

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 who may, after consideration thereof, revoke the order to which the objections relate.

(9) Where the Secretary to the Ministry of the Minister in charge of the subject of Defence certifies in writing that any person in respect of whom an order under paragraph (1) of this regulation is made by him to be or have been a member of an organization, prescribed under regulation 71 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.

20. (1) Any Public officer, any member of the Sri Lanka Army, the Sri Lanka Navy or the Sri Lanka Air Force, or any other person authorized by the President 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.

Power of search, seizure, arrest and detention.

(2) Any person detained under paragraph (1) shall, within twenty-four hours, be handed over to the nearest police station.

(3) Any person conducting a search under paragraph (1) 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 Perch 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.

(8) It shall be the duty of the arresting officer to report the arrest made under paragraph (1), where the arresting officer is a police officer, to the Superintendent of Police of the Division within which the arrest is made, and where the arresting officer is a member of the armed forces, to the Commanding Officer of the area within which the arrest is made, within twenty-four hours of the arrest.

(9) Where any person is taken into custody under the provisions of this regulation it shall be the duty of the arresting officer to issue to the spouse, father, mother, or any other close relative a document in such form as is specified by the Secretary, acknowledging the fact of arrest. It shall be the duty of the holder of such document to return the same to, or produce the same before, the appropriate authority when such arrested person is released from custody :

Provided that where any person is taken into custody and it is not possible to issue a document as set out above, it shall be the duty of the arresting officer if such officer is a police officer, to make an entry in the information book, giving reasons why it is not possible to issue such documents, and if the arresting officer is a member of the armed forces, to report to the officer in charge of the police station the reasons why it is not possible to issue such documents and the officer in charge shall make an entry of such fact along with the reasons therefore in the information book.

(10) Where any person without reasonable cause fails to issue a document acknowledging the fact of arrest as required by paragraph (9) or willfully omits to make such entry as is referred to in the proviso to that paragraph or to report the fact that the document was not issued and the reasons therefore, he shall be guilty of an offence and upon conviction after trial before the High Court be liable to a term of imprisonment extending to two years and a fine.

(11) Where any property is seized or detained under the provisions of this regulation a person effecting the seizure or detention shall issue a receipt in respect of such property to the person from whose custody such property was seized detained.

Special provisions
regarding persons
arrested and
detained under
regulation 19.

21. (1) the provisions of sections 36, 37 and 38 of the Code of Criminal Procedure Act, No. 15 of 1979, shall not apply in relation to persons arrested under regulation 19 :

Provided that where any person has been arrested and detained under the provisions of regulation 19 of these regulations, such person shall be produced before any Magistrate within a reasonable time, having regard to the circumstances of each case, and in any event, not later than thirty days after such arrest.

Further, the Magistrate shall not release any person on bail unless the prior written approval of the Attorney-General has been obtained.

The production of any person in conformity with the provisions of these regulations shall not affect the detention of such person under paragraph (2).

(2) Any person detained in pursuance of provisions of regulation 19 in a place authorised by the Inspector-General of Police may be so detained for a period not exceeding ninety days reckoned from the date of his arrest under that regulation, and shall at the end of that period be released by the officer in charge of that place unless such person has been produced by such officer before the expiry of that period before a court of competent jurisdiction ; 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 was a civil prisoner within the meaning of that Ordinance :

Provided, however, that the Inspector-General of Police 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 preceeding 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 an correspondence of such person in such manner and as such time and place, as the Inspector-General of Police may from time to time direct.

(3) Where a person who has been arrested and detained in pursuance of the provisions of regulation 19 is produced by the officer referred to in paragraph (2) before a court of competent jurisdiction, such court shall order that the such person be detained in the custody of the Fiscal in a prison established under the Prisons Ordinance.

(4) In this regulation Inspector-General of Police includes any Deputy Inspector-General of Police, or any Superintendent of Police or any Assistant Superintendent of Police.

22. (1) Any person who surrenders (Hereinafter referred to as the “surrendee”) to any police officer, or any member of the armed forces, or to any public officer or any other person or body of persons authorized by the President by order, in connection with any offence under Explosives Act, (Chapter 183), the Offensive Weapons Act, No. 18 of 1966, the Firearms Ordinance, the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 or under Chapter VI, Chapter VII or Chapter VIII of the Penal Code or under any emergency regulation or through fear of terrorist activities shall be required to give written statement to the officer or person authorized in that behalf to the effect that he is surrendering voluntarily.

Custody of persons who surrender.

(2) Where any person surrenders in terms of paragraph (1) of this regulation, such person shall within twenty-four hours of such surrender be handed over to the Officer-in-Charge of the nearest Police Station. It shall be the duty of the Officer-in-Charge to produce such person forthwith before the Magistrate and obtain an appropriate order.

23. Every householder within any area shall furnish the Office-in-charge of the Police Station of his area when required so to do by a Police Officer not below the rank of Assistant Superintendent of Police, with a list of all the inmates of his house, distinguishing the members of his family from the servants or other residents therein ; and he shall also if it shall be so directed in the order of the aforesaid Police Officer, report any increase or diminution or change in the same ; and he shall not, having received such notice under such order, harbour a stranger without giving such notice thereof to the Officer-in-Charge of the Police station of his area, and every person failing in any duty imposed upon him by this regulation shall be guilty of an offence.

Householder to give lists of inmates when required.

24. 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 prisoner, 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.

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

PART 5

OFFENCES AND PENALTIES

25. (1) Any person who -

- (a) does, 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 ; 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) commits theft of any article in any premises which have been left vacant or unprotected or which have been damaged or destroyed ; or
- (d) commits any offence under any of the Sections 427 to 446 of the Penal Code or illegally removes, or attempts to remove, any goods or articles from any such premises ; or
- (e) 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) or sub- paragraph (c) or sub-paragraph (d) ; or

Offences against movable or immovable property &c.

- (f) dishonestly receives or retains any article or goods referred to in sub-paragraph (c) or subparagraph(d), knowing or having reasons to believe, an offence had been committed in respect of such article or goods under sub - paragraph (c) or sub - paragraph (d).,

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.

(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 24 of the Emergency (Miscellaneous Provisions and Powers) Regulations.

(3) An indictment in respect of any offence under this emergency regulation may be forwarded by the Attorney - General, if he is satisfied that the offence was committed in furtherance of or in connection with or in the course of a civil disturbance prevailing at or about the time of the commission :

Provided that, having regard to the circumstances relating to the commission of any offence, he may authorize the Inspector - General of Police to institute proceedings in respect of such cases or such category of cases as he may specify in the Magistrate's Court and there upon such proceedings may be instituted with the written authority of the Inspector - General of Police, and the provisions of Chapter XVII of the Code of Criminal Procedure Act, No. 15 of 1979, relating to the trial in respect of such offences, shall, mutatis mutandis, apply.

(4) Where the proceedings are instituted in a Magistrate's Court, the offence shall be punishable with the punishment provided for in regulation 48 of these regulations.

Display of
slogans, &c.

26. Whoever by words whether spoken or written or by sings 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.

Distribution of
leaflets &c.

27. No person shall affix in any place visible to the public or distribute among the public any posters, hand bills or leaflets, the contents of which are prejudicial to public security, public order or the maintenance of supplies and services essential to the life of the community.

Communication or
spreading of rumours
and false statements

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

Printing or
publishing certain
types of documents

29. 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 :—

- (a) the activities of any organization proscribed under these regulations ;
- (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.

Prohibition on
taking Photographs

30. Any person who without the written authorization of the Secretary to the Ministry of Defence previously obtained, takes any photographs whatsoever -

- (a) of any building, ship or aircraft vested in or being used by any police officer or any member of the Sri Lanka Army, the Sri Lanka Navy, or the Sri Lanka Air Force ; or