

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

**Part II of July 26, 2024**

**SUPPLEMENT**

*(Issued on 31.07.2024)*



**ONLINE SAFETY (AMENDMENT)**

**A**

**BILL**

**to amend the Online Safety Act, No. 9 of 2024**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause amends section 2 of the Online Safety Act, No. 9 of 2024 (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to make provisions to extend the application of the provisions of the principal enactment to any person who commits an offence under the Act within Sri Lanka and to any person who is subject to an offence so committed.

*Clause 3* : This clause amends section 7 of the principal enactment and the legal effect of the section as amended is to make provisions to subject the power of the President to suspend a member of the Online Safety Commission, during a hearing for removal of such member, to the prior approval of the Constitutional Council.

*Clause 4* : This clause amends section 9 of the principal enactment and the legal effect of the section as amended is to provide for the requirement to inform reasons in writing, where the Chairman of the Online Safety Commission refuses to call a meeting of the Commission upon a request of a member.

*Clause 5* : This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to –

- (a) remove the power of the Online Safety Commission to issue notices to internet service providers and internet intermediaries to disable access to an online location; and
- (b) make consequential amendments to the amendment made by clause 6 to the principal enactment.

*Clause 6* : This clause amends section 13 of the principal enactment and the legal effect of the section as amended is to make provisions to subject the application of the provisions of that section to the relevant provisions of the Judicature Act, No. 2 of 1978.

*Clause 7* : This clause repeals section 16 of the principal enactment.

*Clause 8* : This clause amends section 18 of the principal enactment and the legal effect of the section as amended is to make necessary amendments to that section to define the offence of “committing offences under this Act by personation”.

*Clause 9* : This clause repeals section 19 of the principal enactment.

*Clause 10* : This clause replaces section 20 of the principal enactment and the legal effect of the section as amended is to -

- (a) extend the application of the provisions of that section in respect of statements communicated, intending to harass a target person by publishing any private communication of such person; and
- (b) remove the punishment relating to second or subsequent conviction.

*Clause 11* : This clause amends section 21 of the principal enactment and the legal effect of the section as amended is to extend the application of the provisions of that section to online publishing of photographs, audio or video of abusive or pornographic nature relating to a person, without expressed consent of such person.

*Clause 12* : This clause amends section 23 of the principal enactment and the legal effect of the section as amended is to delete the words “or internet service provider or internet intermediary on whose online location such prohibited statement has been communicated.”.

*Clause 13* : This clause amends section 24 of the principal enactment and the legal effect of the section as amended is to delete the words “or internet service provider or internet intermediary on whose online location such prohibited statement has been communicated.”.

*Clause 14* : This clause amends section 26 of the principal enactment and the legal effect of the section as amended is to delete the words “the inauthentic online account”.

*Clause 15* : This clause amends section 27 of the principal enactment and the legal effect of the section as amended is to widen the scope of the category of persons in respect of whom the exemption of liability are granted under subsection (3) of that section.

*Clause 16* : This clause amends section 29 of the principal enactment and the legal effect of the section as amended is to -

- (a) remove the provisions which enables the court to impose penalties on persons who fails to comply with the provisions of subsection (1), (2) or (3) of that section;
- (b) impose a duty on internet service providers or internet intermediaries to take reasonably practicable steps to comply with the directions issued by the Online Safety Commission; and
- (c) exempt the civil or criminal liability of internet service providers and internet intermediaries in respect of any act done or omitted to be done with reasonable care and in good faith complying with the directions of the Commission.

*Clause 17*: This clause amends section 30 of the principal enactment and the legal effect of the section as amended is to remove the punishment relating to second or subsequent conviction under that section.

*Clause 18* : This clause amends section 31 of the principal enactment and the legal effect of the section as amended is to remove the punishment relating to second or subsequent conviction under that section.

*Clause 19* : This clause amends section 32 of the principal enactment and the legal effect of the section as amended is to enable an authorized representative of an internet intermediary to appear before the Magistrate on behalf of such internet intermediary.

*Clause 20* : This clause amends section 33 of the principal enactment and the legal effect of the section as amended is to introduce provisions to enhance clarity of the provisions relating to investigations and to maintain confidentiality of information received during such investigations.

*Clause 21* : This clause amends section 39 of the principal enactment and the legal effect of the section as amended is to extend the application of the provisions of that section to the offences committed outside Sri Lanka.

*Clause 22* : This clause replaces section 49 of the principal enactment and the legal effect of the amendment is to enable the Online Safety Commission to issue codes of practice applicable to internet service providers and internet intermediaries.

*Clause 23* : This clause amends section 52 of the principal enactment and the legal effect of the section as amended is-

- (a) to exclude a metaphor made in good faith from the scope of the definition of the expression “false statement”; and
- (b) to enhance the clarity of the definition of the expression “inauthentic online account”.

*Online Safety (Amendment)*

L.D - O.13/2024

AN ACT TO AMEND THE ONLINE SAFETY  
ACT, No. 9 OF 2024

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

1. This Act may be cited as the Online Safety Short title  
(Amendment) Act, No. of 2024.

5 2. Section 2 of the Online Safety Act, No. 9 of 2024 Amendment  
(hereinafter referred to as the “principal enactment”) is hereby of section 2  
amended by the repeal of paragraph (c) of that section and of Act, No. 9  
the substitution therefore of the following paragraph: - of 2024

10 “(c) a person commits an offence under this Act  
within Sri Lanka, in respect of any person.”.

3. Section 7 of the principal enactment is hereby amended Amendment  
in subsection (5) of that section, by the substitution for the of section 7  
words “the President prior”, of the words “the President, of the  
subject to the approval of the Constitutional Council, prior”. principal  
enactment

15 4. Section 9 of the principal enactment is hereby Amendment  
amended, in subsection (1) of that section, by the substitution of section 9  
for the words “good reason, refuse” of the words “good reason of the  
informed to such member in writing, refuse”. principal  
enactment

20 5. Section 11 of the principal enactment is hereby Amendment  
amended as follows: - of section 11  
of the  
principal  
enactment

- (1) by the repeal of paragraph (c) of that section;
- (2) in paragraph (d) of that section, by the substitution for the words and figures “as provided for in paragraph (3) of Article 105 of the Constitution or any other written law”, of the words and figures “as provided for in section 13,”; and
- (3) in paragraph (i) of that section, by the substitution for the words “in Sri Lanka;”, of the words “in Sri Lanka, as provided for in this Act;”.

10     **6.** Section 13 of the principal enactment is hereby amended as follows: - Amendment  
of section 13  
of the  
principal  
enactment

- (1) by the renumbering of that section as subsection (1) of that section;
- (2) in the renumbered subsection (1) of that section, by the substitution for the words “Any person,” and “relevant written law,”, of the words “Subject to the provisions of subsection (3) of section 49 of the Judicature Act, No. 2 of 1978, any person,” and “relevant written law on the offence of contempt of court,”, respectively; and
- (3) by the addition immediately after the renumbered subsection (1) of that section, of the following new subsection: -

25                     “(2) The jurisdiction to hear, try and determine the offence of contempt of court under subsection (1) shall be vested with the appropriate court in terms of paragraph (3) of Article 105 of the Constitution or section 55

of the Judicature Act, No. 2 of 1978 or any other written law on the offence of contempt of court.”.

5       **7.** Section 16 of the principal enactment is hereby repealed.       Repeal of section 16 of the principal enactment

**8.** Section 18 of the principal enactment is hereby amended as follows: -       Amendment of section 18 of the principal enactment

      (1) by the substitution-

10           (a) for the words “cheats by -”, of the words “commits any offence under this Act by -”;

          (b) for the words “commits the offence of “online cheating by personation””, of the words “commits an offence under this Act by personation”; and

15           (c) for the words “and fine.”, of the words “and fine, in addition to any other liability imposed on such person under this Act.”; and

20       (2) by the repeal of the marginal note to that section and substitution therefor of the following marginal note:-

          “Committing offences under this Act by personation”.

25       **9.** Section 19 of the principal enactment is hereby repealed.       Repeal of section 19 of the principal enactment

**10.** Section 20 of the principal enactment is hereby repealed and the following section is substituted therefor: -

Replacement  
of section 20  
of the  
principal  
enactment

**20.** (1) Any person, whether in or outside Sri Lanka who wilfully makes or communicates a statement, with intention to cause harassment to another person (in this section referred to as the “target person”), by publishing any private information or any kind of private communication of the target person or a related person of the target person, and as a result causes the target person or any other person harassment, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand rupees.

‘Communicating  
statements to  
cause  
harassment &  
c.  
5  
10  
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(2) For the purpose of this section-

(a) “harassment” means an act or behaviour which has the effect of threatening, alarming or distressing a person or violating a person’s dignity or creating an intimidating, degrading, hostile, humiliating or offensive environment or, which has all such effects;

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(b) “private communication” means any communication including communication via telephone or any other oral communication, communication through any social media platform or any communication through any

30



5 digital media platform that any person may reasonably expect to remain private, but does not include any information that may be evidence of the commission of any other offence; and

10 (c) “private information” means personal information, including any image, audio or video details, that any person may reasonably expect to remain private, but does not include any information that may be evidence of the commission of any other offence.

15 Illustrations-

20 (a) X and Y were formerly in a relationship which has since ended. X writes a post on a social media platform including Y’s photographs and personal mobile number, intending to cause harassment to Y by facilitating the identification or enabling others to contact Y. Y did not see the post, but receives and is harassed by telephone calls and short messages via short message service from strangers (who have read the post) propositioning Y for sex. X is guilty of an offence under this section in relation to such post.

30 (b) X and Y were formerly in a relationship which has since ended. X posts a photograph of Y in the possession of X which a reasonable person would expect it to remain private. X is guilty of an offence under this section in relation to such post.”.

**11.** Section 21 of the principal enactment is hereby amended by the insertion immediately after section (2) of that section, of the following new subsection: -

Amendment  
of section 21  
of the  
principal  
enactment

5                   “(2A) Any person, whether in or outside Sri  
Lanka, who, by way of an online account or  
through an online location, publishes any  
10                   photograph, audio or video of abusive or  
pornographic nature relating to a person  
without expressed consent of such person,  
commits an offence and shall on conviction  
be liable to imprisonment for a term not less  
than two years and not exceeding ten years or  
to a fine not exceeding one million rupees, or  
to both such imprisonment and fine.”.

15           **12.** Section 23 of the principal enactment is hereby amended as follows: -

Amendment  
of section 23  
of the  
principal  
enactment

- (1) in paragraph (d) of subsection (6) of that section,  
by the substitution for the words “social media  
20                   account, or internet service provider or internet  
intermediary on whose online location such  
prohibited statement has been communicated.”, of  
the words “social media account.”; and
- (2) in subsection (7) of that section, by the substitution  
for the words “communicated-”, of the words  
25                   “communicated, requesting –”.

13. Section 24 of the principal enactment is hereby amended, in paragraph (b) of subsection (4) of that section, by the substitution for the words “social media account, or internet service provider or internet intermediary on whose  
5 online location such prohibited statement has been communicated.”, of the words “social media account.”.

Amendment  
of section 24  
of the  
principal  
enactment

14. Section 26 of the principal enactment is hereby amended in section (1) of that section, by the substitution for the words “the inauthentic online account”, of the words  
10 “any online account”.

Amendment  
of section 26  
of the  
principal  
enactment

15. Section 27 of the principal enactment is hereby amended as follows: -

Amendment  
of section 27  
of the  
principal  
enactment

(1) in subsection (1) of that section, by the substitution for the words “Subject to the provisions of any other  
15 written law and the provisions of subsection (2), a person”, of the word “Any person”;

(2) in subsection (2) of that section, by the substitution for the words “the internet service provider”, of the word “service provider”; and

20 (3) in subsection (3) of that section –

(a) by the substitution, in paragraph (b) of that subsection, for the word “communication;”, of the words “communication; or”;

25 (b) by the substitution, in paragraph (c) of that subsection, for the words “communication; or”, of the word “communication.”; and

(c) by the repeal of paragraph (d) of that subsection.

**16.** Section 29 of the principal enactment is hereby amended, by the repeal of subsection (6) of that section and the substitution thereof of the following subsections: -

Amendment  
of section 29  
of the  
principal  
enactment

5                   “(6) An internet service provider or an internet intermediary has the duty to take all reasonably practicable steps to comply with the directions issued by the Commission in relation to a declared online location under this Act.

10                   (7) An internet service provider or internet intermediary or an officer, employee or agent of such internet service provider or internet intermediary shall not be liable in civil or criminal proceedings for any act done or omitted to be done with reasonable care and in good faith in complying with any direction given by the Commission or for taking any steps that might have to take in relation to a declared online location under this Act.”.

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20                   **17.** Section 30 of the principal enactment is hereby amended, by the substitution for the words “five million rupees and in the event of a second or subsequent conviction, such term of imprisonment or fine or both such imprisonment and fine may be doubled.”, of the words “five million rupees.”.

25

Amendment  
of section 30  
of the  
principal  
enactment

**18.** Section 31 of the principal enactment is hereby amended, by the substitution for the words “five million rupees and in the event of a second or subsequent conviction, such term of imprisonment or fine or both such imprisonment and fine may be doubled.”, of the words “five million rupees.”.

30

Amendment  
of section 31  
of the  
principal  
enactment

19. Section 32 of the principal enactment is hereby amended, in subsection (8) of that section, by the substitution for the words “it shall appear before the Magistrate making that order;”, of the words “such internet intermediary shall appear before the Magistrate making that order or duly authorize a representative to appear before the Magistrate making that order on behalf of such intermediary;”.

Amendment  
of section 32  
of the  
principal  
enactment

20. Section 33 of the principal enactment is hereby amended as follows: -

Amendment  
of section 33  
of the  
principal  
enactment

10 (1) in subsection (4) of that section -

15 (a) by the substitution for the words “power to-”, of the words “power to do the following under the authority of a search warrant issued in that behalf by a Magistrate on application made for such purpose by a police officer not below the rank of sub-inspector, to -”;

(b) by the substitution, in paragraph (a) of that subsection, for the words “sub-inspector;”, of the words “sub-inspector; and”;

20 (c) by the substitution, in paragraph (b) of that subsection, for the words “other thing;”, of the words “other thing.”; and

(d) by the repeal of paragraphs (c), (d) and (e) of that subsection;

25 (2) by the insertion immediately after subsection (4) of that section, of the following new subsection: -

“(4A) For the purpose of an investigation under this Act, an expert who has been called

upon to assist the police may, with the authority granted by a police officer not below the rank of sub-inspector –

- 5 (a) require any person to produce any document, information, device or other thing as is necessary for the purpose of such investigation;
- (b) require any person to disclose any traffic data;
- 10 (c) examine any person orally; and
- (d) do such other things as may be reasonably required, for the purposes of this Act.”; and

15 (3) by the addition immediately after subsection (6) of that section of the following new subsections: -

20 “(7) Every person engaged in an investigation under this Act shall maintain strict confidentiality with regard to all information as may come to his knowledge in the course of such investigation and he shall not disclose to any person or utilize for any purpose whatsoever any information, that has come to his knowledge other than to the extent that is required for the discharge of his duties under this Act.

25

(8) Any internet service provider, internet intermediary or any other person who is liable to disclose any data or any other information shall have no civil or criminal liability for the

disclosure of any such data or other information for the purpose of any investigation under this Act.

5 (9) Any person who contravenes the provisions of subsection (7) commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding two years, or to a fine not exceeding three hundred thousand rupees or  
10 to both such imprisonment and fine.”.

**21.** Section 39 of the principal enactment is hereby amended as follows: -

Amendment of section 39 of the principal enactment

15 (1) in subsection (1) of that section, by the substitution for the words “Act shall”, of the words “Act, other than any offence committed under section 13, shall”; and

(2) by the addition immediately after subsection (2), of the following new subsection: -

20 “(3) For the purposes of the application of the provisions of this Act in relation to any offence committed outside the territory of Sri Lanka, such offence shall be deemed to have been committed in Sri Lanka.”.

**22.** Section 49 of the principal enactment is hereby repealed and the following section is substituted therefor: -

Replacement of section 49 of the principal enactment

“Commission  
to make  
codes of  
practices by  
way of rules

5

**49.** (1) The Commission shall, by way of rules, issue codes of practice applicable to internet service providers and internet intermediaries, formulated under subsection (2) or (3), in relation to the following matters:-

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(a) to address harmful online content and behaviour including hate speech, incitement to violence, misinformation, disinformation, cyberbullying and harassment and online sexual exploitation and abuse;

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(b) to detect, control and safeguard against coordinated inauthentic behaviour and any other misuse of online accounts;

(c) to set operating standards and transparency reporting of proactive action taken to limit harmful content;

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(d) to prescribe the types of internet intermediaries;

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(e) to prescribe internet intermediaries for the purpose of enhancing disclosure of the sponsor and other information concerning any paid content directed towards a political purpose, communicated in Sri Lanka; and

(f) to specify the time period to comply with any directive issued by the Commission under this Act.



5 (2) For the purpose of subsection (1), the Commission shall, by way of a notification published in the *Gazette*, provide an opportunity to the internet service providers and internet intermediaries to formulate a code of practice in relation to the matters specified in paragraphs (a) to (f) of subsection (1) on a voluntary basis, within three months from the date of publication of the notification in the *Gazette*.  
10

(3) Where the internet service providers and internet intermediaries -

- 15 (a) fail to formulate a code of practice on a voluntary basis within the period of three months as referred to in subsection (2); or
- (b) communicate their desire to the Commission to jointly formulate a code of practice, together with the Commission,  
20

the Commission shall take steps to formulate such code of practice in relation to the matters specified in subsection (1).

25 (4) Upon the Commission acting in terms of subsection (3), it shall be the duty of the Commission to publish a draft code of practice in electronic form and seek comments, observations and recommendations from the internet service providers and internet intermediaries within a period not less than  
30 three months and take steps to reach

concurrence and consensus from the internet service providers and internet intermediaries for the implementation of the draft code of practice.

5 (5) Upon the Commission acting in terms of subsection (4), the Commission shall take steps to hold public consultations on the draft code of practice, for a period of three months prior to the issuance of the code of practice under subsection (1).

10

(6) It shall be duty of the internet service providers and internet intermediaries to comply with the code of practice formulated and published in the *Gazette* under this section.

15

(7) Every rule made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of publication or on such later date as may be specified therein.

20

(8) Every rule made under subsection (1) shall, within three months from the date of its publication in the *Gazette*, be placed before Parliament for approval and any rule, which is not so approved, shall be deemed to be rescinded with effect from the date of such disapproval, but without prejudice to anything previously done thereunder.”.

25

**23.** Section 52 of the principal enactment is hereby amended as follows: -

Amendment  
of section 52  
of the  
principal  
enactment

- (1) in the definition of the expression “false statement”,  
by the substitution for the words “imputation  
made”, of the words “imputation or metaphor  
made”; and
- 5 (2) in the definition of the expression “inauthentic  
online account”, for the words “for the purpose of  
misleading” and “holder’s identity;”, of the words  
“to mislead” and “holder’s identity for the purpose  
of committing an offence under this Act;”,  
10 respectively.

**24.** 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

