

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

**BUREAU OF REHABILITATION**   
**ACT, No. 2 OF 2023**

**[Certified on 24th of January, 2023]**

*Printed on the Order of Government*

Published as a Supplement to Part II of the **Gazette of the Democratic Socialist Republic of Sri Lanka** of January 27, 2023

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA   
TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

**Price : Rs. 45.00**  **Postage : Rs. 50.00**

*This Act can be downloaded from* www.documents.gov.lk 

|  |  |
| --- | --- |
| *Bureau of Rehabilitation Act, No. 2 of 2023* | 1 |

[Certified on 24th of January, 2023]

L.D.— O. 8/2018

AN ACTTOPROVIDEFORTHEESTABLISHMENTOFA BUREAUTOBE CALLEDANDKNOWNASTHE BUREAUOF REHABILITATION; TO REGULATEITSPOWERS, DUTIESANDFUNCTIONSANDTOPROVIDEFOR MATTERSCONNECTEDTHEREWITHORINCIDENTALTHERETO.

|  |  |
| --- | --- |
| WHEREAS having regard to the need and the importance of regulating the rehabilitation of those who have become drug dependant persons and such other persons as may be identified in terms of any other law and it has become a serious problem and a national issue: | Preamble |

AND WHEREAS the office of the Commissioner-General of Rehabilitation has already been created under the provisions of Public Security Ordinance (Chapter 40) and Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979:

AND WHEREAS, it has become a matter of national importance to establish a Bureau for the purpose of rehabilitating the above said persons:

NOW THEREFORE BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

|  |  |
| --- | --- |
| **1.**  This Act may be cited as the Bureau of Rehabilitation Act, No. 2 of 2023, and the provisions of this Act other than this section 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”). The provisions of this section shall come into operation on the date on which this Act becomes an Act of Parliament. | Short title and  date of operation |

PART I

ESTABLISHMENTOFTHE BUREAUOF REHABILITATION

|  |  |
| --- | --- |
| **2.**  (1) There shall be established a Bureau which shall  be called the “Bureau of Rehabilitation” (hereinafter referred  to as the “Bureau”). | Establishment of the Bureau of  Rehabilitation |

2 *Bureau of Rehabilitation Act, No. 2 of 2023*

(2) The Bureau shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

|  |  |  |
| --- | --- | --- |
| Objective of the Bureau  Powers, duties and functions of the Bureau | **3.**  The objective of the Bureau shall be to rehabilitate drug dependant persons or any other person as may be identified by law as a person who requires rehabilitation and which may include treatment and adoption of various therapies in order to ensure effective reintegration and reconciliation, through developing socio-economic standards. | |
| **4.**  be to – | The powers, duties and functions of the Bureau shall |

(*a*) provide treatment and rehabilitation to drug   
dependant persons, who in terms of the Drug   
Dependant Persons (Treatment and rehabilitation)   
Act, No. 54 of 2007 request treatment and   
rehabilitation or are required by such law to be   
provided with treatment and rehabilitation;

(*b*) provide rehabilitation to any person who in terms   
of a relevant law, requests rehabilitation or is   
required by such law to be provided with   
rehabilitation;

(*c*) enhance the employability of persons undergoing   
treatments and rehabilitation, minimizing the risk   
of socio-economic marginalization;

(*d*) engage in an organized manner, the potentials of   
persons who are undergoing treatments and   
rehabilitation to use them productively to enhance   
the economy;

(*e*) advice the Minister with regard to programmes for   
rehabilitation, treatment and aftercare having regard   
to the basic norms of Human Rights;

*Bureau of Rehabilitation Act, No. 2 of 2023*  3

(*f*) review, monitor and provide any other assistance   
to persons who have re-integrated into the society   
after treatments and rehabilitation;

(*g*) receive grants, gifts or donations in cash or kind:

Provided however, the Bureau shall obtain the   
prior written approval of the Department of External   
Resources of the Ministry of the Minister assigned   
the subject of Finance, in respect of all foreign   
grants, gifts or donations made to the Bureau;

(*h*) open and maintain any account with any bank as it   
may think appropriate and such account shall be   
operated in accordance with prevailing applicable   
written laws;

(*i*) manage, control, administer and operate the Fund   
 of the Bureau;

(*j*) invest such amount of money belonging to the   
Bureau as are not immediately required for the   
purposes of this Act;

(*k*) acquire, hold, take or give on lease or hire,   
mortgage, pledge, sell or otherwise dispose of any   
movable or immovable property;

(*l*) enter into and perform either directly or indirectly   
through any officer or agent of the Bureau, all such   
contracts or agreements as may be necessary, for   
the exercise of the powers and the carrying out of   
its functions;

(*m*) make rules in respect of the administration of the   
 affairs of the Bureau;

(*n*) establish and maintain Centers for Rehabilitation:

4 *Bureau of Rehabilitation Act, No. 2 of 2023*

Provided however, the centers established for the   
rehabilitation of drug dependant persons to be   
established and maintained under the direction of   
the National Dangerous Drugs Control Board;

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| (*o*) conduct | training | programs | relating | to |
| rehabilitation; and | |

(*p*) do all such other acts which may be incidental or   
conducive to the attainment of the objective of this   
Act or the exercise of the powers assigned to the   
Bureau under this Act.

PART II

ADMINISTRATIONANDMANAGEMENTOFAFFAIRSOFTHE BUREAU

|  |  |  |
| --- | --- | --- |
| Administration and  management of the Bureau  vested in the  Council  Constitution of the Council | **5.**  (1) The administration, management and control of the affairs of the Bureau shall be vested in a Governing Council (in this Act referred to as the “Council”).  (2) The Council shall, for the purpose of administering the affairs of the Bureau, exercise, perform and discharge the powers, duties and functions conferred on, assigned to or imposed on the Bureau by this Act. | |
| **6.** | The Council shall consist of– |

(*a*) the following *ex-officio* members, namely–

(i) a representative of the National   
Dangerous Drugs Control Board;

(ii) the Secretary to the Ministry of the   
Minister assigned the subject of   
Defence or his representative not   
below the rank of an Additional   
Secretary of that Ministry;

*Bureau of Rehabilitation Act, No. 2 of 2023*  5

(iii) the Secretary to the Ministry of the   
Minister to whom the Bureau of   
Rehabilitation is assigned under   
Article 44 or 45 of the Constitution or   
his representative not below the rank   
of an Additional Secretary of that   
Ministry;

(iv) the Secretary to the Ministry of the   
Minister assigned the subject of   
Health or his representative not below   
the rank of an Additional Secretary of   
that Ministry;

(v) the Secretary to the Ministry of the   
Minister assigned the subject of   
Education or his representative not   
below the rank of an Additional   
Secretary of that Ministry; and

(vi) the Inspector General of Police or his   
representative not below the rank of a   
Deputy Inspector General of Police;   
and

(*b*) the following five members appointed by the   
 Minister:-

(i) two persons who shall possess   
 academic and professional   
 qualifications and have experience in   
 the fields of rehabilitation,

(ii) two persons who shall possess   
 academic and professional   
 qualifications and have experience in   
 the field of social integration; and

6 *Bureau of Rehabilitation Act, No. 2 of 2023*

(iii) a person who shall possess academic   
and professional qualifications and   
has experience in the field of law and   
order,

(hereinafter referred to as “appointed   
members”).

|  |  |
| --- | --- |
| Chairperson of the Council | **7.**  (1) The Minister shall appoint one of the appointed  members to be the Chairperson of the Council. |

(2) The Chairperson may resign from his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(3) The Minister may for reasons assigned remove the Chairperson from the office of Chairperson.

(4) Subject to the provisions of subsections (2) and (3), the term of office of the Chairperson shall be the period of his membership of the Council.

(5) Where the Chairperson is temporarily unable to exercise, perform and discharge the powers, duties and functions of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as the Chairperson in addition to his normal duties as an appointed member.

|  |  |
| --- | --- |
| Disqualifications from being a  member of the  Council | **8.**  A person shall be disqualified from being appointed  or continuing as a member of the Council, if he –  (*a*) is or becomes a member of Parliament or of any  Provincial Council or of any local authority; |

(*b*) is not or ceases to be a citizen of Sri Lanka;

(*c*) is under any law in force in Sri Lanka or any other   
country found or declared to be of unsound mind;

*Bureau of Rehabilitation Act, No. 2 of 2023*  7

(*d*) is a person who having been declared insolvent or   
bankrupt under any law in force in Sri Lanka and is   
an undischarged insolvent or bankrupt;

(*e*) is subject to an ongoing investigation in respect of   
an offence involving dangerous drugs, narcotic   
drugs or psychotropic substances or fraud;

(*f*) is serving or has served a sentence of imprisonment   
of more than six months imposed by any court in   
Sri Lanka or any other country;

(*g*) holds or enjoys any right or benefit under any   
 contract made by or on behalf of the Bureau; or

(*h*) has any financial or other interest as is likely to   
affect prejudicially the discharge by him of his   
functions as a member of the Council.

|  |  |  |
| --- | --- | --- |
| **9.** | Every appointed member of the Council shall, unless | Term of office  Resignation and  removal |
| he vacates office earlier by resignation, death or removal, hold office for a period of three years from the date of his appointment and unless removed from office shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise. | |
| **10.** | (1) Any appointed member of the Council may at |
| any time, resign from his office by a letter to that effect, addressed to the Minister, and such resignation shall be effective from the date on which it is accepted by the Minister in writing. | |

(2) Where any appointed member by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the functions of his office, the Minister may, having regard to the provisions of paragraph (*b*) of section 6, appoint some other person to act in his place.

8 *Bureau of Rehabilitation Act, No. 2 of 2023*

(3) The Minister may for reasons assigned, remove an appointed member from office. An appointed member who has been removed from office shall not be eligible for reappointment as a member of the Council or to serve the Council in any other capacity.

(4) Where an appointed member dies, resigns or is removed from office, the Minister may having regard to the provisions of paragraph (*b*) of section 6, appoint another person in his place and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

|  |  |
| --- | --- |
| Quorum and  meetings of the Council | **11.**  (1) The meetings of the Council shall be held at least once in every month and the quorum for a meeting of the Council shall be seven members. |

(2) The Chairperson shall preside at every meeting of the Council. In the absence of the Chairperson from any meeting of the Council, a member elected by the members present shall preside at such meeting.

(3) A meeting of the Council may be held either-

(*a*) by the number of members who constitute a   
quorum being assembled at the place, date and   
time appointed for the meeting; or

(*b*) by means of audio-visual communication by   
which all members participating and   
constituting a quorum can simultaneously see   
and hear each participating member for the   
duration of the meeting.

(4) All questions for a decision at any meeting of the Council shall be decided by the vote of the majority of members present at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote have a casting vote.

*Bureau of Rehabilitation Act, No. 2 of 2023*  9

(5) Subject to the preceding provisions of this section, the Council may regulate the procedure in relation to the meetings of the Council and the transaction of business at such meetings.

|  |  |  |
| --- | --- | --- |
| **12.** | The Council may act notwithstanding any vacancy | Acts or  proceedings of the Commission deemed not to  be invalid by  reason of any  vacancy  Remuneration of the members of the Council  Seal of the  Bureau |
| among its members and any act or proceeding of the Council shall not be or deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof. | |
| **13.** | The members of the Council shall be paid |
| remuneration in such manner and at such rates as may be determined by the Minister, with the concurrence of the Minister assigned the subject of Finance. | |
| **14.** | (1) The seal of the Bureau shall be in the custody of |
| such person as the Council may decide from time to time. | |

(2) The seal of the Bureau may be altered in such manner as may be determined by the Council.

(3) The seal of the Bureau shall not be affixed to any instrument or document except with the sanction of the Council and in the presence of the Chairperson and one other member of the Council who shall sign the instrument or document in token of their presence:

Provided however, where the Chairperson is unable to be present at the time when the seal of the Bureau is affixed to any instrument or document, any other member of the Council authorised in writing by the Chairperson in that behalf shall be competent to sign such instrument or document in accordance with the preceding provision of this subsection.

10 *Bureau of Rehabilitation Act, No. 2 of 2023*

(4) The Bureau shall maintain a register of the instruments and documents to which the seal of the Bureau has been affixed.

PART III

CHIEF EXECUTIVE OFFICERANDTHE STAFFOFTHE BUREAU

|  |  |
| --- | --- |
| Appointment of the Chief  Executive  Officer of the  Bureau | **15.**  (1) There shall be a Chief Executive Officer of the Bureau who shall be called and known as the Commissioner-General of Rehabilitation (hereinafter referred to as the“Commissioner- General”), appointed by the Council in consultation with the Minister and on the recommendation of the Minister assigned the subject of Defence. The Commissioner- General, unless he vacates office earlier by death, by operation of law, resignation or removal shall hold office for a term of two years and shall be eligible for reappointment subject to a maximum period of any two terms of office whether consecutive or otherwise. |

(2) The Commissioner- General shall subject to the general directions and supervision of the Council–

(*a*) be charged with the administration of the affairs of   
the Bureau and all the Centres established under it   
including the administration and control of the   
staff;

(*b*) be responsible for the execution of all decisions of   
 the Council; and

(*c*) carry out all such functions as may be assigned to   
 him by the Council.

(3) The Commissioner- General shall be present and speak at any meeting of the Council, but shall not be entitled to vote at such meeting.

*Bureau of Rehabilitation Act, No. 2 of 2023*  11

(4) The Commissioner- General may, with the approval of the Council, wherever he considers it necessary to do so, delegate in writing to any officer or employee of the Bureau, any of his powers, duties or functions conferred or imposed on, or assigned to him by this Act and the officer or employee to whom any such power, duty or function is delegated shall exercise, perform or discharge them subject to the directions of the Commissioner - General.

(5) The Council may remove the Commissioner-General from office –

(*a*) if he becomes permanently incapable of performing   
 his duties;

(*b*) if he had done any act which the Council has   
decided to be of a fraudulent or illegal character or   
is prejudicial to the interests of the Bureau; or

(*c*) has failed to comply with any direction issued by   
 the Council.

(6) The Commissioner-General shall be paid such remuneration as may be determined by the Council.

|  |  |
| --- | --- |
| **16.**  (1) Subject to the provisions of this Act, the Bureau may employ or appoint such officers and employees as may be necessary for the efficient exercise, performance and discharge of its powers, duties and functions. | Staff of the  Bureau |

(2) The Council shall have the power subject to the provision of the Act to –

(*a*) exercise disciplinary control over and dismiss the   
officers and employees of the Bureau appointed   
under subsection (1);

(*b*) determine the terms and conditions of service of   
officers and employees of the Bureau appointed   
under subsection (1); and

12 *Bureau of Rehabilitation Act, No. 2 of 2023*

(*c*) fix the rates at which such officers and employees   
shall be remunerated with the concurrence of the   
Minister assigned the subject of Finance.

(3) All officers and employees of the Bureau shall, within one month of employment, declare in writing to the Bureau of their personal direct or indirect interest to the affairs and transactions of the Bureau including those of their close relations or, concerns in which such officer or employee has a substantial interest.

(4) The Bureau may establish and regulate pension and provident funds and schemes for the benefit of the Commissioner- General and its officers and employees and their dependants and nominees with the concurrence of the Minister assigned the subject of Finance and may make contributions to any such fund or scheme.

(5) The Bureau shall promote and sponsor the training of its officers and employees and for this purpose, the Bureau shall be authorised to defray the costs of study, in Sri Lanka or abroad of the officers and employees of the Bureau who are of proven merit as determined by the Bureau.

(6) The Bureau shall establish a code of conduct which shall be applicable to the officers and employees of the Bureau.

(7) The Bureau shall not appoint any person to the staff of the Bureau under subsection (1), where such person–

(*a*) has been previously found guilty of serious   
misconduct by a court or tribunal or has been subject   
to a disciplinary action by a regulatory body;

(*b*) has been previously dismissed from office; or

(*c*) has committed a breach of the provisions of this   
 Act, regulations or rules made thereunder.

*Bureau of Rehabilitation Act, No. 2 of 2023*  13

(8) At the request of the Bureau any officer in the public service may, with the consent of the officer and the Public Service Commission established by the Constitution be temporarily appointed to the Bureau for such period as may be determined by the Bureau or with like consent, be permanently appointed to such staff.

(9) Where any officer in the public service is temporarily appointed to the staff of the Bureau, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis,* apply to and in relation to such officer.

(10) Where any officer in the public service is permanently appointed to the staff of the Commission, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(11) Where the Bureau employs any person who has agreed to serve the Government for a specified period, any period of service to the Bureau by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(12) The Bureau may with the consent of such officer or employee propose secondment of its officers or employees to other state institutions or regulatory authorities in Sri Lanka or abroad for a period determined by the Bureau on an assignment agreed upon between such institution or the authority and the Bureau. The period of secondment shall be deemed to be considered as service to the Bureau.

|  |  |
| --- | --- |
| **17.**  The Services of any Medical Officer or any other officer or employee of the Department of Health or any university or any medical practitioner or any other competent person engaged in a similar service, may be obtained, subject to the approval of the Director-General of Health Services, or other relevant authority as the case may be, to assist in the Centres for Rehabilitation established under this Act. | Use of services of officers of  Department of Health, etc. |

14 *Bureau of Rehabilitation Act, No. 2 of 2023*

PART IV

FINANCE

|  |  |
| --- | --- |
| Fund of the  Bureau | **18.**  (1) The Bureau shall have its own Fund (hereinafter  referred to as “the Fund”). |

(2) All money lying to the credit of the Commissioner -General of Rehabilitation on the day immediately preceding the appointed date shall be transferred to the Fund with effect from the appointed date.

(3) There shall be credited to the Fund –

(*a*) all sums of money as may be voted from time to   
time by Parliament, for the use of the Bureau;

(*b*) all such sums of money as may be received by the   
Bureau in the exercise and discharge of its powers,   
duties and functions under this Act; and

(*c*) all such sums of money as may be received by the   
Bureau by way of income, fees, charges, grants, gifts   
or donations from any source whatsoever whether   
within or outside Sri Lanka:

Provided that, the Bureau shall obtain the prior   
written approval of the Department of External   
Resources of the Ministry of the Minister assigned   
the subject of Finance, in respect of all foreign   
grants, gifts or donations made to the Bureau.

(4) There shall be paid out of the Fund –

(*a*) all such sums of money as are required to   
defray any expenditure incurred by the   
Bureau in the exercise, performance and   
discharge of its powers, duties and functions   
under this Act; and

*Bureau of Rehabilitation Act, No. 2 of 2023*  15

(*b*) all such sums of money as are required to be   
 paid out of the Fund by or under this Act.

|  |  |
| --- | --- |
| **19.**  (1) The financial year of the Bureau shall be the  calender year. | Financial year and audit of  accounts |

(2) The Council shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Bureau.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of accounts of the Bureau.

(4) The Council shall submit the audited statement of accounts together with the auditor’s report to the Minister within one hundred and fifty days of the end of the financial year to which such report relates. The Minister shall place such statement and the report before Parliament within two months of the receipt thereof.

PART V

GENERAL

|  |  |
| --- | --- |
| **20.**  (1) The Council may in writing and subject to such conditions as may be specified therein, delegate to the Commissioner-General the powers, duties and functions conferred on the Council under paragraphs (*a*) and (*b*) of subsection (2) of section 16 and subsection (2) of section 19 and the Commissioner-General shall exercise, perform and discharge such powers, duties and functions in the name and on behalf of the Council. | Delegation of the powers of the Council |

(2) The Council may, notwithstanding any delegation made under subsection (1), by itself exercise, perform or discharge any power, duty or function so delegated and may at any time revoke any such delegation.

|  |  |  |
| --- | --- | --- |
| Protection of  officers of the  Bureau from suit or prosecution | 16 | *Bureau of Rehabilitation Act, No. 2 of 2023* |
| **21.**  (1) A liability, whether civil or criminal, shall not be attached to any officer of the Bureau or to any officer authorised by such officer, for anything which in good faith is done in the exercise, performance or discharge of any power, duty or function imposed or conferred on the Bureau under this Act. | |

(2) Any expense incurred by the Bureau in any suit or prosecution brought by or against the Bureau before any court shall be paid out of the Consolidated Fund, and any costs paid to, or recovered by, the Bureau in any such suit or prosecution shall be credited to the Consolidated Fund.

(3) Any expense incurred by any such person in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or any appropriate instrument, or on the direction of the Bureau, shall, if the court holds that the act was done in good faith, be paid out of the Consolidated Fund, unless such expense is recovered by him in such suit or prosecution.

|  |  |
| --- | --- |
| Centres for  Rehabilitation | **22.** (1) For the purposes of this Act, the Minister may, by Order published in the *Gazette,* establish Centres for Rehabilitation for the treatment and rehabilitation of drug dependant persons and such persons who are identified by law and whose rehabilitation is provided for by law: |

Provided, the Treatment Centres established under this Act to provide treatment and rehabilitation to drug dependant persons shall be published in the *Gazette* under the provisions of section 2 of the Drug Dependant Persons (Treatment and Rehabilitation) Act, No. 54 of 2007 and shall be subjected to the provisions of that Act.

(2) It shall be the duty of every Magistrate to visit every Centre for Rehabilitation situated within the judicial division in respect of which he is appointed, at least once in every

*Bureau of Rehabilitation Act, No. 2 of 2023*  17

month to ensure that the persons undergoing rehabilitation at the Centre are protected to the extent provided for in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994.

(3) For the purposes of subsection (2), the Magistrate who visits the Centre for Rehabilitation shall-

(*a*) personally see the person undergoing   
 rehabilitation, and look into his well-being, welfare   
 and conditions under which such person is kept at   
 such Centre and may examine the records and log   
 books maintained at the Centre; and

(*b*) record his observations and any complaint the   
 person undergoing rehabilitation may make.

(4) Where the Magisrate is of the opinion, that the persons undergoing rehabilitation may have been subjected to torture, the Magistrate may direct that the person undergoing rehabilitation be produced before a Judicial Medical Officer or a Goverment Medical Officer for medical examination, and a report be submitted by such Medical Officer to the Magistrate.

(5) Where the report of such Medical Officer reveals that the person undergoing rehabilitation has been subjected to torture, the Magistrate shall make an appropriate order including an order that such person be immediately admitted to a Government hospital for medical treatment and that the officer-in-charge of such Centre immediately inform the court that made the order for the rehabilitation of such person of the findings of the Government Medical Officer.

(6) The Magistrate shall also direct the Inspector General of Police to commence an investigation into the alleged torture in order to enable the Attorney-General to institute criminal proceedings against the person who is alleged to have committed the torture.

18 *Bureau of Rehabilitation Act, No. 2 of 2023*

(7) The Human Rights Commission of Sri Lanka may on its own volition or on a complaint received, visit every Centre to ensure that the rights of the persons undergoing rehabilitation at the Centre are protected to the extent provided by law, and make appropriate recommendations in terms of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.

|  |  |
| --- | --- |
| Supply of drugs  Duty to  maintain  secrecy | **23.**  Any person without authority introduces or attempts to introduce into any Centre for Rehabilitation, or supplies or attempts to supply any person in such Centre with a dangerous drug, narcotic drug or psychotropic substance or any unauthorised article as may be prescribed, commits an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred thousand rupees or to imprisonment of either description for a period not exceeding two years or to both such fine and imprisonment.  **24.**  (1) Every member of the Council, the Commissioner-General and every officer or employee of the Bureau shall, before entering into 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, performance and discharge of his powers, duties and functions under this Act, except for the purpose of giving effect to the provisions of this Act or the provisions of the Right to Information Act, No. 12 of 2016 . |

(2) All records pertaining to such person in the custody of a Centre for Rehabilitation shall be confidential and shall not be released except-

(*a*) upon request by such person or the next of kin of   
such person or an Attorney-at-law representing such   
person; or

(*b*) on an order of court or in connection with an   
investigation in respect of the commission of an   
offence:

*Bureau of Rehabilitation Act, No. 2 of 2023*  19

Provided that, such person or unless such person   
has instructed not to share the information, the next   
of kin of such person or an Attorney-at-Law   
representing such person shall be entitled to receive   
information pertaining to the person in the custody   
of the Rehabilitation Centre, including information   
relating to the treatment or rehabilitation of such   
person.

|  |  |  |
| --- | --- | --- |
| (3) | Any person who contravenes the provisions of | Striking etc. of persons under treatment  Obstruction of employees an offence  Apprehension of persons  escaping |
| subsection (2) commits an offence under this Act, and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding twelve months or to both such fine and imprisonment.  **25.**  Any person employed in a Centre for Rehabilitation who strikes, wounds or willfully neglects any person under rehabilitation commits an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding two hundred thousand rupees or imprisonment of either description for a period not exceeding eighteen months or to both such fine and imprisonment.  **26.**  Any person who unlawfully obstructs or attempts to unlawfully obstruct any person employed in any Centre for Rehabilitation in the performance of his lawful duties under this Act, commits an offence under this Act and shall be liable on conviction after summary trial by a Magistrate to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.  **27.**  (1) Where any person undergoing rehabilitation in a Centre for Rehabilitation established under the provisions of this Act, escapes from such Centre, he may be apprehended by any police officer, or any officer appointed under this Act and immediately returned to the Centre for Rehabilitation. | |

20 *Bureau of Rehabilitation Act, No. 2 of 2023*

(2) It shall be the duty of any person employed in a Centre for Rehabilitation to preserve order and discipline among the persons undergoing rehabilitation in the Centre and for such purpose it shall be lawful for such person to use minimum force as may reasonably be necessary to compel obedience to any lawful directions given by him.

(3) It shall be the duty of the Commissiner-General of Rehabilitation, or a person duly authorised by him to immediately inform the Magistrate within the judicial division in which such Centre is located of any exercise of powers under subsections (1) and (2).

|  |  |
| --- | --- |
| Penalties for  contraventions for which no  specific  provisions have been made  Database | **28.**  Where any person contravenes any provision of this Act or any regulation made thereunder and no penalty has been specified under this Act in respect of such contravention, such person shall, on conviction after summary trail by a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.  **29.**  (1) The Bureau shall create, manage and maintain a database which will include all particulars of the rehabilitees. Such database shall also include details of previous rehabilitation assistance that each rehabilitee may have received from any other State Authority or agency, details relating to the rehabilitation that a person has undergone as part of the rehabilitation process and any other matter as may be prescribed by regulations. |

(2) The Bureau shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.

|  |  |
| --- | --- |
| Bureau deemed to be a  Scheduled  Institution  within the  meaning of the Bribery Act | **30.**  The Bureau shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly. |

|  |  |  |
| --- | --- | --- |
| *Bureau of Rehabilitation Act, No. 2 of 2023* | 21 | Members,  Commissioner-General,  officers and  employees of  the Bureau  deemed to be  public servants  Directions of  the Minister  Rules |
| **31.**  All members of the Council, the Commissioner-General and all officers and employees of the Bureau shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19).  **32.**  The Minister may from time to time issue to the Council general or special directions as to the exercise, performance and discharge of the powers, duties and functions of the Council.  **33.**  (1) Subject to the provisions of this Act, the Council may make rules in respect of all or any of the following matters:- | |

(*a*) all matters for which rules are authorised or required   
 to be made under this Act;

(*b*) the meetings of the Council and the procedure to   
 be followed at such meeting;

(*c*) the appointment, promotion, remuneration and   
disciplinary control of officers and employees and   
the grant of leave and other emoluments to officers   
and employees; and

(*d*) any matter connected with the affairs of the Bureau:

Provided that, the Council shall not have the   
power to make rules in respect of any matter for   
which regulations are required to be made in terms   
of this Act.

(2) Every rule made by the Bureau shall be approved by the Minister and published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

|  |  |
| --- | --- |
| **34.**  (1) The Minister may make regulations for the  purpose of carrying out and giving effect to the provisions  of this Act. | Regulations |

22 *Bureau of Rehabilitation Act, No. 2 of 2023*

(2) In particular and without prejudice to the generality of the powers conferred on subsection (1), the Minister may make regulations in respect of the following:-

(*a*) the maintenance of Centres for Rehabilitation;

(*b*) the programmes for rehabilitation, treatment,   
aftercare and support services in respect of each   
category of persons who will be rehabilitated by   
the Bureau;

(*c*) the terms and conditions relating to the release of   
persons admitted to a Centre for Rehabilitation;   
and

(*d*) the maintenance of a database, records and log   
 books at Centres for Rehabilitation:

Provided that, the Minister shall obtain the   
concurrence of the National Dangerous Drugs   
Control Board, when any regulation in relation to   
the Centres for Rehabilitation for the treatment and   
rehabilitation of drug dependant persons is made:

Provided further, that the Minister shall obtain   
the concurrence of the Council appointed under   
this Act before making regulations under this Act.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall be brought before Parliament for approval as soon as may be convenient. Such Regulations shall come into force upon its approval by Parliament or any subsequent date as may be specified by Parliament.

(4) Notification of the date on which any regulation is so disapproved shall be published in the *Gazette*.

|  |  |
| --- | --- |
| Savings | **35.**  Notwithstanding anything to the contrary in any  other written law– |

*Bureau of Rehabilitation Act, No. 2 of 2023*  23

(*a*) all movable and immovable property of the   
Commissioner-General of Rehabilitation on the day   
immediately preceding the appointed date shall on   
and after the appointed date be deemed to be the   
movable and immovable property of the Bureau;

(*b*) the Commissioner-General of Rehabilitation   
holding office immediately preceding the   
appointed date shall be deemed to have been   
appointed as such under this Act and continue to   
hold office until the end of his tenure or until a new   
Commissioner- General is appointed under this Act;

(*c*) all officers and employees of the Commissioner-  
 General of Rehabilitation holding office on the day   
 immediately preceding the appointed date be   
 deemed to be the officers and employees of the   
 Bureau and such officers and employees shall   
 continue to hold office in the Bureau on the same   
 terms and conditions enjoyed by them under the   
 Commissioner-General   
 of Rehabilitation immediately preceeding the appointed date;

(*d*) all contracts, deeds, bonds, agreements, guarantees,   
powers of attorney, grants of legal representation   
and other instruments of whatever nature of the   
Commissioner- General of Rehabilitation subsisting   
and having effect on the day immediately preceding   
the appointed date and to which Commissioner   
General of Rehabilitation is a party or which are in   
favour of the Commissioner-General of   
Rehabilitation on and after the appointed date be   
deemed to be contracts, deeds, bonds, agreements,   
guarantees, powers of attorney, grants of legal   
representation and other instruments entered into   
by or granted in favour of the Bureau;

24 *Bureau of Rehabilitation Act, No. 2 of 2023*

(*e*) unless specifically revoked or substituted in the   
manner provided for in any other law, all approvals   
or licences granted to the Commissioner-General of   
Rehabilitation by any regulatory body or authority,   
Provincial Council or local authority subsisting or   
having effect on the day immediately preceding   
the appointed date shall on and after the appointed   
date be deemed to be approvals or licences granted   
to the Bureau;

(*f*) all Judgments, decrees or orders entered in favour   
of or against the Commissioner-General of   
Rehabilitation by any court in any action or   
proceeding shall on and after the appointed date be   
deemed to be judgments, decrees or orders entered   
in favour of or against the Bureau; and

(*g*) all Protective Accommodation and Rehabilitation   
Centres approved and maintained under the   
Commissioner- General of Rehabilitation shall on   
and after the appointed date be deemed to be Centres   
for Rehabilitation established under the provisions   
of this Act.

|  |  |  |
| --- | --- | --- |
| Interpretation | **36.** | In this Act, unless the context otherwise requires– |

“dangerous drug” means any drug, substance,   
article or preparation specified in Part I of the   
Third Schedule to Poisons, Opium and   
Dangerous Drugs Ordinance (Chapter 218);

“drug dependant person” means a person to whom   
the Drug Dependant Persons (Treatment and   
Rehabilitation) Act, No. 54 of 2007 applies;

“Minister” means the Minister assigned the   
subject of the Bureau of Rehabilitation under   
Article 44 or 45 of the Constitution;

*Bureau of Rehabilitation Act, No. 2 of 2023*  25

“narcotic drug” shall include the drugs specified   
in the Third Schedule of the Convention   
Against Illicit Traffic in Narcotic Drugs and   
Psychotropic Substances Act, No. 1 of 2008;

“National Dangerous Drugs Control Board”  
means the National Dangerous Drugs Control   
Board established by the National Dangerous   
Drugs Control Board Act, No. 11 of 1984;

“psychotropic substances” shall include the   
substances specified in the Fourth Schedule   
of the Convention Against Illicit Traffic in   
Narcotic Drugs and Psychotropic Substances   
Act, No. 1 of 2008;

“rehabilitation” means the procedures and   
programmes for rehabilitation, treatment,   
aftercare and support services that shall be   
prescribed by regulations made under this   
Act.

|  |  |
| --- | --- |
| **37.**  In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Sinhala text to  prevail in case  of inconsistency |

|  |  |
| --- | --- |
| 26 | *Bureau of Rehabilitation Act, No. 2 of 2023* |

English Acts of the Parliament can be purchased at the “PRAKASHANA PIYASA”, DEPARTMENTOF GOVERNMENT PRINTING, NO. 118, DR. DANISTER DE SILVA MAWATHA, COLOMBO 8.