

**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA**

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**COMMISSION TO INVESTIGATE  
ALLEGATIONS  
OF BRIBERY OR CORRUPTION  
ACT, No. 19 OF 1994**

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[Certified on 27<sup>th</sup> October, 1994]

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*Commission to Investigate Allegations of Bribery or Corruption  
Act, No. 19 of 1994*

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<p>AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PERMANENT COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR CORRUPTION AND TO DIRECT THE INSTITUTION OF PROSECUTIONS FOR OFFENCES UNDER THE BRIBERY ACT AND THE DECLARATION OF ASSETS AND LIABILITIES LAW, NO. 1 OF 1975; AND FOR MATTERS CONNECTED THEREWITH</p> <p style="text-align: center;">OR INCIDENTAL THERETO</p> <p>BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-</p> <p>1. This Act may be cited as the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19, of 1994, and shall come into operation on such date as the Minister may appoint, by Order published in the Gazette (hereinafter referred to as the “appointed date”).</p> <p style="text-align: center;">PART I</p> <p>2. (1) There shall be established, for the purposes of this Act, a Commission (hereinafter referred to as “the Commission”) to investigate allegations of bribery or corruption made to the Commission in accordance with the succeeding provisions of this Act and to direct the institution of prosecutions under the Bribery Act and the Declaration of Assets and Liabilities Law, No. 1 of 1975.</p> <p>(2) (a) The Commission shall consist of three members, two of whom shall be retired Judges of the Supreme Court or of the Court of Appeal and one of whom shall be a person with wide experience relating to the investigation of crime and law enforcement.</p> <p>(b) The members of the Commission shall be appointed by the President, on the recommendation of the Constitutional Council:</p> <p>Provided however, that during the period commencing on the appointed date and ending on the date on which the Constitutional Council is established, members of the Commission shall be appointed by the President on the recommendation of the Prime Minister in consultation with the Speaker.</p> <p>(3) The President shall appoint as Chairman of the Commission, one of the members of the Commission who is a retired Judge of the Supreme Court or of the Court of Appeal.</p> <p>(4) A member of the Commission may resign his office by letter in that behalf addressed to the President.</p>	<p>Short title and date of operation.</p> <p>Commission to investigate allegations of bribery or corruption.</p>
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2. Commission to Investigate Allegations of Bribery or Corruption Act,  
No. 19 of 1994

<p>Function of the Commission.</p>	<p>(5) (a) A member of the Commission shall not be removed from office except by an order of the President made after an address of Parliament supported by a majority of the total number of Members of Parliament (including those not present) has been presented to the President for such removal on the ground of proved misconduct or incapacity:</p> <p>Provided however that no resolution for the presentation of such an address shall be entertained by the Speaker or placed on the Order Paper of Parliament, unless notice of such resolution is signed by not less than one-third of the total number of Members of Parliament and sets out full particulars of the alleged misconduct or incapacity.</p> <p>(b) The procedure for the presentation and passing of an address of Parliament for the removal of a Judge of the Supreme Court of the Court of Appeal shall apply in all respects to the presentation and passing of an address of Parliament for the removal of a member of the Commission.</p> <p>(6) Every member of the Commission, unless he earlier vacates office by death, resignation or removal, hold office for a period of five years and shall not be eligible for reappointment:</p> <p>Provided however that the term of office of a member appointed in the place of a member who dies, resigns or is removed from office shall be the unexpected period of the term of office of the member whom he succeeds.</p> <p>(7) The salaries of the members of the Commission shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during their terms of office.</p> <p>(8) The members of the Commission may exercise the powers conferred on the Commission either sitting together or separately and where a member of the Commission exercises any such power sitting separately, his acts shall be deemed to be the act of the Commission.</p> <p style="text-align: center;">PART II</p> <p>3. The Commission shall subject to the other provisions of this Act, investigate allegations, contained in communications made to it under section 4 and where any such investigation discloses the commission of any offence by any person under the Bribery Act or the Declaration of Assets and Liabilities Law, No. 1 of 1975, direct the institution of proceedings against such person for such offence in the appropriate court.</p>
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4. *Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994*

- (b) to require any person to attend before the Commission for the purposes of being examined by the Commission and to answer, orally on oath or affirmation, any question put to him by the Commission relevant, in the opinion of the Commission, to the matters under investigation or require such person to state any facts relevant to the matters under investigation or require such person to state any facts relevant to the matters under investigation in the form of an affidavit;
- (c) to summon any person to produce any document or other thing in his possession or control;
- (d) to direct by notice in writing the manager of any bank 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 any person in respect of whom a communication has been received under section 4 or of the spouse or a son or daughter of such person, or of a company of which such person is a director, or of a trust in which such person has a beneficial interest or of a firm of which such person is a partner, or to furnish as so specified, certified copies of such book, document, cheque or of any entry therein;
- (e) to direct by notice in writing 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 any person in respect of whom a communication has been received under section 4 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 or under the control of such Commissioner General;
- (f) to direct by notice in writing the person in charge of any department, office or establishment of the Government or the Mayor, Chairman, Governor or Chief Executive, howsoever designated, of a local authority, Provincial Council, scheduled institution or a company in which the Government owns more than fifty *per centum* of the shares, to produce or furnish, as specified in the notice, any book, register, record or document which is in his possession or under his control or certified copies thereof or of any entry therein ;

- (g) to direct any person in respect of whom a communication has been received under section 4 to furnish a sworn statement in writing -
- (i) setting out all movable or immovable property owned or possessed at any time, or at such time as may be specified by the Commission, by such person and by the spouse, son or daughter of such person and specifying the date on which each of the properties so set out 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 Commission are relevant to the investigation ;
- (h) to direct any other person to furnish a sworn statement in writing -
- (i) setting out all movable or immovable property owned or possessed at any time or at such time as may be specified by the Commission, by such person where the Commission has reasonable grounds to believe that such information can assist an investigation conducted by the Commission ;
  - (ii) containing particulars of such other matters which in the opinion of the Commission are relevant to the investigation ;
- (i) to prohibit, by written order, any person in respect of whom a communication has been received under section 4, the spouse, a son or daughter of such person or any other person holding any property in trust for such first-mentioned person, or a company of which he is a director or firm in which he is a partner from transferring the ownership of, or any interest in, any movable or immovable property specified in such order, until such time as such order is revoked by the Commission; and to cause a copy of such written order to be served on any such authority as the Commission may think fit, including in the case of immovable property, the Registrar of Lands, in the case of a motor vehicle, the Commissioner of Motor Traffic and in the case of shares, stocks of debentures of any company, the Registrar of Companies and the Secretary of such company;

	<p>6 <i>Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994</i></p> <p>(j) to require, by written order, any authority on whom a copy of a written order made under paragraph (i) has been served, to cause such copy to be registered or filed in any register or record maintained by such authority;</p> <p>(k) to require by written order the Controller of Immigration and Emigration to impound the passport and other travel documents of any person in respect of whom a communication has been received under section 4, for such period not exceeding three months, as may be special in such written order; and</p> <p>(l) to require by written order, any police officer as shall be specified in that order, whether by name or by office, to take all such steps as may be necessary to prevent the departure from Sri Lanka of any person in respect of whom a communication has been received under section 4 for such period not exceeding three months, as may be specified in such order.</p> <p>(2) the Commission may exercise any power conferred on it under subsection (1) and any person to whom the Commission issues any direction in the exercise of such power shall comply with such direction, notwithstanding anything to the contrary in any law.</p> <p>6. The Commission shall have the right to call for and refer to any declaration of assets and liabilities Law, No. 1 of 1975, by a person to whom that Law applies, notwithstanding anything to the contrary in that Law; and where the Commission requires a person to whom a declaration of assets and liabilities has been made under section 4 of that Law to produce such declaration before the Commission, it shall be lawful for such person to comply with that requirement.</p> <p>7. (1) If the Commission is satisfied –</p> <p>(a) that there is reasonable ground for suspecting that an offence under the Bribery Act or the Declaration of Assets and Liabilities Law, No. 1 of 1975, has been committed and that evidence of the commission of the offence is to be found at any premises or in any vessel, vehicle or aircraft or with any person; or</p>
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(b) that any books, accounts or other documents or things which ought to have been produced during an investigation conducted by it under this Act and have not been so produced are to be found at such premises or in any such vehicle, vessel or aircraft or with such person,

the Commission may by written order authorize an officer appointed to assist the Commission to enter such premises or, as the case may be, any premises upon which the vehicle, vessel or aircraft or person may be, and search such premises, or, as the case may be, such vehicle, vessel, aircraft or person.

(2) An officer authorized by the Commission under subsection (1) may seize any article, which is found in the premises or in the vehicle, vessel or aircraft or with the person and which he has reasonable grounds for believing to be evidence of the commission of any offence under the Bribery Act or the Declaration of Assets and Liabilities Law, No. 1 of 1975, or any books, accounts or documents or things which he has reasonable grounds for believing ought to have been produced at an investigation conducted by the Commission under this Act; and every article, book, account; document or thing seized by such officer in pursuance of the powers conferred on him by this section shall be produced by him before the Commission;

Provided that no female shall, in pursuance of a search under this section, be searched except by a female.

(3) Where by virtue of this section a person has any power to enter into any premises, vessel, vehicle or aircraft he may use such force as is reasonably necessary for the purpose of exercising that power.

(4) The Director-General or an officer authorized by the Commission may with such assistance as may be necessary, enter and search any department, office or establishment of the Government.

(5) The Director-General or any officer appointed to assist the Commission may apply to any public officer or any other person for assistance in the exercise of his powers or the discharge of his functions under this Act.

8. (1) Every summons issued by the Commission shall be under the hand of the Chairman of the Commission.

Summons

(2) Every summons issued by the Commission may be served by delivering it to the person named therein, or if that is not practicable, by leaving it at the last known place of abode of that person.





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11. Where the material received by the Commission in the course of an investigation conducted by it under this Act, discloses the commission of an offence by any person under the Bribery Act or the Declaration of Assets and Liabilities Law, No. 1 of 1975, the Commission shall direct the Director-General to institute criminal proceedings against such person in the appropriate court and the Director-General shall institute proceedings accordingly :

Provided however that where the material received by the Commission in the course of an investigation conducted by it discloses an offence under Part II of the Bribery Act and consisting of soliciting, accepting or offering, by any person, of a gratification which or the value of which does not exceed two thousand rupees, the Commission shall direct the institution of proceedings against such person before the Magistrate's Court and where such material discloses an offence under that Part and consisting of soliciting, accepting, or offering, by any person of any gratification which or the value of which exceeds two thousand rupees, the Commission shall direct the institution of proceedings against such person in the High Court by indictment.

12. (1) Where proceedings are instituted in a High Court in pursuance of a direction made by the Commission under section 11 by an indictment signed by the Director-General, such High Court shall receive such indictment and shall have jurisdiction to try the offence described in such indictment in all respects as if such indictment were an indictment presented by the Attorney-General to such court.

(2) There shall be annexed to every such indictment, in addition to the documents which are required by the Code of Criminal Procedure Act, No. 15 of 1979, to be annexed thereto, a copy of the statements, if any, made before the Commission, by the accused and by every person intended to be called as a witness by the prosecution.

(3) Where proceedings are instituted against any person by an officer authorized by the Commission in any Court for an offence under the Declaration of Assets and Liabilities Law, No. 1 of 1975, in pursuance of a direction made by the Commission under section 11, nothing in subsection (5) of section 9 or in paragraphs (c), (d), (e) and (f) of section 9A of that Law shall apply to the institution or continuation of any such proceedings.

Commission to direct institution of criminal proceedings in certain cases.

Indictment under the hand of the Director General receivable in High Court.



<p style="text-align: center;"><i>Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994</i></p> <p style="text-align: right;">11</p> <p>15. Notwithstanding anything to the contrary in any written law –</p> <p>(a) an affidavit or sworn statement ;</p> <p>(b) any book, document, cheque, record or register or a certified copy thereof or of any entry in any such book, document, record or register</p> <p>produced, delivered or furnished, to the Commission in the course of an investigation conducted by it under this Act, shall be relevant and admissible at the trial of any person for an offence under the Bribery Act or the Declaration of Assets and Liabilities Law, No. 1 of 1975 and shall be <i>prima facie</i> proof of the fact of its execution and the contents therein.</p> <p>PART III</p> <p>16. (1) The President may, in consultation with the members of the Commission, appoint a Director-General for the Prevention of Bribery and Corruption (“in this Act referred to as the Director-General”), to assist the Commission in the discharge of the functions assigned to the Commission by this Act.</p> <p>(2) The salary of the Director-General appointed under subsection (1) shall be determined by Parliament, shall be charged on the Consolidated Fund and shall not be diminished during his period of service with the Commission.</p> <p>(3) the Commission may delegate to the Director-General or any other officer appointed to assist the Commission any of its powers (other than the powers, referred to in paragraphs (i), (j), (k) and (l) of subsection (1) of section 5, section 11 and this section) and the person to whom such powers are delegated may exercise those powers subject to the direction of the Commission.</p> <p>(4) There shall be appointed such other officers and servants as may be necessary to assist the Commission in the discharge of the functions assigned to the Commission by this Act.</p> <p>17. Every member of the Commission, the Director-General and every officer or servant, appointed to assist the Commission shall, before entering upon the duties of his office, sign a declaration that he will not disclose any information received by him, or coming to his knowledge, in the exercise and the discharge of his powers and functions under this Act, except for the purpose of giving effect to the provisions of this Act.</p>	<p>Admissibility of statements made to the Commission in trials for offences under the Bribery Act or the Declaration of Assets and Liabilities Law, No. 1 of 1975.</p> <p>Director-General for the Prevention of Bribery and Corruption and Staff of the Commission.</p> <p>Duty to maintain secrecy.</p>
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<p>Members of the Commission deemed to be public servant &amp; c.</p> <p>Protection of action.</p> <p>Punishment for contempt.</p>	<p>12 <i>Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994</i></p> <p>18. (1) The members of the Commission, the Director-General and officers and servants, appointed to assist the Commission shall be deemed to be public servants within the meaning of the Penal Code and every investigation conducted under this Act shall be deemed to be a judicial proceeding within the meaning of that Code.</p> <p>(2) The Director-General and every officer appointed to assist the Commission shall be deemed to be peace officers within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.</p> <p>19. (1) No proceedings, civil or criminal, shall be instituted against a member of the Commission or the Director-General or any officer or servant appointed to assist the Commission, or other than for contempt, against any other person assisting the Commission in any way, for any act which in good faith is done or omitted to be done, by him as such member, Director-General or officer or servant or other person.</p> <p>(2) A member of the Commission or the Director General or an officer or servant appointed to assist the Commission shall not be required to produce in any court, any document received by, or to disclose to any court, any matter or thing, coming to the notice of, the Commission in the course of any investigation conducted by the Commission under this Act, except as may be necessary for the purposes of proceedings for contempt or for an offence under this Act or for an offence under Chapter XI of the Penal Code or the Bribery Act or the Declaration of Assets and Liabilities Law, No. 1 of 1975.</p> <p>(3) No proceedings, civil or criminal, shall be instituted in any court against any member of the Commission in respect of any report made by the Commission under this Act or against any other person in respect of the publication by such person of a substantially true account of such report.</p> <p style="text-align: center;">PART IV</p> <p>20. (1) Every offence of contempt committed against or in disrespect of, the authority of the Commission shall be punishable by the Supreme Court as though it were an offence of contempt committed against, or in disrespect of, the authority of such court, and the Supreme Court, is hereby vested with jurisdiction to try every such offence.</p> <p>(2) An act done or omitted to be done in relation to the Commission, whether in the presence of the Commission or otherwise, shall constitute an offence of contempt against, or in disrespect of, the authority of the Commission, if such act would, if done or omitted to be done in relation to the</p>
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Supreme Court, have constituted an offence of contempt against, or in disrespect of, the authority of such court.

- (3) If any person -
- (a) fails without cause, which in the opinion of the Commission is reasonable, to appear before the Commission at the time and place mentioned in a summons served under this Act; or
  - (b) refuses to be sworn or affirmed or, having been duly sworn or affirmed, refuses or fails without cause, which in the opinion of the Commission is reasonable, to answer any question put to him touching the matters being investigated by the Commission; or
  - (c) refuses or fails without cause, which in the opinion of the Commission is reasonable, to comply with the requirements of a notice or written order issued or made to him by the Commission; or
  - (d) Upon whom a summons is served under this Act, refuses or fails without cause, which in the opinion of the Commission is reasonable, to produce and show to the Commission any document or other thing which is in his possession or control and which is in the opinion of the Commission necessary for arriving at the truth of the matters being investigated,

such person shall be guilty of the offence of contempt against, or in disrespect of, the authority of the Commission.

For the purposes of this section, it shall not be deemed to be a reasonable cause for a person to refuse or fail to answer any question or to produce and show any document or other thing on the ground that the matter being investigated by the Commission is the same or substantially the same matter which is the subject of, or is likely to be the subject of, an inquiry in any proceeding in any court or on the ground that the answer to such question or the production or showing of such document or other thing may directly or indirectly affect, or cause prejudice to such person in any other proceedings.

(4) Where a Commission determines that a person has committed any offence of contempt under subsection (2) or subsection (3) against, or in disrespect of, its authority, the Commission may cause the Director-General to transmit to the Supreme Court, a certificate setting out such determination; every such certificate shall be signed by the Chairman of the Commission.

<p>False allegation an offence.</p> <p>Breach of Provision regarding secrecy an offence.</p> <p>Miscellaneous offences.</p>	<p>14 <i>Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994</i></p> <p>(5) In any proceeding for the punishment of an offence of contempt which the Supreme Court may think fit to take cognizance of as provided in this section, any document purporting to be a certificate signed and transmitted to the court under sub-section (4) shall -</p> <p>(a) be received in evidence, and be deemed to be such a certificate without further proof unless the contrary is proved, and</p> <p>(b) be evidence that the determination set out in the certificate was made by the Commission and of the facts stated in the determination.</p> <p>(6) In any proceedings taken as provided in this section for the punishment of any alleged offence of contempt against, or in disrespect of, the authority of the Commission, no member of the Commission shall, except with his own consent, and notwithstanding anything to the contrary in this Act, be summoned or examined as a witness.</p> <p>21. Every person who makes an allegation in any communication made by him to the Commission under section 4 knowing such allegation to be false or having reason to believe that such allegation is not true shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand rupees or to both such imprisonment and fine and shall in addition, be liable to the payment to the person in respect of whom the communication was made, of compensation of such sum as the Court may think fit.</p> <p>22. Every person who acts in contravention of the duty imposed on him by section 17 to maintain secrecy shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand rupees or to both such fine and imprisonment.</p> <p>23. Any person who -</p> <p>(a) makes a false statement in an affidavit furnished by him to the Commission;</p> <p>(b) willfully neglects or omits to render any assistance to the Director-General or any officer appointed to assist the Commission when requested to do so under section 7 ;</p>
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<p style="text-align: center;"><i>Commission to Investigate Allegations of Bribery or Corruption</i> 15 <i>Act, No. 19 of 1994</i></p> <p>(c) resists or obstructs the Director-General, any officer appointed to assist the Commission or any officer authorized by the Commission under subsection (1) of section 7, in the exercise of the powers of entry or search under section 7;</p> <p>(d) interferes with any person who is to be, or has been, examined by the Commission ;</p> <p>(e) induces any such person to refrain from giving evidence in any court;</p> <p>(f) threatens any such person with injury to his body, mind or reputation in order to deter him from giving evidence in any court;</p> <p>(g) injures any such person in body, mind or reputation in order to deter him from giving evidence in any court;</p> <p>(h) compels any such person not to give evidence in any court,</p> <p>shall be guilty of an offence and shall on conviction after summary trial before Magistrate be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding fifty thousand rupees or to both such imprisonment and fine.</p> <p>24. (1) The jurisdiction vested in the Court of Appeal by Article 140 of the Constitution shall, in respect of applications in which relief is sought against the Commission be exercised by the Supreme Court and not by the Court of Appeal.</p> <p>(2) Subject to the provisions of subsection (1), no injunction or enjoining order shall be granted by any Court restraining or staying, or having the effect of restraining or staying, the Commission, from commencing, or continuing, the conduct of an investigation under this Act or from exercising any of the powers conferred on it by this Act or from giving any direction under this Act.</p> <p>25. All investigations under the Bribery Act commenced by the Bribery Commissioner and pending on the day preceding the appointed date, shall stand transferred to the Commission on the appointed date and may be continued by the Commission as if such investigations had been commenced by the Commission; and all proceedings instituted by the Bribery Commissioner and pending before any Court, on the appointed date may be continued on the direction of the Commission, and all statements</p>	<p>Writ jurisdiction to be exercised by the Supreme court in relation to the Commission</p> <p>Transitional provision.</p>
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<p>Reports of the Commission.</p> <p>Sinhala text to prevail in case of inconsistency.</p> <p>Interpretation.</p>	<p>16 <i>Commission to Investigate Allegation of Bribery or Corruption Act, No. 19 of 1994</i></p> <p>and documents furnished to the Bribery Commissioner in the course of investigations under the Bribery Act, or certified copies thereof shall be admissible in proceedings instituted under that Act, as if subsection (5) of section 4 of that Act were still force.”</p> <p>26. The Commission shall prepare reports of its activities as often as it may consider necessary, so however, that it shall prepare at least one report in each calendar year. The Commission shall cause every report so prepared to be sent to the President who shall cause the same to be placed before Parliament.</p> <p>27. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.</p> <p style="text-align: center;">PART V</p> <p>28. In this Act, unless the context otherwise requires –</p> <p>“bribery” means the offer, solicitation or acceptance of any gratification in contravention of any provision of Part II of the Bribery Act, or any other act in contravention of any such provision ;</p> <p>“corruption” shall have the same meaning as in section 70 of the Bribery Act ;</p> <p>“gratification” includes -</p> <p>(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,</p> <p>(b) any office, employment or contract,</p> <p>(c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever whether in whole or in part,</p> <p>(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, including the exercise, or the forbearance from the exercise of any right or any official power or duty, and</p>
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(e) any offer, undertaking or promise of any gratification within the meaning of the preceding paragraphs (a) (b), (c) and (d) ;

“local authority” means a Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, perform and discharge, powers, duties and functions, corresponding to, or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha ;

“provincial Council” means a Provincial Council established by Chapter XVIIIA of the Constitution ;

“scheduled institution” shall have the meaning assigned to it by the Bribery Act.

