

(b) in the vicinity of any such building, ship or aircraft,

shall be guilty of an offence.

31. If any person —

False statements

(a) in answer to any request made in pursuance of any emergency regulation or any order made any such regulation makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false in a material particular ; or

(b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by any emergency regulation or by order under any emergency regulation to make,

he shall be guilty of an offence.

32. Whoever without lawful excuse, the proof whereof shall lie on such person, procures or has in his custody or control, possesses or attempts to procure or possess, any map, plan, sketch, drawing or outline, or other particulars, pertaining or relating to any office, organization, institution or establishment of the Government, including a public corporation, or the deployment or disposition of members of the Police or the Armed Services, transport services or any arms or ammunition belonging to the Police or the Armed Services, shall be guilty of an offence.

Possession of Maps, &c.

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

Possession of subversive literature

34. Whoever collects, or has unauthorized possession of arms, ammunition, explosives or weapons or other dangerous articles or substances or prepares, trains, or attempts to train any person in the manufacture or use of such arms, ammunition, explosives, weapons or dangerous articles or substances shall be guilty of an offence and shall upon conviction be liable to rigorous imprisonment for a term not less than ten years.

Collection of arms, &c.

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

Wearing of apparel uniforms.

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

Explosives, guns, offensive weapons and offensive resembling substances.

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

(3) Where any person is convicted of an offence under this regulation —

(a) all property movable or immovable of such person ; and

(b) any vehicle or vessel which has been used in connection with the commission of the offence,

shall be virtue of such conviction be deemed to be forfeited to the Republic free of encumbrances.

(4) Any property forfeited to the State under sub - paragraph (a) shall—

- (a) if no appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which the period prescribed for preferring an appeal against such conviction expires ;
- (b) if an appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which such conviction is affirmed in appeal.

In this paragraph, “relevant Conviction” means the conviction in consequence of which any property is forfeited to the State under Sub-paragraph (a).

(5) Any person who commits an offence under this regulations shall upon conviction be punished with death or with imprisonment of either description for life.

(6) In this regulation —

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

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

Throwing
missiles

37. No person shall throw any thing or substance at any person or at any engine, tender carriage or truck upon any railway, or at any vehicle upon any public road, in such manner as to endanger the safety of such person or any person who is in or upon such engine, tender carriage, truck or vehicle, Any person who contravenes any of the preceding provisions of this regulation shall be guilty of an offence and shall upon conviction be liable to rigorous imprisonment for a term of not less than ten years.

Pointing of gun

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

Prevention of
intimidation,
& c.

39. (1) No person shall, in any area in Sri Lanka specified by the President by order, attend at or near a house or place where any other person resides or works or carries on business or happens to be in, such manner as to be calculated to intimidate any person in that house or place or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace.

(2) In this regulation, the expression “intimidate” means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property and the expression “injury” includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong.

Maintenance,
obstruction,
essential
services

40. (1) Where any service is specified in the Schedule to these regulations as being an essential service, or the President by Order published in the *Gazette* declares any service to be an essential service, then any person who, on or after August 13, 2005 was engaged or employed in any work in connection with that service-

- (a) fails or refuses after the lapse of one day from the date of such Order, to attend at his place of work or employment or such other place as may from time to time be designated by his employer or a person acting under the authority of his employer or fails or refuses to work or walks out or keeps away from work without working during the full period or any part of the normal working day as is required of him in accordance with the terms and conditions of his employment in such service ; or
- (b) fails or refuses, after the lapse of one day from the date of such Order, to perform such work as he may from time to time be directed by his employer or a person acting under the authority of his employer to perform at such time or within such periods as may be specified by such employer or such person for the performance of such work (whether such time or period is within, or outside normal working hours or on holidays) he shall, notwithstanding that he has failed or refused to so attend or to so work in furtherance of a strike or other organized action -

- (i) be deemed for all purposes to have forthwith terminated or vacated his employment, notwithstanding anything to the contrary in any other law or the terms and conditions or any contract his employment ; and
- (ii) in addition, be guilty of an offence.

In this paragraph “specified service” means any essential service which is declared to be specified service by the President, by order published in the *Gazette*, being an essential service in which a person employed or engaged in any work in connection with such service may be required to work outside normal working hours or on holidays.

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

- (a) any person who, in any manner whatsoever –
 - (i) impedes, obstructs, delays or restricts the carrying on of that service, or
 - (ii) impedes, obstructs or prevents any other person employed in or in connection with the carrying on of that service to refrain from, attending at his place of work, or
 - (iii) incites, induces or encourages any other person employed in or in connection with the carrying on of that service to refrain from, attending at his place of work, or
 - (iv) compels, incites, induces or encourages the establishment or maintenance of any other service in lieu of , or parallel with, that service being a Government Department or branch thereof ; or
 - (v) compels, incites, induces or encourages any other person employed in or in connection with the carrying on of that service to surrender or depart from his employment (whether or not such other person does so surrender or depart in consequence) ; or
 - (vi) prevents any other person from offering or accepting employment in or in connection with the carrying on of that service ; or
- (b) any person who, by any physical act or by any speech or writing incites, induces or encourages any other person to commit any act specified in Sub - paragraph (a) of this paragraph (whether or not such other person commits in consequence any act so specified).

(3) Where the President is of the opinion that the members of any organization are committing, aiding and abetting the commission of any act referred to in paragraph (2) of this regulation, he may by order published in the *Gazette* declare such organization to be a proscribed organization ;

(4) Where an organization is declared to be a proscribed organization by an Order made under paragraph (3) –

- (a) the provisions of paragraphs (2), (3) (3A) (4) and (5) of regulation 71 shall, mutatis mutandis, apply to, and in relation to, such organization ;
- (b) every person who is a member of such organization on or after the date of such Order shall —
 - (i) If such person is though holder of any officer under the Government or in any Public Corporation, be deemed, for all purposes, to have terminated or vacated such officer, with effect from the date of such Order ;
 - (ii) in addition be guilty of an offence under these regulations;
- (c) any bank in which such organization maintains an account shall not permit any person to operate such account.

(5) Every person who is deemed to have terminated or vacated his employment by reason of the operation of the provision of paragraph (1) of this regulation shall vacate any quarters provided to him by, or on behalf of the Government within three days of such termination or vacation. Any such person who fails to vacate such quarters within such period shall be guilty of an offence under these regulations.

In this paragraph “quarters” means any building or room or other accommodation occupied or used for the purposes of residence and includes any land or premises in which such building, room or other accommodation is situated.

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

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

Preventing of
death
threats.

41.(1) (a) Any person who—

- (a) without lawful authority, has in his possession, or prints, publishes or distributes, any document containing any statement or pictorial representation —
 - (i) which constitutes a threat of death or bodily harm to any other person ; or
 - (ii) which is reasonably capable of being construed as a threat of death or bodily harm to any other person, if such person engaged in any lawful occupation, profession, trade, business or enterprise or associates with any other person or does, or refrains from doing, any other act or thing ;
- (b) by threat of death or bodily harm, whether by words, written or spoken or by signs or by conduct, endeavours to induce any other person, to resign from any political party or trade union of which such other person is a member, or to resign from any office held by such other person in such political party or trade union or to resign from any office held by such other person or to join any political party ; or
- (c) by threat of death or bodily harm, whether by words, written ; or spoken, or by sings or by conduct, endeavours to induce any public officer or person engaged in the performance of any essential service, to do, or omit to do, anything in breach of his duty as a public officer or a person so engaged, as the case may be,

shall be guilty of an offence under these regulations, and shall, on conviction after trial before the High Court, be punished with death.

Proof that a person was found in possession of a document containing any such threat as is referred to in paragraph (b) or paragraph (c) of his regulation shall be *prima facie* proof that such person has attempted to commit, or has done an act preparatory to the commission of , the offence described in that paragraph.

(2) the trial for an offence under this regulation shall be notwithstanding anything to the contrary in these regulations be commenced on the filing of report in the High Court, by the Inspector- General of Police, to the effect that such offence has been committed and upon the production of the accused in court,

(3) The provisions of paragraphs (a) and (b) of subsection (6) of section 450 of the Code of Criminal Procedure Act, No. 15 of 1979 shall, *mutatis mutandis*, apply to the trial of offences under these regulations.

(4) A confession or other incriminatory statement to whomsoever and in whatsoever circumstances made by any person who is alleged to have, or is suspected of having, committed and offence under these regulations may, at any trial for such offence, be proved against such person, so, however, that if it is sought by or on behalf of such person to reduce or minimize the weight that shall be attached to such confession or incriminatory statement the burden of proving the facts necessary to support such contention shall be on such person.

(5) Notwithstanding any thing in any other written law, no court shall have power or jurisdiction to make any order setting aside, or varying an order made in the course of a trial for an offence under these regulations or staying, suspending or prohibiting the holding of any such trial.