

CHAPTER 36

BRIBERY

Acts AN ACT TO PROVIDE FOR THE PREVENTION AND PUNISHMENT OF BRIBERY AND TO MAKE
 Nos.11 of 1954, CONSEQUENTIAL PROVISIONS RELATING TO THE OPERATION OF OTHER WRITTEN
 17 of 1956, LAW-
 40 of 1958,-
 2 of 1965,
 18 of 1965,

Laws
 Nos. 8 of 1973,
 38 of 1974,
 11 of 1976,

Act
 No. 9 of 1980.

[1st March. 1954.]

Short title. 1. This Act may be cited as the Bribery Act.

Effect of this Act on operation of other written law. 2. (1) Every provision of this Act which may be in conflict or inconsistent with anything in the Ceylon (Constitution) Order in Council, 1946,* shall for all purposes and in all respects be as valid and effectual as though that provision were in an Act for the amendment of that Order in Council enacted by Parliament after compliance with the requirement imposed by the proviso of subsection (4) of section 29 of that Order in Council.

(2) Where the provisions of this Act are in conflict or are inconsistent with any other written law, this Act shall prevail.

Provided, however, that the Bribery Commissioner shall not, without the consent of the Speaker of Parliament, hold an investigation of an allegation of bribery against a Member of Parliament;

Provided, further, that the Bribery Commissioner shall not, without the consent of the Judicial Service Commission, hold an investigation of an allegation of bribery against a judicial officer.

(2) The Bribery Commissioner, or any officer authorized by the Bribery Commissioner under subsection (1), may, in making an investigation under this section, direct in writing any person who appears to be acquainted with any facts relevant to the matters under investigation—

PART I

[§3,40 of 1958.] INVESTIGATION OF ALLEGATIONS OF, AND PROSECUTION FOR, BRIBERY

Appointment of Bribery Commissioner and other officers. [§4, 40 of 1958] 2A. There shall be appointed, for the purposes of this Act, a Bribery Commissioner and such other officers as may be necessary.

Allegations of bribery to be investigated by Bribery Commissioner or authorized officer. [§ 5,40 of 1958.] [§ 2, 2 of 1965.] 3. (1) The Bribery Commissioner, or any officer authorized in that behalf by and acting under the control of the Bribery Commissioner, is hereby empowered, notwithstanding anything in any other written law to the contrary, to direct and conduct the investigation of all allegations of bribery which are made to, or come to the knowledge of, the Bribery Commissioner:

- (a) to appear before the Bribery Commissioner or that officer, as the case may be, and to answer orally on oath or affirmation any questions relevant to such matters;
- (b) to state such facts by means of an affidavit; and
- (c) to produce, or deliver or furnish a [§5,40 of 1958.] certified copy of, any such document in his possession or under his control as may be relevant to such matters.

Repealed by the Constitution of Sri Lanka, 1972, which itself has been repealed by the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978.

Power to obtain information and assistance. [§2,9 of 1980.]

4. (1) The Bribery Commissioner may from time to time in the course of an investigation of an allegation of bribery against any person or after the commencement of a prosecution of any person for bribery notwithstanding anything in any other written law to the contrary by written notice—

- (a) require such person to furnish a sworn statement in writing—
 - (i) enumerating all movable or immovable property owned or possessed at any time, or at such time as may be specified by the Bribery Commissioner, by such person and by the spouse, sons and daughters of such person and specifying the date on which each of the properties enumerated was acquired whether by way of purchase, gift, bequest, inheritance or otherwise;
 - (ii) containing particulars of such other matters which in the opinion of the Bribery Commissioner are relevant to the investigation;
- (b) require any other person to furnish a sworn statement in writing—
 - (i) enumerating all movable or immovable property owned or possessed at any time or at such time as may be specified by the Bribery Commissioner by such person where the Bribery Commissioner has reasonable grounds to believe that such information can assist the investigation;
 - (ii) containing particulars of such other matters which in the opinion of the Bribery Commissioner are relevant to the investigation;
- (c) require the manager of any bank in Sri Lanka to produce, within such time as may be specified in the notice, any book, document or cheque of the bank containing entries relating to the account of such person or of the spouse or a son or daughter of such person, or to furnish as so specified, certified copies of such entries;

- (d) require the Commissioner-General of Inland Revenue to furnish, as specified in the notice, all information available to such Commissioner-General relating to the affairs of such person or of the spouse or a son or daughter of such person and to produce or furnish, as specified in the notice any document or a certified copy of any document relating to such person, spouse, son or daughter which is in the possession OF under the control of such ., Commissioner-General; and
- (e) require the person in charge of any department, office or establishment of the Government, or the Mayor, Chairman, Governor, or chief executive officer of any local authority or scheduled institution, or of the governing body of any scheduled institution, to produce or furnish, as specified in the notice, any document or a certified copy of any document which is in his possession or under his control.

(2) The Bribery Commissioner shall treat all information obtained by him under subsection (1) with the strictest secrecy and shall not divulge such information to any person other than a court, a commission of inquiry, an accused person, any attorney-at-law or other person defending an accused person, or an officer engaged in an investigation under this Act or in any prosecution for bribery. [§3,2 of 1965.]

(3) In the course of an investigation of an allegation of bribery the Bribery Commissioner or any officer authorized by the Bribery Commissioner to conduct the investigation may, with such assistance as may be necessary, enter and search any department, office or establishment of the Government.

(4) The Bribery Commissioner, or any officer authorized by the Bribery Commissioner to direct and conduct an investigation, may apply to any public servant or any other person for assistance in the exercise of his powers or the discharge of his duties under this Act.

[§ 2, Law 38 of 1974.]

(5) Notwithstanding anything to the contrary in any written law, a certified copy of any sworn statement or of any document obtained by the Bribery Commissioner under subsection (1) shall be admissible in evidence for the purpose of any prosecution under this Act and the production of any such certified copy shall be sufficient proof of the fact of its execution and of the contents thereof.

[§ 2, Law 38 of 1974.]

(6) If in the course of a trial for an offence under this Act the presiding Judge or Magistrate or either party to the case is of opinion that any witness should be summoned to establish the execution or the contents of any document or a certified copy thereof which has been produced or furnished under paragraph (e) of subsection (1), such witness shall be so summoned by the court to give evidence in the same manner as any other witness for the prosecution.

Indictment before High Court. [§ 3, 9 of 1980.]

5. If the Bribery Commissioner, after the investigation of an allegation of bribery against any person, is satisfied that there is a prima facie case of the commission by that person of an offence specified in Part II of this Act, such Commissioner shall transmit a copy of the record of the investigation certified under his hand to the Attorney-General who may indict such person before the High Court :

Provided however, that where the offence consists of soliciting, accepting or offering any gratification which or the value of which does not exceed two hundred rupees, the Bribery Commissioner may having regard to the nature of the offence and other circumstances prosecute such person before the Magistrate's Court and accordingly the Magistrate's Court shall have jurisdiction to hear and determine any such proceedings instituted by the Bribery Commissioner.

Application of the Code of Criminal Procedure Act. [§4,9 of 1980.]

6. (I) Such of the provisions of the Code of Criminal Procedure Act as are not excluded by subsection (2) or are not inconsistent with the provisions of this Act shall apply to proceedings instituted in a court for offences under this Act.

(2) Section 306 of the Code of Criminal Procedure Act shall not apply to proceedings in the Magistrate's Court for offences under this Act.

* Section 9 is repealed by Act No. 9 of 1980.

7. The Bribery Commissioner or any person authorized by him or acting under his control under section 3 may, either in the course of any investigation under this Act or for any of the purposes of this Act, after obtaining a search warrant from a Magistrate, enter upon and search any place, building, house or other premises specified in such warrant, and may take into his custody any book, document or thing deemed necessary for the purposes of the investigation, or enter upon or inspect such premises for the purpose of valuation of such premises or any property thereon ; and the provisions of sections 68 to 76 (both inclusive) of the Code of Criminal Procedure Act shall mutatis mutandis apply in relation to any such search warrant.

Search of place, premises, &c, upon a search warrant. [§4, Law 38 of 1974.]

[§5,9 of 1980.]

8. Notwithstanding the provisions of any other written law to the contrary, the High Court holden in any judicial zone shall have jurisdiction to try an indictment for bribery in respect of an offence under section 23A of this Act.

Jurisdiction to try an indictment for bribery in respect of an offence under section 23A. [§6, 9 of 1980.]

10.* (1) Every indictment or charge shall contain a list of the witnesses whom the prosecution intends to call at the trial and a list of all documents and things intended to be produced at such trial. Nothing in this subsection shall be deemed or construed to debar the prosecution, after notice to the accused, from calling any witness or producing any document or thing not specified in the list of witnesses or productions.

What information to be furnished to the person charged. [§2, Law II of 1976.]

(2) To every indictment or charge shall be annexed a copy of the statements, if any, made by the accused and by every person who is intended to be called as a witness by the prosecution,

[§2, Law 11 of 1976.]

(3) If in the course of a trial for an offence under this Act any witness shall on any material point contradict either expressly or by necessary implication the statement previously given by him in the course of any investigation into such offence under this Act, it shall be lawful for the presiding Judge or Magistrate if he considers it safe and just in all the circumstances—

[§7, Law 38 of 1974.]

(a) to act upon the statement given by the witness in the course of the investigation if such statement is corroborated in material particulars by evidence from an independent source : and

PART II

OFFENCES OF BRIBERY

14.* A person—

Bribery of
judicial officers
and Members
of Parliament.

(a) who offers any gratification to a judicial officer, or to a Member of Parliament, as an inducement or a reward for such officer's or Member's doing or forbearing to do any act in his judicial capacity or in his capacity as such Member, or

(b) who, being a judicial officer or a Member of Parliament, solicits or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his judicial capacity or in his capacity as such Member,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees :

[§ 9,2 of 1965-]

Provided, however, that it shall not be an offence under the preceding provisions of this section for any trade union or other organization to offer to a Member of Parliament, or for any such Member to accept from any trade union or other organization, any allowance or other payment solely for the purposes of his maintenance.

15. A Member of Parliament who solicits or accepts any gratification as an inducement or a reward for—

Acceptance of
gratification by
Members of
Parliament for
interviewing
public servants.

(a) his interviewing a public servant on behalf of any person, or

(b) his appearing on behalf of any person before a public servant exercising judicial or quasi-judicial functions,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees :

[§9,2 of 1965.]

Provided, however, that it shall not be an offence under the preceding provisions of this section for a Member of Parliament to appear as an attorney-at-law before a court or before a statutory tribunal of which a public servant is not a member.

[§8, 9 of 1980.] (b) to have such witness at the conclusion of such trial tried before such court upon a charge, or if such court is the High Court, arraigned and tried on an indictment which shall be prepared and signed by the Registrar of such High Court, for intentionally giving false evidence in a stage of a judicial proceeding.

[§7, Law 38 of 1974.] (4) At any trial under paragraph (b) of subsection (3) it shall be sufficient to prove that the accused made the contradictory statements alleged in the indictment or charge and it shall not be necessary to prove which of such statements is false.

[§7, Law 38 of 1974.] (5) The presiding Judge may, if he considers it expedient, adjourn the trial of any witness under paragraph (b) of subsection (3) for such period as he may think fit and in any such case the accused shall be remanded until the conclusion of such trial.

Calling of witnesses and use and production of documents not specified in the indictment. [§8, 2 of 1965.] [§9, 9 of 1980.] **11.** At the trial of a person for an offence under this Act, the court or the prosecutor may, notwithstanding anything to the contrary in any other written law, call any such witness, or use or produce any such document, as is not specified in the list of witnesses or productions.

Manner of service of summons on any person issued in proceedings in court for bribery. [§8, 2 of 1965.] [§10,9 of 1980.] **12.** In addition to the manner of service of summons on witnesses prescribed by the Code of Criminal Procedure Act, summons on any person issued in proceedings in a court for bribery may be served in the following manner :—

(a) by registered letter addressed and despatched by express post to the person to be summoned ; or

(b) in the case of a public servant, by registered letter addressed and despatched by express post to the head of the department, office or establishment in which such public servant is employed ; or

(c) in the case of any person who is employed under any other person, by registered letter addressed and despatched by express post to the employer ; or

(d) through any grama seva niladhari ; or

(e) in urgent cases by telegram.

* Section 13 is repealed by Act No. 40 of 1958.

Bribery of police officers, peace officers and other public servants.

- 16.** A person—
- (a) who offers any gratification to any ~~Police officer'~~ ~~peace officer,~~ or other public servant, employed in any capacity for the prosecution, detection or punishment of offenders, or to an officer of a court, as an inducement or a reward for such officer's or servant's interfering with the due administration of justice, or procuring or facilitating the commission of any offence, or protecting from detection or punishment the perpetrator of any offence, or abusing his official powers to the injury or detriment of any person, or

- (6) who, being any such officer or servant, solicits or accepts any gratification as an inducement or a reward for such interfering, procuring, facilitating, protecting, or abusing as is referred to in paragraph (a) of this section,

shall be guilty of an offence punishable with [§ 9,2 of 1965.] rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

Bribery for giving assistance or using influence in regard to contracts.

- 17.** A person—
- (o) who offers any gratification to a public servant as an inducement or a reward for such public servant's giving assistance or using influence in the promotion of the procuring of any contract with the Government for the performance of any work, the providing of any service, the doing of anything, or the supplying of any article, material or substance, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof, or
- (b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his giving assistance or using influence in the promotion of the procuring of any such contract as is referred

to in paragraph (a) of this section, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof,

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

[§ 9,2 of 1965.]

- 18.** A person—
- (a) who, with intent to obtain from the Government a contract for performing any work, providing any service, doing anything, or supplying any article, material or substance, offers any gratification to any person who has made a tender for such contract, as an inducement or a reward for his withdrawing such tender, or
- (b) who solicits or accepts any gratification as an inducement or a reward for his withdrawing a tender made by him for such contract,

Bribery for procuring withdrawal of tenders.

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

[§9,2 of 1965.]

- 19.** A person—
- (a) who offers any gratification to a public servant as an inducement or a reward for that public servant's performing or abstaining from performing any official act, or expediting, hindering or preventing the performance of any official act whether by that public servant or by any other public servant, or assisting, favouring, hindering or delaying any person in the transaction of any business with the Government, or
- (b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his performing or abstaining from performing any official act or for such expediting, delaying, hindering, preventing, assisting or favouring as is referred to in paragraph (a) of this section, or

Bribery in respect of Government business.

[§ 8, Law 38 of 1974-] (c) who, being a public servant solicits or accepts any gratification,

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees ;

[§ 8, Law 38 of 1974] Provided, however, that it shall not be an offence for a public servant to solicit or accept any gratification which he is authorized by law or the terms of his employment to receive ;

[§11,9 of 1980.] Provided further that section 35 of the Medical Ordinance shall not entitle a medical practitioner who is a public servant to solicit or accept any gratification.

Bribery in connexion with payment of claims, appointments, employments, grants, leases, and other benefits.

20. A person—

- (a) who offers any gratification to any person as an inducement or a reward for—
 - (i) his procuring from the Government the payment of the whole or a part of any claim, or
 - (ii) his procuring or furthering the appointment of the first-mentioned person or of any other person to any office, or
 - (iii) his preventing the appointment of any other person to any office, or
 - (iv) his procuring, or furthering the securing of, any employment for the first-mentioned person or for any other person in any department, office or establishment of the Government, or
 - (v) his preventing the securing of any employment for any other person in any department, office or establishment of the Government, or
 - (vi) his procuring, or furthering the securing of, any grant, lease or other benefit from the Government for the first-mentioned person or for any other person, or
 - (vii) his preventing the securing of any such grant, lease or benefit for any other person, or

(b) who solicits or accepts any gratification as an inducement or a reward for his doing any of the acts specified in sub-paragraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph (a) of this section,

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

[§9,2 of 1965.]

21. A person—

- (a) who, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public servant employed in that department, office or establishment, or
- (b) who, within one year before or after his having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public servant employed in that department, office or establishment, or
- (c) who, being a public servant, solicits or accepts any gratification the offer of which is an offence under this section, :

Bribery of public servants by persons having dealings with the Government.

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees :

[§9,2 of 1965.]

Provided, however, that such offer of a gratification to a public servant as is referred to in paragraph (b) of this section shall not be an offence under this section if the offerer proves that the gratification was bona fide offered for a purpose not connected with and not relating to such dealings as are referred to in that paragraph and that when he offered the gratification-he had no hope or expectation of having any such dealings or he did not intend that the gratification should be an inducement or a reward for that public servant's doing or forbearing to do any act connected with or relating to any such dealings.

Bribery of member of local authority, or of scheduled institution, or of governing body of scheduled institution, and bribery of officer or employee of local authority or of such institution.

22. A person—

- (a) who offers any gratification to any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution, as an inducement or a reward for—
 - (i) such member's voting or abstaining from voting at any meeting of such local authority, scheduled institution, or governing body or of a committee thereof in favour of or against any measure, resolution or question submitted to such local authority, scheduled institution, governing body, or committee, or
 - (ii) such member's performing, or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act, or
 - (iii) such member's aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or
- (b) who offers any gratification to any officer or employee of any local authority, or of any scheduled institution, as an inducement or a reward for—
 - (i) such officer's or employee's performing or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act, or
 - (ii) such officer's or employee's procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or
- (c) who, being such member as is referred to in paragraph (a) of this section, solicits or accepts any gratification

as an inducement or a reward for any such act, or any such abstaining, as is referred to in sub-paragraphs (i), (ii) and (iii) of that paragraph, or

- (d) who being such officer or employee as is referred to in paragraph (A) of this section, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in sub-paragraphs (i) and (ii) of that paragraph,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

[§ 9,2 of 1965.]

23. A person—

- (a) who attempts by any threat, deceit, suppression of the truth or other unlawful means to influence any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution in giving or withholding his vote in favour of or against any measure, motion, resolution or question submitted to any meeting, or in not attending any meeting, of such local authority, scheduled institution, or governing body or of any committee thereof, or
- (b) who attempts by any such means as in the - last preceding paragraph mentioned to influence any member or any officer or employee of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or to perform or abstain from performing, or to aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act,

Use of threats or fraud to influence vote of member of local authority, or of scheduled institution, or of governing body of scheduled institution.

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

[§ 9, 2 of 1965.]

To own or to have owned property deemed under this section to be property acquired by bribery or property to which property acquired by bribery has or had been converted is to be an offence. [§ 14, 40 of 1958]

23A. (1) Where a person has or had acquired any property on or after March 1, 1954, and such property—

- (a) being money, cannot be or could not have been—
 - (i) part of his known income or receipts, or
 - (h) money to which any part of his known receipts has or had been converted ; or
- (b) being property other than money, cannot be or could not have been—
 - (i) property acquired with any part of his known income, or
 - (ii) property which is or was part of his known receipts, or
 - (iii) property to which any part of his known receipts has or had been converted,

then, for the purposes of any prosecution under this section, it shall be deemed, until the contrary is proved by him, that such property is or was property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery.

(2) In subsection (1), " income " does not include income from bribery, and " receipts " do not include receipts from bribery.

(3) A person who is or had been the owner of any property which is deemed under subsection (1) to be property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees ;

Provided that where such property is or was money deposited to the credit of such person's account in any bank and he satisfies the court that such deposit has or had been made by any other person without his consent or knowledge, he shall not be guilty of an offence under the preceding provisions of this subsection.

(4) No prosecution for an offence under this section shall be instituted against any person unless the Bribery Commissioner has given such person an opportunity to show cause why he should not be prosecuted for such offence and he has failed to show cause or the cause shown by him is unsatisfactory in the opinion of such Commissioner.

(5) For the purposes of this section, where a spouse or unmarried child under the age of eighteen years of a person has or had acquired any property movable or immovable on or after March 1, 1954, it shall be presumed until the contrary is proved that such property was acquired by such person aforesaid and not by such spouse or unmarried child, as the case may be.

(6) In any prosecution for an offence under this section a certificate from the Chief Valuer with regard to the value of any immovable property or the cost of construction of any building on such property shall be sufficient proof of such value and cost of construction unless and until the contrary is proved.

In this subsection, " Chief Valuer " means the Chief Valuer of the Government, and includes any Senior Assistant Valuer, or Assistant Valuer of the Government Valuation Department.

(7) For the purpose of this section " a person " shall mean any person whomsoever, whether or not such person can be shown to have been concerned with any act referred to in section 18 or section 20 or whether or not he is a public servant within the meaning of this Act.

24. Where in any proceedings against any person for any offence under any section in this Part of this Act, it is proved that he accepted any gratification, having grounds to believe or suspect that the gratification was offered in consideration of his doing or forbearing to do any act referred to in that section, he shall be guilty of an offence under that section notwithstanding that he did not actually have the power, right or opportunity so to do or forbear or that he accepted the gratification without intending so to do or forbear or that he did not in fact so do or forbear.

[§ 9, Law 38 of 1974.]

[§12,9 of 1980.]

[§ 12, 9 of 1-980.]

Acceptor of gratification to be guilty notwithstanding that purpose not carried out, &c.

[§ 10, 2 of 1965.]

Attempt to commit, and abetment of, an offence under this Part.

25. (1) A person who attempts to commit or to cause the commission of an offence under this Part of this Act and in such attempt does any act towards the commission of that offence shall be guilty of an offence and shall be tried in the same manner, and shall upon conviction be liable to the same punishment, as is prescribed by this Act for the first-mentioned offence.

(2) A person who abets an offence under this Part of this Act shall be guilty of an offence and shall be tried in the same manner, and shall upon conviction be liable to the same punishment, as is prescribed by this Act for the first-mentioned offence. In this subsection the expression " abet " shall have the same meaning as in sections 100 and 101 of the Penal Code.

[§ 10, Law 38 of 1974].

(3) A person who conspires with any other person to commit an offence under this Part of this Act shall be guilty of an offence and shall be tried in the same manner and shall upon conviction be liable to the same punishment as is prescribed by this Act for the first-mentioned offence. In this subsection, the expression " conspire " shall have the same meaning as in section H3A of the Penal Code.

When penalty to be imposed in addition to other punishment. [§11, 2 of 1965.] [§ 13, 9 of 1980.]

26. Where a court convicts any person of an offence committed by the acceptance of any gratification in contravention of any provision of this Part of this Act, then, if that gratification is a sum of money or if the value of that gratification can be assessed, the court shall, in addition to the court's imposing on that person any other punishment, order him to pay as a penalty, within such time as may be specified in the order, a sum which is equal to the amount of that gratification or is, in the opinion of the court, the value of that gratification.

Additional fine to be imposed. [§ 11, Law 38 of 1974.] [§ 14. 9 of 1980.]

26A. Where the High Court convicts any person of an offence under section 23A, it shall, in addition to any other penalty that it is required to impose under this Act, impose a fine of not less than the amount which such court has found to have been acquired by bribery or by the proceeds of bribery or converted to property by bribery, or by the proceeds of bribery and not more than three times such amount.

* Subsections (2) and (4) are repealed by Act No. 2 of 1965.

27.- (1) Where, at the conclusion of the trial of a person charged with bribery before a court the presiding Judge or Magistrate is of the opinion that the complainant has wilfully and with intent to harm that person made a false, frivolous or groundless allegation against him, the presiding Judge or Magistrate shall certify that opinion under his hand and transmit the certificate together with the record of the proceedings to the Attorney-General.

Frivolous, false and groundless complaints to be reported to the Attorney-General. [§16, 40 of 1958.] [§15, 9 of 1980.]

(2) Where a certificate under subsection (1) is given in regard to an allegation of bribery made by any person, it shall not be necessary to obtain the sanction of the Attorney-General to institute civil proceedings against that person in respect of that allegation.

28. (1) A fine or a penalty imposed by a court on any person for bribery may be recovered as if the order imposing the fine or the penalty were a decree entered by the District Court in favour of the State and against that person.

Recovery of fine or penalty imposed by court. [§ 13, 2 of 1965.] [§ 16, 9 of 1980.]

(3)* Where the person liable to pay the fine or penalty referred to in the preceding provisions of this section was a public servant on the date of commission of the offence for which the fine or penalty was imposed, then, notwithstanding anything to the contrary in any other written law, any movable or immovable property acquired after that date by the spouse of, or a son or daughter maintained by, such person shall, in addition to the movable and immovable property of such person, be liable to be seized and sold for the recovery of the amount of such fine or penalty, if the property so acquired—

- (a) was purchased by such spouse, son or daughter, or
- (6) was purchased in the name of such spouse, son or daughter by the person liable to pay such fine or penalty, or
- (c) was acquired by such spouse, son or daughter by purchase, gift or otherwise from the person who offered the gratification for the acceptance of which the person liable to pay such fine or penalty became so liable, or
- (d) was acquired by testate or intestate succession from the person liable to pay such fine or penalty-

Effect of a conviction of a person of bribery by a court or the finding of a commission of inquiry that a person is guilty of bribery.
[§ 18, 40 of 1958.]
[§ 17, 9 of 1980.]

29. Where a person is convicted or found guilty of bribery by a court or a commission of inquiry, then, by reason of such conviction or finding—

- (a) he shall become incapable for a period of seven years from the date of such conviction or finding of being registered as an elector or of voting at any election under the Ceylon (Parliamentary Elections) Order in Council, 1946, or for a period of five years under the Local Authorities Elections Ordinance, or of being elected or appointed as a Member of Parliament or as a member of a local authority, and, if at that date he has been elected or appointed as a Member of Parliament or member of a local authority, his election or appointment shall be vacated from that date;
- (b) he shall be disqualified for all time from being employed as a public servant and from being elected or appointed to a scheduled institution or to the governing body of a scheduled institution -
- (c) he shall, if he is a member of a scheduled institution or of the governing body of a scheduled institution, cease to be such member from the date of such conviction or finding ; and
- (d) he shall, if he is a public servant, cease to be a public servant from the date of such conviction or finding and, notwithstanding anything to the contrary in any other written law, be deemed to have been dismissed on that date by the authority empowered by law to dismiss him.

Offences under this Part to be cognizable.

30. All offences under this Part of this Act shall be cognizable offences for the purpose of the application of the provisions of the Code of Criminal Procedure Act notwithstanding anything contained in the First Schedule of that Act.

Procedure on detection of person receiving illegal gratification, (§ 12, Law 38 of 1974.1.

30A. (1) Where any officer, authorized by the Bribery Commissioner in that behalf under section 3, detects any person accepting, soliciting or offering an illegal gratification, such officer shall—

- (a) without unnecessary delay take such person before any Magistrate who may admit such person to bail; or
- (b) produce such person before any Magistrate with a certificate under the hand of the Bribery Commissioner that such person has been detected accepting, soliciting or offering an illegal gratification.

(2) Where a person is produced before any Magistrate under paragraph (b) of subsection (1), the Magistrate shall remand such person until the conclusion of the trial and such person shall not be admitted to bail except with the sanction in writing of the Attorney-General.

(3) Notwithstanding the provisions of subsection (2), in any proceeding under paragraph (a) or paragraph (b) of subsection (1), where the Attorney-General informs the Magistrate that he does not propose to institute proceedings against the person in custody, such person shall be discharged forthwith.

PART III

COMMISSIONS OF INQUIRY

32.* (1) The President may appoint, by warrant under the Public Seal of the Republic, a commission of inquiry consisting of one or more members to inquire into and report on any allegations of bribery—

Power to appoint commissions of inquiry to investigate allegations of bribery.

- (a) made generally against the Cabinet of Ministers, or the Members of Parliament, or the members of any local authority, or the persons appointed by the President to any office, or the members, directors, or governing body of any scheduled institution, or
- (b) made against any particular person or persons specified in paragraph (a) of this subsection.

(2) A warrant appointing a commission of inquiry under this Act shall contain such particulars as are required by subsection (2) of section 2 of the Commissions of Inquiry Act, to be set out in a warrant issued under that Act.

Section 31 is repealed by Act No. 9 of 1980.

Application of provisions of Commissions of Inquiry Act.

33. Upon the appointment of a commission of inquiry under this Act, the provisions of the Commissions of Inquiry Act other than the provisions of subsection (1) of section 2 and the provisions of section 17, shall apply in like manner as if such commission were appointed under that Act.

Powers of commissions of inquiry.

34. (1) A commission of inquiry shall, in addition to the powers under the Commissions of Inquiry Act, have—

- (a) the power to cause summons on any person issued in proceedings before the commission to be served in any manner specified in paragraphs (a), (A), (c), (d) and (e) of section 12 ;
- (b) the power to issue warrants of arrest in case of disobedience to summons ;
- (c) the power to require by written notice the person or each person in respect of whom the commission is holding an inquiry to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person and by the spouse, sons and daughters of such person, and specifying the date on which each of the properties enumerated was acquired whether by way of purchase, gift, bequest, inheritance or otherwise;
- (d) the power to require by written notice any other person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person where the commission has reasonable grounds to believe that such information can assist the inquiry ;
- (e) the power, in regard to the person or each person in respect of whom the inquiry is held and in regard to the spouse, sons and daughters of that person, to require by written notice any bank, or any department, office or establishment of the Government, or any local authority or scheduled institution to produce any such books and documents, and to furnish any such certified copies and any such information, as the Bribery Commissioner may require under section 4 to be produced or furnished ; and

[§20,40 of 1958.]

(f) such other powers as may be conferred on the commission by the President either by the warrant constituting the commission or by any subsequent warrant.

(2) A warrant of arrest issued by a commission of inquiry—

(a) shall be under the hand of the chairman of the commission or, if the commission consists of a sole commissioner, under the hand of such commissioner, and

(b) shall be executed by any police officer to whom it is directed.

"No stamp duty shall be payable for any such warrant of arrest.

(3) A commission of inquiry shall treat all information obtained by it under paragraph (d) of subsection (1) with the strictest secrecy and shall not divulge such information to any person other than the Bribery Commissioner, the person in respect of whom the inquiry is held, or any attorney-at-law appearing for that person.

[§20,40 of 1958

35. Where a person in respect of whom a commission of inquiry is holding an inquiry refuses or neglects to attend the inquiry, the commission may proceed with the inquiry in his absence.

Inquiry despite absence of person affected.

36. (1) A commission of inquiry may cause the evidence given before it to be taken down in such language as it may deem proper.

Language of evidence.

(2) Where any evidence a given before a commission of inquiry in a language which any member of the commission does not understand, it shall be interpreted into a language understood by that member.

37. (1) Every offence of contempt committed against or in disrespect of the authority of a commission of inquiry shall be communicated to the President of the Court of Appeal by letter under the hand of the chairman of the commission or, where the commission consists of a sole commissioner, under the hand of such commissioner.

Offence of contempt against commission of inquiry to be communicated to the President of the Court of Appeal.

(2) The President of the Court of Appeal shall, upon his receiving from a commission of inquiry a communication under subsection (1), issue a rule nisi for contempt

of court on the person named in that communication, as having committed the offence of contempt against or in disrespect of the authority of that commission.

(3) A person on whom a rule nisi is issued under subsection (2) shall be liable to be punished unless he shows cause to the satisfaction of the Court of Appeal.

(4) In any proceedings against any person for the offence of contempt committed against or in disrespect of the authority of a commission of inquiry, no member of that commission shall be liable to be summoned as a witness by that person, but the Court of Appeal may, if that court considers it necessary to do so, examine a member of that commission.

application make an order, for the payment of that sum by that person, and, if that person fails to pay that sum within the time allowed by the order, that sum may be recovered in like manner as if the order were a decree entered by a District Court in [§20,9 of 1980.] favour of the State and against that person.

(3) If the person liable to pay the sum referred to in subsection (2) was a public servant on the date of his acceptance of the gratification, the provisions of subsection (3) of section 28 shall, for the purposes of the recovery of that sum, apply in like manner as if that sum were a penalty imposed by the High Court under section [§20,9 of 1980.] 26.

(4) In the proceedings in the High Court [§ 20,9 of 1980] for the recovery of the sum referred to in subsection (2), it shall not be competent for that court or for anyone to question the sum declared by the commission of inquiry to be the amount, or the value, of the gratification.

Publication of report of commission of inquiry.

38. (1) The President shall order the publication of the report of a commission of inquiry if in his opinion the public interest will not suffer by such publication.

(2) Where the President decides not to publish the report of a commission of inquiry on the ground that the public interest will suffer by its publication, he shall, on being requested so to do by a resolution passed by Parliament, order the publication of such report.

Assessment of value of gratification where commission of inquiry finds person guilty of bribery by having accepted a gratification.

39. (1) Where a commission of inquiry finds that any person is guilty of bribery by having accepted a gratification—

(a) the commission shall, if that gratification is a sum of money, state that sum, or, if the value of that gratification can be assessed, assess and declare that value, in its report, and

(b) the Attorney-General shall in writing communicate such finding to that person and, if a sum is specified in that report as the amount or the value of that gratification, direct that person to pay that sum to the Attorney-General within such time as may be specified in the direction.

(2) If a person fails to pay the sum directed by the Attorney-General under subsection (1) to be paid, the Attorney-General may apply to the High Court for an order, and the High Court shall upon such

[§ 20, 9 of 1980.]

*** PART V**

OFFENCES OTHER THAN BRIBERY

70. A person who—

Wilful neglect to carry out direction of, or obstruction of, investigating officer, &c. [§21, 9 of 1980.]

(a) wilfully neglects or omits to carry out any direction given to him under subsection (2) of section 3 by the Bribery Commissioner or by any officer empowered by that section to direct and conduct an investigation, or

(b) gives a false answer when questioned under that subsection, or

(c) makes a false statement in an affidavit submitted by him in compliance with a direction under that subsection,

shall be guilty of an offence and shall upon summary trial and conviction by a Magistrate be liable to a fine of not less than one hundred rupees and not more than five hundred rupees, or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

* Part IV is repealed by Act No. 2 of 1965.

Failure to furnish information. [§ 22, 9 of 1980.]

71. Notwithstanding the provisions of any other written law or any oath of secrecy to the contrary, every person to whom a notice is sent by the Bribery Commissioner under subsection (1) of section 4 or by a commission of inquiry under subsection (1) of section 34 shall comply with the provisions of that notice within such time as may be specified therein, and, if he wilfully neglects or omits to do so, he shall be guilty of an offence and shall, on conviction before a Magistrate, be liable—

- (o) to a fine of not less than one hundred rupees and not more than five hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment; and
- (&) to a fine of not less than one hundred rupees for every day during which the offence is continued after the date on which he is required to furnish the sworn statement.

Failure to assist investigating officer, and obstruction of search. [§ 55, 40 of 1958.]

72. A person—

- (a) who, when requested under subsection (4) of section 4 to render to the Bribery Commissioner, or to any officer empowered by section 3 to direct and conduct an investigation, any assistance in the exercise of his powers or the discharge of his duties under this Act, wilfully neglects or omits to render that assistance, or

[§ 55, 40 of 1958.]

- (b) who obstructs or resists the Bribery Commissioner, or any officer authorized by the Bribery Commissioner, in the exercise of the powers of entry and search under subsection (3) of section 4, or
- (c) who obstructs or resists the execution of a search warrant issued under section 7,

shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees and, upon a second or subsequent conviction of an offence under this section, shall, in addition to such fine, be liable to rigorous imprisonment for a term not exceeding one year.

73. (1) A person who—

- (a) interferes with any witness summoned in any proceedings for bribery in or before a court or commission of inquiry or any person whose statement has been recorded by the Bribery Commissioner in the course of an investigation, or
- (&) induces any such witness or any such person to refrain from giving evidence, or
- (c) threatens any such witness or any such person with injury to his body, mind or reputation in order to deter him from giving evidence, or
- (d) injures any such witness or any such person in body, mind or reputation in order to deter him from giving evidence, or
- (e) compels any such witness or such person not to give evidence,

Interference with witnesses, &c. [§ 23, 9 of 1980.]

shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding twelve months and to a fine.

(2) Every court before which any person surrenders himself or is produced on arrest on an allegation that he has committed or has been concerned in committing or is suspected of having committed or to have been concerned in committing an offence under this section shall keep such person on remand until the conclusion of the trial except in exceptional circumstances where the court before which he surrenders himself or is produced may after recording its reasons therefor release him on bail.

74. (1) A person who directly or indirectly influences any member of a commission of inquiry or any officer appointed under this Act, in the performance of his duty, shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees.

Influencing, threatening or injuring member of commission of inquiry or officer appointed under this Act. [§ 20, 2 of 1965.]

(2) A person who directly or indirectly by words written or spoken or by any act threatens any member of a commission of

inquiry or any officer appointed under this Act, with any injury to his body, mind or reputation in order to deter him from the performance of his duty, shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this subsection shall, in addition to such fine, be liable to imprisonment for a term not exceeding one year.

[§20, 2 of 1965.]

(3) A person who causes injury to the body, mind or reputation of a member of a commission of inquiry or of any officer appointed under this Act, in order to deter him from the performance of his duty shall, upon summary trial and conviction by a Magistrate, -be liable to rigorous imprisonment for a term not exceeding twelve months and -to a fine.

Disobeying commission of inquiry. [§21, 2 of 1965.]

75. (1) A person who refuses or wilfully neglects or omits to carry out an order of a commission of inquiry or wilfully obstructs such commission shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to a fine of not less than one hundred rupees and not more than five hundred rupees.

(2) A prosecution for an offence under subsection (1) may be instituted in such Magistrate's Court as may be determined by the Attorney-General.

Publication of proceedings held in camera and report of commission of inquiry. [§ 23, 2 of 1965.]

77.* (1) Where the public and the press have been excluded from any proceedings of a commission of inquiry, no person shall print or publish those proceedings or any part thereof except with the permission of the commission given in writing under the hand of the chairman of the commission or, if the commission consists of a sole commissioner, under the hand of such commissioner.

(3)f No person shall, before the publication of the report of a commission of inquiry under the order of the President

print or publish any part of such report or what purports to be a part or an excerpt of such report.

(4) A person who contravenes the provisions of any of the preceding subsections of this section shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this subsection, shall, in addition to such fine, be liable to rigorous imprisonment for a term not exceeding one year.

PART VI

GENERAL

78. (1) No Magistrate's Court shall entertain any prosecution for an offence under this Act except by or with the written sanction of the Bribery Commissioner or an officer authorized by him in that behalf.

Prosecutions for offences under this Act, and suits and proceedings in respect of allegations for bribery or statements in evidence, reports and decisions. [§24, 2 of 1965.] [§ 24, 9 of 1980.]

(2) The proceedings in a court for bribery shall be taken before any other business of that court unless special circumstances of urgency in such other business render it impossible to do so.

(3) Upon application made in that behalf by the Attorney-General or any officer authorized by him, the whole or any part of the proceedings in any court for bribery may be held in camera.

(6)f Nothing contained in the report of a commission of inquiry published under the order of the President shall be made the ground of an action for defamation, and no court shall entertain an action for defamation based on anything contained in any such report.

79. (1) In any proceedings for bribery before a court or commission of inquiry, the giver of a gratification shall be a competent witness against the person accused of taking the gratification and shall not be regarded as an accomplice, and the decision or finding of the court or commission shall not be illegal merely because it proceeds upon the uncorroborated testimony of such giver.

Person giving gratification not to be treated as accomplice. [§ 25, 2 of 1965.] [§25, 9 of 1980.]

• Section 76 is repealed by Ad No. 2 of 1965.
t Subsection (2) is repealed by Act No. 2 of 1965.
^ Subsections (4) and (5) are repealed by Law No. 38 of 1974.

(2) In any proceedings against any person under this Act, the spouse of that person shall be a competent witness.

Bail from person about to leave Sri Lanka after commencement of investigation or proceedings. [§63, 40 of 1958.]

80. (1) If any person, in the course of an investigation of an allegation of bribery against him or in the course of any proceedings against him for bribery, is preparing or about to leave Sri Lanka, the Bribery Commissioner or any officer authorized in that behalf by the Bribery Commissioner may apply to any Magistrate for an order requiring such person to furnish bail in such sum as the Magistrate may deem reasonable.

(2) If a person ordered to furnish bail under subsection (1) fails to do so, he shall be remanded to the custody of the Fiscal till such bail is furnished or till such time as the Bribery Commissioner may determine.

[§ 63, 40 of 1958.]

Tender of conditional pardon. [§ 26.2 of 1965.]

81. (1) At any time before the conclusion of the trial of a person charged with bribery, the Attorney-General in consultation with the Bribery Commissioner may, with the view of obtaining at the trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender, or by writing under his hand authorize any Magistrate named by him to tender, a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or as abettor in the commission thereof.

(2) The Magistrate shall record in the manner prescribed by the Code of Criminal Procedure Act the evidence on oath of every person accepting a pardon under subsection (1) and transmit the record to the Attorney-General,

Presumption as to receipt of letter or telegram.

82. Where any summons, notice, direction, decision or other matter is sent or communicated to any person by registered letter or telegram, then, upon the production of the receipt issued by the post office for such letter or telegram, it shall be presumed that such letter or telegram was received by the addressee, unless such letter or telegram is returned undelivered.

Amendment of the Schedule. [§ 67, 40 of 1958.]

84.* The President may, on the advice of the Minister in charge of the subject of Justice, amend the Schedule to this Act by Proclamation published in the Gazette.

Section 83 is repealed by Act No. 40 of 1958,

85. Notwithstanding anything to the contrary in the Income Tax Ordinance or the Inland Revenue Act, No. 4 of 1963, or the Inland Revenue Act (No. 28 of 1979) the Commissioner-General of Inland Revenue shall report to the Bribery Commissioner for investigation any case where he suspects from information available to him that any person is guilty of bribery.

Commissioner of Inland Revenue to report to Bribery Commissioner cases of suspected bribery. [§ 56 (1), 18 of 1965.]

85A. A person who attends any trial or inquiry under this Act to give evidence may be paid out of the Consolidated Fund the expenses of attending the trial or inquiry at such rates and subject to such conditions as are from time to time prescribed for witnesses under Chapter XIX of the Code of Criminal Procedure Act.

Expenses of persons attending any trial or inquiry under this Act to give evidence. [§69,40 of 1958.] [§27,9of 1980.]

85B. Notwithstanding the provisions of section 303 (5) of the Code of Criminal Procedure Act, the provisions of section 29 of this Act shall apply to any person convicted of bribery, and on whom a suspended sentence has been imposed under section 303 (1) of the Code of Criminal Procedure Act in respect of that conviction.

Provisions of section 303 (5) of the Code of Criminal Procedure Act not to apply to persons to whom the provisions of section 29 of this Act apply. [§ 28, 9 of 1980.]

85C. Any prosecution pending in the High Court on the 24th day of January, 1980, in respect of the offences of soliciting, accepting or offering any gratification which or the value of which does not exceed two hundred rupees, shall stand removed to the Magistrate's Court if the High Court having regard to the nature of the offence and other circumstances decides that any such prosecution should be transferred and such Magistrate's Court shall have the jurisdiction to take cognizance of and hear and determine or to complete the same :

Transitional provisions. [§ 28, 9 of 1980.]

Provided that any such prosecution, in which the adducing of evidence has commenced as at the 24th day of January, 1980, shall be heard and determined by the said High Court,

PART VII

INTERPRETATION

86. For the purposes of this Act, property which is held by or in the name of a person in trust for or for the benefit of any other person shall be deemed to be indirectly owned by such other person.

Indirect ownership of property.

How to construe reference to Government.

87. Every reference in this Act to the Government shall be construed as including a reference to a local authority and to every scheduled institution.

When a person offers a gratification.

88. For the purposes of this Act a person offers a gratification if he or any other person acting with his knowledge or consent directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any gratification to or for the benefit of or in trust for any other person.

When a person solicits or accepts a gratification.

89. For the purposes of this Act—

- (a) a person solicits a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly demands, invites, asks for, or indicates willingness to receive, any gratification, whether for the first-mentioned person or for any other person, and
- (b) a person accepts a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly takes, receives or obtains, or agrees to take, receive or obtain any gratification, whether for the first-mentioned person or for any other person,

Public servant soliciting or accepting gratification outside Sri Lanka.
[§ 14, Law 38 of 1974.]
[§ 29, 9 of 1980.]

89A. A public servant who solicits or accepts a gratification which is an offence under this Act shall, if such solicitation or acceptance was made outside Sri Lanka, be deemed to have committed such offence within Sri Lanka, and accordingly the High Court holden in Colombo shall have jurisdiction to try such offence notwithstanding anything in any other law to the contrary.

Meaning of expressions.

90. In this Act, unless the context otherwise requires—

" appointed date " means the 1st day of March, 1954 ;

" bribery " means the offer, solicitation or acceptance of any gratification in contravention of any provision of Part II of this Act, or any other act in contravention of any such provision ;

" commission of inquiry " means a commission of inquiry appointed under this Act;

" gratification " includes—

- (a) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable,
- (b) any office, employment or contract,
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part,
- (d) any other service, favour or advantage of any description whatsoever including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary or penal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty, and
- (e) any offer, undertaking or promise of any gratification within the meaning of the preceding paragraphs (a), (b), (c) and (d);

" local authority " includes any Municipal Council, Urban Council, Town Council, Village Council, Board of Health, or Board of Improvement, and includes—

- (a) a committee of any such Council, and
- (b) a committee appointed by an Urban Council under section 29 of the Urban Councils Ordinance, or by a Town Council under section 28 of the Town Councils Ordinance ;

" public servant " includes every officer, servant or employee of the State, or of any local authority, or of any scheduled institution, every juror, and every arbitrator or other person to whom any cause or matter has been referred for a decision or report by any court or by any other competent public authority :

(§3, Law 11 of 1976-] Provided however that where any local authority has been dissolved and the administration of the affairs of that authority has been vested in any person, every employee of that local authority immediately before its dissolution who continues in employment after such dissolution, shall be deemed, for the purposes of this Act, to be a public servant.

[§ 30,9 of 1980-1 " scheduled institution " means any such board, institution, corporation or other body as is for the time being specified in the Schedule to this Act, and any board, institution,

corporation or other body which is deemed under the provisions of any enactment to be a scheduled institution within the meaning of this Act, and includes any company, whether public or private or other body—

(a) in which any such board, institution, corporation or other body holds, or

(b) in which more than one such board, institution or other body, in the aggregate, hold, not less than fifty-one percent of the shares.

[Sections 84 and 90.]

SCHEDULE

1. Advisory Committees established under the Irrigation (Amendment) Act.
2. Advisory Committees established under the Public Examinations Act.
3. Agrarian Research & Training Institute established under the Agrarian Research & Training Institute Act.
4. Agrarian Services Committees constituted under the Agrarian Services Act.
5. Agricultural Insurance Board established under the Agricultural Insurance Law.
6. Air Ceylon Ltd. established under the Air Ceylon (Incorporation) Act.
7. Atomic Energy Authority established under the Atomic Energy Authority Act.
8. Ayurvedic Medical Council and the Ayurvedic College and Hospital Board and the Ayurvedic Research Committee established under the Ayurveda Act.
9. Bank of Ceylon established under the Bank of Ceylon Ordinance.
10. Boards of Adjudicators constituted under the Capital Levy Act.
11. Boards of Appeal constituted under the Rubber Control Ordinance.
12. Boards of Control constituted under the Defence Stations Act.
13. Boards established under the Coconut Development Act.
14. Board of Review constituted under the Land Acquisition Act.
15. Board of Review constituted under the Rent Act.
16. Buddha Sravaka Dharmapithaya established under the Buddha Sravaka Dharmapithaya Act.
17. Bureau of Ceylon Standards established under the Bureau of Ceylon Standards Act.
18. Central Bank of Ceylon established under the Monetary Law Act.
19. Central Planning Commission established under the Town and Country Planning Ordinance.
20. Ceylon Electricity Board established under the Ceylon Electricity Board Act.
21. Ceylon Hotels Corporation established under the Ceylon Hotels Corporation Act.
22. Ceylon Institute of Scientific & Industrial Research constituted under the Ceylon Institute of Scientific & Industrial Research Act.
23. Ceylon National Chamber of Industries constituted under the Ceylon National Chamber of Industries Act.
24. Ceylon National Library Services Board established under the Ceylon National Library Services Board Act.
25. Ceylon Petroleum Corporation established under the Ceylon Petroleum Corporation Act.
26. Ceylon Railway Guards' & Locomotive Enginemen's Provident Association (Incorporation) Act.
27. Ceylon Shipping Corporation established under the Ceylon Shipping Corporation Act.
28. Ceylon State Plantations Corporation established under the Ceylon State Plantations Corporation Act.
29. Ceylon Tourist Board established under the Ceylon Tourist Board Act.
30. Coconut Fibre Board established under the Coconut Fibre Act,

31. Colombo District (Low-Lying Areas) Reclamation and Development Board established under the Colombo District (Low-Lying Areas) Reclamation and Development Board Act.
32. Colombo Special Areas Development Board established under the Special Areas (Colombo) Development Ordinance.
33. Compensation Board established under the Antiquities Ordinance.
34. Compensation Tribunal established under the Ceylon State Mortgage Bank and Finance (Amendment) Act.
35. Compensation Tribunal established under the People's Bank (Acquisition of Premises) Act.
36. Commissioners of the Loan Board appointed under the Loan Board Ordinance.
37. Competent Authority appointed under the Business Undertakings (Acquisition) Act, and business undertakings vested or acquired under the Act.
38. Congress of Religions established under the Congress of Religions Act.
39. Co-operative Employees Commission established under the Co-operative Employees Commission Act.
40. Co-operative Societies registered under the Co-operative Societies Law.
41. Corporations established under the Sri Lanka State Trading Corporations Act.
42. Corporations established under the State Agricultural Corporations Act.
43. Corporations established under the State Industrial Corporations Act.
44. Debt Conciliation Board of Ceylon established under the Debt Conciliation Board Ordinance.
45. Development Finance Corporation of Ceylon established under the Development Finance Corporation of Ceylon Act.
46. Government-sponsored Corporations established under the Government Sponsored Corporations Act.
47. Guaranteed Prices Advisory Committee established under the Agricultural Products (Guaranteed Prices and Control of Hulling & Milling) Act.
48. Homeopathic Council established under the Homeopathy Act.
49. Industrial Advisory Council, Industrial Panels and the Industrial Development Board of Ceylon established under the Industrial Development Act.
50. Industrial Products Regulation Board established under the Industrial Products Act.
51. Institute of Chartered Accountants of Ceylon established under the Institute of Chartered Accountants Act.
52. Institute of Engineers, Ceylon, established under the Institute of Engineers, Ceylon, Act.
53. Institute of Surveying & Mapping established under the Institute of Surveying & Mapping Act.
54. Insurance Corporation of Ceylon established under the Insurance Corporation Act.
55. Labour Tribunals established under the Industrial Disputes Act.
56. Lanka Salu Sala Ltd.
57. Mahaweli Development Board established under the Mahaweli Development Board Act.
58. Milk Board established under the Milk Board Act.
59. Mosques & Muslim Charitable Trusts or Wakfs Board established under the Muslim Mosques & Charitable Trusts or Wakfs Act.
60. National Apprenticeship Board established under the National Apprenticeship Act.
61. National Lotteries Board established under the National Lotteries Board Act.
62. National Planning Council constituted under the National Planning Council Act.
63. National Savings Bank established under the National Savings Bank Act.
64. National Science Council of Sri Lanka established under the National Science Council of Sri Lanka Law.
65. National Welfare Board constituted under the Merchant Shipping Act.
66. National Youth Services Council established under the National Youth Services Act.
67. Nindagama Lands Board established under the Nindagama Lands Act.
68. Paddy Marketing Board established under the Paddy Marketing Board Act.
69. Registered Community Centres.
70. Registration of Persons Tribunal established under the Registration of Persons Act.

71. Registered Rural Development Societies.
72. Remuneration Tribunals constituted under the Shop & Office Employees (Regulation of Employment & Remuneration) Act.
73. Rent Boards constituted under the Rent Act.
74. Rest Houses, National Holiday Resorts, Resort Authorities established under the Tourist Development Act.
75. River Valleys Development Board established under the River Valleys Development Board Act-
76. Rubber Advisory Board established under the Rubber Control Act.
77. Shipping: Agents licensed under the Licensing of Shipping Agents Act.
78. Sri Lanka Broadcasting Corporation established under the Sri Lanka Broadcasting Corporation (Amendment) Law.
79. Sri Lanka Investors Commissions established under the Sri Lanka Investors Incentives Act.
80. Sri Lanka Central Transport Board & Regional Transport Boards established under the Transport Board Law.
81. Sri Lanka Sahithiya Mandalaya established under the Sri Lanka Sahithiya Mandalaya Act.
82. Sri Lanka Tea Board established under the Sri Lanka Tea Board Law.
83. State Film Corporation established under the State Film Corporation Act.
84. State Gem Corporation established under the State Gem Corporation Act.
- 85. State Mortgage & Investment Bank established under the State Mortgage & Investment Bank Law.
86. State Printing Corporation established under the State Printing Corporation Act.
87. Tea Advisory Board established under the Tea Control Act.
88. Tea Control Department established under the Tea Control Act.
89. Tea & Rubber Estates (Control of Fragmentation) Board established under the Tea & Rubber Estates (Control of Fragmentation) Act.
90. The Board of Trustees of the Lady Lochore Loan Fund constituted, under the Lady Lochore Loan Fund (Board of Trustees) Act.
91. The Ceylon Coconut Board established under the Coconut Products Ordinance.
92. The Coconut Research Board established under the Coconut Research Ordinance.
93. The Co-operative Wholesale Establishment established under the Co-operative Wholesale Establishment Act.
94. The Local Government Service Advisory Board & the Local Government Service Disciplinary Board established under the Local Government Service Law.
95. The Local Loan & Development Commissioners appointed under the Local Loans & Development Ordinance.
96. The Monetary Board of the Central Bank constituted under the Monetary Law Act.
97. The People's Bank established under the People's Bank Act.
98. The Ports Authority established under the Sri Lanka Ports Authority Act.
99. The Rubber Research Board established under the Rubber Research Ordinance.
100. The Sri Lanka Tea Board established under the Sri Lanka Tea Board Law.
101. Transport Appeals Tribunal constituted under the Motor Traffic Act.
102. Tribunal of Appeal established under the Employees Provident Fund Act.
103. Universities established under the Universities Act.
104. University Grants Commission, the Appeal Board & each Higher Educational Institution constituted under the Universities Act.
105. Veterinary Council of Sri Lanka constituted under the Veterinary Surgeons & Practitioners Act.
106. Water Resources Board established under the Water Resources Board Act.
107. Widows* & Orphans' Pension Scheme established under the Widows' & Orphans' Pension Scheme (Armed Forces) Act.