

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

- (a) all offences alleged to have been committed by persons under the emergency regulations throughout Sri Lanka or in any particular area in Sri Lanka ; or
- (b) all such offences alleged to have been so committed by persons of any particular class or description in any particular area in Sri Lanka ; or
- (c) all such offences of any particular class or description alleged to have been so committed by persons throughout Sri Lanka or in any particular area in Sri Lanka ; or
- (d) all such offences of any particular class or description alleged to have been committed by person of any particular class or description, or any particular person, throughout Sri Lanka or in any particular area in Sri Lanka ; or
- (e) any particular offence alleged to have been committed by any particular person throughout Sri Lanka or in any particular area in Sri Lanka.

61. (1) Subject to the provisions of paragraph (3) of regulation 24, no prosecution shall be instituted in the Magistrate's Court -

Sanction of
Attorney-General.

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

except by or with the written sanction of the Attorney - General.

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

62. (1) Notwithstanding any emergency regulation or other written law the trial, including a trial at bar, for any offence under the emergency regulations, may be held upon indictment by the Attorney - General and thereupon the person charged shall be tried without a preliminary inquiry before the High Court of High Court at bar, as the case may by, without a jury :

Trials before High
Court

Provided that where the Attorney - General being of opinion that evidence recorded at a preliminary inquiry will be necessary for preparing an indictment, may direct the holding of a preliminary inquiry, The provisions of Chapter XV of the Code of Criminal Procedure Act, No. 15 of 1979 shall, *mutatis mutandis*, apply to such preliminary inquiry.

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

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

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

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

(6) A trial before the High Court under these regulations, including a High Court at Bar, shall be held as speedily as possible and in the manner provided under any other written law for other trials before the High Courts, or the High Court at Bar, as the case may be, without a jury.

Admissibility
of statement in
evidence.

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

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

(2) In the case of an offence under any emergency regulation a statement made by any person which may be proved under paragraph (1) as against himself may be proved as against any other person jointly charged with such offence, if but only if, such statement is corroborated in material particulars by evidence other than a statement made under regulation 50 of these regulations.

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

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

(5) A statement made by any person may be proved under paragraph (1) or paragraph (2) notwithstanding the provisions of sub-section (3) of section 110 of the Code of Criminal Procedure Act, No. 15 of 1979.

Provisions of
Chapter XI of the
Code of Criminal
Procedure Act,
No. 15 of 1979
not to apply.

64. The provisions of Chapter XI of the Code of Criminal Procedure Act, No. 15 of 1979, shall not apply to any investigations conducted under any emergency regulation.

Certificate of
Government Analyst
and destruction of
anything or matter
by Government
analyst.

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

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

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

(4) In this regulation, "offence" means any offence under any emergency regulation or under the Explosives Act, (Chapter 183) or under the Offensive Weapons Act, No. 18 of 1966, or the Firearms Ordinance or under Chapter VI or Chapter VII or Chapter VIII of the Penal Code.

Resistance to or
obstruction of
persons in authority.

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

PART 8

MISCELLANEOUS

67. (1) During the continuance in force of this regulation -

Modification of the
Code of Criminal
Procedure Act, No. 5
or 1979.

- (a) sections 95 and 96 of the Code of Criminal Procedure Act, No. 15 of 1979 (which relate to the power to disperse unlawful assemblies), shall cease to be in force ; and
- (b) any police officer of a rank not below that of a Sergeant, any member of the Sri Lanka Army of a rank not below that of a Corporal, any member of the Sri Lanka Navy of a rank not below that of a Leading Seaman, or any member of the Sri Lanka Air Force of a rank not below that of a Corporal, may order any person or persons in or about any public road, railway, public park, public recreation ground or other public ground, seashore, or in or about, or in the vicinity of, the premises of any public building or Government Department, to remove himself or themselves from that place and it shall be the duty of such person, or each such person, as the case may be, to comply with such order.

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

(3) During the continuance in force of this regulation, sections 306 (1), (2) and (4) of the Code of Criminal procedure Act, No. 15 of 1979, shall not apply to or in relation to any person who is charged with, or is convicted of, any offence under emergency regulation, save and except an offence under regulation 13(1) hereof.

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

Duty to answer
question.

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

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

Power to obtain
information or
examine articles.

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

70. A member of the Sri Lanka Army, the Sri Lanka Navy, or the Sri Lanka Air Force shall, when he is driving any motor vehicle when authorized so to do by the Competent Authority, for the purpose of the preservation of public order, be exempt from such of provisions of the Motor Traffic Act, and the regulations made thereunder as are specified in Schedule A to the Motor Traffic (Exemption of her Majesty's Forces) regulations, 1955, published in *Gazette* No. 10,815 of 08th July, 1955.

Exemption of
members of the armed
forces from certain
provisions of the
Motor Traffic Act.

71. (1) Where the president is of opinion with respect to any organization that there is a danger of action by, or of the utilization of the organization or its members or adherents -

Proscribed
Organization.

- (a) for purposes prejudicial to national security, the maintenance of public order or the maintenance of essential services ; or
- (b) for any of the purposes referred to in sub- paragraph (b) of paragraph (2) of regulation 40, or sub-paragraph (a) to (g), of regulation 25 of these regulations.

the President may, by Order published in the *Gazette* declare that organization to be a proscribed organization.

(2) The Secretary to the Ministry of Defence may also in such order authorized the persons specified therein to take such steps (including the taking possession of any printing press with respect to which the order is made or of any premises in which it is contained or any part of such printing press or premises) as appear to the person so authorized to be necessary for securing compliance with the order.

In this regulation "printing press" includes any machinery, apparatus or plant capable of being used for printing, lithography, photography, or other mode of representing or reproducing words in a visible form, or any type or other articles belonging to such machinery, apparatus or plant.

(3) No person shall -

- (a) make, print, or distribute, or be in any way concerned in the making, printing, or distribution of any written or printed matter which is published or purports to be published by a proscribed organization or by any member or manager thereof ; or
- (b) communicate or attempt to communicate to any other person, in any manner, any order, decision, declaration or exhortation made or purpose ;
- (c) summon or attend any meeting of the organization or of any members of managers thereof ; or
- (d) invite or exhort any other person to join or support the organization ; or
- (e) invite or exhort any other person to join or support the organization ; or
- (f) do or attempt to do any act or thing in his capacity as a manager or member of the organization or in such circumstances as are likely to lead any other person to believe that he is acting in such capacity ; or
- (g) harbour or conceal any member of the organization or any person suspected to be a member of the organization.

(4) If the Secretary to the Ministry of Defence is of opinion that any printing press under the control of any proscribed organization, has been or is likely to be used for the production of any document containing matter which is in his opinion calculated -

- (a) to prejudice the interests of national security or the preservation of public order ; or
- (b) to prejudice the maintenance of supplies and services essential to the life of the community ; or
- (c) to incite or encourage persons to mutiny, riot or civil commotion.

he may be order direct that the printing press, or all or any of the printing presses under the control of that organization as are specified in such order, shall for so long as the order is in force, not be used for any purpose whatsoever or for any particular purpose as is specified in the order.

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

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

72. Any persons who renders any medical assistance to, or from whom medical assistance is sought by, an injured person who appears to have received such injury consequent to the use of a firearm, bomb, explosive or other lethal substance or device shall record the particulars of the identity of such injured person, the details of the injury and wherever possible the circumstances under which it had been caused and forthwith furnish such information to the nearest Police station.

Rendering assistance to persons.

73. No action or other legal proceeding, whether civil or criminal, shall be instituted in any court of law in respect of any matter or thing done or purported to be done in good faith, under any provisions of any emergency regulation or of any order or direction made or given thereunder, except by, or with the written consent of, the Attorney-General.

Protection of action.

SCHEDULE

(Regulation 2)

- (a) the services provided by the Central Bank or any banking institution as defined in subsection (1) of section 127 of the Monetary Law Act, (Chapter 422) or the State Mortgage and Investment Bank, established under the State Mortgage and Investment Bank Law, No. 13 of 1975 ;
- (b) all services, work or labour of any description whatsoever necessary or required to be done in connection with the maintenance and the reception, feeding, nursing care and treatment of patients in hospitals, dispensaries and other institutions, under the Ministry of Health and Women’s Affairs ;
- (c) all services connected with the supply or distribution of fuel, including petroleum products and gas ;
- (d) all services connected with the supply of electricity ;
- (e) all services, work or labour of any description whatsoever, necessary or required to be done in connection with the maintenance of postal and telecommunication services, including the overseas telecommunication services ;
- (f) all services, work or labour of any description whatsoever necessary or required to be done by officers or servants of all Ministries, Government Departments and Public Corporation ;
- (g) all services, work or labour of any description whatsoever necessary or required to be done in connection with the maintenance of road, rail and other public transport services ;
- (h) all services, work or labour of any description whatsoever necessary or required to be done in connection with the maintenance and management of tea, rubber and coconut plantations or the production and manufacture of tea, rubber and coconut ;
- (i) all services, work or labour of any description whatsoever necessary or required to be done in connection with the export of commodities, garments and other products ;
- (j) all services, work or labour of any description, necessary or required to be done in connection with the maintenance of all broadcasting and television services ;
- (k) all services of any description, necessary or required to be done in connection with the sale, supply or distribution, of any article of food or medicine or any other article required by a member of the public.