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SUPPLEMENT

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PENAL CODE (AMENDMENT)

A

BILL

to amend the Penal Code (Chapter19)

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STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 82 of the Penal Code (Chapter 19) (hereinafter referred to as the “principal enactment”) and the legal effect of the amendment is to exclude the amendment proposed to be made by clause 4 from the scope of the general exceptions.

Clause 3 : This clause amends section 308A of the principal enactment by substituting the word “wilfully” with the word “intentionally”.

Clause 4 : This clause inserts new section 308B in the principal enactment and the legal effect of the amendment is to prohibit the imposing of cruel and degrading physical or nonphysical punishments on children.

Clause 5 : This clause inserts new section 314A in the principal enactment and the legal effect of the amendment is to introduce an enhanced penalty where the offence of voluntarily causing hurt is committed against a child.

Clause 6 : This clause inserts new section 316A in the principal enactment and the legal effect of the amendment is to introduce an enhanced penalty where the offence of voluntarily causing grievous hurt is committed against a child.

Clause 7 : This clause amends section 341 of the principal enactment and is consequential to the amendment made by clause 4.

Penal Code (Amendment)

L.D.-O 41/2024

AN ACT TO AMEND THE PENAL CODE (CHAPTER 19)

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

1. This Act may be cited as the Penal Code (Amendment) Act, No. of 2025. Short title

5 2. Section 82 of the Penal Code (Chapter 19) (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion immediately before the illustration to that section, of the following:- Amendment of section 82 of Chapter 19

10 “*Fifthly* – That this exception shall not extend to the imposing of corporal punishment in respect of children.”.

3. Section 308A of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the word “wilfully”, of the word “intentionally”. Amendment of section 308A of the principal enactment

15 4. The following new section is hereby inserted immediately after section 308A of the principal enactment and shall have effect as section 308B of that enactment: - Insertion of new section 308B in the principal enactment

20 “Corporal punishment in respect of children **308B.** (1) Whoever, having the custody, charge, or care of any person under eighteen years of age, commits -

25 (a) as a measure of punishment or correctional method, an act for which physical force is used, with knowledge that such act is likely to cause some degree of pain or discomfort however light; or

(b) non-physical act with knowledge that it is likely to cause humiliation however light,

commits the offence of corporal punishment.

5 (2) Whoever commits the offence of corporal punishment in respect of children shall on conviction be punished with imprisonment for a term not exceeding six months, or with fine which may extend to
10 one hundred thousand rupees, or with both and may also be ordered to pay compensation of an amount determined by court after considering the victim impact statement filed by the National Authority for the Protection of
15 Victims of Crime and Witnesses established under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023, to the person in respect of whom the offence was committed for the injuries caused
20 to such person.

(3) Whoever commits the offence of corporal punishment in respect of a person under eighteen years of age –

25 (a) who is in the custody of a state authority or a training school, a school hostel, a children's home or a daycare centre; or

(b) with a physical or mental disability,

30 shall be punished with an imprisonment for a term not less than six months and not

5 exceeding two years, or with fine which may
extend to one hundred thousand rupees, or
with both and may also be ordered to pay
10 compensation of an amount determined by
court after considering the victim impact
statement filed by the National Authority
for the Protection of Victims of Crime and
Witnesses established under the Assistance
to and Protection of Victims of Crime and
Witnesses Act, No. 10 of 2023, to the person
in respect of whom the offence was committed
for the injuries caused:

15 Provided that, where the offender is a
person under eighteen years of age, the court
may impose a sentence of imprisonment for a
term less than six months.

(4) For the purposes of this section “custody
under a state authority” means any custody
within the meaning of any written law.

20 *Illustrations*

(a) A, being the child of B, refuses to follow B’s
orders to study for an examination. B hits A with a
belt as a punishment. A sustains physical injuries
due to this act. B has committed the offence of
25 corporal punishment.

(b) A, a caregiver in a children’s home observes B,
a child in the institution, bullying another child.
A does not provide B with food for several hours
as a punishment. A has committed the offence of
30 corporal punishment.

(c) A, a teacher or principal who believes that a
child, B, has committed theft of another child’s
property, summons B to the stage at a school
assembly and humiliates B by declaring that B

is a thief in front of the student population. A has committed the offence of corporal punishment.

5 (d) A, a 16 years old school prefect, is placed in charge of supervising the dress code of students by the school Principal. A finds B, a student, wearing a dress which violates the school dress code. A slaps B but causes no physical injuries. A has committed the offence of corporal punishment.”.

10 **5.** The following new section is hereby inserted immediately after section 314 of the principal enactment and shall have effect as section 314A of that enactment: -

Insertion of new section 314A in the principal enactment

15 “Punishment for voluntarily causing hurt to children **314A.** Whoever, except in the case provided for by section 325, voluntarily causes hurt to a person under eighteen years of age, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both and may also be ordered to pay compensation of an amount determined by court after considering the victim impact statement filed by the National Authority for the Protection of Victims of Crime and Witnesses established under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023 to the person in respect of whom the offence was committed for the injuries caused.”.

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30 **6.** The following new section is hereby inserted immediately after section 316 of the principal enactment and shall have effect as section 316A of such enactment: -

Insertion of new section 316A in the principal enactment

“Punishment for voluntarily causing grievous hurt to children **316A.** Whoever, except in the case provided for by section 326, voluntarily causes grievous hurt to a person under eighteen years of age, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine and may also be ordered to pay compensation of an amount determined by court after considering the victim impact statement filed by the National Authority for the Protection of Victims of Crime and Witnesses established under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023 to the person in respect of whom the offence was committed for the injuries caused.”.

7. Section 341 of the principal enactment is hereby amended by the repeal of paragraph (i) of illustration to that section.

Amendment of section 341 of the principal enactment

8. 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

