

CHAPTER 26 *

BRIBERY

Acts
Nos. 11 of 1954,
17 of 1956,
40 of 1958,
2 of 1965.

AN ACT TO PROVIDE FOR THE PREVENTION AND PUNISHMENT
OF BRIBERY AND TO MAKE CONSEQUENTIAL PROVISIONS
RELATING TO THE OPERATION OF OTHER WRITTEN LAW.
[1st March, 1954.]

Short title.

1. This Act may be cited as the Bribery Act.

Effect of
this Act on
operation
of other
written law.

2. (1) Every provision of this Act which may be in conflict or inconsistent with anything in the Ceylon (Constitution) Order in Council, 1946, shall for all purposes and in all respects be as valid and effectual as though that provision were in an Act for the amendment of that Order in Council enacted by Parliament after compliance with the requirement imposed by the proviso of subsection (4) of section 29 of that Order in Council.

(2) Where the provisions of this Act are in conflict or are inconsistent with any other written law, this Act shall prevail.

PART I

[§ 3, 40 of 1958.]

INVESTIGATION OF ALLEGATIONS OF, AND PROSECUTION FOR, BRIBERY

Appointment
of Bribery
Commissioner
and other
officers.

2A. There shall be appointed, for the purposes of this Act, a Bribery Commissioner and such other officers as may be necessary.

[§ 4, 40 of 1958.]

Allegations
of bribery
to be investi-
gated by
Bribery
Commissioner
or authorized
officer.

3. (1) The Bribery Commissioner, or any officer authorized in that behalf by and acting under the control of the Bribery Commissioner, is hereby empowered, notwithstanding anything in any other written law to the contrary, to direct and conduct the investigation of all allegations of bribery which are made to, or come to the knowledge of, the Bribery Commissioner :

[§ 5, 40 of 1958.]

[§ 2, 2 of 1965.]

*Note.—This Chapter has been issued as a consolidated reprint under the Statutory Reprints Ordinance (Chapter 4) on November 2, 1965, and is reproduced in this Supplement as it supersedes Chapter 26 of the Revised Edition of the Legislative Enactments, 1956, and sets out the law in force on January 1, 1967. The amendment made to section 85 of the Chapter by section 56 of the Inland Revenue (Amendment) Act, No. 18 of 1965, is also included.

Provided, however, that the Bribery Commissioner shall not, without the consent of the President of the Senate or the Speaker of the House of Representatives, as the case may be, hold an investigation of an allegation of bribery against a Senator or a Member of Parliament : [§ 5, 40 of 1958.]

Provided, further, that the Bribery Commissioner shall not, without the consent of the Judicial Service Commission, hold an investigation of an allegation of bribery against a judicial officer. [§ 5, 40 of 1958.]

(2) The Bribery Commissioner, or any officer authorized by the Bribery Commissioner under subsection (1), may, in making an investigation under this section, direct in writing any person who appears to be acquainted with any facts relevant to the matters under investigation— [§ 5, 40 of 1958.]

(a) to appear before the Bribery Commissioner or that officer, as the case may be, and to answer orally on oath or affirmation any questions relevant to such matters ; [§ 5, 40 of 1958.]

(b) to state such facts by means of an affidavit ;
and

(c) to produce, or deliver or furnish a certified copy of, any such document in his possession or under his control as may be relevant to such matters. [§ 5, 40 of 1958.]

4. (1) In the course of an investigation of an allegation of bribery against any person or after the commencement of a prosecution of any person for bribery, the Bribery Commissioner may, notwithstanding anything in any other written law to the contrary, by written notice— Power to obtain information and assistance.
[§ 6, 40 of 1958.]

(a) require such person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person and by the spouse, sons and daughters of such person, and

specifying the date on which each of the properties enumerated was acquired whether by way of purchase, gift, bequest, inheritance or otherwise ;

[§ 6, 40 of 1958.]

(b) require any other person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person where the Bribery Commissioner has reasonable grounds to believe that such information can assist the investigation ;

[§ 6, 40 of 1958.]

(c) require the manager of any bank in Ceylon 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 such person or of the spouse or a son or daughter of such person, or to furnish, as so specified, certified copies of such entries ;

(d) require the Commissioner of Inland Revenue to furnish, as specified in the notice, all information available to such Commissioner relating to the affairs of such person 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 ; and

(e) require the person in charge of any department, office or establishment of the Government, or the Mayor, Chairman, Governor, or chief executive officer of any local authority or scheduled institution, or of the governing body of any scheduled institution, to produce or furnish, as specified in the notice, any document or a certified copy of any document which is in his possession or under his control.

(2) The Bribery Commissioner shall treat all information obtained by him under subsection (1) with the strictest secrecy and shall not divulge such information to any person other than a court, a commission of inquiry, an accused person, any advocate, proctor or other person defending an accused person, or an officer engaged in an investigation under this Act or in any prosecution for bribery.

[§ 6, 40 of 1958.]

[§ 3, 2 of 1965.]

[§ 6, 40 of 1958.]

(3) In the course of an investigation of an allegation of bribery the Bribery Commissioner or any officer authorized by the Bribery Commissioner to conduct the investigation may, with such assistance as may be necessary, enter and search any department, office or establishment of the Government.

[§ 6, 40 of 1958.]

[§ 6, 40 of 1958.]

(4) The Bribery Commissioner, or any officer authorized by the Bribery Commissioner to direct and conduct an investigation, may apply to any public servant or any other person for assistance in the exercise of his powers or the discharge of his duties under this Act.

[§ 6, 40 of 1958.]

[§ 6, 40 of 1958.]

5. If the Bribery Commissioner, after the investigation of an allegation of bribery against any person, is satisfied that there is a prima facie case of the commission by that person of an offence specified in Part II of this Act, such Commissioner shall transmit a copy of the record of the investigation certified under his hand to the Attorney-General who may indict such person before the District Court.

Indictment
before
District
Court.

[§ 4, 2 of 1965.]

6. (1) Such of the provisions of the Criminal Procedure Code as are not excluded by subsection (2) or are not inconsistent with the provisions of this Act shall apply to proceedings in the District Court for bribery.

Application
of the
Criminal
Procedure
Code.

[§ 5, 2 of 1965.]

(2) Section 325 of the Criminal Procedure Code shall not apply to the proceedings referred to in subsection (1).

7. In the course of an investigation of an allegation of bribery, the Bribery Commissioner or any officer authorized in that behalf by the Bribery Commissioner

Search
Warrants.

[§ 9, 40 of 1958.]

may make to such Magistrate in his chambers as the Bribery Commissioner may determine an application for, and such Magistrate may upon such application issue, a search warrant authorizing the person or persons specified in that behalf in such application to enter and search, with such assistance as may be required, any place, premises, building or house so specified and to take possession of and remove any book, document or thing relevant to the matters to which such investigation relates; and the provisions of sections 20, 25, 26, 74, 75 and 76 of the Criminal Procedure Code shall apply to search warrants issued under this section, and notwithstanding anything to the contrary in that Code, it shall not be necessary to take any book, document or thing seized under a search warrant issued under this section before the Magistrate who issued that warrant or any other Magistrate.

Offenders to be indicted without preliminary inquiry.
[§ 6, 2 of 1965.]

8. Anything in the Criminal Procedure Code or any other enactment to the contrary notwithstanding, the Attorney-General may indict a person for bribery without a preliminary inquiry by a Magistrate's Court as provided in Chapter XVI of that Code.

Service of indictment on accused person, &c.
[§ 6, 2 of 1955.]

9. (1) An indictment prepared in the manner prescribed by section 186 of the Criminal Procedure Code shall be transmitted by the Attorney-General to the court of trial. He shall at the same time transmit to the Fiscal of the province in which the trial will take place a copy or copies of the indictment for service on the accused person or each of the accused persons who will be tried upon the indictment. The Fiscal shall forthwith and at least fourteen days before the day specified for trial serve or cause to be served on the accused person or each of the accused persons, the copy or a copy of the indictment received by him from the Attorney-General and shall make a return of such service to the court of trial and to the Attorney-General or any officer appointed by the Attorney-General to represent him.

(2) The court shall forthwith upon the receipt of the indictment cause to be served on the accused person a notice specifying the date fixed for his trial.

(3) Service on an accused person of any indictment or notice of trial shall be effected in the manner prescribed for the service of summons in sections 45 and 46 of the Criminal Procedure Code and the provisions of section 49 of that Code shall apply accordingly for the purpose of proving such service :

Provided, however, that if service cannot be effected in such manner by the exercise of due diligence, the indictment or notice shall be affixed to some conspicuous part of the house in which the accused person ordinarily resides, and in such case the indictment or notice shall be deemed to have been duly served.

10. (1) Where the Attorney-General indicts before a District Court any person for bribery, he shall cause to be furnished to that person—

- (a) a concise statement of the particulars of the charge and a list of witnesses who are likely to be called to give evidence and a list of documents that may be used by the prosecutor, and
- (b) a summary of such of the facts as are proposed to be relied on by the prosecutor.

(2) The Bribery Commissioner shall, if so required by a District Court trying a charge of bribery against any person, furnish or cause to be furnished to such court any statement relating to that person recorded in the course of any investigation conducted by the Bribery Commissioner or by an officer authorized by him. No such statement shall be made available to the accused person or to any advocate, proctor or other person defending him unless the District Court, on application made to it in that behalf and after reference to the statement, is of opinion that in the circumstances of the case the furnishing of the statement is in the interests of justice.

(3) No statement referred to in subsection (2) shall be used in any proceedings before a District Court otherwise than to prove that a witness made a different statement at a different time, or to refresh the memory of the person recording it :

What information to be furnished to the person charged.

[§ 11, 40 of 1958.]
[§ 7, 2 of 1963.]

[§ 11, 40 of 1958.]
[§ 7, 2 of 1963.]

[§ 7, 2 of 1963.]

Provided, however, that nothing in this subsection shall be deemed to apply to any statement falling within the provisions of paragraph (1) of section 32 of the Evidence Ordinance or to prevent such statement being used in evidence in a charge under section 180 of the Penal Code.

[§ 11, 40 of 1958.]

(4) Repealed.

Calling of witnesses and use and production of documents not specified in the indictment.
[§ 8, 2 of 1965.]

11. At the trial of a person indicted before a District Court for bribery, the court or the prosecutor may, notwithstanding anything to the contrary in any other written law, call any such witness, or use or produce any such document, as is not specified in the indictment.

Manner of service of summons on any person issued in proceedings in court for bribery.

[§ 8, 2 of 1965.]

12. In addition to the manner of service of summons on witnesses prescribed by the Criminal Procedure Code, summons on any person issued in proceedings in a District Court for bribery may be served in the following manner :—

- (a) by registered letter addressed and despatched by express post to the person to be summoned ; or
- (b) in the case of a public servant, by registered letter addressed and despatched by express post to the head of the department, office or establishment in which such public servant is employed ; or
- (c) in the case of any person who is employed under any other person, by registered letter addressed and despatched by express post to the employer ; or
- (d) through any Grama Sevaka ; or
- (e) in urgent cases by telegram.

[§ 12, 40 of 1958.]

13. Repealed.

PART II

OFFENCES OF BRIBERY

14. A person—

- (a) who offers any gratification to a judicial officer, or to a member of either the Senate or the House of Representatives, as an inducement or a reward for such officer's or member's doing or forbearing to do any act in his judicial capacity or in his capacity as such member, or
- (b) who, being a judicial officer or a member of either the Senate or the House of Representatives, solicits or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his judicial capacity or in his capacity as such member,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees :

Provided, however, that it shall not be an offence under the preceding provisions of this section for any trade union or other organization to offer to a member of either the Senate or the House of Representatives, or for any such member to accept from any trade union or other organization, any allowance or other payment solely for the purposes of his maintenance.

15. A member of either the Senate or the House of Representatives who solicits or accepts any gratification as an inducement or a reward for—

- (a) his interviewing a public servant on behalf of any person, or
- (b) his appearing on behalf of any person before a public servant exercising judicial or quasi-judicial functions,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees :

Provided, however, that it shall not be an offence under the preceding provisions of this section for a

Bribery of
judicial
officers,
Senators and
Members of
Parliament.

[§ 9, 2 of 1965.]

[§ 2, 17 of 1956.]

Acceptance
of gratifi-
cation by
Senators and
Members of
Parliament
for interview-
ing public
servants.

[§ 9, 2 of 1965.]

member of either the Senate or the House of Representatives to appear as an advocate or a proctor before a court or before a statutory tribunal of which a public servant is not a member.

Bribery of police officers, peace officers and other public servants.

16. A person—

- (a) who offers any gratification to any police officer, peace officer, or other public servant, employed in any capacity for the prosecution, detection or punishment of offenders, or to an officer of a court, as an inducement or a reward for such officer's or servant's interfering with the due administration of justice, or procuring or facilitating the commission of any offence, or protecting from detection or punishment the perpetrator of any offence, or abusing his official powers to the injury or detriment of any person, or
- (b) who, being any such officer or servant, solicits or accepts any gratification as an inducement or a reward for such interfering, procuring, facilitating, protecting, or abusing as is referred to in paragraph (a) of this section,

[§ 9, 2 of 1965.]

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

Bribery for giving assistance or using influence in regard to contracts.

17. A person—

- (a) who offers any gratification to a public servant as an inducement or a reward for such public servant's giving assistance or using influence in the promotion of the procuring of any contract with the Government for the performance of any work, the providing of any service, the doing of anything, or the supplying of any article, material or substance, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof, or
- (b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his giving assistance or using influence in

the promotion of the procuring of any such contract as is referred to in paragraph (a) of this section, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof,

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

[§ 9, 2 of 1965.]

18. A person—

- (a) who, with intent to obtain from the Government a contract for performing any work, providing any service, doing anything, or supplying any article, material or substance, offers any gratification to any person who has made a tender for such contract, as an inducement or a reward for his withdrawing such tender, or
- (b) who solicits or accepts any gratification as an inducement or a reward for his withdrawing a tender made by him for such contract,

Bribery for procuring withdrawal of tenders.

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

[§ 9, 2 of 1965.]

19. A person—

- (a) who offers any gratification to a public servant as an inducement or a reward for that public servant's performing or abstaining from performing any official act, or expediting, hindering or preventing the performance of any official act whether by that public servant or by any other public servant, or assisting, favouring, hindering or delaying any person in the transaction of any business with the Government, or
- (b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his performing or abstaining from performing any official act or for such expediting,

Bribery in respect of Government business.

delaying, hindering, preventing, assisting or favouring as is referred to in paragraph (a) of this section, or

- [§ 13, 40 of 1958.] (c) who, being a public servant, solicits or accepts any gratification which he is not authorized by law or the terms of his employment to receive,

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

[§ 9, 2 of 1965.]

Bribery in connexion with payment of claims, appointments, employments, grants, leases, and other benefits.

20. A person—

- (a) who offers any gratification to any person as an inducement or a reward for—
- (i) his procuring from the Government the payment of the whole or a part of any claim, or
 - (ii) his procuring or furthering the appointment of the first-mentioned person or of any other person to any office, or
 - (iii) his preventing the appointment of any other person to any office, or
 - (iv) his procuring, or furthering the securing of, any employment for the first-mentioned person or for any other person in any department, office or establishment of the Government, or
 - (v) his preventing the securing of any employment for any other person in any department, office or establishment of the Government, or
 - (vi) his procuring, or furthering the securing of, any grant, lease or other benefit from the Government for the first-mentioned person or for any other person, or
 - (vii) his preventing the securing of any such grant, lease or benefit for any other person, or

- (b) who solicits or accepts any gratification as an inducement or a reward for his doing any of the acts specified in sub-paragraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph (a) of this section,

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

[§ 9, 2 of 1965.]

21. A person—

- (a) who, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public servant employed in that department, office or establishment, or
- (b) who, within one year before or after his having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public servant employed in that department, office or establishment, or
- (c) who, being a public servant, solicits or accepts any gratification the offer of which is an offence under this section,

Bribery of public servants by persons having dealings with the Government.

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees :

[§ 9, 2 of 1965.]

Provided, however, that such offer of a gratification to a public servant as is referred to in paragraph (b) of this section shall not be an offence under this section if the offerer proves that the gratification was bona fide offered for a purpose not connected with and not relating to such dealings as are referred to in that paragraph and that when he offered the gratification

he had no hope or expectation of having any such dealings or he did not intend that the gratification should be an inducement or a reward for that public servant's doing or forbearing to do any act connected with or relating to any such dealings.

Bribery of member of local authority, or of scheduled institution, or of governing body of scheduled institution, and bribery of officer or employee of local authority or of such institution.

22. A person—

- (a) who offers any gratification to any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution, as an inducement or a reward for—
- (i) such member's voting or abstaining from voting at any meeting of such local authority, scheduled institution, or governing body or of a committee thereof in favour of or against any measure, resolution or question submitted to such local authority, scheduled institution, governing body, or committee, or
 - (ii) such member's performing, or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act, or
 - (iii) such member's aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or
- (b) who offers any gratification to any officer or employee of any local authority, or of any scheduled institution, as an inducement or a reward for—
- (i) such officer's or employee's performing or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act, or

- (ii) such officer's or employee's procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or
- (c) who, being such member as is referred to in paragraph (a) of this section, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in sub-paragraphs (i), (ii) and (iii) of that paragraph, or
- (d) who being such officer or employee as is referred to in paragraph (b) of this section, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in sub-paragraphs (i) and (ii) of that paragraph,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

[§ 9, 2 of 1985.]

23. A person—

- (a) who attempts by any threat, deceit, suppression of the truth or other unlawful means to influence any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution in giving or withholding his vote in favour of or against any measure, motion, resolution or question submitted to any meeting, or in not attending any meeting, of such local authority, scheduled institution, or governing body or of any committee thereof, or
- (b) who attempts by any such means as in the last preceding paragraph mentioned to influence any member or any officer or employee of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or to perform or abstain from performing, or

Use of threats or fraud to influence vote of member of local authority, or of scheduled institution, or of governing body of scheduled institution.

to aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act,

shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

[§ 9, 2 of 1965.]

To own or to have owned property deemed under this section to be property acquired by bribery or property to which property acquired by bribery has or had been converted is to be an offence.

[§ 14, 40 of 1958.]

23A. (1) Where a person has or had acquired any property on or after March 1, 1954, and such property—

(a) being money, cannot be or could not have been—

(i) part of his known income or receipts, or

(ii) money to which any part of his known receipts has or had been converted ; or

(b) being property other than money, cannot be or could not have been—

(i) property acquired with any part of his known income, or

(ii) property which is or was part of his known receipts, or

(iii) property to which any part of his known receipts has or had been converted,

then, for the purposes of any prosecution under this section, it shall be deemed, until the contrary is proved by him, that such property is or was property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery.

(2) In subsection (1), “income” does not include income from bribery, and “receipts” do not include receipts from bribery.

(3) A person who is or had been the owner of any property which is deemed under subsection (1) to be property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees :

[§ 10, 2 of 1965.]

Provided that where such property is or was money deposited to the credit of such person's account in any bank and he satisfies the court that such deposit has or had been made by any other person without his consent or knowledge, he shall not be guilty of an offence under the preceding provisions of this subsection.

(4) No prosecution for an offence under this section shall be instituted against any person unless the Bribery Commissioner has given such person an opportunity to show cause why he should not be prosecuted for such offence and he has failed to show cause or the cause shown by him is unsatisfactory in the opinion of such Commissioner.

24. Where in any proceedings against any person for any offence under any section in this Part of this Act, it is proved that he accepted any gratification, having grounds to believe or suspect that the gratification was offered in consideration of his doing or forbearing to do any act referred to in that section, he shall be guilty of an offence under that section notwithstanding that he did not actually have the power, right or opportunity so to do or forbear or that he accepted the gratification without intending so to do or forbear or that he did not in fact so do or forbear.

Acceptor of gratification to be guilty notwithstanding that purpose not carried out, &c.

25. (1) A person who attempts to commit or to cause the commission of an offence under this Part of this Act and in such attempt does any act towards the commission of that offence shall be guilty of an offence and shall be tried in the same manner, and shall upon conviction be liable to the same punishment, as is prescribed by this Act for the first-mentioned offence.

Attempt to commit, and abetment of, an offence under this Part.

(2) A person who abets an offence under this Part of this Act shall be guilty of an offence and shall be tried in the same manner, and shall upon conviction be liable to the same punishment, as is prescribed by this Act for the first-mentioned offence. In this subsection the expression "abet" shall have the same meaning as in sections 100 and 101 of the Penal Code.

When penalty to be imposed in addition to other punishment.
[§ 11, 2 of 1965.]

26. Where a District Court convicts any person of an offence committed by the acceptance of any gratification in contravention of any provision of this Part of this Act, then, if that gratification is a sum of money or if the value of that gratification can be assessed, the court shall, in addition to the court's imposing on that person any other punishment, order him to pay as a penalty, within such time as may be specified in the order, a sum which is equal to the amount of that gratification or is, in the opinion of the court, the value of that gratification.

Frivolous, false and groundless complaints to be reported to the Attorney-General.
[§ 16, 40 of 1958.]
[§ 12, 2 of 1965.]

27. (1) Where, at the conclusion of the trial of a person charged with bribery before a District Court, the District Judge is of the opinion that the complainant has wilfully and with intent to harm that person made a false, frivolous or groundless allegation against him, the District Judge shall certify that opinion under his hand and transmit the certificate together with the record of the proceedings to the Attorney-General.

(2) Where a certificate under subsection (1) is given in regard to an allegation of bribery made by any person, it shall not be necessary to obtain the sanction of the Attorney-General to institute civil proceedings against that person in respect of that allegation.

Recovery of fine or penalty imposed by District Court.
[§ 13, 2 of 1965.]
[§ 13, 2 of 1965.]

28. (1) A fine or a penalty imposed by a District Court on any person for bribery may be recovered as if the order imposing the fine or the penalty were a decree entered by that court in favour of the Crown and against that person.

(2) Repealed.

(3) Where the person liable to pay the fine or penalty referred to in the preceding provisions of this section was a public servant on the date of commission of the offence for which the fine or penalty was imposed, then, notwithstanding anything to the contrary in any other written law, any movable or immovable property acquired after that date by the spouse of, or a son or daughter maintained by, such person shall, in addition to the movable and immovable property of such person, be liable to be seized

and sold for the recovery of the amount of such fine or penalty, if the property so acquired—

- (a) was purchased by such spouse, son or daughter, or
 - (b) was purchased in the name of such spouse, son or daughter by the person liable to pay such fine or penalty, or
 - (c) was acquired by such spouse, son or daughter by purchase, gift or otherwise from the person who offered the gratification for the acceptance of which the person liable to pay such fine or penalty became so liable, or
 - (d) was acquired by testate or intestate succession from the person liable to pay such fine or penalty.
- (4) Repealed.

[§ 13, 2 of 1965.]

29. Where a person is convicted or found guilty of bribery by a District Court or a commission of inquiry, then, by reason of such conviction or finding—

- (a) he shall become incapable for a period of seven years from the date of such conviction or finding of being registered as an elector or of voting at any election under the Ceylon (Parliamentary Elections) Order in Council, 1946, or for a period of five years under the Local Authorities Elections Ordinance, or of being elected or appointed as a Senator or Member of Parliament or as a member of a local authority, and, if at that date he has been elected or appointed as a Senator or Member of Parliament or member of a local authority, his election or appointment shall be vacated from that date ;
- (b) he shall be disqualified for all time from being employed as a public servant and from being elected or appointed to a scheduled institution or to the governing body of a scheduled institution ;

Effect of a conviction of a person of bribery by a District Court or the finding of a commission of inquiry that a person is guilty of bribery.

[§ 18, 40 of 1958.]

[§ 14, 2 of 1965.]

- (c) he shall, if he is a member of a scheduled institution or of the governing body of a scheduled institution, cease to be such member from the date of such conviction or finding ; and
- (d) he shall, if he is a public servant, cease to be a public servant from the date of such conviction or finding and, notwithstanding anything to the contrary in any other written law, be deemed to have been dismissed on that date by the authority empowered by law to dismiss him.

Offences under this Part to be cognizable.

30. All offences under this Part of this Act shall be cognizable offences for the purpose of the application of the provisions of the Criminal Procedure Code notwithstanding anything contained in the First Schedule of that Code.

Trial of accused persons before District Courts and punishment of offences under this Part.

[§ 15, 2 of 1965.]

31. A person charged with an offence under this Part of this Act shall be tried before a District Court, and upon the conviction of that person the court may impose on him any punishment prescribed for that offence by this Act notwithstanding any limitation of the ordinary jurisdiction of that court.

PART III

COMMISSIONS OF INQUIRY

Power to appoint commissions of inquiry to investigate allegations of bribery.

32. (1) The Governor-General may, on the advice of the Prime Minister, appoint, by warrant under the Public Seal of Ceylon, a commission of inquiry consisting of one or more members to inquire into and report on any allegations of bribery—

- (a) made generally against the Cabinet of Ministers, or the members of either the Senate or the House of Representatives, or the members of any local authority, or the persons appointed by the Governor-General to any office, or the members, directors, or governing body of any scheduled institution, or
- (b) made against any particular person or persons specified in paragraph (a) of this subsection.

(2) A warrant appointing a commission of inquiry under this Act shall contain such particulars as are required by subsection (2) of section 2 of the Commissions of Inquiry Act, to be set out in a warrant issued under that Act.

33. Upon the appointment of a commission of inquiry under this Act, the provisions of the Commissions of Inquiry Act other than the provisions of subsection (1) of section 2 and the provisions of section 17, shall apply in like manner as if such commission were appointed under that Act.

Application of provisions of Commissions of Inquiry Act.

34. (1) A commission of inquiry shall, in addition to the powers under the Commissions of Inquiry Act, have—

Powers of commissions of inquiry.

- (a) the power to cause summons on any person issued in proceedings before the commission to be served in any manner specified in paragraphs (a), (b), (c), (d) and (e) of section 12 ;
- (b) the power to issue warrants of arrest in case of disobedience to summons ;
- (c) the power to require by written notice the person or each person in respect of whom the commission is holding an inquiry to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person and by the spouse, sons and daughters of such person, and specifying the date on which each of the properties enumerated was acquired whether by way of purchase, gift, bequest, inheritance or otherwise ;
- (d) the power to require by written notice any other person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by such person where the commission has reasonable grounds to believe that such information can assist the inquiry ;

[§ 20, 40 of 1958.]

- (e) the power, in regard to the person or each person in respect of whom the inquiry is held and in regard to the spouse, sons and daughters of that person, to require by written notice any bank, or any department, office or establishment of the Government, or any local authority or scheduled institution to produce any such books and documents, and to furnish any such certified copies and any such information, as the Bribery Commissioner may require under section 4 to be produced or furnished ; and
- (f) such other powers as may be conferred on the commission by the Governor-General either by the warrant constituting the commission or by any subsequent warrant.

(2) A warrant of arrest issued by a commission of inquiry—

- (a) shall be under the hand of the chairman of the commission or, if the commission consists of a sole commissioner, under the hand of such commissioner, and
- (b) shall be executed by the Fiscal or any police officer to whom it is directed.

No stamp duty shall be payable for any such warrant of arrest.

[§ 20, 40 of 1958.]

(3) A commission of inquiry shall treat all information obtained by it under paragraph (d) of subsection (1) with the strictest secrecy and shall not divulge such information to any person other than the Bribery Commissioner, the person in respect of whom the inquiry is held, or any advocate or proctor appearing for that person.

Inquiry despite absence of person affected.

35. Where a person in respect of whom a commission of inquiry is holding an inquiry refuses or neglects to attend the inquiry, the commission may proceed with the inquiry in his absence.

Language of evidence.

36. (1) A commission of inquiry may cause the evidence given before it to be taken down in such language as it may deem proper.

(2) Where any evidence is given before a commission of inquiry in a language which any member of the commission does not understand, it shall be interpreted into a language understood by that member.

37. (1) Every offence of contempt committed against or in disrespect of the authority of a commission of inquiry shall be communicated to the Chief Justice by letter under the hand of the chairman of the commission or, where the commission consists of a sole commissioner, under the hand of such commissioner.

Offence of contempt against commission of inquiry to be communicated to the Chief Justice.

(2) The Chief Justice shall, upon his receiving from a commission of inquiry a communication under subsection (1), issue a rule *nisi* for contempt of court on the person named in that communication as having committed the offence of contempt against or in disrespect of the authority of that commission.

(3) A person on whom a rule *nisi* is issued under subsection (2) shall be liable to be punished unless he shows cause to the satisfaction of the Supreme Court or a Judge thereof.

(4) In any proceedings against any person for the offence of contempt committed against or in disrespect of the authority of a commission of inquiry, no member of that commission shall be liable to be summoned as a witness by that person, but the Supreme Court may, if that court considers it necessary to do so, examine a member of that commission.

38. (1) The Governor-General shall order the publication of the report of a commission of inquiry if in his opinion the public interest will not suffer by such publication.

Publication of report of commission of inquiry.

(2) Where the Governor-General decides not to publish the report of a commission of inquiry on the ground that the public interest will suffer by its publication, he shall, on being requested so to do by a resolution passed by the Senate and by the House of Representatives, order the publication of such report.

Assessment of value of gratification where commission of inquiry finds person guilty of bribery by having accepted a gratification.

39. (1) Where a commission of inquiry finds that any person is guilty of bribery by having accepted a gratification—

- (a) the commission shall, if that gratification is a sum of money, state that sum, or, if the value of that gratification can be assessed, assess and declare that value, in its report, and
- (b) the Attorney-General shall in writing communicate such finding to that person and, if a sum is specified in that report as the amount or the value of that gratification, direct that person to pay that sum to the Attorney-General within such time as may be specified in the direction.

(2) If a person fails to pay the sum directed by the Attorney-General under subsection (1) to be paid, the Attorney-General may apply to such District Court as he may determine for an order, and that District Court shall upon such application make an order, for the payment of that sum by that person, and, if that person fails to pay that sum within the time allowed by the order, that sum may be recovered in like manner as if the order were a decree entered by that District Court in favour of the Crown and against that person.

(3) If the person liable to pay the sum referred to in subsection (2) was a public servant on the date of his acceptance of the gratification, the provisions of subsection (3) of section 28 shall, for the purposes of the recovery of that sum, apply in like manner as if that sum were a penalty imposed by a District Court under section 26.

[§ 16, 2 of 1965.]

(4) In the proceedings in a District Court for the recovery of the sum referred to in subsection (2), it shall not be competent for that court or for anyone to question the sum declared by the commission of inquiry to be the amount, or the value, of the gratification.

PART IV

Repealed.

[§ 17, 2 of 1965.]

PART V

OFFENCES OTHER THAN BRIBERY

70. A person who—

- (a) wilfully neglects or omits to carry out any direction given to him under subsection (2) of section 3 by the Bribery Commissioner or by any officer empowered by that section to direct and conduct an investigation, or
- (b) gives a false answer when questioned under that subsection, or
- (c) makes a false statement in an affidavit submitted by him in compliance with a direction under that subsection,

Wilful neglect to carry out direction of, or obstruction of, investigating officer, &c.

[§ 53, 40 of 1958.]

shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than one hundred rupees and not more than five hundred rupees.

71. Notwithstanding the provisions of any other written law or any oath of secrecy to the contrary, every person to whom a notice is sent by the Bribery Commissioner under subsection (1) of section 4 or by a commission of inquiry under subsection (1) of section 34 shall comply with the provisions of that notice within such time as may be specified therein, and, if he wilfully neglects or omits to do so, he shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than one hundred rupees and not more than five hundred rupees.

Failure to furnish information.

[§ 54, 40 of 1958.]

[§ 18, 2 of 1965.]

72. A person—

- (a) who, when requested under subsection (4) of section 4 to render to the Bribery Commissioner, or to any officer empowered by section 3 to direct and conduct an investigation, any

Failure to assist investigating officer, and obstruction or resistance of search.

[§ 55, 40 of 1958.]

assistance in the exercise of his powers or the discharge of his duties under this Act, wilfully neglects or omits to render that assistance, or

- [§ 55, 40 of 1959.]
- (b) who obstructs or resists the Bribery Commissioner, or any officer authorized by the Bribery Commissioner, in the exercise of the powers of entry and search under subsection (3) of section 4, or
- (c) who obstructs or resists the execution of a search warrant issued under section 7,

shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees and, upon a second or subsequent conviction of an offence under this section, shall, in addition to such fine, be liable to rigorous imprisonment for a term not exceeding one year.

Interference
with
witnesses.

[§ 19, 2 of 1965.]

73. A person who—

- (a) interferes with any witness summoned in any proceedings for bribery in or before a court or commission of inquiry, or
- (b) induces any such witness to refrain from giving evidence, or
- (c) threatens any such witness with injury to his body, mind or reputation in order to deter him from giving evidence, or
- (d) injures any such witness in body, mind or reputation in order to deter him from giving evidence, or
- (e) compels any such witness not to give evidence,

shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding twelve months and to a fine.

74. (1) A person who directly or indirectly influences any member of a commission of inquiry or any officer appointed under this Act, in the performance of his duty, shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees.

Influencing, threatening or injuring member of commission of inquiry or officer appointed under this Act.
[§ 20, 2 of 1965.]

(2) A person who directly or indirectly by words written or spoken or by any act threatens any member of a commission of inquiry or any officer appointed under this Act, with any injury to his body, mind or reputation in order to deter him from the performance of his duty, shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this subsection shall, in addition to such fine, be liable to imprisonment for a term not exceeding one year.

[§ 20, 2 of 1965.]

(3) A person who causes injury to the body, mind or reputation of a member of a commission of inquiry or of any officer appointed under this Act, in order to deter him from the performance of his duty shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding twelve months and to a fine.

[§ 20, 2 of 1965.]

75. (1) A person who refuses or wilfully neglects or omits to carry out an order of a commission of inquiry or wilfully obstructs such commission shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to a fine of not less than one hundred rupees and not more than five hundred rupees.

Disobeying commission of inquiry.
[§ 21, 2 of 1965.]

(2) A prosecution for an offence under subsection (1) may be instituted in such Magistrate's Court as may be determined by the Attorney-General.

76. Repealed.

[§ 22, 2 of 1965.]

Publication of proceedings held *in camera* and report of commission of inquiry.
[§ 23, 2 of 1965.]

77. (1) Where the public and the press have been excluded from any proceedings of a commission of inquiry, no person shall print or publish those proceedings or any part thereof except with the permission of the commission given in writing under the hand of the chairman of the commission or, if the commission consists of a sole commissioner, under the hand of such commissioner.

[§ 23, 2 of 1965.]

(2) Repealed.

(3) No person shall, before the publication of the report of a commission of inquiry under the order of the Governor-General, print or publish any part of such report or what purports to be a part or an excerpt of such report.

(4) A person who contravenes the provisions of any of the preceding subsections of this section shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this subsection, shall, in addition to such fine, be liable to rigorous imprisonment for a term not exceeding one year.

PART VI

GENERAL

Prosecutions for offences under this Act, and suits and proceedings in respect of allegations for bribery or statements in evidence, reports and decisions.
[§ 24, 2 of 1965.]

78. (1) No prosecution for an offence under this Act (other than an offence under section 70 or section 71 or section 72) shall be instituted in any court except by, or with the written sanction of, the Attorney-General.

(2) The proceedings in a District Court for bribery shall be taken before any other business of that court unless special circumstances of urgency in such other business render it impossible to do so.

(3) Upon application made in that behalf by the Attorney-General or any officer authorized by him, the whole or any part of the proceedings in any court for bribery may be held *in camera*.

(4) Subject to the other provisions of this Act, no civil or criminal proceedings in respect of any allegation of bribery made to the Bribery Commissioner or to any public servant in his official capacity shall be instituted in any court against the person who made the allegation except with the written sanction of the Attorney-General.

(5) Subject to the other provisions of this Act, no civil or criminal proceedings shall, except with the written sanction of the Attorney-General, be instituted in any court against a person in respect of any written or oral evidence given by him in any proceedings for bribery.

(6) Nothing contained in the report of a commission of inquiry published under the order of the Governor-General shall be made the ground of an action for defamation, and no court shall entertain an action for defamation based on anything contained in any such report.

79. (1) In any proceedings for bribery before a District Court or commission of inquiry, the giver of a gratification shall be a competent witness against the person accused of taking the gratification and shall not be regarded as an accomplice, and the decision or finding of the court or commission shall not be illegal merely because it proceeds upon the uncorroborated testimony of such giver.

Person giving gratification not to be treated as accomplice.
[§ 25, 2 of 1965.]

(2) In any proceedings against any person under this Act, the spouse of that person shall be a competent witness.

80. (1) If any person, in the course of an investigation of an allegation of bribery against him or in the course of any proceedings against him for bribery, is preparing or about to leave Ceylon, the Bribery Commissioner or any officer authorized in that behalf by the Bribery Commissioner may apply to any Magistrate for an order requiring such person to furnish bail in such sum as the Magistrate may deem reasonable.

Bail from person about to leave Ceylon after commencement of investigation or proceedings.
[§ 63, 40 of 1958.]

[§ 63, 40 of 1958.] (2) If a person ordered to furnish bail under subsection (1) fails to do so, he shall be remanded to the custody of the Fiscal till such bail is furnished or till such time as the Bribery Commissioner may determine.

Tender of conditional pardon.
[§ 26, 2 of 1963.] 81. (1) At any time before the conclusion of the trial of a person charged with bribery, the Attorney-General in consultation with the Bribery Commissioner may, with the view of obtaining at the trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender, or by writing under his hand authorize any Magistrate named by him to tender, a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or as abettor in the commission thereof.

(2) The Magistrate shall record in the manner prescribed by the Criminal Procedure Code the evidence on oath of every person accepting a pardon under subsection (1) and transmit the record to the Attorney-General.

Presumption as to receipt of letter or telegram. 82. Where any summons, notice, direction, decision or other matter is sent or communicated to any person by registered letter or telegram, then, upon the production of the receipt issued by the post office for such letter or telegram, it shall be presumed that such letter or telegram was received by the addressee, unless such letter or telegram is returned undelivered.

[§ 65, 40 of 1958.] 83. Repealed.

Amendment of the Schedule.
[§ 67, 40 of 1958.] 84. The Governor-General may, on the advice of the Minister of Justice, amend the Schedule to this Act by Proclamation published in the Gazette.

Commissioner of Inland Revenue to report to Bribery Commissioner cases of suspected bribery.
[§ 68, 40 of 1958.]
[§ 56 (1), 18 of 1965.] 85. Notwithstanding anything to the contrary in the Income Tax Ordinance or the Inland Revenue Act, No. 4 of 1963, the Commissioner of Inland Revenue shall report to the Bribery Commissioner for investigation any case where he suspects from information available to him that any person is guilty of bribery.

85A. A person who attends any trial or inquiry under this Act to give evidence may be paid out of the Consolidated Fund of Ceylon the expenses of attending the trial or inquiry at such rates and subject to such conditions as are from time to time prescribed for witnesses under Chapter XXA of the Criminal Procedure Code.

Expenses of persons attending any trial or inquiry under this Act to give evidence.
[§ 69, 40 of 1958.]

PART VII

INTERPRETATION

86. For the purposes of this Act, property which is held by or in the name of a person in trust for or for the benefit of any other person shall be deemed to be indirectly owned by such other person.

Indirect ownership of property.

87. Every reference in this Act to the Government shall be construed as including a reference to a local authority and to every scheduled institution.

How to construe reference to Government.

88. For the purposes of this Act a person offers a gratification if he or any other person acting with his knowledge or consent directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any gratification to or for the benefit of or in trust for any other person.

When a person offers a gratification.

89. For the purposes of this Act—

- (a) a person solicits a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly demands, invites, asks for, or indicates willingness to receive, any gratification, whether for the first-mentioned person or for any other person, and
- (b) a person accepts a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly takes, receives or obtains, or agrees to take, receive or obtain any gratification, whether for the first-mentioned person or for any other person.

When a person solicits or accepts a gratification.

Meaning of expressions.

90. In this Act, unless the context otherwise requires—

“appointed date” means the 1st day of March, 1954;

“bribery” means the offer, solicitation or acceptance of any gratification in contravention of any provision of Part II of this Act, or any other act in contravention of any such provision;

“commission of inquiry” means a commission of inquiry appointed under this Act;

“gratification” includes—

(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,

(b) any office, employment or contract,

(c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part,

(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, and including the exercise or the forbearance from the exercise of any right or any official power or duty, and

(e) any offer, undertaking or promise of any gratification within the meaning of the preceding paragraphs (a), (b), (c) and (d);

“local authority” means any Municipal Council, Urban Council, Town Council, Village Council, Board of Health, or Board of Improvement, and includes—

(a) a committee of any such Council, and

(b) a committee appointed by an Urban Council under section 29 of the Urban Councils Ordinance, or by a Town Council under section 28 of the Town Councils Ordinance ;

“public servant” includes every officer, servant or employee of the Crown, or of any local authority, or of any scheduled institution, every juror, and every arbitrator or other person to whom any cause or matter has been referred for decision or report by any court or by any other competent public authority ;

“scheduled institution” means any such board, institution, corporation or other body as is for the time being specified in the Schedule to this Act.

SCHEDULE

(Sections 84 and 90.)

- Agricultural and Industrial Credit Corporation of Ceylon established under the Agricultural and Industrial Credit Corporation Ordinance.
- Air Ceylon Limited established under the Air Ceylon (Incorporation) Act.
- Bank of Ceylon established under the Bank of Ceylon Ordinance.
- Boards of Appeal constituted under the Rubber Control Ordinance.
- Board of Indigenous Medicine constituted under the Indigenous Medicine Ordinance.
- Board of Review constituted under the Income Tax Ordinance.
- Board of Review constituted under the Land Acquisition Act.
- Board of Review constituted under the Rent Restriction Act.
- Central Bank of Ceylon established under the Monetary Law Act.
- Ceylon Savings Bank regulated by the Ceylon Savings Bank Ordinance.
- Colombo Special Areas Development Board established under the Special Areas (Colombo) Development Ordinance.
- Commissioners of the Loan Board appointed under the Loan Board Ordinance.
- Compensation Boards established under the Antiquities Ordinance.
- Co-operative Societies registered under the Co-operative Societies Ordinance.
- Debt Conciliation Board of Ceylon established under the Debt Conciliation Ordinance.
- River Valleys Development Board established under the River Valleys Development Board Act.

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- Industrial Products Regulation Board established under the Industrial Products Act.
 - Local Government Service Commission established under the Local Government Service Ordinance.
 - Registered Community Centres.
 - Registered Rural Development Societies.
 - Rent Control Boards constituted under the Rent Restriction Act.
 - The Board of the Tea Research Institute of Ceylon established under the Tea Research Ordinance.
 - The Board of Trustees of the Lady Lochore Loan Fund constituted under the Lady Lochore Loan Fund (Board of Trustees) Act.
 - The Ceylon Coconut Board established under the Coconut Products Ordinance.
 - The Ceylon State Mortgage Bank established under the Ceylon State Mortgage Bank Ordinance.
 - The Ceylon Tea Propaganda Board established under the Tea Propaganda Ordinance.
 - The Coconut Research Board established under the Coconut Research Ordinance.
 - The Co-operative Wholesale Establishment established under the Co-operative Wholesale Establishment Act.
 - The Local Loan and Development Commissioners appointed under the Local Loans and Development Ordinance.
 - The Monetary Board of the Central Bank constituted under the Monetary Law Act.
 - The Rubber Research Board established under the Rubber Research Ordinance.
 - The Tea Research Institute of Ceylon established under the Tea Research Ordinance.
 - Transport Appeals Tribunal constituted under the Motor Traffic Act.
 - The People's Bank established under the People's Bank Act, No. 29 of 1961.

[13,639/17-5-1963.]