

**42. Any person who —**

Attempt to commit offences, & c.

- (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 regulation.

**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.

Assisting offenders.

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

Offences by bodies of persons.

- (a) if that body is a body corporate, every director or the 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 that commission of the offence.

**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 without a jury 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 hundred rupees and not exceeding five thousand rupees.

Penalties

(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 without a jury before the High Court or before a Magistrate, be liable to the same punishment as that specified in paragraph (1) of this regulation.

(3) Section 306 (2) of the Code of Criminal Procedure Act, No. 15 of 1979, shall not apply to any person convicted of an offence under any emergency regulation.

## PART 6

### INVESTIGATIONS, TRIALS & C.

**46.** (1) Whoever becomes aware of an intention of an attempt of a preparation to commit, or the commission of an offence under any emergency regulation shall forthwith give information thereof to the nearest Grama Niladhari or to the Officer-in-charge of the nearest police station.

Duty to disclose information

(2) Any person who wilfully fails to refuses to give the information referred to in paragraph (1) shall be guilty of an offence.

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

Power 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 handwriting photographs, fingerprints and other indentifying 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 telegraph 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 purpose of such investigation.

Documents of suspected persons in possession.

**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.

The right to make inquiries and the duty to give assistance.

**49. (a)** A police officer or a person duly authorized under the emergency regulations investigating into and offence under any emergency regulation shall notwithstanding anything to the contrary in any other law have —

- (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 purpose of such investigation.

(b) It shall be the duty of every person to give all assistance to a Police Officer or to other person duly authorized, investigating into an offence under any emergency regulation ; and every person questioned under subparagraph (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 the regulation to deliver to the police officer or a person duly authorized, investigation 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 there under shall be an offence under the emergency regulation under regulation 48 of these regulations.

Right of access to police officer.

**50.** 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 purpose of such investigation.

Powers of a police officer in addition to general powers

**51.** 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.

**52. (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 Commander of the Sri Lanka Navy or the Commander of the Sri Lanka Air Force respectively.

(2) The powers of police office under any emergency regulation may also be exercised by any person authorized by the President in that behalf.

<p><b>53.</b> Where in the course of his duty a police officer or any member of the armed forces causes the death of any person, such officer or member as the case may be, notwithstanding the provisions of any other law, such police officer or member of the armed forces shall be handed over to the appropriate authority to be detained in police custody or military custody as the case may be.</p>	<p>Detention of police officer or member of the armed forces.</p>
<p><b>54.</b> Where a police officer or a member of the armed services has reason to believe that the death of any person may have been caused as a result of any action taken in the course of duty either by him or by any officer subordinate to him, or where any person dies in police custody or military custody, the Superintendent of Police in charge of the Division to which such police officer is attached or in the case of a member of the armed forces the Commanding Officer of the Unit to which he belongs shall, notwithstanding anything to the contrary in Chapter XXX, and Section 9, of the Code of Criminal Procedure Act, No. 15 of 1979 or the provisions of any other written law, report the facts relating to the death, to the Inspector General of Police or to the nearest Deputy Inspector - General of Police.</p>	<p>Death of any person due to action of or in custody of any police officer or any member of the armed forces.</p>
<p><b>55.</b> Upon receipt of the information under regulation 54, the Inspector - General of Police or the Deputy Inspector - General of Police as the case may be, shall</p>	<p>Police officer to make report and record statements &amp;c.,</p>
<p>(a) direct an officer not below the rank of an Assistant Superintendent of Police, to proceed to the scene of the incident and —</p> <p>(i) to record his observations ;</p> <p>(ii) to take charge of any probable production ; and</p> <p>(iii) to record the statements of any persons, who in his opinion, appear to be acquainted with the circumstances relating to such death ; and</p> <p>(b) in any case where the body is found forthwith report such to the Magistrate.</p>	
<p><b>56.</b> (1) The Magistrate shall, upon receipt of the report of the facts by the Inspector-General of Police, or the Deputy Inspector-General of Police as the case may be under regulation 55 ;</p>	<p>Conducting of post-mortem and burial or cremation of dead bodies.</p>
<p>(a) direct a Government Medical Officer to forthwith hold a post-mortem examination of such body and may direct that the dead body if it has already been buried, be disinterred ; and</p> <p>(b) make an order that at the conclusion of the post-mortem examination that the dead body be handed over to the Deputy Inspector-General of Police for disposal.</p>	
<p>(2) The Deputy Inspector-General of Police to whom the body is handed over the dead body to any relations who may claim the dead body, subject to such conditions or restrictions as he may deem necessary in the interest of national security of for the maintenance or preservation of public order ;</p>	
<p>Provided, however, that the Deputy Inspector-General of Police may in the interest of national security or for the maintenance or preservation of public order, authorize the taking possession of and effecting the burial or cremation of the dead body in accordance with such steps as he may deem necessary in the circumstances.</p>	
<p><b>57.</b> (1) The High Court holden in Colombo shall notwithstanding anything to the contrary contained in any written law have exclusive jurisdiction to inquire into the death of any person in any part of the island or within its territorial waters, caused or purported to have caused in the circumstances specified in regulation 54.</p>	<p>High Court to inquire into death of any person upon application made to it by the Inspector-General of Police.</p>
<p>(2) The Judge of the High Court holden in Colombo shall upon application being made to such Court by the Inspector - General of Police hold an inquiry into the cause of death of the person named as deceased in such application.</p>	
<p>(3) Where any proceedings are pending in any Magistrate's Court in respect of the death of such person named as deceased in an application under paragraph (2) of this regulation all such proceedings pending in the Magistrate's Court on the date of such application shall stand transferred to the person named as deceased in such application.</p>	
<p>(4) The Judge of the Court may hold such inquiry or part of such inquiry in any part of Sri Lanka having regard to the interest of national security and preservation of public order.</p>	
<p>(5) the Government Medial Officer conducting the post - mortem examination shall forward his report to the Judge of the said High Court and shall not disclose anything contained therein to any person unless authorized to do so by the High Court.</p>	

(6) The Inspector - General of Police shall forward to the judge of the High Court the report of the preliminary observations and any other documents as may be necessary for the purpose of conducting the inquiry.

(7) The Judge of the High Court shall record such evidence as may be placed before him by the Inspector - General of Police or other officer authorised by him in that behalf and the evidence of any other person who appears to be acquainted with the circumstances relating to the death under inquiry.

(8) the proceedings before the High Court shall not be open to the public and only such reports of the proceedings or part thereof as is authorised by the Competent Authority, shall be published.

Provided, however, that the Court of Appeal may on application made to in that behalf direct that the proceedings or any part thereof, shall be open to the public.

(9) At the conclusion of the inquiry the Judge of the High Court shall transmit the record of evidence and a report of the circumstances under which the death was caused together with any other documents to the Attorney - General.

Power of  
Attorney-General.

**58.** Upon receipt of the record of evidence and other documents transmitted to him under paragraph (9) of regulation 57, it shall be lawful for the Attorney General —

(a) to call for any further material or information as he may require ;

(b) if he is satisfied that the commission of any offences has been disclosed —

(i) direct the institution of proceedings under Chapter XIV or XV of the Code of Criminal Procedure Act, No. 15 of 1979 ; or

(ii) proceed under the provision of sub-section (7) of section 393 of the Code of Criminal Procedure Act.

## PART 7

### GENERAL

Priority for court  
proceedings.

**59.** The proceedings in any court in respect of an offence alleged to have been committed by a person under any emergency regulation shall be taken up before any other business of the court.

Inquiries and  
trials.

**60.** (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 commission 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 of such court.

(3) Where at least one of the charge is for an offence referred to in sub-paragraph (b) of paragraph (2) the Attorney - General may, notwithstanding the provisions of any other written law, forward an indictment directly to the High Court and the accused shall be tried upon the indictment so preferred without a jury.

(4) 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.