

ශ්‍රී ලංකා ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

THE GAZETTE OF THE REPUBLIC OF SRI LANKA (CEYLON)

EXTRAORDINARY

අංක 243/11 — 1976 දෙසැම්බර් 17 වැනි සිකුරාදා — 1976.12.17

No. 243/11—FRIDAY, DECEMBER 17, 1976

(Published by Authority)

PART I: SECTION (I)—GENERAL

Government Notifications

P. O. No. W. 68 (70)/76.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under section 5 of the Public Security Ordinance, upon the recommendation of the Prime Minister.

W. GOPALLAWA,
President.

President's Office,
Colombo, December 17, 1976.

Regulations

PART I—GENERAL

1. These regulations may be cited as the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 12 of 1976.

Short title.

2. (1) In any emergency regulation, unless any other definition is expressly provided therein or unless it is otherwise expressly provided therein or the context otherwise requires—

Interpretation of emergency regulations.

“Attorney-General”, in relation to any emergency regulation, includes the Solicitor-General and Deputy Solicitor-General, the Director of Public Prosecutions and Deputy Director of Public Prosecutions, or any Counsel for the State being a Counsel for the State authorized by the Attorney-General in that behalf for the purpose of such regulation ;

“competent authority”, in relation to any emergency regulation, means, unless otherwise provided for in such regulation, any person appointed, by name or by office, by the Prime Minister to be a competent authority for the purpose of such regulations ;

“emergency regulation” means any of these regulations or any other regulation made under the Public Security Ordinance ;

“essential service” means any service which is declared by order of the President to be of public utility or to be essential for the public safety or to the life of the community and includes any Department of Government or branch thereof which is so declared to be such a service ;

“explosive” has the same meaning as in the Explosives Act ;

Cap. 183.

“gun” shall have the same meaning as in the Firearms Ordinance ;

Cap. 182

“Inspector-General of Police” shall include any Deputy Inspector-General of Police ;

“land” includes land covered with water and parts of houses or buildings ;

“police officer” means a member of any police force established under the Police Ordinance ;

Cap. 53.

“requisitioning” means, in relation to any property, the taking possession of the property or requiring the property to be placed at the disposal of the requisitioning authority, and its grammatical variations or cognate expressions shall be construed accordingly ;

“Sri Lanka” includes the territorial waters thereof ;

“state officer” shall have the same meaning as in the Constitution of Sri Lanka ;

“territorial waters” means the part of the sea within a distance of 12 nautical miles from any point of the coast of Sri Lanka measured from low-water mark of ordinary spring tides ;

“vessel” includes boats, canoes, raft and craft of every description.

Cap. 2.

(2) The Interpretation Ordinance shall apply to the interpretation of an emergency regulation, and of any orders or rules made thereunder, as it applies to the interpretation of an Act or Ordinance or Law.

(3) Any reference in any document or any other written law to any emergency regulation shall, unless the contrary intention appears, be construed as a reference to that regulation, as amended by any subsequent regulation made under the Public Security Ordinance.

(4) Any order made by the President under paragraph (1) of this regulation declaring any service to be of public utility or to be essential for the public safety or to the life of the community may be made generally for the whole of Sri Lanka or for any area or place specified in such order.

(5) Where any emergency regulation requires or enables a period to be specified in any direction or order made under such regulation, and such direction or order does not specify any such period, such period shall be deemed to be the period during which the regulation under which such direction or order is given or made remains in force.

Powers of the President.

3. Save as otherwise expressly provided, the powers conferred by any emergency regulation shall be in addition to, and not in derogation of, any other rights or powers which by law are vested in or conferred on the President, or any other authority or person.

Delegation of powers, duties and functions under emergency regulations.

4. Any power, duty or function conferred or imposed on the Prime Minister by any emergency regulation may be exercised or performed by any other Minister who is authorized in that behalf by the Prime Minister.

Competent authority.

5. (1) The appointment of any person as a competent authority for the purposes of any emergency regulation may be made generally for the whole of Sri Lanka or for any area or place specified in the writing by which such person is appointed, and may be limited to such of those purposes as may be specified in that writing.

Provided that nothing in the preceding provisions of this paragraph shall be deemed to preclude the appointment of two or more persons to be competent authorities for any of the purposes of any such regulation or for any specified area or place.

(2) Where the holder of a designated office has been appointed to be a competent authority then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Service of notices.

6. Without prejudice to any special provisions contained in any emergency regulation a notice to be served on any person for the purpose of any emergency regulation may be served by sending it by post addressed to that person at his last or usual place of abode or place of business.

Revocation and variation of orders, etc.

7. Any power conferred by any emergency regulation to make any order or rule shall be construed as including a power, exercisable in the like manner and subject to the like conditions if any, to revoke or vary the order or rule.

PART 2—ACQUISITION AND REQUISITIONING OF PROPERTY AND REQUISITIONING OF PERSONAL SERVICES.

Requisitioning and acquisition of property.

8. (1) Subject as hereinafter provided, a competent authority, if he is of opinion that it is necessary or expedient so to do in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community, may requisition any article in Sri Lanka (including any vessel or aircraft which is owned by any person resident in Sri Lanka or which is in Sri Lanka or in any port of Sri Lanka), and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisitioning.

Cap. 192,
Cap. 365

(2) Where a competent authority requisitions any property under paragraph (1) of this regulation or any property (other than land) is in the possession or at the disposal of a competent authority by reason of the exercise of any power exercisable by virtue of the privileges and rights of the Republic or of any power conferred by section 7 of the Telecommunications Ordinance, or by section 7 of the Air Navigation Act, the competent authority may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner as the competent authority thinks expedient in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if the competent authority were the owner thereof and as if the property were free from any mortgage, pledge, lien or other charge, and, in a case where the property requisitioned is a vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery may acquire it by serving on the owner of the vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery a notice stating that the competent authority has acquired it in pursuance of this regulation.

(3) Where a notice of acquisition is served under paragraph (2) of this regulation on the owner of any vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery, then, at the beginning of the day on which the notice is served—

- (a) the vessel, vehicle, aircraft, excavator, crane, agricultural implement or agricultural machinery shall vest in the competent authority free from any mortgage, pledge, lien or other charge, and
- (b) the period of the requisition thereof shall end.

(4) A competent authority, if he is of opinion that it is necessary for the effectual exercise of the powers conferred by paragraph (1) of this regulation so to do, may by order made as respects the whole of Sri Lanka or any specified area thereof—

- (a) direct that no person, who at the time when the order takes effect, has in his possession or under his control at any premises in the area to which the order relates, any such article as may be described in the order, shall remove the article; or cause or permit it to be removed, from the premises until the removal of the article therefrom is permitted by such person or authority as may be specified in the order ;
- (b) require the owner or occupier of any premises in the said area to send to such person or authority as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such article as aforesaid was or will be on the premises, and, if so, the number or quantity of such article which was or will be on the premises on that date, according as the order may direct ; or
- (c) require persons who may from time to time own, or have in their possession or custody, or under their possession or custody, or under their control, any such vehicle within the said area as may be described in the order to furnish in writing to such authority or person as may be specified in the order, such information relating to the vehicle and its parts (including spare parts) and accessories as may be so specified.

(5) The powers conferred by the preceding provisions of this regulation shall not be exercisable in relation to currency, gold, securities or negotiable instruments.

(6) Any reference in this regulation to articles shall be construed as including a reference to substances, vehicles or animals.

(7) The Secretary to the Ministry of Defence and Foreign Affairs may, if he is of opinion that it is necessary or expedient so to do in the interests of public security or the preservation of public order or for the maintenance of supplies and services essential to the life of the community, requisition any immovable property in Sri Lanka and give such directions as appear to him to be necessary or expedient in connection with the requisitioning.

(8) Where any immovable property is requisitioned under paragraph (7) of this regulation, the Secretary to the Ministry of Defence and Foreign Affairs may use or deal with, or authorize the use of or dealing with, that property for such purpose and in such manner as he thinks expedient in the interests of public security or the preservation of public order or for the maintenance of supplies and services essential to the life of the community.

(9) Any police officer and any other officer of Government shall, upon being requested to do so, aid and assist any person in the exercise of the powers conferred on that person by the preceding provisions of this regulation.

(10) For the purposes of this regulation "competent authority"—

- (a) in relation to the requisitioning of vehicles (including spare parts) which are required for the operation of passenger transport services and the requisitioning of vessels which are required in the interests of public security or the preservation of public order or for the maintenance of supplies and services essential to the life of the community, means a person or each person appointed as such, by name or by office, by the Prime Minister ;
- (b) in relation to the requisitioning of vehicles (including spare parts) which are required for the transport of food, means a person or each person appointed as such, by name or by office, by the Prime Minister ;
- (c) in relation to the requisitioning of articles (including vehicles) which are required for the provision of health and medical services, means a person or each person appointed as such, by name or by office, by the Prime Minister ;
- (d) in relation to the requisitioning of vehicles which are required for the preservation of public order, means the Commander of the Army, the Captain of the Navy, the Commander of the Air Force or the Inspector-General of Police ;

(e) in relation to the requisitioning of articles which are required for the purposes of agriculture, means a person or each person appointed as such, by name or by office, by the Prime Minister ; and

(f) in relation to the requisitioning of any other article, means a person or each person appointed as such, by name or by office, by the Prime Minister.

(11) For the purpose of this regulation, the term " article " includes petroleum or any product or by-product of petroleum.

Requisitioning
of vehicles.

9. (1) If a competent authority is of opinion that it is necessary or expedient so to do in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community, he may requisition any vehicle in Sri Lanka and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisitioning.

(2) Where a competent authority requisitions any vehicle under paragraph (1) of this regulation, the competent authority may use or deal with, or authorize the use of or dealing with, the vehicle for such purpose and in such manner as the competent authority thinks expedient in the interests of public security, the preservation of public order or for the maintenance of supplies and services essential to the life of the community.

(3) If a competent authority is of opinion that it is necessary for the effectual exercise of the powers conferred by paragraph (1) of this regulation so to do, he may, by order made as respects the whole of Sri Lanka or any specified area thereof, direct that no person who, at the time when the order takes effect, has in his possession or under his control at any premises in the area to which the order relates, any such vehicle as may be described in the order, shall remove the vehicle, or cause or permit it to be removed, from the premises until the removal of the vehicle therefrom is permitted by such person or authority as may be specified in the order.

(4) Any officer of police and any other officer of Government shall, upon being requested to do so, aid and assist any person in the exercise of powers conferred on that person by the preceding provisions of this regulation.

(5) For the purposes of this regulation, " competent authority " means the Commander of the Army, the Captain of the Navy, the Commander of the Air Force, the Inspector-General of Police or the Government Agent of every Administrative District.

Requisitioning
of personal
services.

10. The Prime Minister may by order under his hand require, or may delegate to any one or more authorities or officers specified in that behalf the power in like manner to require, any person to do any work or render any personal service in aid of, or in connection with, the maintenance of the public safety or the maintenance of essential services.

Where any person contravenes or fails to comply with any order made under this regulation, he shall be guilty of an offence and on conviction after trial before a Magistrate, in addition to any other penalty that the court shall impose for such offence—

(a) all property, movable or immovable, of such person shall, by virtue of such conviction, be deemed to be forfeited to the Republic free of encumbrances ; and

(b) any alienation or other disposal of such property effected by such person after the date of the coming into force of this regulation shall be deemed to have been, and to be, null and void.

PART 3—CONTROL OF MEETINGS, PROCESSIONS, PUBLICATIONS, FIREARMS, AND RIGHT OF ENTRY, etc.

11.—

Prohibition of
processions and
meetings.

12. (1) The Prime Minister may, by order, prohibit the holding of public processions or public meetings, or of such public processions or meetings as may be specified in that order in any area in Sri Lanka specified in that order for such period as may be so specified, subject to such exemptions as may be made by that order or by any subsequent order made under this regulation.

(2) The Prime Minister may give directions prohibiting the holding of any procession or meeting in any area in Sri Lanka the holding of which would be, in the opinion of the Prime Minister, likely to cause a disturbance of public order or to promote disaffection.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this regulation.

13. (1) The Prime Minister may, as respects any area in Sri Lanka, by order direct that, subject to such exemptions as may be made by that order or by any subsequent order made under this regulation, no person in that area shall, between such hours or during such period as may be specified in the order, be on any public road, railway, public park, public recreation ground, or other public ground, or the seashore, or any other building or premises or place specified in the order, except under the authority of a written permit granted by such person as may be specified in the order.

Curfew.

(2) In paragraph (1) of this regulation, "public road", includes any roadway over a public bridge, any pavement, drain, embankment or ditch belonging or appertaining to a public road.

14. (1) A competent authority may take such measures and give such directions as he may consider necessary for preventing or restricting the publication in Sri Lanka or any specified area in Sri Lanka or the transmission from Sri Lanka to places outside Sri Lanka, of matter which would or might be prejudicial to the interests of public security or the preservation of public order or the maintenance of supplies and services essential to the life of the community or of matter inciting or encouraging persons to mutiny, riot or civil commotion, and directions under this paragraph may contain such incidental and supplementary provisions as appear to the competent authority to be necessary or expedient, including provision for securing that documents, pictorial representations, photographs or cinematograph films, shall, before publication, be submitted or exhibited to the competent authority.

Control of publications.

(2) (a) Every person who contravenes the provisions of any direction given under paragraph (1) of this regulation shall be guilty of an offence; and if any person is convicted of such an offence by reason of his having published a newspaper, the Prime Minister may by order direct that, during such period as may be specified in that order, that person shall not publish any newspaper in Sri Lanka.

(b) Without prejudice to the provisions of sub-paragraph (a), where there is a contravention of the provisions of any direction given under paragraph (1) of this regulation and such contravention is in respect of any publication in any newspaper, the competent authority may, after issuing one or more warning as he may consider reasonable, order—

(i) that no person shall print, publish or distribute or in any way be concerned in the printing, publication or distribution of such newspaper for such period as may be specified in the order; or

(ii) that the printing press in which such newspaper was published shall, for such period as is specified in the order, not be used for any purposes whatsoever or for any such purpose as is specified in the order, and any such order may authorize any person specified therein to take such steps (including the taking possession of any printing press with respect to which the order is made or of any premises in which it is contained or of any part of such printing press or premises) as appear to the persons so authorized to be necessary for securing compliance with the order.

(3) If a competent authority is of opinion that there is or has been or is likely to be in any newspaper, publication of matter which is, in his opinion, calculated to be prejudicial to the interests of public security or the preservation of public order or the maintenance of supplies and services essential to the life of the community, or matter inciting or encouraging persons to mutiny, riot or civil commotion, he may—

(a) by order direct that no person shall print, publish or distribute or in any way be concerned in the printing, publication or distribution of such newspaper for such period as may be specified in the order, and that the printing press in which such newspaper was printed shall, for such period as is specified in the order, not be used for any purpose whatsoever or for any such purpose as is specified in the order, and authorize any person specified therein to take such steps (including the taking possession of any printing press with respect to which the order is made or of any premises in which it is contained or of any part of such printing press or premises) as appear to the person so authorized to be necessary for securing compliance with the order; or

(b) take such measures or give such directions or make such order as is provided for in paragraphs (1) and (2) of this regulation, in respect of such newspaper.

(4) Where a competent authority has made an order under the provisions of paragraph (2) (b) or paragraph (3) of this regulation in relation to any newspaper specified by name in the order, such order shall apply not only to any newspaper published under that name, but also to any newspaper published under any other name if the publication thereof, is in any respect, in continuation of or in substitution for the publication of the newspaper specified in the order.

(5) No person shall print, publish or distribute, or in any way be concerned in the printing, publication or distribution of any newspaper in respect of which an order has been made under the provisions of paragraph (2) (b) or paragraph (3) of this regulation.

(6) At any time after an order has been made under this regulation, the Prime Minister may direct that the operation of the order be suspended, subject to such conditions as the Prime Minister thinks fit and may at any time revoke such direction.

(7) If a competent authority is of opinion that any printing press, or a printing press under the control of any person, has been or is likely to be used for the production of any document containing matter which is in his opinion calculated to prejudice the interests of public security or the preservation of public order or the maintenance of essential services and supplies, or matter inciting or encouraging persons to mutiny, riot or civil commotion, the competent authority may by order direct that the printing press, or all or any of the printing presses under the control of that person, as the case may be shall, so long as the order is in force, not be used for any purpose whatsoever or for any such purpose as is specified in the order : and any such order may authorize any persons specified therein to take such steps (including the taking possession of any printing press with respect to which the order is made or of any premises in which it is contained or of any part of such printing press or premises) as appear to the persons so authorized to be necessary for securing compliance with the order.

(8) For the purposes of paragraphs (2) (b), (3) and (7) of this regulation, there shall be one or more Advisory Committees consisting of persons appointed by the Prime Minister and any person dissatisfied with any order made under any of those paragraphs may make his objections in respect thereof to the appropriate Advisory Committee.

(9) It shall be the duty of the competent authority to secure that, in any case where an order is made under paragraph (2) (b), paragraph (3) or paragraph (7) of this regulation, the proprietor of the newspaper or the owner of the printing press affected thereby is informed that he may make representations to the Prime Minister in writing with respect to that order and that he may, whether or not such representations are made, make objections to the appropriate Advisory Committee.

(10) Any meeting of an Advisory Committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Prime Minister, and it shall be the duty of the chairman to afford to the objector an opportunity of making representations in person in support of his objections.

(11) The report of an Advisory Committee upon any such objections as aforesaid shall be submitted to the Prime Minister who may after consideration thereof, revoke or vary the order to which the objections relate.

(12) Where any newspaper is printed, published or distributed in contravention of any provisions of this regulation, or of any condition attached to a direction given under paragraph (6) of this regulation, the proprietor, the manager, the editor and the publisher of that newspaper shall, whether or not the direction is revoked in consequence of the contravention, be severally guilty of an offence.

(13) in this regulation—

- (a) "cinematograph films" includes a sound-track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film ;
- (b) "publication" means, in relation to a cinematograph film, the exhibition of the film to the public and includes the mechanical or electrical reproductions of any sounds in connection with the exhibition of the film as aforesaid ;
- (c) "newspaper" includes any journal, magazine, pamphlet or other publication ; and
- (d) "printing press" includes any machinery, apparatus or plant capable of being used for printing, lithography, photography, or other mode of representing or reproducing words in a visible form, or any type or other article belonging to such machinery, apparatus or plant.

Guns and
explosives.

15. (1) The Inspector-General of Police may, with a view to ensuring the public safety and the maintenance of public order, direct that any gun or explosive in the possession of any person shall be removed and kept in such custody as he may determine.

(2) Any person specified in that behalf by name or by office in any direction issued by the Inspector-General of Police under paragraph (1) of this regulation may carry out such direction. For the purpose of carrying out such direction, such person may be assisted by any other person or persons and may enter any premises or place and open or break open any outer or inner door or window for the purpose of entering such premises or place and any receptacle or repository wherein any gun or explosive is suspected by such person to be kept.

(3) No person shall conceal any gun or explosive to which a direction issued by the Inspector-General of Police under paragraph (1) of this regulation relates or do any other act with a view to preventing or hindering the carrying out of such direction.

16.—

PART 4—SUPERVISION, SEARCH, ARREST AND DETENTION

17. (1) Where the Secretary to the Ministry of Defence and Foreign Affairs is of opinion with respect to any particular person that, with a view to preventing that person—

Supervision of suspected persons and restriction orders.

- (a) from acting in any manner prejudicial to the public safety or to the maintenance of public order, or to the maintenance of essential services ; or
- (b) from acting in any manner contrary to any of the provisions of regulation 24 or sub-paragraph (a) or sub-paragraph (b) of paragraph (2) of regulation 38, or of paragraph (3) of regulation 68, of these regulations,

It is necessary so to do, the Secretary may make an order for all or any of the following purposes :—

- (i) for securing that, except in so far as he may be permitted by the order, or by such authority or persons as may be specified in that order, that person shall not be in any such area in Sri Lanka as may be so specified ;
- (ii) for requiring that person to notify his movements in such manner, at such times, and to such authority or person as may be specified in that order ;
- (iii) for prohibiting that person from leaving his residence without the permission of such authority or person as may be specified in that order, and prohibiting any other person from entering or leaving such residence except in such circumstances as may be specified in that order or be determined by such authority or person as may be specified in that order ;
- (iv) for requiring that person, if he is in possession of a passport or of travel documents or tickets for transportation for a journey outside Sri Lanka to surrender such passport or travel documents or tickets, as the case may be, to such authority or person as may be specified in that order ;
- (v) for prohibiting or restricting the possession or use by that person of any specified articles ; and
- (vi) for imposing upon that person such restrictions as may be specified in that order in respect of his employment or business, in respect of his association or communication with other persons and in respect of his activities in relation to the dissemination of news or the propagation of opinions.

(2) If any person is in any area in contravention of an order made under sub-paragraph (i) of paragraph (1) of this regulation or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings that may be taken against him, he may be removed from that area by any police officer or by any other person authorized in that behalf by the Secretary to the Ministry of Defence and Foreign Affairs.

18. (1) Where the Secretary to the Ministry of Defence and Foreign Affairs is of opinion with respect to any person that, with a view to preventing such person—

Detention of person.

- (a) from acting in any manner prejudicial to the public safety, or to the maintenance of public order, or to the maintenance of essential services ; or
- (b) from acting in any manner contrary to any of the provisions of sub-paragraph (a) or sub-paragraph (b) of paragraph (2) of regulation 38 or regulation 24 of these regulations,

It is necessary so to do, the Secretary may make order that such person be taken into custody and detained in custody.

(2) Any police officer or member of the Sri Lanka Army, Sri Lanka Navy or Sri Lanka Air Force shall have the right to carry into effect any order made under paragraph (1) of this regulation and to use all such force as may be necessary for the purpose.

(3) Any person detained in pursuance of an order made under paragraph (1) of this regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorized by the Inspector-General of Police and in accordance with instructions issued by him, and where such person is so detained in a prison established under the Prisons Ordinance—

- (a) all the provisions of that Ordinance other than the provisions of Part IX of that Ordinance, and

(b) all the rules made under that Ordinance other than the rules which relate to visits to, and the correspondence of, prisoners,

shall apply to such person as though he were a civil prisoner within the meaning of that Ordinance :

Provided, however, that the Secretary to the Ministry of Defence and Foreign Affairs may, where he considers it expedient so to do—

(a) by order direct that any provisions of the said Ordinance or any rules made thereunder which under the preceding provisions of this paragraph apply to such person, shall not apply or shall apply subject to such amendments or modifications as may be specified in such order ; and

(b) permit visits to, and the correspondence of, such person in such manner and at such time and place, as such Secretary may from time to time direct.

(4) For the purpose of this regulation, there shall be one or more Advisory Committees consisting of persons appointed by the President, and any person aggrieved by an order made against him under this regulation may make his objections to such a Committee.

(5) It shall be the duty of the Secretary to the Ministry of Defence and Foreign Affairs to secure that any person against whom an order is made under this regulation shall be afforded the earliest practicable opportunity of making to the Prime Minister representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an Advisory Committee as aforesaid. Rules may be made by the President in relation to the hearing and disposal of such objections.

(6) Any meeting of an Advisory Committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the President and it shall be the duty of the chairman to inform the objector of the grounds on which the order under this regulation has been made against him and to furnish him with such particulars as are in the opinion of the chairman sufficient to enable him to present his case.

(7) Where an Advisory Committee consists of three persons, the quorum for any meeting thereof shall be two, and where an Advisory Committee consists of more than three persons, the quorum shall be three.

(8) The report of an Advisory Committee with respect to any such objections as aforesaid shall be submitted to the Secretary to the Ministry of Defence and Foreign Affairs who may, after consideration thereof, revoke the order to which the objections relate.

(9) Where the Secretary to the Ministry of Defence and Foreign Affairs certifies in writing that any person in respect of whom an order under paragraph (1) of this regulation is made is suspected by him to be or to have been a member of an organization proscribed under regulation 68 of these regulations, the provisions of paragraphs (4), (5), (6), (7) and (8) of this regulation shall not apply in regard to that person.

(10) An order under paragraph (1) of this regulation shall not be called in question in any court on any ground whatsoever.

19. (1) Any police officer, any member of the Sri Lanka Army, Sri Lanka Navy or Sri Lanka Air Force, or any other person authorized by the Prime Minister to act under this regulation may search, detain for purposes of such search, or arrest without warrant, any person who is committing or has committed or whom he has reasonable ground for suspecting to be concerned in or to be committing or to have committed, an offence under any emergency regulation, and may search, seize, remove and detain any vehicle, vessel, article, substance or thing whatsoever used in or in connection with the commission of the offence; Any person who makes an arrest under this regulation shall produce the person arrested within twenty-four hours, exclusive of the time necessary for the journey from the place of arrest, before a Magistrate within whose jurisdiction the arrest was made.

(2) The Prime Minister may in writing authorize any person—

(a) to enter and search any premises, place, vehicle or vessel, and

(b) to search, and to detain for purposes of search, any person,

and to seize and remove any article, substance or thing whatsoever which is found during such search and which, in the opinion of the person conducting the search, is necessary to be examined or taken charge of in the interests of the public safety or the maintenance of public order or for the purposes of any emergency regulation.

(3) Any person conducting a search under paragraph (2) of this regulation may question any other person present in the premises, place, vehicle or vessel searched, or the person who is searched, in regard to any matter connected with or relating to the purpose of the search.

(4) Every person who is questioned under paragraph (3) of this regulation shall furnish such information as is within his knowledge in regard to the matter on which he is questioned.

(5) The person residing in or in charge of any premises, place, vehicle or vessel which is to be searched under this regulation shall, on demand of the person conducting the search, allow him free ingress thereto and afford all reasonable facilities for a search therein.

(6) A person conducting a search under this regulation may, in order to effect an entrance into the premises, place, vehicle or vessel to be searched, open or break open any outer or inner door or window.

(7) Whenever it is necessary to cause a female to be searched, the search shall be made by another female.

20.—

20A.—

20B.—

20c. Every member of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force, who is for the time being engaged in escorting any prisoner or in guarding any prison or other place where prisoners are confined or are employed in work, or in assisting in the quelling of any disturbance or violence on the part of any prisoners, or in recapturing any escaped prisoner, or in enforcing or assisting in the enforcement of any lawful order, shall be deemed to have all the powers and rights vested in a police officer by virtue of section 77(5) of the Prisons Ordinance and the rules relating thereto made under that Ordinance.

Right of members of the Armed Forces to carry out any lawful orders in relation to prisons and prisoners.

PART 5—OFFENCES AND PENALTIES

21. Whoever—

- (a) conspires to overthrow, or attempts or prepares to overthrow, or does any act, or conspires to do or attempts or prepares to do any act, calculated to overthrow, or with the object or intention of overthrowing, or as a means of overthrowing, otherwise than by lawful means, the Government of Sri Lanka by law established, or
- (b) conspires to murder or attempts to murder, or wrongfully confines or conspires or attempts to prepare to wrongfully confine, the President, or a Member of the National State Assembly, or a member of the Police or a member of the Armed Forces, or a state officer with the intention of inducing or compelling the President, such Member of the National State Assembly, member of the Police or member of the Armed Forces or state officer to exercise or refrain from exercising in any manner any of the lawful powers of the President, such Member of the National State Assembly, member of the Police, member of the Armed Forces or state officer, or
- (c) in any manner overawes, influences, or coerces, or prepares, conspires, or attempts to overawe, influence or coerce, any person with the intention of inducing or compelling the Government of Sri Lanka, the President, a Member of the National State Assembly, a member of the Police, a member of the Armed Forces or a state officer, to exercise or refrain from exercising in any manner the lawful powers of the Government of Sri Lanka, the President, such Member of the National State Assembly, member of the Police, member of the Armed Forces, or state officer,

Conspiracy to overthrow Government, etc.

shall be guilty of an offence and notwithstanding anything in any other law, shall upon conviction before the High Court be punished with death or rigorous imprisonment for a period not exceeding twenty years and shall forfeit all his property.

Arson, looting,
 trespass, etc.

22. (1) Any person who,
- (a) does, with fire or any combustible matter or any explosive or corrosive substance or with any missile, weapon or instrument of any description, any act which causes the destruction of or damage to property, whether movable or immovable or any such change in any such property, as destroys or diminishes its value or utility, whether it be property of the Government or any local authority or any individual or body of persons ; or
 - (b) causes or attempts to cause death or injury to any other person with fire or any combustible matter or any explosive or corrosive substance or with any missile, weapon or instrument of any description ; or
 - (c) is a member of an unlawful assembly as defined in section 138 of the Penal Code the object of which assembly is to do any act referred to in sub-paragraph (a) or sub-paragraph (b) ;

shall be guilty of an offence and, notwithstanding anything in the Penal Code or in these regulations shall, on conviction thereof before the High Court, be liable to suffer death or imprisonment of either description for life.

Cap. 19

(2) Section 96 of the Penal Code (which relates to the right of private defence of property and prescribes the circumstances in which death or other harm can be caused to a wrongdoer in the exercise of such right) shall have effect as though there were added at the end of that section the following :—

“ Fifthly—Any offence under regulation 22 of the Emergency (Miscellaneous Provisions and Powers) Regulations.”

(3) The written sanction of the Attorney-General under regulation 58 of these regulations for a prosecution for any offence under this regulation may be granted if he is satisfied that the offence was committed in furtherance of, or in connection with or in the course of civil disturbance prevailing at or about the time of the commission.

Prevention of
 disaffection.

23. No person shall—
- (a) endeavour to cause disaffection among persons who are—
 - (i) state officers; or
 - (ii) engaged in the Service of the Republic ;
 - (iii) engaged in the performance of essential services ; or
 - (b) endeavour to induce any person referred to in paragraph (a) to do or omit to do anything in breach of his duty as a state officer or as a person so engaged, as the case may be ; or
 - (c) with intent to contravene, or to aid, abet, or counsel a contravention of sub-paragraph (a) or sub-paragraph (b), have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

Sedition and
 incitement.

24. Any person who by words, whether spoken or written, or by signs or visible representations, or by conduct, or by any other act—
- (a) brings or attempts to bring the President or the Government into hatred or contempt, or excites, or incites or attempts to excite or incite feelings of disaffection, to or hatred or contempt of, the President or the Government ; or
 - (b) brings or attempts to bring the Constitution of Sri Lanka or the administration of justice into hatred or contempt, or excites or incites or attempts to excite or incite feelings of hatred or contempt of the Constitution of Sri Lanka or the administration of justice ; or
 - (c) excites or incites or attempts to excite the inhabitants of Sri Lanka or any section, class or group of them to procure, otherwise than by lawful means, the alteration of any matter by law established ; or
 - (d) raises or creates or attempts to raise or create discontent or disaffection among the inhabitants of Sri Lanka or any section, class or group of them ; or
 - (e) promotes or fosters or attempts to promote or foster feelings of hatred or hostility between different sections, classes or groups of the inhabitants of Sri Lanka ; or
 - (f) excites or incites or attempts to excite or incite the inhabitants of Sri Lanka, or any section, class or group of them to the use of any form of physical force or violence, breaches of the peace, disobedience of the law or obstruction of the execution of the law for the purpose thereby inducing or compelling the National State Assembly or the Government to alter any matter by law established or to do or forbear from doing any act or thing ; or

(g) excites or incites or attempts to excite or incite the inhabitants of Sri Lanka, or any section, class or group of them to do or omit to do any act or thing which constitutes a breach of any emergency regulation,

shall be guilty of an offence and punished with rigorous imprisonment which shall extend to at least three months but shall not extend to more than twenty years and may also be liable to a fine.

25. Whoever by words whether spoken or written or by signs or by visible representations or by conduct or by any other act, advocates, urges, or advises directly or indirectly the necessity, duty or desirability of overthrowing or overpowering, otherwise than by lawful means, the Government of Sri Lanka by law established shall be guilty of an offence.

Display of Slogans, etc.

26. (1) No person shall, without the permission of the Inspector-General of Police or any police officer authorized in that behalf by the Inspector-General of Police, affix in any place visible to the public or distribute among the public any posters, handbills or leaflets.

Distribution of leaflets, etc.

Provided, however, that the preceding provisions of this paragraph shall not apply to the affixture or distribution of posters, handbills or leaflets for the purpose of promoting the election of any candidate at any election under the Ceylon (Parliamentary Elections) Order in Council during the period commencing on the day of nomination and ending on the day following the day on which a poll is taken at such election, to the extent that such affixture or distribution is permitted under the aforesaid Order in Council.

(2) In any proceedings in respect of an offence alleged to have been committed by a person under paragraph (1) of this regulation, a certificate signed by the Inspector-General of Police and stating that such person had no permission from the Inspector-General of Police, or from any police officer authorized in that behalf by the Inspector-General of Police, to affix in any place visible to the public or distribute among the public any posters, handbills or leaflets, shall be admissible, in evidence without proof of the signature of the Inspector-General of Police and shall be prima facie evidence of the facts stated in such certificate.

27. No person shall, by word of mouth or by any other means whatsoever, communicate or spread any rumour or false statement which is likely to cause public alarm or public disorder.

Communication spreading of rumours and false statements.

27A. Any person who prints or publishes any document recording or giving information or commenting about, or any pictorial representation, photograph or cinematograph film of any of the following matters—

Printing or publishing certain types of documents.

- (a) the activities of any organisation proscribed under regulation 68 ;
- (b) any matter relating to the investigations carried on by the Government into the terrorist movement ;
- (c) the disposition, condition, movement or operations of the Police, Sri Lanka Army, Sri Lanka Navy and Sri Lanka Air Force ;
- (d) any matter pertaining to the defence and the security of Sri Lanka ;
- (e) any matter likely, directly or indirectly, to create communal tension ;

shall be guilty of an offence :

Provided, however, that the preceding provisions of this regulation shall not apply to any proceedings before any Court or any Commission established under the Criminal Justice Commissions Act, No. 14 of 1972, or to the printing or publication of any such proceedings.

28.—

29.—

30. Whoever without lawful authority or reasonable excuse, the proof whereof shall lie on such person, has in his possession, custody or control, any book, document or paper containing any writing or representation which is likely to be prejudicial to the interests of public security or to the preservation of public order or which is likely to arouse, encourage or promote feelings of hatred or contempt to the Government or which is likely to incite any person directly or indirectly to take any step towards the overthrowing of the Government shall be guilty of an offence.

Possession of subversive literature.

31. Whoever collects arms, ammunition, explosives or weapons or other dangerous articles or substances or prepares, trains, or attempts to train any person in the manufacture or use of such arms, ammunition, explosives, weapons or dangerous articles or substances shall be guilty of an offence.

Collection of arms, etc.

32. Whoever not being a member of the Armed Forces or the Police Force wears or has in his possession the custody or control of any garb, dress, uniform, identity card, token or other symbol resembling in any manner or in any detail the garb, dress, uniform, identity card, token or other symbol worn or used by any member of the Armed Forces or the Police Force shall be guilty of an offence.

Wearing of apparel resembling uniforms.

Explosives,
offensive
weapons and
offensive
substances.

33. (1) Any person who, without lawful authority or reasonable excuse, the proof whereof shall lie on such person, transports causes the transport of, or has in his possession or under his control, any explosives, offensive weapon or offensive substance shall be guilty of an offence.

(2) A police officer, a member of the Sri Lanka Army of a rank not below that of Corporal, a member of the Sri Lanka Navy of a rank not below that of Leading Seaman, or a member of the Sri Lanka Air Force of a rank not below that of Corporal, may remove any explosive, offensive weapon or offensive substance which is in the possession or under the control of any person whom he has reasonable cause to believe to be committing an offence under this regulation.

(3) Where any person is convicted of an offence under this regulation, any vehicle or vessel, which has been used in connection with the commission of the offence shall be forfeited to the Republic.

(4) Any person who commits an offence under this regulation shall be tried by a Magistrate and upon conviction shall be liable to a term of imprisonment of either description not exceeding five years or to a fine not exceeding five thousand rupees or to both such imprisonment and fine.

(5) In this regulation—

“offensive substance” means any inflammable, corrosive or volatile substance; and

“offensive weapon” means a bomb or grenade or any other device or contrivance made or intended for a use or purpose similar to that of a bomb or grenade or any article capable of being used for causing injury to person or property and includes any thing or substance which could form a part of such bomb, grenade, device or contrivance.

(6) Notwithstanding anything in the Firearms Ordinance, any person who is convicted of an offence against that Ordinance by reason of the contravention of the provisions of section 22 of that Ordinance, relating to the custody or possession or use of unlicensed guns, in any area in Sri Lanka specified by the Prime Minister by order, shall be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

Throwing
missiles.

34. No person shall, throw any thing or substance at any engine, tender, carriage or truck upon any railway, or any vehicle upon any public road, in such manner as to endanger the safety of any person who is in or upon such engine, tender, carriage, truck or vehicle.

Pointing
of gun.

35. No person shall, without lawful excuse, point at any other person any gun, whether loaded or unloaded.

36.—

Resistance to,
or obstruction
of, persons
in authority.

37. No person shall resist or obstruct any other person in the exercise or discharge of any power or duty conferred or imposed on that other person by or under any emergency regulation.

Maintenance,
obstruction,
etc., of essential
services.

38. (1) Where any service is declared by order made by the President, under regulation 2 to be an essential service, any person who, on or after December 17, 1976, was engaged or employed, on any work in connection with that service, fails or refuses, after the lapse of one day from the date of such order, to attend at his place of work or employment or such other place as may from time to time be designated by his employer or a person acting under the authority of his employer, or who fails or refuses, after the lapse of one day from the date of such order, to perform such work as he may be directed, by his employer or a person acting under the authority of his employer to perform, he shall, notwithstanding that he has failed or refused to so attend or to so work in furtherance of a strike—

(a) be deemed for all purposes to have forthwith terminated or vacated his employment notwithstanding anything to the contrary in any other law or the terms or conditions of any contract governing his employment; and

(b) in addition, be guilty of an offence.

(1A.) (i) Where the Commissioner is satisfied that there are matters in dispute between any person deemed to have vacated or terminated his employment under the provisions of paragraph (1) of this regulation or under the provisions of any emergency regulation in force at any time

during the period commencing on December 1, 1973 and ending on December 16, 1976 and the person who was his employer immediately before such vacation or termination, the Commissioner may notwithstanding the provisions of that paragraph or that emergency regulation and after such inquiry as he may deem expedient, make in respect of such matters or any matter directly or indirectly connected with or arising from such matters, such interim order as may appear to him to be just and equitable. Such interim order may include an order directing the aforesaid employer to re-employ the person so deemed to have vacated or terminated his employment.

(ii) Every interim order made under sub-paragraph (i) shall have effect until an order or award in settlement of such matters is made under the provisions of sub-paragraph (iv).

(iii) The provisions of Part VI of the Industrial Disputes Act relating to the enforcement of an award made by an Industrial Court under the Industrial Disputes Act and to the proceedings to be taken on the failure to comply with the terms of any such award, shall, *mutatis mutandis*, apply in the case of a failure to comply with any interim order made under sub-paragraph (i). Where any person re-employed under an interim order made under sub-paragraph (i) fails to comply with any of the provisions of such interim order, he shall be deemed to have vacated or terminated his employment.

(iv) It shall be competent for any person or authority, notwithstanding the provisions of paragraph (1) of this regulation or of any emergency regulation in force at any time during the period commencing on December 1, 1973 and ending on December 16, 1976, to take action under, or to have recourse to, the provisions of the Industrial Disputes Act for the settlement of the matters in respect of which or in respect of any matters directly or indirectly connected with which, or arising from which an interim order has been made under sub-paragraph (i).

(v) In this paragraph, unless the context otherwise requires, "Commissioner" and "employer" shall have the same meanings respectively as in the Industrial Disputes Act.

(2) Where any service is declared by order made by the President under regulation 2 to be an essential service—

(a) any person who in any manner whatsoever—

- (i) impedes, obstructs, delays or restricts the carrying on of that service, or
- (ii) impedes, obstructs, or prevents any other person employed in or in connection with the carrying on of that service from attending at his place of work, or
- (iii) incites, induces or encourages any other person employed in or in connection with the carrying on of that service to refrain from attending at his place of work, or
- (iv) compels, incites, induces or encourages the establishment or maintenance of any other service in lieu of, or parallel with that service, being a Government Department or branch thereof, or
- (v) compels, incites, induces or encourages any other person employed in or in connection with the carrying on of that service to surrender or depart from his employment (whether or not such other person does so surrender or depart in consequence), or
- (vi) prevents any other person from offering or accepting employment in or in connection with the carrying on of that service ; or

(b) any person who, by any physical act or by any speech or writing incites, induces or encourages any other person to commit any act specified in sub-paragraph (a) of this paragraph (whether or not such other person commits in consequence any act so specified)

shall be guilty of an offence.

(3) Where any person is convicted by any court of any offence against this regulation, then, in addition to any other penalty that the court shall impose for such offence :—

- (a) all property, movable or immovable, of that person shall, by virtue of such conviction, be deemed to be forfeited to the Republic ; and
- (b) any alienation or other disposal of such property effected by such person after the date of the coming into force of these regulations shall be deemed to have been, and to be, null and void.

39. No person shall, without lawful authority, cause any obstruction or damage to any public road, bridge or culvert, or to any railway, or any public road transport vehicle.

Obstruction
of or damage
roads,
railways. etc.

interference,
etc., with
railway, postal
and road
transport
services.

40. (1) No person shall, do all or any of the following acts—

- (a) travel on any railway maintained by the Government without having a pass authorizing him to do so or having first paid his fare and obtaining a ticket ; or
- (b) obstruct, or interfere with, in any manner whatsoever, the working of that railway ;
or
- (c) obstruct, or interfere with, in any manner whatsoever, the postal services maintained by the Government ; or
- (d) travel on any public road transport vehicle without first having paid his fare and obtained a ticket ; or
- (e) obstruct, or interfere with, in any manner whatsoever, the working of any such vehicle.

(2) A person shall be deemed not to have contravened the provisions of sub-paragraph (a) or sub-paragraph (d) of paragraph (1) of this regulation by reason only of the fact that he travelled on a railway maintained by the Government without a pass authorizing him to do so or without having first paid his fare and obtained a ticket, or that he travelled on a public road transport vehicle without first having paid his fare and obtained a ticket, if but only if he was entitled to do so by virtue of his employment or otherwise.

Offences
relating to
telegraph
services, etc.

41. (1) Whoever does any act or prepares, conspires or attempts to do any act or abets in any manner the doing of an act intended, calculated or designed to interfere, impair, damage, disrupt, or disorganize or tamper with the postal, telegraph, telecommunication or the broadcasting services shall be guilty of an offence.

(2) Whoever in any premises used for the provision of the Government Telephone Service has without lawful authority or reasonable excuse the proof whereof shall lie on such person, in his possession, custody, or control any ear-phone, microphone, amplifier, or other instrument or apparatus capable of converting audio frequencies into audible sound frequencies or which could record any telephone conversation, shall be guilty of an offence.

Attempts to
commit
offences, etc.

42. Any person who—

- (a) attempts to commit or does any act preparatory to the commission of, or
- (b) aids or abets another person to commit, or
- (c) conspires with another person, in the commission of,

an offence under any emergency regulation shall himself be guilty of that offence and shall accordingly be tried in like manner and be punished with the same punishment as is prescribed for such offence under the emergency regulations.

Assisting
offenders.

43. No person knowing or having reasonable cause to believe that any other person is guilty of an offence under any emergency regulation shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Offences by
bodies of
persons.

44. Where an offence under any emergency regulation is committed by a body of persons then—

- (a) if that body is a body corporate, every director of that body corporate, and
- (b) if that body is a firm, every partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Penalties.

45. (1) If any person contravenes or fails to comply with any emergency regulation, or any order or rule made under any such regulation or any direction given or requirement imposed under any such regulation, he shall be guilty of an offence, and subject to any special provisions contained in such regulation shall, on conviction after trial before the High Court at Bar by three Judges of the High Court or before a Magistrate, be liable to rigorous imprisonment for a term not less than three months and not exceeding five years and to a fine of not less than five hundred rupees and not exceeding five thousand rupees.

(2) Where no punishment is prescribed in any emergency regulation for an offence under that regulation a person guilty of such offence shall, on conviction after trial before the High Court at Bar by three Judges of the High Court or before a Magistrate, be liable to the same punishment as that specified in paragraph (1) of this regulation.

(3) Section 238 (2) of the Administration of Justice Law, No. 44 of 1973, shall not apply to any person convicted of an offence under any emergency regulation.

PART 6—INVESTIGATIONS, TRIALS, ETC.

46.—

47. Any police officer investigating into an offence under any emergency regulation may —

Powers of investigating police officers.

(a) examine orally any person suspected to be acquainted with the facts and circumstances of the offence and shall reduce into writing any statement made by the person so examined :

Provided, however, that such a statement shall be signed both by the person making it as well as by the police officer recording it :

And provided further that in the case of a person refusing to sign such a statement, such refusal shall be recorded by the police officer ;

(b) obtain specimen hand-writing, photographs, fingerprints and other identifying features of such person ;

(c) search such person or enter and search the dwelling house or the place of work of such person ;

(d) enter and search any place, building, vehicle or vessel concerned in or connected with or suspected to be concerned in or connected with any such offence ; and

(e) inspect and take possession of any movable property whatsoever including any telegraphic message, postal document or other book or document in any bank.

Provided however that before any book or document is sought to be obtained from any bank, or post office, the manager or officer in charge of such bank or post office as the case may be shall be furnished with prior-written information by a police officer not below the rank of an Assistant Superintendent that such book or document is required for the purposes of such investigation.

48. Any book, document or paper found in the possession, custody or control of a person suspected to be concerned in any offence under any emergency regulation shall be relevant in any proceedings against such person in respect of such offence and the contents of such book, document or paper shall be admitted in evidence against such person without proof thereof.

Documents in possession of suspected persons.

49. —

50. —

51. (a) A police officer or a person duly authorised under the emergency regulations investigating into an offence under any emergency regulation shall notwithstanding anything to the contrary in any other law have :—

Right to question and duty to assist.

(i) the right to question any person including a person detained or held in custody under any emergency regulation and to take such person from place to place for the purpose of such investigation during the period of such questioning, and

(ii) the right to take charge from any person so questioned any article or other thing including a document necessary for the purposes of such investigation.

(b) It shall be the duty of every person to give all assistance to a police officer or other person duly authorized, investigating into an offence under any emergency regulation ; and every person questioned under sub-paragraph (i) of paragraph (a) of this regulation shall truthfully answer all questions put to him and notwithstanding anything to the contrary in any other law shall disclose all information including the contents of any document, touching the subject-matter of the investigation, irrespective of the capacity in which such person has received such information or knowledge of the contents of such document.

(c) It shall be the duty of every person questioned under paragraph (a) of this regulation to deliver to the police officer or a person duly authorized, investigating into an offence under any emergency regulation any article or other thing including a document in the custody or possession of such person when directed so to do by such police officer or person duly authorized.

(d) A contravention of any of the provisions of this regulation or the breach of any duty imposed thereunder shall be an offence under the emergency regulations punishable under regulation 45 of these regulations.

Right of access to police officer.

52. During the period that any person is held in detention or custody a police officer investigating into an offence under any emergency regulation shall have a right of access during reasonable hours to any such person for the purposes of such investigation.

Powers of a police officer in addition to general powers.

53. The powers of a police officer under any emergency regulation shall be in addition to and not in derogation of his powers under any other written law.

Powers of a police officer to be exercised by certain other officers and persons.

54. (1) The powers of a police officer under any emergency regulation may be exercised by any commissioned or non-commissioned officer of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force who is authorized to do so by the Commander of the Sri Lanka Army, the Captain of the Sri Lanka Navy or the Commander of the Sri Lanka Air Force, respectively.

(2) The powers of a police officer under any emergency regulation may also be exercised by any person authorized by the Prime Minister in that behalf.

Injunctions suspended.

55. Sections 21 and 42 of the Administration of Justice Law, No. 44 of 1973, shall not apply to or in relation to or in respect of any order, direction or other act made or done or purported to be made or done under any emergency regulation.

56.—

Inquiries and trials.

57. (1) Save as otherwise herein provided and notwithstanding any other written law the proceedings in respect of an offence alleged to have been committed by a person under any emergency regulation may be taken before the appropriate court in Sri Lanka having jurisdiction over the place where that person is for the time being.

(2) The Attorney-General may decide in which court—

(a) offences alleged to have been committed by persons under the emergency regulations, or

(b) offences alleged to have been committed by persons under any other written law where the acts or omissions constituting such offences were consequent on, or arose out of, or were done or omitted to be done in whether directly or indirectly, the exercise or performance, or the supposed exercise or performance, of any power or duty under such regulations,

shall be inquired into or tried. Such court shall be a court which would have had jurisdiction to inquire into or try such offences, if such offences had been committed within the local limits of the jurisdiction of such court.

(3) Where the Attorney-General decides, under paragraph (2) of this regulation, the court by which any offence shall be inquired into or tried, he shall by his fiat in writing designate such court as the court by which such offence shall be inquired into or tried, and accordingly such inquiry or trial shall be held by such court on the authority of such fiat, which shall be filed of record with the proceedings of such inquiry or trial.

(4) A decision of the Attorney-General under paragraph (2) of this regulation may be made applicable to—

(a) all offences alleged to have been committed by persons under the emergency regulations either throughout Sri Lanka or in any particular area in Sri Lanka ; or

(b) all such offences alleged to have been so committed by persons of any particular class or description either throughout Sri Lanka or in any particular area in Sri Lanka ; or

(c) all such offences of any particular class or description alleged to have been so committed by persons either throughout Sri Lanka or in any particular area in Sri Lanka ; or

(d) all such offences of any particular class or description alleged to have been committed by persons of any particular class or description, or any particular person, either throughout Sri Lanka or in any particular area in Sri Lanka ; or

(e) any particular offence alleged to have been committed by any particular person either throughout Sri Lanka or in any particular area in Sri Lanka.

(5) During the continuance in force of this regulation, section 45 of the Administration of Justice Law, No. 44 of 1973, which empowers the Attorney-General to transfer any inquiry into or trial of any criminal offence from any court or place to any other court or place shall have effect as if subsection (2) of that section were not in force.

58. (1) No prosecution—

Sanction of
 Attorney-
 General.

- (a) for an offence against any emergency regulation ; or
- (b) for an offence against any other written law where the act or omission constituting such offence was consequent on, or arose, out of or was done or omitted to be done in, whether directly or indirectly, the exercise or performance, or the supposed exercise or performance, of any power or duty under such regulation.

shall be instituted except by, or with the written sanction of, the Attorney-General.

(2) The Prime Minister may, by order declare that the provisions of paragraph (1) of this regulation shall not apply in respect of any offence against any such emergency regulation as may be specified in the order, and accordingly, so long as such order remains in force, that paragraph shall not apply to any such offence.

59. (1) Notwithstanding any emergency regulation or other written law the trial for any offence under the emergency regulations may be held upon indictment by the Attorney-General and thereupon the person charged shall be tried before the High Court at Bar by three Judges of the High Court without a jury.

Trial before
 High
 Court.

(1A) The Attorney-General shall forward the indictment to the Registrar of the Supreme Court and thereupon the Chief Justice shall—

- (i) nominate three Judges of the High Court of whom one shall be designated as Chairman ; and
- (ii) specify the zone within which the trial shall be held. Any Judge of the High Court so nominated shall, notwithstanding that he is serving in any particular judicial zone, be competent to exercise jurisdiction in the zone where the trial is held.

(2) A person indicted before the High Court under this regulation shall not be admitted to bail except with the consent of the Attorney-General.

(3) Subject to the provisions of paragraph (2), at any trial under this regulation the Court or the presiding Judge thereof may give directions for the summoning, arrest, custody or bail of all persons charged before the Court.

(4) The trial of any person before the High Court under this regulation may commence or continue in the absence of such person if the Court is satisfied that he is evading arrest or absconding or feigning illness.

(5) Any person indicted before the High Court under these regulations may at any time which shall not extend to more than thirty days before the commencement of such trial, by application in writing to the High Court, request that he be furnished with copies of the statements made by witnesses whom the prosecution intends to call and of the documents to be relied on at the trial, and the Court may direct that copies of all such statements or documents, or of only such statements or documents as the Court in its discretion thinks fit, shall be given to such person.

(6) A trial before the High Court under this regulation shall be held as speedily as possible in the manner provided under any other written law for other trials before the High Court subject to such modifications as may be ordered by the Court or may be prescribed by rules made under the Administration of Justice Law, No. 44 of 1973.

(7) For the purposes of hearing an appeal from any conviction after a trial held under this regulation the Supreme Court shall consist of five Judges nominated by the Chief Justice.

60. (1) At the trial of any person for an offence under an emergency regulation a statement made by such person whether or not it amounts to a confession and whether or not such person was in the custody of a police officer at the time the statement was made and whether or not such statement was made in the immediate presence of a Magistrate may be proved as against such person if but only if such statement is not irrelevant under section 24 of the Evidence Ordinance ;

Admissibility
 of statements
 in evidence.

Cap. 14.

Provided, however, that no such statement shall be proved against such person if such statement was made to a police officer below the rank of Assistant Superintendent of Police.

(2) In the case of an offence under any emergency regulation a statement made by any person which may be proved under paragraph (1) as against himself may be proved as against any other person jointly charged with such offence if, but only if, such statement is corroborated in material particulars by evidence other than a statement made under regulation 47 of these regulations.

(3) The burden of proving that any statement referred to in paragraph (1) or (2) is irrelevant under section 24 of the Evidence Ordinance shall be on the person asserting it to be irrelevant.

Cap. 14.

(4) The provisions of section 25, 26 and 30 of the Evidence Ordinance shall not apply in the case of any offence under any emergency regulation.

(5) A statement made by any person may be proved under paragraph (1) or paragraph (2) notwithstanding the provisions of sub-section (6) of Section 70 of the Administration of Justice Law, No. 44 of 1973.

61.—

Certificate of Government Analyst and destruction of any thing or matter by Government Analyst.

62. (1) In any proceedings for an offence, a certificate purporting to be under the hand of the Government Analyst, Deputy Government Analyst or Assistant Government Analyst or any other officer acting in such capacity in regard to the identity, composition or character of any thing or matter submitted to him for examination or analysis, shall be conclusive proof of the truth of the statements contained in such certificate without such person being called to testify in such proceedings.

(2) Where the Government Analyst, Deputy Government Analyst or Assistant Government Analyst or any other officer acting in such capacity is of opinion that it is not safe or practicable to keep in his custody any thing or matter submitted to him for examination or analysis in connection with any offence, such officer may, after making the necessary examination or analysis cause such thing or matter to be disposed of or destroyed.

(3) Where any thing or matter is disposed of or destroyed under the provisions of paragraph (2), a record of the thing or matter disposed of or destroyed shall be maintained by the Government Analyst, Deputy Government Analyst, Assistant Government Analyst or any other officer acting in such capacity, as the case may be ; and a certificate purporting to be under the hand of any such officer containing the substance or contents of such record shall in any proceedings for any offence be conclusive proof of the truth of the statement contained in such certificate without such officer being called to testify in such proceedings.

Cap. 182.
Cap. 183.
Cap. 19.

(4) In this regulation, "offence" means any offence under any emergency regulation or under the Explosives Act or under the Offensive Weapons Act, No. 18 of 1966, or the Firearms Ordinance or under Chapter VI or Chapter VII or Chapter VIII of the Penal Code.

Destruction of any matter or thing at a police station by a police officer and certificate of Government Analyst and of police officer.

62A. (1) Where the Government Analyst, Deputy Government Analyst or Assistant Government Analyst or any other officer acting in such capacity is requested to examine and analyse any thing or matter lying at any police station and such officer is of opinion that the storage of such matter or thing at a police station is not safe or practicable, he may, after—

(a) taking a specimen or sample of such matter or thing, and

(b) making a record of the quantity of such matter or thing left at that police station, advise the Inspector-General of Police in writing that such matter or thing left at that police station may be disposed of or destroyed.

(2) Where the Inspector-General of Police is advised in the manner set out in paragraph (1), he may instruct a police officer to destroy or dispose of such matter or thing lying at that police station after making a record of the quantity of such matter or thing.

(3) A certificate purporting to be under the hand of any such police officer as is referred to in paragraph (2) containing the substance or contents of the record that he made under the said paragraph (2) shall, in any proceedings for any offence, be conclusive proof of the truth of the statements contained in such certificate without such police officer being called to testify in such proceedings.

(4) A certificate purporting to be under the hand of the Government Analyst, Deputy Government Analyst or Assistant Government Analyst or any officer acting in such capacity in regard to—

(a) the identity, composition or character of any specimen or sample taken by him under sub-paragraph (a) of paragraph (1), or

(b) the substance or contents of any record made by him under sub-paragraph (b) of paragraph (1), shall, in any proceedings for an offence, be conclusive proof of the truth of the statements contained in such certificate without such officer being called to testify in such proceedings.

(5) In this regulation—

(a) "police officer" means a police officer in charge of a Police station ; and

(b) "offence" means any offence under any emergency regulation or under the Explosives Act, or the Offensive Weapons Act, No. 18 of 1966, or the Firearms Ordinance or under Chapter VI or Chapter VII or Chapter VIII of the Penal Code.

Cap. 182.
Cap. 183.
Cap. 19.

PART 7—MISCELLANEOUS

63. (1) During the continuance in force of this regulation—

Modifications
of the Adminis-
tration of Justice
Law.

(a) sections 58 (1), 58 (2), 58 (3) and 58 (4) of the Administration of Justice Law, No. 44 of 1973 (which relate to the power to disperse unlawful assemblies) shall cease to be in force ; and

(b) any police officer of a rank not below that of a Sergeant, any member of the Sri Lanka Army of a rank not below that of a Corporal, any member of the Sri Lanka Navy of a rank not below that of a Leading Seaman, or any member of the Sri Lanka Air Force of a rank not below that of a Corporal, may order any person or persons in or about any public road, railway, public park, public recreation ground or other public ground, seashore, or in or about, or in the vicinity of, the premises of any public building or Government Department, to remove himself or themselves from that place, and it shall be the duty of such person, or each such person, as the case may be, to comply with such order.

(2) If, upon the issue of an order under sub-paragraph (b) of paragraph (1) of this regulation by any officer empowered to issue such order, any person does not comply with the order or conducts himself in such a manner as to show a determination not to comply with the order, such officer, with such assistance as may be necessary, may proceed to give effect to such order by force including armed force, and may cause such person to be removed or arrested and confined.

(3) During the continuance in force of this regulation, sections 250 (1), 250 (2), 250 (3) and 261 (2) of the Administration of Justice Law, No. 44 of 1973, shall not apply to or in relation to any person who is charged with, or is convicted of, any offence under any emergency regulation.

64. (1) Notwithstanding anything in any other law, no Magistrate shall, except with the prior written consent of the Attorney-General, release on bail any person suspected or accused of any offence under—

Bail.

(i) Chapter VI or Chapter VII of the Penal Code ;

(ii) section 367, section 370, section 380, section 386, section 389, section 391 or section 394 of the Penal Code, committed in relation to any property belonging to the Railway Department, the Telecommunication Department the Ceylon Transport Board, the Ceylon Electricity Board or any bank;

(iii) any emergency regulation ;

Provided that where a Magistrate is of the opinion that the complaint of any such offence is frivolous, vexatious, or, of a trivial nature, or where the value of the property in respect of which an offence under any of the sections of the Penal Code referred to in sub-paragraph (ii), is alleged to have been committed, does not exceed five hundred rupees, the Magistrate may release such person on bail without the prior consent of the Attorney-General.

(2) In every case where a person is remanded by reason of the provisions of paragraph (1) of this regulation, the Magistrate shall, forthwith, inform the Attorney-General of such remand, and the circumstances relating to such case.

(3) Where any person, by reason of the provisions of paragraph (1) of this regulation, has been on remand for a continuous period of one month, the Magistrate shall release such person on bail unless the Attorney-General directs otherwise.

(4) Where a Magistrate has released any person on bail and the Attorney-General intimates to the Magistrate that such person should not have been so released, the Magistrate shall, forthwith, take such steps as may be necessary to take such person into custody and to remand him.

65. (1) Notwithstanding anything in any other law to the contrary, a person taken into custody and detained under any emergency regulation may, during the period of such custody and detention, be questioned by any police officer, or any other officer authorized by the Commander of the Army, Captain of the Navy or Commander of the Air Force, and it shall be the duty of the person so questioned to answer the question addressed to him.

Duty to
answer
questions

(2) For the purpose of questioning any person taken into custody and detained under paragraph (1) or for any other purpose connected with such questioning, any officer referred to in paragraph (1) of this regulation may remove such person from any place of detention or custody and keep him in the temporary custody of such officer for a period not exceeding seven days at a time.

Power to obtain information or examine articles.

66. (1) Without prejudice to any special provisions contained in these regulations, any person shall, on being requested so to do by or on behalf of a competent authority, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the authority or person making the request is of opinion that it is necessary or expedient to obtain or examine in the interest of the public safety or the maintenance of public order, or for the purposes of any emergency regulation ; and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this regulation, he shall be guilty of an offence.

(2) In this regulation, " article " includes any book, account or document.

67.—

Proscribed Organisations.

68. (1) Where the Prime Minister is of opinion with respect to any organization that there is a danger of action by, or of the utilization of, the organization or its members or adherents—

(a) for purposes prejudicial to the public safety, the maintenance of public order, or the maintenance of essential services ; or

(b) for any of the purposes referred to in sub-paragraph (a) or sub-paragraph (b) of paragraph (2) of regulation 38, or sub-paragraphs (a) to (g) of regulation 24, of these regulations,

the Prime Minister, may by order published in the *Gazette*, declare that organization to be a proscribed organization.

(2) Where any organization has been declared under paragraph (1) of this regulation to be a proscribed organization, then this regulation shall also apply to every other organization and every person or body or group of persons engaged in activities substantially similar to those carried on or formerly carried on by the proscribed organization in like manner as though it or he or they were also a proscribed organization.

(3) No person shall—

(a) make, print, or distribute, or be in any way concerned in the making, printing or distribution of, any written or printed matter which is published or purports to be published by a proscribed organization or by any member or manager thereof ; or

(b) communicate or attempt to communicate to any other person, in any manner, any order, decision, declaration or exhortation made or purporting to have been made by the organization or any manager thereof or any information relating thereto ; or

(c) summon or attend any meeting of the organization or of any members or managers thereof ; or

(d) invite or exhort any other person to join or support the organization ; or

(e) invite or collect contributions in money or otherwise for the purposes of the organization or make any such contribution as aforesaid ; or

(f) do or attempt to do any act or thing in his capacity as a manager or member of the organization or in such circumstances as are likely to lead any other person to believe that he is acting in such capacity ; or

(g) harbour or conceal any member of the organization or any person suspected to be a member of the organization.

(4) If, upon application being made by the Attorney-General, or by any member or creditor of the organization, it appears to the High Court that any organization is an organization to which this regulation applies, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the organization, and may direct an inquiry and report to be made as to any such property as aforesaid, and as to the affairs of the organization, and make such further orders as appear to the Court to be just and equitable for the winding up and dissolution of the organization and for the application of any such property as aforesaid in or towards any costs incurred in connection with any such inquiry and report and the winding up and dissolution of the organization and or towards the discharge of the liabilities of the organization lawfully incurred before the date of the application or since that date with the approval of the Court, and shall order that any such property which is not directed by the Court to be so applied shall be forfeited to the Republic.

(5) In this regulation, “manager”, in relation to any organization, means any officer of the organization and any person taking part in the management or control of the organization or holding or purporting to hold a position of management or control therein.

69.—

70. (1) The Prime Minister may, by order, appoint any person, by name or by office, to be the Co-ordinating Officer for any area in Sri Lanka specified in the order.

Powers, duties or functions of a Government Agent may be exercised or performed by a Co-ordinating Officer.

(2) Where a Co-ordinating Officer is appointed by the Prime Minister by order for any area in Sri Lanka, such Officer shall exercise, perform or discharge in that area all the powers, duties or functions conferred or imposed on a Government Agent under any written law or otherwise, and for that purpose every reference to a Government Agent in such written law shall, in its application in the case of that area, be construed as a reference to such Co-ordinating Officer.

71. Unless otherwise specified by order made by the Prime Minister or unless otherwise provided for in any emergency regulation, every emergency regulation shall be in force in all administrative districts of Sri Lanka.

Application of emergency regulations.