



**PROSCRIBING OF LIBERATION TIGERS OF  
TAMIL EELAM AND OTHER SIMILAR  
ORGANIZATIONS LAW, No. 16 OF 1978**

**OF**

**THE NATIONAL STATE ASSEMBLY**

**[Certified on 23rd May, 1978]**

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*Proscribing of Liberation Tigers of Tamil Eelam and  
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L.D.—O. 40/78.

A LAW TO PROSCRIBE THE LIBERATION TIGERS OF  
TAMIL EELAM AND TO PROVIDE FOR THE PROSCRIB-  
ING OF ANY OTHER ORGANIZATION WHICH ADVOC-  
ATES THE USE OF VIOLENCE TO ACHIEVE ITS OBJECT,  
THE EXISTENCE OF WHICH IS PREJUDICIAL TO THE  
SECURITY OF THE STATE, TO PROVIDE FOR THE  
EFFECTIVE PREVENTION OF UNLAWFUL ACTIVITIES  
BY ANY SUCH ORGANIZATION AND PERSONS CON-  
NECTED WITH SUCH ORGANIZATION, AND TO  
PROVIDE FOR MATTERS CONNECTED THEREWITH OR  
INCIDENTAL THERETO.

WHEREAS an organization styling itself as the  
Liberation Tigers of Tamil Eelam has advocated  
the use of violence for the purpose of prejudicing  
national unity and integrity and thereby endanger-  
ing national security, public safety and public order :

Preamble

AND WHEREAS certain acts of violence have been  
committed in certain parts of the Island which are  
claimed to have been committed in pursuance of  
the objects of the said organization :

AND WHEREAS the said acts have endangered  
national security, public safety and public order :

AND WHEREAS it has become necessary to  
proscribe the said organization and to provide  
for the proscribing of other organizations advoc-  
ating the use of violence and whose activities  
are prejudicial to national unity and integrity,  
national security, public safety and public order.

BE it therefore enacted by the National State  
Assembly of the Republic of Sri Lanka as follows :—

1. This Law may be cited as the Proscribing of  
Liberation Tigers of Tamil Eelam and Other  
Similar Organizations Law, No. 16 of 1978.

Short title.

2. (1) The organization styled as the Liberation  
Tigers of Tamil Eelam is hereby proscribed.

(2) If the President is of opinion that any other  
organization advocates the use of violence and is  
either directly or indirectly concerned in or engaged  
in any unlawful activity, he may, by Order pub-  
lished in the *Gazette*, declare that such organization  
is proscribed.

Proscribing  
of the  
Liberation  
Tigers of  
Tamil Eelam  
and power  
of President  
to proscribe  
other like  
organizations.

2 *Proscribing of Liberation Tigers of Tamil Eelam and Other Similar Organizations Law, No. 16 of 1978*

(3) Where any organization is or has been proscribed by or under this Law, the provisions of this Law shall apply to every other organization engaged in activities substantially similar to those carried on or formerly carried on by the proscribed organization in like manner as though it was also a proscribed organization.

Provisions  
applicable to  
Orders made  
under  
section 2 (2).

3. (1) Every Order made under the provisions of subsection (2) of section 2 shall come into force upon the date of such publication in the *Gazette* and shall be final and conclusive and shall not be called in question in any court by way of writ or otherwise.

(2) Every such Order shall as soon as possible after publication in the *Gazette* be brought before the National State Assembly for approval and any such Order which is not approved by two-thirds at least of the whole number of members of the National State Assembly (including those not present), voting in favour within a period of thirty days of the publication of such Order in the *Gazette* shall cease to operate upon the expiry of the period of thirty days unless such Order is earlier revoked or disapproved by the National State Assembly.

(3) Where such Order has not been approved by the National State Assembly, no subsequent Order in respect of the same organization made before the expiry of one hundred and eighty days from the date of the first Order, shall come into operation until such Order is approved in like manner by the National State Assembly.

(4) Every Order approved by the National State Assembly shall remain in force for a period of one year from the date of such Order if not earlier revoked by the President or by the National State Assembly.

(5) Notice of the approval, disapproval or revocation of an Order under this section shall as soon as may be convenient be published in the *Gazette*.

Offences.

4. Where any organization is or has been proscribed by or under this Law, any person who—

(a) wears any uniform, dress, symbol or other emblem which signifies or indicates any association with or membership of or adherence to such organization; or

*Proscribing of Liberation Tigers of Tamil Eelam and 3  
Other Similar Organizations Law, No. 16 of 1978*

- (b) summons a meeting of such organization or participates or engages in any activity of or connected with or related to such organization ; or
  - (c) supports such organization by inviting or enrolling members, contributing or collecting funds or furnishing information or securing other assistance to such organization ; or
  - (d) harbours, conceals or in any other manner assists any member of such organization with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of such member ; or
  - (e) makes, prints, distributes or publishes or is in any way concerned in the making, printing, distribution or publication of any written or printed matter which is or purports to be published by or on behalf of such organization or by any member thereof ; or
  - (f) communicates or attempts to communicate to any other person in any manner any order, decision, declaration or exhortation made or purported to have been made by such organization or by any member thereof or any information relating thereto,
- shall be guilty of an offence.

5. (1) Where any organization is or has been proscribed by or under this Law—

Control of  
publications.

- (a) no person shall, without the approval in writing of the competent authority, print or publish in any newspaper any matter relating to—
  - (i) any activity or proposed activity of such organization or any act committed by or purported to have been committed by such organization ;
  - (ii) the investigation of any act or offence committed by or purported to have been committed by such organization ;

4 *Proscribing of Liberation Tigers of Tamil Eelam and Other Similar Organizations Law, No. 16 of 1978*

(b) no person shall, without the approval in writing of the competent authority, distribute or be concerned in the distribution of any newspaper printed or published in Sri Lanka or outside Sri Lanka containing any matter referred to in sub-paragraph (i) or sub-paragraph (ii) of paragraph (a).

(2) Any person who commits any act in contravention of any of the provisions of subsection (1) shall be guilty of an offence.

(3) (a) Where any person is convicted of an offence under this section, the court may, in addition to any punishment which it may lawfully impose for the offence, order that no person shall print, publish or distribute or in any way be concerned in the printing, publication or distribution of any such newspaper for such period as is specified in such order and that the printing press in which such newspaper was printed shall, for such period as is specified in such order, not be used for any purpose whatsoever or for any such purpose as is specified in the order.

(b) Where any proceedings have been instituted against any person for the commission of any offence under this section, it shall be competent for the court to make an interim order that the printing press in which it is alleged that such newspaper was printed shall not be used for any purpose whatsoever or for any such purpose as is specified in the order until the conclusion of the trial.

Offences  
by bodies  
of persons.

6. Where an offence under this Law is committed by a body of persons, then—

(a) if that body of persons is a body corporate, every director and officer of that body corporate ;

(b) if that body of persons is a firm, every partner of that firm ; and

(c) if that body of persons is a body unincorporate other than a firm, every officer of that body responsible for its management and control,

*Proscribing of Liberation Tigers of Tamil Eelam and 5  
Other Similar Organizations Law, No. 16 of 1978*

shall be deemed to be guilty of such offence :

Provided; that no such person shall be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

7. (1) Where any organization is or has been proscribed by or under this Law and the Minister is satisfied, after such inquiry as he may think fit, that any person has custody of any moneys, securities or credits which are being used or are intended to be used for the purposes of such organization, the Minister may, by order in writing, declare that such moneys, securities or credits as are in the custody of such person or any moneys, securities or credits which may come into his custody after the making of such order and any other movable and immovable property belonging to such organization, shall be forfeited to the State.

Forfeiture of moneys, securities or credits and movable and immovable property of a proscribed organization.

(2) The decision of the Minister under subsection (1) shall be final and conclusive and shall not be called in question in any court by way of writ or otherwise.

8. Notwithstanding the provisions of any other written law—

Provisions in any written law relating to the grant of bail not to apply to persons accused of any offence under this Law.

(a) where any person suspected or accused of any offence under this Law appears or is produced before any court, such court shall order the detention of such person until the conclusion of the trial ;

(b) every person convicted by any court of any offence under this Law shall, notwithstanding that he has lodged a petition of appeal against his conviction or the sentence imposed on him, be kept on remand until the determination of the appeal ;

(c) any order made under the provisions of subsection (3) of section 5 shall, notwithstanding any appeal made against such order, continue in force until the determination of such appeal :

Provided, however, that the Supreme Court may in exceptional circumstances release on bail any

6 *Proscribing of Liberation Tigers of Tamil Eelam and Other Similar Organizations Law, No. 16 of 1978*

such person referred to in paragraph (a) or paragraph (b) subject to such conditions as the Supreme Court may deem fit, or vary or suspend any order referred to in paragraph (c).

Provisions of the Administration of Justice Law, No. 44 of 1973, relating to certain punishments not to apply to persons convicted or guilty of certain offences.

Offences to be triable by District Court.

Direction by Minister to detain persons who have committed offences under this Law or any other law.

9. Notwithstanding anything in the Administration of Justice Law, No. 44 of 1973—

(a) the provisions of section 239 of that Law shall not apply in the case of any person who is convicted ;

(b) the provisions of section 250 of that Law shall not apply in the case of any person who pleads or is found guilty,

by or before any court of any offence under this Law.

10. Any person accused of any offence under this Law shall be tried by a District Court and shall be liable, on conviction, to a sentence of imprisonment for a period not exceeding seven years.

11. (1) Where the Minister has reason to believe or suspect that any person has committed or been concerned in the commission of any offence under any law and that such offence was committed in pursuance of or in furtherance of or in relation to the aims or objects or the apparent or ostensible aims or objects of any organization proscribed by or under this Law or any organization to which the provisions contained in subsection (3) of section 2 of this Law would apply and whether or not such offence was committed before or after the date on which such organization is proscribed, the Minister may order that such person be detained for a period not exceeding three months in the first instance in such place and subject to such conditions as may be determined by the Minister, and any such order may be extended from time to time for a period not exceeding three months at a time :

Provided, however, that the aggregate period of such detention shall not exceed a period of one year.

(2) (a) At any time after an order has been made in respect of any person under subsection (1), the Minister may direct that the operation of such order be suspended subject to such conditions as he may impose, and such restrictions as may be

*Proscribing of Liberation Tigers of Tamil Eelam and 7  
Other Similar Organizations Law, No. 16 of 1978*

specified in the direction, in respect of his movement or his association or communication with other persons :

Provided, however, that any such direction shall not be in force for a period longer than the period specified in the order made under subsection (1).

(b) The Minister may revoke any such direction if he is satisfied that the person in respect of whom the direction was made has failed to observe any condition imposed or that the operation of the order can no longer remain suspended without detriment to public safety.

(3) Any person in respect of whom an order or direction has been made under the preceding subsections shall be informed of the offence or offences in connection with which such order or direction has been made and such person or any other person on his behalf may make representations to the Advisory Board against such order or direction.

12. (1) There shall, for the purposes of this Law, be an Advisory Board consisting of not less than three persons appointed by the President.

Advisory Board.

(2) The Minister may make rules in relation to the hearing and disposal of any representations that may be made by any person under the provisions of section 11. Every meeting of the Advisory Board held to consider such representations as aforesaid shall be presided over by a Chairman nominated by the Minister and it shall be the duty of the Chairman to advise the Minister in respect of such representations.

13. An order under section 11 shall not be called in question in any court by way of writ or otherwise.

Order under section 11 not to be questioned in any court.

14. No suit, prosecution or other proceedings, civil or criminal, shall lie against the Government or any officer or person for any act or thing in good faith done in pursuance or supposed pursuance of any order made or direction given under this Law.

Protection of officers &c.



8 *Proscribing of Liberation Tigers of Tamil Eelam and Other Similar Organizations Law, No. 16 of 1978*

Duration of this Law.

15. The provisions of this Law shall be in operation for a period of one year from the date of its commencement.

Interpretation.

16. In this Law unless the context otherwise requires—

“ competent authority ” means any person appointed by the Minister by name or by office to be a competent authority for the purposes of this Law ;

“ newspaper ” includes any journal, magazine, pamphlet or other publication ;

“ organization ” includes any movement, society, party, association or body or group of persons ;

“ 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 article belonging to such machinery, apparatus or plant ; and

“ unlawful activity ” means any action, taken by any means whatsoever, whether within Sri Lanka or outside Sri Lanka by or on behalf of any organization, which is prejudicial to the internal security of Sri Lanka and includes any organized action likely to or intended to disrupt or endanger the sovereignty, unity or territorial integrity of Sri Lanka.