



CRIMINAL JUSTICE COMMISSIONS
(AMENDMENT) LAW,
No. 10 OF 1972
OF
THE NATIONAL STATE
ASSEMBLY

[Certified on 6th December, 1972]

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Criminal Justice Commissions (Amendment)
Law, No. 10 of 1972

L. D.--O. 66/72.

A LAW TO AMEND THE CRIMINAL JUSTICE COMMISSIONS
ACT, No. 14 OF 1972.

WHEREAS the Constitution of Sri Lanka has continued in force as existing written law the Criminal Justice Commissions Act, No. 14 of 1972:

Now, therefore, be it enacted by the National State Assembly of the Republic of Sri Lanka, as follows:--

1. This Law may be cited as the Criminal Justice Commissions (Amendment) Law, No. 10 of 1972.

Short title.

2. Section 3 of the Criminal Justice Commissions Act, No. 14 of 1972, hereinafter referred to as the "principal enactment", is hereby amended as follows:—

Amendment of section 3 of Act No. 14 of 1972.

(1) by the insertion, immediately after subsection (4) of that section, of the following new subsections:—

“(4A) The proceedings at any inquiry may be continued notwithstanding the absence due to sickness of any member of the Commission.

(4B) Where at any inquiry by a Commission under this Act any witness has given evidence in the absence of a member of the Commission, the Commission may, if it deems necessary, recall such witness for further questioning.”; and

(2) by the repeal of subsection (6) of that section and the substitution therefor of the following new subsection:—

“(6) An inquiry by a Commission under this Act shall be commenced and held, with due regard to the interests of justice, as expeditiously as possible, and accordingly the Commission—

(a) may, where any person or any pleader appearing for any person desires to address the Commission upon any question or matter, limit the duration of the address, and in such event require the address to be submitted in writing;

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(b) may commence, or continue with, the inquiry notwithstanding that any person or a pleader appearing for any person is absent or desires to withdraw from the case or such person desires time to make a change of pleaders;

Provided, however, that the Commission may if it deems necessary recall for further questioning any witness who has given evidence in the absence of an unrepresented accused person;

(c) shall have full power and authority to prohibit the attendance before it of any person or pleader who in the opinion of the Commission persists in being disrespectful to the Commission and

(d) may take such other steps as it considers necessary for the purpose of enabling the inquiry to be expeditiously held."

Amendment of
section 10 of
the principal
enactment.

3. Section 10 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as subsection (1) thereof; and

(2) by the insertion, immediately after the renumbered subsection (1) of that section, of the following new subsection:—

"(2) If any person fails, in answer to any summons issued under section 9, to appear before the Commission or to produce any document or article required by any such summons to be produced by him, such person shall be liable, in addition to any penalty imposed on him by the Commission, to be arrested and kept in custody upon a warrant of arrest issued under the hand of the Chairman of the Commission, for the purpose of securing his attendance before the Commission, or, as the case may be, of securing the production by him of such document or article,"

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4. Section 15 of the principal enactment is hereby amended by the substitution, for paragraph (b) of that section, of the following new paragraph:—

Amendment of section 15 of the principal enactment.

“(b) Where, at the conclusion of any inquiry before a Commission under this Act, the Commission is satisfied beyond reasonable doubt, having regard to the proceedings and upon consideration of the matters before it at such inquiry, that any person has committed any offence which has been the subject of such inquiry, the Commission shall make a finding that he is guilty of such offence and shall sentence him to any punishment, other than death, to which he might have been sentenced if he had been tried and convicted by the Supreme Court or a District Court or a Magistrate’s Court:

Provided that where the only sentence provided by law for any such offence is death, the Commission shall have the power and jurisdiction to sentence any person found guilty of any such offence to imprisonment of either description for life.”.

5. Section 25 of the principal enactment is hereby repealed and the following new section substituted therefore:—

Replacement of section 25 of the principal enactment.

“ Findings, sentences, orders, determinations and rulings under this Act to be final and conclusive.

25. Any finding made, or sentence imposed, or order, determination or ruling made, by a Commission under this Act shall be final and conclusive, and shall not be called in question in any court or tribunal, whether by way of action, application in revision, appeal, writ or otherwise.”.