
- 25 forward a copy thereof to the Magistrate's Court having jurisdiction over the place where the suspect is detained; or
- (b) where no Detention Order is placed before the Magistrate, the Magistrate shall remand the
- 30 suspect.

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

- 5 **21.** (1) The Inspector General of Police or any officer not below the rank of a Deputy Inspector General of Police authorised by the Inspector General of Police in that behalf may make an application in writing to the Secretary for a Detention Order to detain a suspect who is connected with
10 or concerned in a serious crime under this Act at a police station for any purpose specified in subsection (4).

(2) Upon receipt of an application under subsection (1), where the Secretary is satisfied that reasonable grounds exist to believe that the suspect has to be detained for any of the
15 purposes specified in subsection (4), he may, after recording such reasons, issue a Detention Order substantially in the form set out in the Fifth Schedule, authorising the detention of the suspect.

(3) Every Detention Order issued under this section
20 shall be for a period not exceeding two months at a time, and the aggregate period of detention under such Detention Orders shall not exceed one year from the date of the initial Detention Order issued for the purpose of detaining the suspect under subsection (1).

25 (4) A Detention Order under subsection (1) shall state the reasons for the issuance thereof and shall be issued where it is necessary for any one or more of the following purposes:-

- (a) to facilitate the conduct of the investigation in respect of the suspect;

(b) to obtain material for an investigation and potential evidence relating to the commission of a serious crime under this Act; or

(c) to question the suspect in detention.

5 (5) Where a Detention Order under this section has been issued at the time when the relevant suspect is produced before a Magistrate under section 20, a certified copy of such Detention Order shall be placed before the Magistrate for inspection.

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

15 (7) A copy of the Detention Order shall be served on the next kin of the suspect within a period of seven days from the issuance of such Detention Order.

22. (1) Where it is necessary to detain a suspect beyond the period of detention referred to in paragraph (a) Extension of the period of detention

20 of subsection (3) of section 20, such suspect shall upon the expiry of that period, be produced before the High Court together with the Detention Order issued under section 21 and the officer in charge of the relevant police station may through the Attorney General apply to the High Court for an
25 order to extend the period of detention of such suspect by giving effect to such Detention Order.

(2) The High Court shall record the submissions made in support of the application for an order giving effect to the extension of the period of detention, and any objections
30 raised by the suspect or his Attorney-at-Law to such extension of the Detention Order.

(3) Where there is a necessity to maintain confidentiality of the submissions for the purpose of the investigations, an application shall be made to the High Court in that regard and the High Court may make an appropriate order relating thereto.

(4) Upon consideration of the submissions made under subsection (2), the High Court may-

- (a) make an order to give effect to the Detention Order for a further period as may be specified in such order; or
- (b) refuse to give effect to the extended Detention Order stating the reasons therefor and upon inquiry, remand the suspect or release him on bail.

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

23. (1) A suspect remanded under the provisions of paragraph (b) of subsection (3) of section 20, may be released on bail by the High Court:

Suspect
may be
released
on bail

Provided however, a suspect concerned in committing or having committed a serious crime punishable with life imprisonment or sentence to death under this Act may be released on bail by the High Court only in exceptional circumstances.

(2) A suspect shall not be held in remand in respect of a serious crime under this Act for a period exceeding one year from the date on which he was first remanded.

(3) If any indictment has not been preferred within the period referred to in subsection (2), the High Court shall release the suspect on bail.

24. (1) Where, upon an application made by a police officer not below the rank of a Deputy Inspector General of Police, a Magistrate is satisfied, on the basis of material placed before him that – Restriction orders

- 10 (a) a person is engaging in, has engaged in or is preparing to engage in the commission of a serious crime under this Act;
- (b) such person poses a credible and serious risk of committing or facilitating the commission of such serious crime; and
- 15 (c) the making of a restriction order is necessary for the purpose of preventing the commission of such serious crime and that less restrictive measures would not be effective,

the Magistrate may make a restriction order imposing such conditions as are necessary and proportionate in the
20 circumstances.

(2) In determining whether to make an order under subsection (1), the Magistrate shall have regard to –

- (a) the necessity and proportionality of each restriction proposed;
- 25 (b) the nature and seriousness of the risk presented;
- (c) the likely impact of the proposed restrictions on the fundamental rights and freedoms of the person concerned; and

- (d) whether the objective can be achieved by less intrusive measures, including surveillance, monitoring or reporting requirements.

(3) A restriction order may impose only such measures as
5 are strictly necessary for the purposes specified in subsection (1), including—

- (a) restrictions on travel to specified places or areas;
- (b) requirements to report to a specified police station at specified intervals;
- 10 (c) restrictions on communication or association with specified persons or entities reasonably believed to be connected with a serious crime under this Act; or
- (d) such other limited conditions as the Magistrate
15 considers necessary and proportionate.

(4) No restriction order shall –

- (a) impose a general prohibition on movement, expression, assembly or association, except to
20 the extent strictly necessary and proportionate to the risk identified; or
- (b) be made solely for the purpose of facilitating or assisting a general investigation.

(5) Every restriction order shall –

- (a) be made for a period not exceeding three months
25 at a time;

- (b) specify the reasons for the order and the material grounds on which it is based; and
 - (c) be subject to review by the Magistrate upon application by the person affected.
- 5 (6) The person against whom a restriction order is sought shall be given a reasonable opportunity to be heard and to be represented by an Attorney-at-Law, unless the Magistrate determines, for recorded reasons, that urgent circumstances require the order to be *ex parte* and in such event, the person
- 10 shall be afforded an opportunity to be heard at the earliest possible time.

(7) Any person aggrieved by a restriction order may apply to the High Court or the Court of Appeal for revision or judicial review of such order.

- 15 (8) Where a restriction order is revoked or found to have been made without reasonable grounds, the affected person shall be entitled to seek appropriate relief in accordance with law.

20 **25.** Where the officer in charge of a police station receives credible information that any person in remand custody for any serious crime under this Act or any offence under any other written law—

Detention
during remand
custody

- (a) has committed a serious crime under this Act;
 - (b) has attempted, abetted, conspired, organised, facilitated, counseled, procured, directed, aided, incited, encouraged, instigated, commanded, advised or prepared to commit a serious crime under this Act or has done any act preparatory
- 25

to the commission of a serious crime under this Act; or

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

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

- 10 (2) A Judge of the High Court shall, on an application made by the Attorney General, immediately inquire into such information and at the conclusion of the inquiry, if he is satisfied that the allegation against the suspect, appears to be well founded, and where he deems it expedient to keep the suspect under detention for further investigation, he may, on
15 the production of a Detention Order, make an order to give effect to the Detention Order and permit the officer in charge of the police station to –

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

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

- (a) be issued by the Secretary;

(b) be for a period of two weeks at a time for a cumulative period not exceeding six months; and

5 (c) be reviewed by the High Court every fourteen days.

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

10 (5) The period spent in detention under this Act by a person who was in remand custody shall be considered as part of his remand period for the purposes of section 203 of the Code of Criminal Procedure Act.

15 (6) Upon completion of the period of six months or if the Attorney General informs the High Court that the investigations are concluded any time prior to that, the High Court shall make an order committing the suspect back to remand custody.

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

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

25 **27.** (1) (a) If the Secretary is of the opinion that it is necessary or expedient that a person in remand custody against whom an indictment has been forwarded under this Act be kept in the custody of any lawful authority, in the interest of national security or public order or where there is a threat or an apprehension of serious harm to the life of the accused during the pendency of the trial, he may make an application through the Attorney General, to the relevant High Court together with a copy of the Detention Order to

Detention until the conclusion of the trial

detain the accused until the conclusion of the trial setting out the reasons that necessitate the issuance of a Detention Order and after hearing such application and the objections thereto the High Court may make an order giving effect to the Detention Order, subject to such directions to ensure the conduct of a fair trial.

(b) The provisions of subsections (1), (2), (6) and (7) of section 21 shall *mutatis mutandis* apply in relation to the Detention Order issued under paragraph (a).

- 10 (2) The Detention Order made in pursuance of subsection (1) shall be communicated to the Commissioner of Prisons and it shall be the duty of the Commissioner of Prisons to deliver the custody of such person to the authority specified in such order, and the provisions of the Prisons Ordinance 15 (Chapter 54) shall cease to apply in relation to the custody of such person.

28. (1) A police officer not below the rank of a Sub Inspector of Police shall have the power to conduct the following special investigative techniques:-

Judicial
authorisation
for special
investigative
techniques

- 20 (a) controlled delivery;
- (b) digital surveillance which includes the interception and recording of digital, voice, and video communication;
- 25 (c) undercover operations, including those involving the use of decoys;
- (d) laying of traps; and
- (e) forensic extraction of data, information and images from computers, mobile phones,

digital data storage devices, and other digital equipment:

Provided that, a police officer not below the rank of a Sub Inspector of Police may make an *ex parte* application
5 in camera along with sufficient material to the Magistrate's Court for an order authorising the exercise of any of the powers stated above.

(2) Upon the receipt of an application as afore-stated from a police officer not below the rank of Sub-Inspector of
10 Police, the Magistrate shall, without delay, consider the said application and, upon being satisfied, grant authorisation for the conduct of necessary special investigations. Where necessary, the Magistrate may, in the interest of justice, impose conditions to be complied with.

(3) The Magistrate shall prior to granting authorisation for the conduct of a special investigative technique, consider the necessity and justification for its conduct based on the principle of proportionality for such investigative technique to be carried out.

(4) Following the obtaining of authorisation as referred to above, the police officer not below the rank of Sub-Inspector of Police shall, once in fourteen days report progress of such investigation using the special investigative techniques for which authorisation has been obtained to the relevant
25 Magistrate.

29. (1) Where a serious crime under this Act is suspected to have been committed, or to be committed, within Sri Lanka in connection with an offence committed outside Sri Lanka, the Inspector-General of Police may, with
30 the concurrence of the Attorney-General, and subject to

Joint
investigations

such conditions as may be agreed upon with the competent authorities of such State, authorise the conduct of a joint investigation with such authorities.

(2) A joint investigation authorised under subsection (1)
5 may be conducted-

- (a) within Sri Lanka, in cooperation with the competent authorities of the foreign State; or
- (b) partly in Sri Lanka and partly in the territory of the foreign State, in accordance with such terms
10 and conditions as may be mutually agreed.

(3) In the conduct of a joint investigation, Sri Lankan law enforcement authorities shall remain subject to the laws of Sri Lanka, and nothing in this section shall be construed as permitting the exercise of investigative powers in the
15 territory of a foreign State except in accordance with the laws of that State.

30. Notwithstanding the provisions of section 9 of the Code of Criminal Procedure Act, the investigation and proceedings in respect of any suspect under this Act, who has
20 previously been produced before a Magistrate for a serious crime under this Act, shall be held in the same Magistrate's Court.

Proceedings
before the
Magistrate's
Court

31. (1) Any serious crime under this Act shall be deemed to be a cognizable offence within the meaning of the
25 Code of Criminal Procedure Act.

Serious
crime to be
cognizable
and the High
Court to try
serious crimes
under
this Act

(2) The High Court shall, notwithstanding anything in any other law, have exclusive jurisdiction to hear, try and punish the serious crime under this Act.

32. (1) Any serious crime under this Act shall be investigated, prosecuted and punished in terms of the provisions of this Act and the Code of Criminal Procedure Act.

Application of the Code of Criminal Procedure Act

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

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

(4) Subject to the provisions of this section, the provisions of the Code of Criminal Procedure Act which are not inconsistent with the provisions of this Act shall, *mutatis mutandis*, apply to any legal proceeding under this Act.

33. The provisions of the Electronic Transactions Act, No.19 of 2006, shall *mutatis mutandis* apply to and in relation to any investigation regarding any electronic transaction involved with any serious crime committed under this Act.

Application of the Electronic Transactions Act, No.19 of 2006

34. Notwithstanding anything to the contrary in any other law, the right of prosecution for a serious crime under this Act shall not be barred by any length of time.

Prosecution not to be timebarred

35. In this Part, “Secretary” means the Secretary to the Ministry of the Minister to whom the subject of the Sri Lanka Police Force is assigned under Article 44 or 45 of the Constitution.

Interpretation

PART III**POWERS OF A POLICE OFFICER**

36. For the purpose of conducting an investigation into a serious crime under this Act and an offence under any other written law that may have been committed in the course of the same transaction, or preventing the commission of any such serious crime and an offence, a police officer shall be vested with the powers specified in this Part in addition to any power conferred on him by the Police Ordinance (Chapter 53) or the Code of Criminal Procedure Act or any other written law, to the extent that may be necessary for investigating and preventing serious crimes and other offences under this Act and any other written law.

Powers of a police officer under this Act

37. (1) It shall be the duty of every police officer to take any measure as may be appropriate, subject to the provisions of this Act, to prevent the commission of a serious crime under this Act.

Duty of the police officer to prevent the commission of a serious crime under this Act

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

- 20 (a) in good faith;
- (b) proportionate to the harm that may be inflicted by the commission of the serious crime alleged to have been committed; and
- 25 (c) only to the extent such measures may be necessary to prevent the commission of a serious crime under this Act or for the purpose of apprehending persons who have committed a serious crime under this Act.

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

Use of force to stop a vehicle or vessel & c.

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

- 39.** (1) A police officer shall take over the control of any vehicle, vessel, train, aircraft or unmanned aerial vehicle connected with a serious crime alleged to have been committed or for the purpose of conducting an investigation under this Act or for preventing the commission of a serious crime.

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

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

- 40.** (1) For the purpose of this Act, a police officer not below the rank of a Deputy Inspector General of Police may make an application to the Magistrate's Court having jurisdiction in the area within which any aircraft or vessel is located, for an order directing to-

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

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

- (c) bring any vessel to any port or harbour or any other appropriate location,

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

(2) The Director General of Civil Aviation appointed under the Civil Aviation Authority Act, No. 34 of 2002, shall be informed of any such order made under subsection (1) in respect of any aircraft for the purpose of obtaining
10 air-defence clearance.

41. (1) An officer in charge of a police station may directly submit any document, thing or article, which he reasonably believes to be connected with the commission of a serious crime, to the Government Analyst or to any other
15 local or foreign expert for examination and analysis.

Directly submitting items to a Government Analyst or other expert

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

42. (1) It shall be lawful for a police officer who conducts an investigation in respect of a serious crime under this Act to submit material for investigation to any other law enforcement agency, if he is of the view that there exists
25 material indicative of that crime, falling under the purview of the investigation competency of such other law enforcement agency having been committed.

Transfer of material for investigation

(2) The law enforcement agency referred to in subsection (1), may include an agency of any other sovereign country.

43. (1) The officer in charge of the relevant police station may apply for an order from a Magistrate to require any bank, non-banking financial institution or designated non-finance business to provide the following information and material to such officer, subject to the provisions of the Prevention of Money Laundering Act, No. 5 of 2006 and the Financial Transactions Reporting Act, No. 6 of 2006: -
- Obtaining information from bank, financial institution, & c.
- (a) information relating to any financial service provided by such bank, institution or business to any person;
 - (b) details of any financial transaction carried out by any person;
 - (c) details relating to bank accounts, deposits, remittances, and withdrawals and financial services provided by any such bank, institution or business;
 - (d) details relating to the securing of financial services by any person; and
 - (e) a certified statement of any account or other information pertaining to any account or transaction:

Provided however, such police officer may apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission of a serious crime under this Act.

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

(3) The Magistrate shall maintain confidentiality in respect of the application, and the proceedings pertaining to the same shall, subject to Article 106 of the Constitution, be held in-camera if requested by such police officer.

- 5 **44.** (1) The officer in charge of the relevant police station may apply for an order from a Magistrate to require any telecommunication, satellite or digital service or data service provider to provide information, including -
- 10 (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;
- 15 (c) any information, data, document, or record that may be stored, archived or otherwise kept by such service provider; or
- (d) information pertaining to the uploading or downloading of data or information, to or from
- 20 any instrument through the service provided by such service provider:

Obtaining
information
from service
providers

Provided however, such police officer may apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission

25 of a serious crime under this Act.

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

(3) The Magistrate shall maintain confidentiality in respect of the application and the proceedings pertaining to the same shall, subject to Article 106 of the Constitution, if requested by such police officer, be held in-camera.

5 (4) Notwithstanding the provisions of subsection (1), a police officer not below the rank of Deputy Inspector General of Police may, without an order of a Magistrate, obtain from any telecommunication, satellite, digital service, or data service provider information relating to the identity of the
10 owner or subscriber, calls, and the tower location of any device or instrument and such police officer or the officer acting on his behalf shall forthwith inform the Magistrate in writing of the information so obtained.

(5) Any police officer who, being authorised under this
15 Act to obtain from a service provider information relating to the identity of the owner or subscriber, calls, or the tower location of any device or instrument, knowingly obtains such information relating to a third party without lawful justification commits an offence under this Act and shall,
20 upon conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred thousand rupees and to such other disciplinary action as may be applicable.

45. (1) For the purposes referred to in subsection (2),
a police officer not below the rank of a Superintendent of
25 Police who has reasonable grounds of suspicion against any person in the commission of a serious crime under this Act may make an application to a Magistrate seeking an order authorising such officer -

Unlocking
data and
information

30 (a) to 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 to such police officer;

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

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

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

 (a) to determine the identity of a person who has committed;

15 (b) to determine the location of a person who has committed;

 (c) to facilitate the conduct of an investigation into;

 (d) to gather evidence against a person who has committed;

20 (e) to determine whether one or more persons are attempting, abetting, conspiring, organising, facilitating, counselling, procuring, directing, aiding, inciting, encouraging, instigating, commanding, advising or preparing to commit or doing any act preparatory to the commission of; or

25

 (f) to take measures to prevent the commission of,

a serious crime under this Act.

(3) The Magistrate shall, if he is satisfied that the application is made in good faith and the making of such order is reasonably necessary for conducting an investigation, issue such order.

5

PART IV

ADMISSIBILITY OF STATEMENTS

46. Notwithstanding anything to the contrary in any other law, the provisions of sections 25, 26 and 30 of the Evidence Ordinance shall have no application to any proceedings in respect of a serious crime under this Act.

Certain provisions of the Evidence Ordinance not applicable

47. (1) Notwithstanding the provisions of any other law, at the trial of a person indicted for a serious crime under this Act, a statement in writing, signed by such person at any time, and whether –

Statement signed by the suspect to be admissible

- 15 (a) such statement amounts to a confession or not;
- (b) such person was or was not in the custody or in the presence of a police officer at the time such statement was made;
- 20 (c) such statement was made in the course of an investigation or not; or
- (d) such statement was or was not wholly or partly in answer to any question,

may be proved against such person if such statement is not irrelevant under the provisions of section 24 of the Evidence Ordinance:

25

Provided however, that such statement shall not be admissible in evidence against such person if it was made to a police officer below the rank of Assistant Superintendent of Police.

5 (2) The burden of proving that any statement referred to in subsection (1) is irrelevant under the provisions of section 24 of the Evidence Ordinance shall be upon the person asserting it to be irrelevant.

10 (3) Any statement admissible in evidence under subsection (1) may be admissible against any other person indicted for jointly committing a serious crime under this Act with the person making the statement, if, and only if, such statement is corroborated in material particulars by
15 of this section.

(4) Every interview conducted under this section shall be audio and visually recorded, and such recording shall form part of the official record of the investigation.

20 (5) Any suspect whose statement is to be recorded shall be informed of his right to have access to an Attorney-at-Law of his choice to obtain legal advice prior to such interview or the recording of the statement.

(6) Where, due to technical failure or other exceptional circumstances, it is not practicable to record an interview
25 in terms of subsection (5), the police officer conducting the interview shall –

(a) record in writing the reasons for such failure or inability;

(b) obtain the approval of a Magistrate for the continuation of the interview without recording, as soon as practicable; and

5 (c) ensure that the statement obtained is read over and explained to the suspect in a language understood by him and that such person signs or affixes his acknowledgement thereto.

(7) A copy of the audio-visual recording shall be produced before the Magistrate without delay and shall be made
10 available to the suspect or his Attorney-at-Law, subject to such conditions as the court may determine in the interest of justice.

(8) Any statement obtained in violation of the requirements of subsection (4), without reasonable justification accepted
15 by the court, shall be subject to heightened judicial scrutiny as to its voluntariness and admissibility.

48. Notwithstanding the provisions of the Evidence Ordinance, the following statements shall be admissible at the trial of a person indicted for a serious crime under this
20 Act: -

Certain statements made to the Magistrate and at the identification parade admissible

(a) a statement made to a Magistrate on oath or affirmation and recorded by him in accordance with section 277 of the Code of Criminal Procedure Act, by a person conversant with
25 any fact relating to the commission of a serious crime under this Act and produced before such Magistrate by a police officer; or

(b) a statement recorded by a Magistrate or recorded by a Magistrate at an identification parade, and
30 made by a person who is dead or who cannot be

found, notwithstanding that such person is not present at the trial or cannot be or has not been cross-examined.

49. (1) Any document found in the custody, control or possession of a person accused of a serious crime under this Act or of an agent or representative of such person may be produced in court as evidence against such person without the maker of such document being called as a witness, and the contents of the document shall be *prima facie* evidence of the facts stated therein.

Admissibility
of certain
documents

(2) Notwithstanding anything to the contrary in the Evidence Ordinance, a certificate issued by a foreign competent authority and certified by the Attorney-General as being a certificate of such foreign competent authority, relating to a serious Crime committed or to a suspect, witness, or a victim of a serious Crime, together with any supporting documentary evidence, shall be *prima facie* evidence of the matters stated therein, without the foreign competent authority being required to testify.

50. Notwithstanding the provisions of section 54 of the Evidence Ordinance, evidence that is relevant to any of the matters referred to in subsection (2) of section 4, including evidence that the accused person has, together with one or more members of the organised criminal group, on a previous occasion committed one or more serious crimes shall be admissible in any proceedings under this Act for the purpose of determining whether the accused is a member of an organised crimes group.

Section 54 of
the Evidence
Ordinance not
applicable

51. Notwithstanding anything to the contrary contained herein or in any other law, where a person is indicted for a serious crime under this Act, other than the offence under

Provisions of
sections 46, 47,
48 and 49 not
to apply

section 7 or 8, and if at any time during the course of the trial, but before judgment, the court, upon being satisfied that the accused -

- 5 (a) is not a member of an organised criminal group; and
- (b) has not acted in furtherance of a common criminal object borne by the members of an organised criminal group,

is of the opinion that the accused has committed the alleged
 10 serious crime included in the indictment, without however, being guilty of the two ingredients mentioned in paragraphs (a) and (b), the judge may amend the indictment and convict him for such offence under such other law notwithstanding the fact that no preliminary inquiry had been held in respect
 15 of the said offence:

Provided however, that the trial judge shall not, in such circumstances, take into consideration the evidence led under the provisions of sections 46, 47, 48 and 49 in evaluating the guilt of the accused:

20 Provided further that if such offence is an offence referred to in the Second Schedule to the Judicature Act, No. 2 of 1978, and the accused elects to be tried by a Jury, the trial shall be heard *de novo* and the provisions of sub-sections (2) and (3) of section 11 of the Judicature Act, No. 2 of 1978
 25 shall apply.

52. (1) If in the course of a trial for a serious crime under this Act, any witness shall, on any material point, contradict either expressly or by implication a statement
 Giving false evidence

made by him and recorded by a Magistrate or a statement made by him and recorded at any identification parade, it shall be lawful for the presiding Judge –

- (a) to act upon such statement; and
- 5 (b) to have such witness arraigned at the conclusion of such trial and tried on an indictment which shall be prepared and signed by the Registrar of such court, for intentionally giving false evidence in a judicial proceeding.
- 10 (2) At any trial under paragraph (b) of subsection (1), it shall be sufficient to prove that the witness made the contradictory statement, and it shall not be necessary to prove which of the statements is false.

53. Notwithstanding anything to the contrary in any
15 other written law, a statement made to a Magistrate by a person accused of having committed a serious crime under this Act shall not be admissible in evidence against such person, unless –

Preconditions
to be satisfied
for the
admissibility
of a statement
made to a
Magistrate

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

PART V**DISCLOSURE AND TIPPING OFF**

54. (1) Notwithstanding the provisions of subsection (3), information provided by an informer for a serious crime under this Act shall not be admitted in evidence in any proceedings, and a witness in any proceedings shall not be obliged -
- Non-disclosure of information and identity of the informer
- (a) to disclose the name and address of any informer who has given information with respect to a serious crime under this Act; or
- (b) to answer any question if the answer to that question would lead, or would tend to lead, to the discovery of the name or address of the informer.
- (2) If any book, document, or paper which is in evidence or liable to inspection in any proceedings contains any entry in which any informer is named or described, or which may lead to the informer's discovery, the court shall cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.
- (3) If-
- (a) in any proceedings before a court for a serious crime punishable under this Act, the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which the informer knew or believed to be false or did not believe to be true; or

- (b) in any other proceedings, the court is of the opinion that justice cannot be fully done between the parties to the proceedings without the disclosure of the name of an informer,

5 the court may permit inquiry and require full disclosure concerning the informer.

55. A person who provides information to a police officer for a serious crime under this Act shall not breach – Disclosure of information by an informer

- (a) any obligation of confidence; or
- 10 (b) any other restriction, however imposed (other than a restriction imposed under any written law) on the provision of information.

56. (1) Any person-

Tipping-off

- 15 (a) who knows or has reasonable grounds to suspect that a police officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted under or for the purposes of this Act; and
- (b) who discloses to any other person information or any other matter which is likely to prejudice
- 20 that investigation or proposed investigation,

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

25 hundred thousand rupees or to both such imprisonment and fine.

(2) Nothing in subsection (1) shall make it an offence for an Attorney-at-Law or his employee to disclose any information or other matter -

5 (a) to, or to a representative of, a client of his in connection with the giving of advice to the client in the course of and for the purpose of the professional employment as an Attorney-at-Law; or

 (b) to any person-

10 (i) in contemplation of, or in connection with, legal proceedings concerning the client; and

 (ii) for the purpose of those proceedings.

15 (3) The provisions of subsection (2) shall not apply in relation to any information or other matter which is disclosed with a view to furthering any illegal purpose.

 (4) In proceedings against a person for an offence under subsection (1), it is a defence to prove that the person did not know and had no reasonable ground to suspect that the
20 disclosure was likely to be prejudicial in the way described in subsection (1).

 (5) A person shall not be guilty of an offence under this section in respect of anything done by the person in the course of acting in connection with the enforcement, or
25 intended enforcement, of any provision of this Act or other penal legislation.

PART VI**GENERAL PROVISIONS**

57. (1) The Court which convicts any person of a Forfeiture serious crime under this Act may impose any of the penalties
5 hereinbefore specified and may, if it thinks fit, order that
all or any article in respect of which the serious crime was
committed, and anything used for the conveyance of such
articles, are liable to be forfeited to the State.
- (2) An order for forfeiture imposed under subsection (1)
10 shall take effect-
- (a) where no appeal is preferred to the Court of
Appeal against the order of forfeiture, on the
expiration of the period within which an appeal
may be preferred to the Court of Appeal against
15 such order of forfeiture;
 - (b) where an appeal had been preferred to the Court
of Appeal against such order of forfeiture,
and no appeal is preferred to the Supreme
Court against the order of the Court of Appeal
20 affirming or upholding such order of forfeiture,
on the expiration of the period within which an
appeal may be preferred to the Supreme Court
from such order of the Court of Appeal; or
 - (c) where an appeal had been preferred to the Court
25 of Appeal against such order of forfeiture, and
an appeal has been preferred to the Supreme
Court from the determination of the Court of
Appeal on the first-mentioned appeal, upon the
determination of the Supreme Court, affirming
30 or upholding the order of forfeiture.

(3) The provisions of Chapter XXXVIII of Part IX of the Code of Criminal Procedure Act shall apply in relation to the disposal of any article forfeited to the State under subsection (1).

5 **58.** Notwithstanding anything to the contrary in this Act or any other law –

Special
provisions
relating to
sentencing

10 (a) where a person is convicted of a serious crime under this Act, the court shall, if such person has been previously convicted of a serious crime under this Act notwithstanding its ordinary jurisdiction, impose on such person, in addition to any other penalty that it may impose, a sentence of imprisonment for a period not less than one third of the maximum period of imprisonment prescribed for such offence; or

15 (b) where a person has been sentenced by a court for a serious crime under this Act, he shall not, subject to the provisions of the Constitution and notwithstanding anything to the contrary in any other law, be eligible to be considered for release under any early release scheme.

25 **59.** No suit, prosecution or other proceeding, civil or criminal, shall lie against any officer or person for any lawful act or thing which is in good faith done or omitted to be done or purported to be done or omitted to be done in pursuance, or purported pursuance, of the provisions of this Act.

Protection of
action

30 **60.** The Extradition Law, No. 8 of 1977, is hereby amended by the insertion immediately before Part B of the Schedule to that Law, of the following item: -

Amendment
to the
Extradition Law,
No. 8 of
1977

“() An offence within the meaning of the Prevention of Organised Crimes Act, No. of ;”.

- 61.** Where there is an extradition arrangement made by the Government of Sri Lanka with any State in force
 5 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 serious crimes specified in this Act.
- 62.** Where there is no extradition arrangement made by
 10 the Government of Sri Lanka with any State, the Minister may, by Order published in the Gazette, treat the Convention, for the purposes of the Extradition Law, No. 8 of 1977, as an extradition arrangement of Sri Lanka with that State,
 15 providing for extradition in respect of the serious crimes specified in this Act.
- 63.** Where a request is made to the Government of Sri Lanka by or on behalf of the Government of a State with whom the Government of Sri Lanka has entered into
 20 an agreement for the extradition of any person accused or convicted of a serious crime under this Act, the Minister 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
 25 the prosecution or extradition of that person for that serious crime.
- 64.** (1) The provisions of the Mutual Assistance in

Existing extradition arrangements with States deemed to provide for serious crimes in the Act

Minister may treat the Convention as an extradition arrangement between Sri Lanka and certain States, in respect of serious crimes in the Act

Duty of the Minister to notify the requesting State of measures taken against persons for whose extradition a request is made

Criminal Matters Act, No. 25 of 2002 shall, wherever it is necessary for the investigation and prosecution for a serious crime under this Act, be applicable in respect of providing assistance as between the Government of Sri Lanka and
5 other States which are either Commonwealth countries specified by the Minister by Order under section 2 of the aforesaid Act or Non-Commonwealth countries with which the Government of Sri Lanka has entered into an agreement in terms of the aforesaid Act.

Assistance
to a State

10

(2) The grant of assistance to a State may be made subject to such terms and conditions as the Minister thinks fit.

65. Any person who –

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

Legal
obligation
to give
information

15

- (i) is attempting, abetting, conspiring, organising, facilitating, counselling, procuring, directing, aiding, inciting, encouraging, instigating, commanding, advising or preparing to commit
20 or doing any act preparatory to the commission of a serious crime under this Act; or

20

- (ii) has committed a serious crime under this Act,

25

fails to provide such information; or

- (b) having in his possession any information relating to the whereabouts of any person whom he knows has committed a serious crime under this Act fails to provide such information or provide

misleading information to a police officer,

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

(2) A person shall comply with the provisions of
subsection (1), notwithstanding any obligation of secrecy
or other restriction imposed by any written law, agreement,
10 contract, oath or otherwise.

66. In this Act, unless the context otherwise requires-

Interpretation

“armed forces” includes -

(a) the members of the Sri Lanka Army
raised and maintained in accordance
with the provisions of the Army Act
15 (Chapter 357);

(b) the members of the Sri Lanka Navy
raised and maintained in accordance
with the provisions of the Navy Act
20 (Chapter 358); and

(c) the members of the Sri Lanka Air Force
raised and maintained in accordance
with the provisions of the Air Force Act
25 (Chapter 359);

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

“controlled delivery” means the investigative tech-

nique of allowing the direct or indirect surveillance of a police officer for the purpose of achieving the objects of this Act, including but not limited to –

5

(a) enabling the further investigation of the serious crime suspected to have been committed and the committing of serious crimes under this Act;

10

(b) the identification of all persons involved in the commission of the afore-stated serious crimes;

(c) collection of evidence relating to such serious crimes; or

15

(d) tracing and identifying persons who are involved in such serious crimes;

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

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

20

“Information Book”, includes a crime pad or file maintained by the Criminal Investigation Department and any bureau of Investigation for the purpose of recording statements;

25

“financial or other material benefit” includes any type of financial or nonfinancial inducement, payment, bribe, reward, or other advantage, including services;

“Minister” means the Minister to whom this Act is

assigned under Article 44 or 45 of the Constitution;

5 “organised criminal group” means a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain, directly or indirectly, a financial or other material benefit;

10 “structured group” means a group that is not randomly formed for the immediate commission of a serious crime and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;

15 “police officer” shall have the same meaning as in the Police Ordinance (Chapter 53); and

20 “undercover operation” means a process within an investigation which involves a police officer in conduct which at times may amount to actions constituting a serious crime, for the purposes of achieving the objects of this Act, including but not limited to –

- (a) tracing, locating, identifying and searching suspects;
- 25 (b) identifying persons who commit serious crimes; and
- (c) investigation and gathering evidence regarding such persons and the commission of serious crimes.

67. In the event of any inconsistency between the

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail
in case of
inconsistency

FIRST SCHEDULE

[section 3]

	Column I	Column II	Column III
No.	Enactment	Section	Nature of the offence
1	Antiquities Ordinance (Chapter 188)	15	Offences relating to the discovery of antiquities
2	Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023	14	Intimidation of a victim of a crime or a witness
3	Chemical Weapons Convention Act, No. 58 of 2007	20	Prohibitions to develop, produce, acquire, &c., toxic chemical or precursor.
4	Chemical Weapons Convention Act, No. 58 of 2007	21	Import or export to be made in accordance with the Customs Ordinance (Chapter 235)
5	Civil Aviation Act, No. 14 of 2010	82	Dangerous flight operations
6	Civil Aviation Act, No. 14 of 2010	103	Contravention of the provisions of the Act, regulation &c.

7	Computer Crime Act, No. 24 of 2007	7	Dealing with data &c., unlawfully obtained an offence
8	Computer Crime Act, No. 24 of 2007	8	Illegal interception of data an offence.
9	Computer Crime Act, No. 24 of 2007	9	Using of illegal devices an offence
10	Computer Crime Act, No. 24 of 2007	10	Unauthorised disclosure of information enabling access to a service, an offence
11	Computer Crime Act, No. 24 of 2007	11	Attempts to commit an offence
12	Computer Crime Act, No. 24 of 2007	12	Abetment of an offence
13	Computer Crime Act, No. 24 of 2007	13	Conspiring to commit an offence
14	Customs Ordinance (Chapter 235)	146	Persons liable to forfeiture or penalty under any section of the Ordinance to be guilty of an offence
15	Excise Ordinance (Chapter 52)	46	Penalties for illegal import
16	Excise Ordinance (Chapter 52)	47	For illegal possession or transport
17	Excise Ordinance (Chapter 52)	48	For misconduct by the licensee

18	Fauna and Flora Protection Ordinance (Chapter 469)	37	Prohibition of the import of mammals, birds, reptiles, fishes, and invertebrates without permits
19	Fauna and Flora Protection Ordinance (Chapter 469)	39	Penalties for unlawful import or release of mammals, birds, reptiles, amphibians, fishes, and invertebrates
20	Financial Transactions Reporting Act, No. 6 of 2006	27	Leaves or arrives in Sri Lanka with more than the prescribed sum in cash or negotiable bearer instruments on his or her person or in his or her luggage without first having reported the fact to the relevant authority ...
21	Financial Transactions Reporting Act, No. 6 of 2006	28	Giving false information an offence
22	Forest Conservation Ordinance (Chapter 451)	20	Acts prohibited in any forest other than a Conservation Forest, Reserved Forest or Village Forest
23	Forest Conservation Ordinance (Chapter 451)	25	Penalties (Breach of any provisions of that Act)

24	Gambling Regulatory Authority Act, No.17 of 2025	42	Conduct gambling without a licence
25	Gambling Regulatory Authority Act, No. 17 of 2025	43	Providing false, misleading, or inaccurate information
26	Gambling Regulatory Authority Act, No. 17 of 2025	44	Advertising unlawful gambling
27	Gambling Regulatory Authority Act, No. 17 of 2025	45	Gambling operations, etc., outside of the approved gambling premises
28	Gambling Regulatory Authority Act, No. 17 of 2025	46	Using or allowing the use of premises by an owner or occupier for unlawful gambling
29	Gambling Regulatory Authority Act, No. 17 of 2025	47	Offence of organising gambling
30	Gambling Regulatory Authority Act, No. 17 of 2025	48	Offence of financing unlawful gambling
31	Gambling Regulatory Authority Act, No. 17 of 2025	50	Prohibited or unapproved gambling machine use
32	Gambling Regulatory Authority Act, No. 17 of 2025	51	Gambling with underage individuals

33	Intellectual Property Act, No. 36 of 2003	178	Infringement of Copyright
34	Intellectual Property Act, No. 36 of 2003	179	Infringement of Industrial Designs.
35	Intellectual Property Act, No. 36 of 2003	180	False representations regarding Industrial Designs
36	Intellectual Property Act, No. 36 of 2003	181	Infringement of Patents.
37	Intellectual Property Act, No. 36 of 2003	182	False representations regarding Patents
38	Intellectual Property Act, No. 36 of 2003	183	Unlawful disclosure of information relating to Patents
39	Intellectual Property Act, No. 36 of 2003	184	Infringement of Marks.
40	Intellectual Property Act, No. 36 of 2003	185	False representations regarding marks
41	Intellectual Property Act, No. 36 of 2003	186	Other offences as to marks and trade descriptions
42	Mines and Minerals Act, No.33 of 1992	63(1)	Explores for, mines, process &c. without a licence &c.
43	Payment Devices Frauds Act, No. 30 of 2006	3(1)(f), (I), (m), (n), (o) and (p)	Acts amounting to payment device fraud

44	Penal Code (Chapter 19)	101 to 113B	Abetting, conspiring &c., to commit any offence set out in this Schedule where the particular offence has a term of imprisonment of less than four years
45	Penal Code (Chapter 19)	128	Crimes concerning military deserters etc.
46	Penal Code (Chapter 19)	132	Abetment of the desertion of a soldier, sailor, or airman
47	Penal Code (Chapter 19)	133	Harbouring a deserter
48	Penal Code (Chapter 19)	137	Wearing the dress of a soldier, sailor, or airman
49	Penal Code (Chapter 19)	183	Obstructing public servant in discharge of his public functions
50	Penal Code (Chapter 19)	337	Wrongful confinement in secret
51	Penal Code (Chapter 19)	338	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act
52	Penal Code (Chapter 19)	344	Using criminal force to deter a public servant from discharge of his duty

53	Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218)	54A and 54B	Manufacture, trafficking, import or export and possession of dangerous drugs and abetment of such offences and with regard to cannabis (as per the Part III of the Schedule of that Ordinance) if the amount is less than 1kg
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SECOND SCHEDULE

[section 19(1)]

Notification of the arrest and custody

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

8. Date and place of issue of the notification: -
9. Name, designation and signature of the officer issuing the notification: -

THIRD SCHEDULE

[section 19(3)]

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

1. Name of the person arrested: -
2. Date, time and place of arrest: -
3. Reasons for the arrest: -
4. Location of the place at which the suspect is being held in detention: -
5. Name, identification number and rank of the arresting officer: -
6. Name and designation of the officer in charge of the place of detention and his contact details: -
7. Any other information that would enable the Human Rights Commission of Sri Lanka-

(a) to have prompt access to the suspect; and

(b) to ascertain whether such arrest and detention have infringed the fundamental rights of the suspect.

FOURTH SCHEDULE**[section 19 (3)]****Notification of the arrest to the Inspector General of Police**

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

FIFTH SCHEDULE**[section 21(2)]****Detention Order**

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

5. The police station where the suspect is detained: -
6. The period of detention: -
7. The reasons for which detention of the suspect has been authorised: -

